

**ITEM                      PLANNING PROPOSAL - 25 GEORGE STREET NORTH  
STRATHFIELD**

**Department      Planning and Environment**

**Author Initials: KL**

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**EXECUTIVE SUMMARY**

On 6 September 2016, Council resolved that the Planning Proposal for 25 George Street, North Strathfield be deferred pending the progression of the Council Resolution of 19 April 2016, with respect to *Improvements to intersection of George Street, Beronga Street and Pomeroy Street, North Strathfield*.

The applicant made a request to the Department of Planning and Environment for a Rezoning Review which was held on the 24<sup>th</sup> of November 2016. The Rezoning Review Panel determined that the Planning Proposal should be submitted for a Gateway determination because the proposal demonstrated strategic and site specific merit. The Panel also recognised Council's concerns with respect to traffic implications of the proposed development and the requirement for the intersection upgrade to be completed and recommended that Council work with the Applicant to determine a solution to move forward.

Various options have been considered to enable the applicant to provide a proportional contribution to the upgrade of the intersection, however it is recommended that Council require the Department of Education to deliver this infrastructure in accordance with their obligations under the development consent and proceed to submit the Planning Proposal to the Department of Planning and Environment for a Gateway Determination.

**STRATEGIC CONNECTION**

This report supports FuturesPlan20 Outcome area:

- *We will encourage and support the provision of a diverse range of housing stock which responds to changing needs*

This report also relates to the Canada Bay Local Planning Strategy 2010 – 2031 (LPS), Part 3 Housing.

**REPORT**

**Background**

On 6 September 2016, Council resolved that the Planning Proposal for 25 George Street, North Strathfield be deferred pending the progression of the Council Resolution of 19 April 2016, with respect to *Improvements to intersection of George Street, Beronga Street and Pomeroy Street, North Strathfield*.

On the 26 September 2016 Council was notified by the Department of Planning and Environment that the applicant had made a formal request for a Rezoning Review. The Review was undertaken on the 24 November 2016 and determined that the Planning Proposal should be submitted for a Gateway determination because the proposal demonstrated strategic and site specific merit. A copy of the determination is provided as *Attachment 1*.

While the Panel considered that the Planning Proposal should proceed to Gateway, it also acknowledged Council's concerns regarding traffic and transport issues in relation to the intersection of George, Pomeroy and Beronga Streets, which has a SIDRA Intersection Level of Service rating 'F'. Level of Service F often occurs when arrival flow rates exceed the capacity of the intersection.

The Panel considered that discussions between the Council and the Proponent about putting in place arrangements for the upgrade of the intersection of George, Pomeroy and Beronga Streets were necessary prior to exhibition of the proposal and that this could form a condition of the Gateway determination.

The Panel recommended that such arrangements could include one or more of the following:

- A proportional financial contribution to allow for the intersection upgrade
- A reduced parking provision for any future development on the site
- Alternative parking mechanisms for any future development on the site such as car share and encouraging active transport arrangements.

The Panel identified six months as a reasonable timeframe to be conditioned in the Gateway.

### **Intersection Upgrade Progress**

Council met with the Applicant shortly after the Rezoning Review to discuss the outcome of the Panel meeting and opportunities to move the Planning Proposal forward to Gateway Determination. This discussion included addressing outstanding matters regarding the breach by the Department of Education of Condition 73 of the Development Consent No. 505/2012 for the Victoria Avenue Public School and steps that are being taken to progress the intersection upgrade as follows:

- Contractors have been engaged to undertake a detailed design and associated costing by quantity surveyors for the upgrade of the intersection. A concept design and estimated cost of works has been utilised to date. It is now considered prudent to attain a more accurate cost estimate of the proposed works. It is expected that the detailed design will be completed by late February 2017.

- Liaison with Roads and Maritime Services and the Department of Education in relation to delivery of the proposed intersection upgrade. Further discussion will also occur regarding the funding following the receipt of final detailed design and associated cost estimates.
- Legal opinion has been sought with respect to Council challenging the breach of development consent for the Victoria Road Public School determination. The legal opinion will be considered in context of the final cost of works once estimates have been provided.

### **Funding of the Intersection Upgrade**

Given the outcome of the Rezoning Review, it is prudent for Council to determine how the upgrade of the intersection may be funded.

At present, only a concept design and associated cost estimate has been prepared for the upgrade. This estimate assumed an approximate cost of \$4.125 million to carry out the works.

Current contributions towards the upgrade of the intersection include:

*Department of Education* – Confirmed an initial contribution of \$1.34 million and have requested further clarification as to the total cost of the upgrade following completion of the detailed design.

*City of Canada Bay Council* – Agreed to contribute \$100K to the cost of the upgrade as well as administration and project management required to undertake the work.

In addition to the above, the Panel recommendation following the Rezoning Review suggested that arrangements be investigated to enable the applicant to provide a proportional contribution towards the upgrade of the intersection.

### **Applicant contribution to intersection upgrade**

The following options have been considered to enable the applicant to make a proportional contribution to the upgrade of the Pomeroy/George Street intersection:

- Inclusion of the intersection upgrade within the Canada Bay Section 94 Development Contributions Plan (s94 Contributions Plan) to enable funds to be directed to the identified infrastructure.

This approach will result in a component of the contributions received from development in the Concord West precinct being directed towards the intersection upgrade in lieu of other infrastructure identified in the s94 Contributions Plan.

- Negotiation of a Voluntary Planning Agreement (VPA) with the applicant to enable funds to be directed towards the intersection upgrade. There is an adopted Master Plan for the precinct that contains detailed planning controls that were informed by both urban design principles and consultation with the Concord West and North Strathfield communities.

As VPAs are commonly associated with departures to planning controls, this approach is not considered to be the most appropriate mechanism in this instance.

In view of the breach of the development consent condition for the Victoria Avenue School, continued action to pursue compliance with this condition is recommended.

Upon receipt of the detailed design and costing, Council will consider the legal opinion received and liaise with the Department of Planning and Education to resolve outstanding funding required for construction of the intersection upgrade.

Based on outcomes of the above, a position will be determined as to whether legal action in relation to the Department of Education's obligation to fulfil its development consent will be pursued.

### **Canada Bay Development Control Plan**

The Sydney Planning Panel also recommended that consideration be given to reducing car parking requirements for the development. Given the location of the site within close proximity to two railway stations, it is considered appropriate to review the proposed car parking rates.

The Concord West Master Plan and associated traffic report recommended that an average of one (1) car parking space per dwelling (maximum) should be provided for development in the precinct. Since this time, the Parramatta Road Urban Transformation Strategy has been released. This document includes the following maximum car parking rates for land in the Homebush precinct:

|           |            |
|-----------|------------|
| Studio    | 0.3 spaces |
| 1 bedroom | 0.5 spaces |
| 2 bedroom | 0.9 spaces |
| 3 bedroom | 1.2 spaces |

It is recommended that the Canada Bay Development Control Plan be amended to include the above parking rates for land in the Homebush precinct. This will ensure alignment with the finalised Strategy for Parramatta Road, address the recommendation of the Sydney Planning Panel and encourage a modal shift from private car usage to public transport.

To ensure prospective purchasers of property are aware of the restrictive parking policy that applies to land within close proximity to public transport, it is

recommended that the following notation be included on relevant 149 Planning Certificates:

*A restrictive parking policy applies to land affected by this Planning Certificate. The policy aims to encourage low car ownership and high public transport use by residents and visitors. Off-street parking in new developments is limited and no on-street residential parking or Resident Parking Schemes will be provided. Time-limited parking will apply across most streets in the area. Residents should ensure they do not rely on on-street parking for their vehicles and their visitors.*

### **Responsible Planning Authority**

Following the decision of the Panel to submit the Planning Proposal for Gateway Determination, Council was invited to be the Relevant Planning Authority (RPA) and was required to advise within 42 days from the 30 November 2016 of whether it will accept the role of RPA for this proposal. The RPA is responsible for processing the Planning Proposal and making a determination following public exhibition.

Council accepted the role given the collaboration required with the Applicant to address the recommendations of the Panel. This decision is also consistent with the Resolution of Council of 6 September 2016.

### **Conclusion**

The Planning Proposal for 25 George Street, North Strathfield has gained support from the Rezoning Review Panel to be submitted for Gateway Determination pending satisfactory arrangements being put in place for the funding of the George, Pomeroy & Beronga Street intersection upgrade.

A detailed design and costing for the upgrade is being prepared and following receipt of final costings, Council will enter discussions with the Department of Education with respect to meeting their obligations under Condition 73 of the Development Consent No. 505/2012 for the Victoria Avenue Public School.

This report recommends that Council submit the Planning Proposal to the Department of Planning and Environment for a Gateway Determination and pursue the Department of Education to deliver the intersection upgrade in accordance with the obligations of the development consent. It is also recommended that the draft Canada Bay Development Control Plan applicable to development in Concord West be updated to include reduced car parking rates.

### **RECOMMENDATION**

1. THAT the Planning Proposal for 25 George Street, North Strathfield, be submitted to the Department of Planning and Environment for Gateway Determination.

2. THAT the draft amendments to the Canada Bay Development Control Plan for land within the Concord West Precinct be updated to include the following maximum car parking rates:

|                     |                         |
|---------------------|-------------------------|
| Studio dwellings    | 0.3 spaces per dwelling |
| 1 bedroom dwellings | 0.5 spaces per dwelling |
| 2 bedroom dwellings | 0.9 spaces per dwelling |
| 3 bedroom dwellings | 1.2 spaces per dwelling |
| Visitor             | 0.1 spaces per dwelling |

3. THAT the following notation be included on relevant 149 Planning Certificates to alert prospective property owners of the restrictive car parking policy that applies in various localities throughout Canada Bay:

*A restrictive parking policy applies to land affected by this Planning Certificate. The policy aims to encourage low car ownership and high public transport use by residents and visitors. Off-street parking in new developments is limited and no on-street residential parking or Resident Parking Schemes will be provided. Time-limited parking will apply across most streets in the area. Residents should ensure they do not rely on on-street parking for their vehicles and their visitors.*

4. THAT the draft Canada Bay Development Control Plan be exhibited concurrently with the Planning Proposal for 25 George Street, North Strathfield.
5. THAT following receipt of the detailed design and cost estimate, Council continue to liaise with the Department of Education to resolve the breach of Condition 73 of the Development Consent No. 505/2012 for the Victoria Avenue Public School.

Attachments:

1. Rezoning Review – Panel Recommendation

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Mr P Munnings, General Manager, Piety THP Development Pty Ltd, addressed Council.

**RESOLVED**

(Crs Kenzler/Parnaby)

1.     THAT the Planning Proposal for 25 George Street, North Strathfield, be submitted to the Department of Planning and Environment for Gateway Determination.

2.     THAT the draft amendments to the Canada Bay Development Control Plan for land within the Concord West Precinct be updated to include the following maximum car parking rates:

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| Visitor             | 0.1 spaces per dwelling |

3.     THAT the following notation be included on relevant 149 Planning Certificates to alert prospective property owners of the restrictive car parking policy that applies in various localities throughout Canada Bay:

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4.     THAT the draft Canada Bay Development Control Plan be exhibited concurrently with the Planning Proposal for 25 George Street, North Strathfield.

5.     THAT following receipt of the detailed design and cost estimate, Council continue to liaise with the Department of Education to resolve the breach of Condition 73 of the Development Consent No. 505/2012 for the Victoria Avenue Public School.

6.     THAT the draft Canada Bay Development Control Plan require bicycle parking to be provided at the following rate for the site:

|                          |                           |
|--------------------------|---------------------------|
| Bicycle storage facility | 1 space for each dwelling |
|--------------------------|---------------------------|

Bicycle parking facility

1 space for every 6 dwellings

(FOR: Crs Ahmed, Cestar, Fasanella, Kenzler, McCaffrey, Megna,  
Parnaby and Tyrrell)  
(AGAINST: Nil)