

To change the zoning and amend development standards applying to land at 2, 2A and 4 Rothwell Avenue, Concord West

Proposal Title : To change the zoning and amend development standards applying to land at 2, 2A and 4 Rothwell Avenue, Concord West

Proposal Summary : The planning proposal seeks to change the zoning, amend building height and floor space ratio controls and include flood planning controls applying to land at 2, 2A and 4 Rothwell Avenue, Concord West, under the Canada Bay Local Environmental Plan 2013(LEP). The proposal aims to:

- rezone the site from IN1 General Industrial to R3 Medium Density Residential zone;
- amend the building height control from 12m to 16m;
- amend the floor space ratio control from 1:1 to 1.4:1;
- introduce a new clause 6.8 Flood Planning; and
- include the site in Flood Planning Area Map.

PP Number : PP_2015_CANAD_005_00 **Dop File No :** 15/15378

Proposal Details

Date Planning Proposal Received :	02-Oct-2015	LGA covered :	Canada Bay
Region :	Metro(CBD)	RPA :	The Council of the City of Botany Bay
State Electorate :	STRATHFIELD	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street : 2, 2A and 4 Rothwell Avenue
Suburb : Concord West **City :** NSW **Postcode :** 2138
Land Parcel :

DoP Planning Officer Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :		Consistent with Strategy :	
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	100
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **The Department of Planning and Environment is not aware of any meetings or communications with registered lobbyists concerning this planning proposal.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

Site Context:
The site has 3 allotments with an area of approximately 6,084 sqm. The existing developments include a number of warehouses and industrial buildings, a number of loading docks, car parking area and an office building.
The site is located adjacent to an existing low density residential area on the eastern side. A large recreation reserve is to the west, which includes sporting facilities and public open space. The site is part of an industrial precinct in Concord West. It is 200m away from the Concord West train station.

Proposal Context:
Council, in 2010, resolved to apply the R3 Medium Density Residential zone to various sites zoned IN1 General Industrial, in Concord West, including the subject site. At the time, the Department raised concern that the rezoning of Category 1 Employment land was a departure from the strategic directions contained within the draft Inner West Subregional Strategy, the Sydney Metropolitan Plan and section 117 Direction 1.1 Business and Industrial Zones. The Department advised that a strategic review to underpin the future planning controls for the subject industrial land should be undertaken prior to further consideration being given to the rezoning.

Following the advice from the Department, Council commissioned a Socio- Economic Study for the Concord West Industrial precinct. In May 2013, Council submitted the study to the Department for comments. In July 2013, the Department responded that a detailed feedback and assessment of the Study would be provided when Council submits a planning proposal and a preferred approach would be determined as part of this process.

Concord West Socio-Economic Study (Hill PDA for Council, June 2013):
The study was based on employment forecasts, stakeholder consultation, market research, feasibility analysis, strategic checklist for employment land and socio-economic assessment of planning scenarios. The study finds that Scenario 3 – Mixed Employment with Residential would have the best overall economic and social outcomes for the whole

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Canada Bay LGA, and it recognises and retains the major job generating businesses in the precinct, and protects land that provides urban support services for the locality and makes efficient use of land in a highly accessible and suitable location for new housing.

The economic analysis identifies that the retention of the IN1 General Industrial zone across the precinct would result in limited employment growth and redevelopment, which would lead to the ongoing stagnation of the precinct and a missed opportunity to provide for additional housing. On balance, the study recommends the rezoning of General Industrial land within cluster 2 of the precinct to R3 Medium Density Residential and B7 Business Park, and the subject site to R3 Medium Density Residential.

Draft Concord West Precinct Master Plan (JBA Planning for Council, May 2014):
Following the Socio-Economic Study, a draft Master Plan was prepared that recommends new planning controls to guide future development of industrial sites identified for redevelopment to residential uses by Council. The Master Plan identifies the site as Site 6 and envisages built form of up to four storeys with a recommendation of 16m building height and 1.4:1 floor space ratio. The planning proposal is consistent with the built form outcome proposed by the draft Master Plan.

Draft Parramatta Road Urban Transformation Strategy (the Strategy) (Urban Growth, September 2015):
The site is located within the Homebush Precinct of the draft Parramatta Road Urban Transformation Strategy released for public comment by Urban Growth NSW in September 2015.

The vision outlined in the draft Strategy for Homebush precinct is to transition to an active and varied hub blending high density housing and a mix of different uses, supported by a network of green links and open spaces with walking access to four train stations. It is understood the Strategy will be implemented through landowner and/or Council-led planning proposals to rezone land or be facilitated by a NSW Government process such as Priority Precinct program.

The subject planning proposal is broadly consistent with this vision, given that it proposes a change in land use from industrial to medium density residential. The specific planning outcomes in terms of height and floor space ratio do not fully align with the built form envisioned for the Precinct, but falls within the maximum limit.

Note that for rezoning proposals located within the precincts under the Strategy, an additional clause should be included in the amended LEP, that addresses satisfactory arrangements for contributions to any State public infrastructure designated as part of the Strategy. The objective of this clause is to facilitate contributions towards the provision of designated State public infrastructure to satisfy needs arising from the development in the Corridor. The clause may require the Department's certification in writing to the consent authority that satisfactory arrangements have been made to contribute to provision of designated State public infrastructure in relation to that development.

External Supporting
Notes :

The planning proposal and the accompanying addendum reflects Canada Bay Council's resolution of 15 September 2015, to endorse a request to change the zoning, amend development standards and include a new flood planning clause and a map applying to land at 2, 2A and 4 Rothwell Avenue, Concord West.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The objective of the planning proposal is to change the zoning to allow a residential flat building development on the subject site.

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Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : To achieve the objective of the planning proposal the following amendments to Canada Bay LEP are sought for 2, 2A and 4 Rothwell Avenue:

1. amend the Land Zoning Map from IN1 General Industrial to R3 Medium Density Residential zone;
2. amend the Height of Buildings Map from 12m to 16m;
3. amend the Floor Space Ratio Map from 1:1 to 1.4:1;
4. introduce a new clause 6.8 Flood Planning; and
5. include the site in Flood Planning Area Map.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

2.3 Heritage Conservation

* May need the Director General's agreement

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required?

c) Consistent with Standard Instrument (LEPs) Order 2006 :

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP (Infrastructure) 2007

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

1.1 Business and Industrial zones

This Direction relates to planning proposals that affect land within an existing or proposed business zone. The Direction requires that planning proposals must not reduce the total potential floor space area for industrial uses in industrial zones.

The rezoning of industrial land for residential use makes the proposal inconsistent with this Direction. However, the proposal is justified by a Socio-Economic Study prepared in support of the planning proposal, which gives consideration to the objectives of this Direction. The study tests a number of scenarios to ascertain the implications of altering the IN1 General Industrial zone which currently applies to the employment sites. The overall outcome of the study is a socio-economic impact assessment to recommend the future land use mix and economic feasibility development options for the Concord West employment land precinct.

The study justifies that although the proposed rezoning does not directly support all the objectives under this Direction, it enables the growth and efficient use of land in an accessible location. The rezoning is also considered appropriate for facilitating the renewal of a declining employment area and making efficient use of a location that benefits from good infrastructure (i.e. close access to rail, regional open space and schools).

The inconsistency is further justified by the recently released draft Parramatta Road Strategy, which sets a long term vision for the transformation of the Parramatta Road Corridor and identifies the site for residential uses comprising developments of up-to 12 storeys. This approach is supported by A Plan for Growing Sydney which identifies

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Parramatta Road as an Urban Renewal Corridor for further investigation to identify suitable locations for housing intensification and employment agglomerations.

The inconsistency with this Direction is therefore considered justifiable.

4.1 Acid Sulfate Soils:

The Direction requires that a relevant planning authority must consider an acid sulfate soils study assessing the appropriateness of the change of land use, if an intensification of land use on land identified as having a probability of containing acid sulfate soils is proposed.

Canada Bay LEP's Acid Sulfate Soils Map identifies the site as having part Class 2 and Class 5 acid sulfate soils. Clause 6.1 of Canada Bay LEP requires an acid sulfate soils management plan before carrying out any development on such land, and therefore the issue can be addressed at the development application stage. The inconsistency with this Direction is therefore considered justifiable.

4.3 Flood Prone Land:

The main objective of this Direction is to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy, which is to reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property, and to reduce private and public losses resulting from floods, utilising ecologically positive methods wherever possible. The Direction requires that a planning proposal must not permit a significant increase in development of flood prone land.

The proposal is accompanied by a draft Concord West Flood Study. The study aims to define existing mainstream and overland flood levels along the eastern bank of Powells Creek and the local catchments to the east of the Creek, under the proposed redevelopment conditions. The flood study has been exhibited but is yet to be adopted by Council.

The flooding assessment shows that some parts of the Concord West precinct are significantly affected by flooding during frequent storm events, most notably the trapped low-lying area located to the north of Victoria Avenue. There is also a trapped sag point on George Street which is subject to more than 1m depth of flooding in the 50% AEP event. A number of flood mitigation options were identified and assessed to mitigate flood impacts.

In accordance with the findings of the draft Concord West Precinct Flood Study, the Department's flood planning model clause for the Canada Bay LEP 2013 is proposed as part of this planning proposal. In addition, a map is also proposed to be included in the LEP that identifies the subject area as 'flood planning area'.

A separate site specific flood assessment has also been submitted with the planning proposal, concluding that the proposed development will not have any negative impact with respect to flooding on neighbouring properties. The assessment report recommends minimum flood planning levels, freeboards and retention of an existing overland flow path, along with further investigations when detailed development designs are prepared for the subject site.

Council considers that the planning proposal is consistent with the findings of the draft Concord West Flood Study, and that it can be progressed in parallel with the draft Flood Study.

The Department considers that the proposed new clause regarding flood planning will appropriately address any flood hazards, flood behaviour and potential detrimental impacts of flooding on other development at the development application stage. The inconsistency with this Direction is therefore considered justifiable.

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SEPP 55 Remediation of Land:

The SEPP 55 Remediation of Land's clause 6 requires the planning authority is satisfied that the land is suitable, or can be made suitable, for all the uses permissible in the zone.

The proposal is accompanied by a Phase 1: Preliminary Site Investigation report, based on desktop study, site inspection and discussion with various owners and tenants. It suggests that significant chemical or fuel stores in either aboveground or underground storage tanks is unlikely or relatively minor and that the site represents a low to moderate risk of environmental liability. As the proposed use is for medium density residential land use, which is more sensitive than the current use, the report recommends a detailed site investigation to be carried out to assess the nature and extent of contamination (if any) beneath the site, to ensure the site can be made suitable.

It is recommended that the Gateway determination include a condition requiring a detailed site assessment to determine the appropriateness of the change of land use and remediation measures as required, prior to public exhibition and that the report is included with the exhibition documentation. Consultation with the NSW Environmental Protection Authority is also recommended, as part of the exhibition process.

The planning proposal is not inconsistent with other applicable SEPPs and section 117 Directions.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The planning proposal includes proposed land use zoning, building height, floor space ratio and flood planning area maps. The planning proposal should also include relevant current maps for land use zoning, building height and floor space ratio, as part of the exhibition package.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council has proposed a period of 14 days for community consultation. Considering the nature of the planning proposal, it is recommended that the planning proposal is exhibited for a minimum of 28 days.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Canada Bay Local Environmental Plan 2013 was notified on 19 July 2013.**

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Assessment Criteria

Need for planning
proposal :

The planning proposal is seeking to change the zoning and amend the development standards to enable residential flat building development. The planning proposal is also seeking to include a new Flood Planning clause and a corresponding Flood Planning Area map relating to the site. The planning proposal is the only mechanism that would allow for the consideration of planning controls outside those currently prescribed under the Canada Bay LEP.

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Consistency with strategic planning framework :

A Plan for Growing Sydney

The following Directions under A Plan for Growing Sydney are considered relevant:

- Direction 2.2 : Accelerate urban renewal across Sydney
- Direction 3.1 : Revitalise existing suburbs
- Direction 1.9 : Support priority economic sectors
- Priorities for the Central Subregion:
 - identify and protect strategically important industrial-zoned land; and
 - work with Council to identify suitable locations for housing intensification and urban renewal, particularly around Priority Precincts, established and new centres, and along key public transport corridors.

The planning proposal is mostly consistent with A Plan for Growing Sydney as it:

- encourages urban renewal adjacent to a train station and increase density close to a transport corridor;
- aims to accelerate and diversify housing supply across existing infill sites and improve housing choice and affordability; and
- seeks to facilitate a development outcome that provides housing in close proximity to a local centre and other strategic employment nodes.

It is noted that the planning proposal has not addressed Direction 1.9 - Support priority economic sectors which aims to ensure the provision of sufficient industrial land to support priority industries. However, the Socio-Economic Study of the Concord West precinct, which relates to three clusters of employment land including the subject site, includes an assessment of the Industrial Lands Strategic Assessment Checklist. The analysis suggests that whilst the proposed rezoning does not directly support all the questions in the checklist it however, seeks to enable growth in an accessible location and encourage the renewal of the declining employment area.

Draft Parramatta Road Urban Transformation Strategy

The draft Parramatta Road Strategy outlines the NSW Government's vision for renewal across the Parramatta Road Corridor. The draft Strategy identifies eight precincts for renewal and each precinct is subject to a Precinct Implementation Plan, which include a vision for the precinct and three Plans (Structure Plan, Built Form Plan and Access and Movement Plan) to illustrate the delivery of the vision. A change in land use to facilitate high density housing would also align with the Government's investment in significant transport infrastructure along Parramatta Road Corridor and development in well located and accessible locations.

The planning proposal is consistent with the draft Parramatta Road Strategy' s vision for Homebush precinct, given that it proposes a change in land use from industrial to medium density residential. The planning controls proposed by the planning proposal are 16m building height and 1.4:1 floor space ratio, which fall within the built form envisioned for the precinct, which is up-to 12 storey.

It is recommended that the Urban Growth NSW is consulted, and the planning proposal is updated to incorporate any comments received, prior to exhibition. The planning proposal should also be updated to include its consistency with the draft Strategy.

Additionally, the Department requires Council to include a new clause in the amended LEP, that addresses satisfactory arrangements for contributions to designated State public infrastructure.

The planning proposal should be revised to incorporate a provision, as outlined above, for contributions to public infrastructure, prior to exhibition.

Local Strategy:

Council has commissioned the following studies/strategies covering the Concord West employment land precinct:

Concord West Socio-Economic Study (June 2013):

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The study identifies that the retention of the IN1 General Industrial zone across the precinct would result in limited employment growth and redevelopment, leading to ongoing stagnation of the precinct. The study recommends the rezoning of the subject site to R3 Medium Density Residential.

The Canada Bay Local Planning Strategy 2010-2031:

The strategy recognised the Concord West employment land precinct was not a major employment generating area however it recommended its retention for General Industrial uses for supporting growth in local business activities. It also recommended a review and potential rezoning of the precinct within 5 years of the Strategy's adoption (as of 2010). The planning proposal recognises the recommendations of the Strategy by reviewing the industrial zoning after 5 years.

2014 NSW Population and Dwelling Projections – Canada Bay LGA:

The population of Canada Bay LGA is projected to increase by 31,300 for the period 2011-2031, equating to the need for an additional 13,900 dwellings. This indicates that Canada Bay City Council needs to plan for additional dwellings in the LGA to cater for population growth. This planning proposal will enable additional dwellings on the site, contributing towards the projected number of dwellings needed in the LGA.

Environmental social
economic impacts :

There are no known critical habitats or threatened species populations or ecological communities, or their habitats affecting the site. Environmental concerns relating to acid sulphate soils, flooding and land contamination have been addressed under the 'Justification' section of the report. There are no other likely environmental impacts resulting from the future development of the site.

Traffic, Transport, Accessibility and Parking report:

A capacity assessment of the George Street/Pomeroy Street intersection indicates that the study area could accommodate the traffic generation associated with the indicative dwelling yield of 785 dwellings within the Concord West Master Plan area. The report highlights opportunities to improve the existing pedestrian and cycle networks, suggests on-street parking restrictions and other traffic mitigation measures. As the study area has good accessibility to nearby public transport services, it is considered that the impact of traffic on local roads will be minimal. Other issues relating to traffic and vehicular access can be appropriately addressed at the development application stage.

The planning proposal will facilitate the opportunity for Council to review new access arrangements to Powells Creek Reserve, which will allow more users to take advantage of a large recreational space.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	9 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Department of Education and Communities Office of Environment and Heritage Transport for NSW Transport for NSW - Sydney Trains Transport for NSW - Roads and Maritime Services Sydney Olympic Park Authority Sydney Water Other		

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Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
01. Cover Letter.pdf	Proposal Covering Letter	Yes
02. Planning Proposal .pdf	Proposal	Yes
03. Addendum to Planning Proposal.pdf	Proposal	Yes
Attachment A_Concord West Socio-Economic Study.pdf	Study	Yes
Attachment B_Concord West Master Plan_part 1.pdf	Study	Yes
Attachment B_Concord West Master Plan _part 2.pdf	Study	Yes
Attachment B_Concord West Master Plan_part 3.pdf	Study	Yes
Attachment B_Traffic Study.pdf	Study	Yes
Attachment C _Flood Study_Part 1.pdf	Study	Yes
Attachment C _Flood Study_Part 2.pdf	Study	Yes
Attachment C _Flood Study_Part 3.pdf	Study	Yes
Attachment C _Flood Study_Part 4.pdf	Study	Yes
Attachment D _Preliminary Site Investigation.pdf	Study	Yes
04. Council Resolution .docx.pdf	Proposal	Yes
05. Report to Council.docx.pdf	Proposal	Yes
Evaluation Criteria for Delegation.pdf	Proposal	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones**
 2.3 Heritage Conservation
 3.1 Residential Zones
 3.4 Integrating Land Use and Transport
 4.1 Acid Sulfate Soils
 4.3 Flood Prone Land
 7.1 Implementation of A Plan for Growing Sydney

Additional Information : **It is recommended that the planning proposal proceed subject to the following:**
 1. Prior to public exhibition, the planning proposal is to be updated to include the following:
 - a site contamination assessment to address the requirements of SEPP 55 Remediation of Land;

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- demonstrate consistency with the draft Parramatta Road Urban Transformation Strategy; and
 - current maps for land use zoning, building height and floor space ratio controls.
 - a provision for contributions to public infrastructure.
2. Prior to public exhibition, consultation is required with Urban Growth NSW and any comments received should be incorporated in the planning proposal.
3. The planning proposal is to be publicly exhibited for 28 days.
4. The planning proposal be completed within 9 months of the Gateway determination.
5. Consultation is required with the following public authorities:
- Transport for NSW (Sydney Trains)
 - Transport (Road and Maritime Services)
 - Environment Protection Authority (regarding site contamination)
 - Sydney Olympic Park Authority (regarding flood planning)
 - Sydney Water (regarding flood planning)
 - Office of Environment and Heritage (regarding flood planning)
 - Department of Education
6. A public hearing is not required to be held into the matter.
7. The Secretary's delegate agrees the inconsistencies with Direction 1.1 Business and Industrial zones, Direction 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are justified.

Supporting Reasons :

The planning proposal is supported as it:

- demonstrates strategic merit in the context of the NSW Government's vision for renewal of the Parramatta Road Corridor and the recently released draft Parramatta Road Urban Transformation Strategy;
- is consistent with the strategic direction of the draft Parramatta Road Strategy for the Homebush Precinct, which is an active hub blending with high density housing and a mix of uses; and
- is consistent with the supporting studies.

Signature:



Printed Name:

Diane Sarkies

Date:

18/12/15

