

**ITEM PLANNING PROPOSAL - 2, 2A AND 4 ROTHWELL
AVENUE, CONCORD WEST**

Department Planning and Environment

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EXECUTIVE SUMMARY

Council has received a Planning Proposal for 2, 2A and 4 Rothwell Avenue, Concord West. 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, and increase the floor space ratio (FSR) from 1:1 to 1.4:1.

The Planning Proposal is intended to facilitate redevelopment of the subject site through the demolition of existing industrial buildings, and the construction of residential flat buildings. The Planning Proposal and intended development outcome is in accordance with the draft Concord West Precinct Master Plan.

The draft Concord West Flood Study identifies that the subject site is partly within a flood planning area, and recommends that flood planning controls apply to the site through Council's Local Environmental Plan (LEP) and Development Control Plan (DCP).

It is recommended that:

- The Planning Proposal for 2, 2A and 4 Rothwell Avenue, 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 with an addendum including draft LEP flood planning controls, a draft flood planning area map, a preliminary site investigation, a copy of the Concord West Socio-Economic Study, a copy of the draft Concord West Precinct Master Plan, a copy of the draft Concord West Precinct Flood Study, information on proposed community consultation, and a project timeline.
- An amendment to the Canada Bay DCP 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.
- A draft Canada Bay Section 94 Development Contributions Plan be prepared to take into account infrastructure works associated with the redevelopment of the Concord West Precinct, and be placed on public exhibition.

STRATEGIC CONNECTION

This report supports the following FuturesPlan20 Outcome areas:

- *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

Subject Site

The subject site comprises three lots, is approximately 6,084m² in size, currently contains several industrial buildings, and has access from Rothwell Avenue and Conway Avenue. The subject site abuts industrial buildings to the north, low density residential development to the east and south, and Powells Creek Reserve and Tennis Courts to the west. A location plan is provided as Attachment 1 and site photos as Attachment 2.

The subject site is located within the Concord West Precinct.

Concord West Precinct

Background

The Concord West Precinct was identified as being appropriate for investigation for potential rezoning within the Canada Bay LPS.

Council received submissions from two landowners within the Precinct, requesting the rezoning of industrial sites to medium density residential during preparation of the 2013 LEP for Canada Bay.

Council resolved to apply a residential zoning to these sites under the Canada Bay LEP, however, the then Department of Planning and Infrastructure (DPI) raised concerns relating to the consistency of this proposal with broader strategic planning and the retention of employment land. The DPI advised that a proper strategic review to underpin the future planning controls for these sites would be required.

On the 17th of July 2012, Council resolved the following:

1. *THAT the industrial land on George Street remain zoned IN1 General Industrial under the draft Canada Bay LEP.*
2. *THAT Council undertake a socio-economic impact study, a traffic and parking analysis and urban design testing for the land zoned IN1 General Industrial in Concord West and seek to complete the studies within 12 months.*
3. *THAT landowners be advised of Council's approach on this matter.*

4. *THAT Council seek to complete the recommended studies within twelve months subject to funding.*
5. *THAT the industrial land owners be approached to fund the independent studies administered by Council.*

Socio-Economic Study

Accordingly, Council invited the owners of industrial sites within the Concord West Precinct to participate in and contribute towards funding of a Socio-Economic Study. Hill PDA was engaged to prepare the Study, which, amongst other matters, recommended rezoning several sites from industrial to medium density residential.

The Socio-Economic Study was forwarded to the DPI for review. The DPI provided some comments on the findings and recommendations of the Socio-Economic Study, and identified that detailed feedback and assessment of the Socio-Economic Study would be provided, and a preferred approach determined, when Council submits a planning proposal.

In considering the recommendations of the Socio-Economic Study, on the 6th of August 2013, Council resolved:

1. *THAT Council endorse the future rezoning of the following properties from IN1 General Industrial to R3 Medium Density Residential:*
 - 7 Concord Avenue, Concord West;
 - 202-210 George Street, Concord West;
 - 172-184 George Street, Concord West; and
 - 2-10 Rothwell Avenue; Concord West
2. *THAT Council endorse the future rezoning of 1 King Street, Concord West from IN1 General Industrial to B7 Business Park.*
3. *THAT Council review the rezoning of 25 George Street, Concord West in conjunction with the owners of 25 George Street.*
4. *THAT the planning for the precinct occurs on the assumption that new development will prioritise pedestrians, bicycles and the use of public transport and it be noted that the Urban Design and Traffic studies are to include principles and opportunities that seek to minimise traffic and rates of private car parking.*
5. *THAT Council proceed to administer independent studies to address urban design and traffic arising from the potential rezoning of the above sites subject to funding provided by all the property owners.*

6. *THAT a scoping brief for the Urban Design and Traffic Studies be prepared, for discussion at a future Councillor Workshop, prior to the engagement of consultants to undertake these studies.*

Master Plan

Consultants JBA and GTA were engaged to prepare the draft Concord West Precinct Master Plan and a Traffic, Transport, Accessibility and Parking Report.

Engagement with the local community and stakeholders was given high priority in this project, ensuring all parties had the opportunity to be informed and involved in the preparation of the study. Engagement commenced in November 2013 and continued until April 2014 and included an extensive range of consultation.

As a result of the engagement work, the draft Master Plan outlines the following solutions:

- Green connections through sites to open spaces and public transport.
- A mix of building heights stepped back from neighbouring homes.
- Controls to ensure future buildings respond to the local area context.
- Initiatives to promote walking, cycling and public transport usage and discourage car use.
- Public domain initiatives and improvements including street trees, lighting and footpaths.
- Other matters for Council to investigate such as flooding issues and resident parking schemes.

On the 3rd of June 2014, Council considered a report in relation to the draft Master Plan and Traffic Report. Council was also advised of the need to prepare a flood study for the precinct which would determine appropriate infrastructure and planning controls required to be implemented as part of any future development, and address a number of resident concerns relating to flooding. The flood study would be required prior to the preparation of a planning proposal. Council resolved the following:

1. *THAT the draft Concord West Urban Design and Traffic Study be received for information.*
2. *THAT Council agree to facilitate the preparation of a flood study for the Concord West Master Plan study area, where the costs of the study are funded by the stakeholders within the precinct.*
3. *THAT a further report be provided to Council following the completion of the Flood Study, recommending next steps to be taken.*

Flood Study

In accordance with Council's resolution, Jacobs was engaged to prepare the Concord West Precinct Master Plan Flood Study.

Prior to receiving the draft Flood Study, the intent was for Council to prepare one Planning Proposal, seeking to amend the LEP for all of the identified redevelopment sites in the Concord West Precinct. However, the final draft Flood Study has recently been delivered to Council, and identifies that some of the redevelopment sites identified in the draft Master Plan are significantly constrained by potential flooding, whereas other sites are less constrained, and some not constrained at all. The draft Flood Study also recommends that additional investigations and detailed flood mitigation design work needs to be undertaken in relation to certain redevelopment sites. On this basis, the progression of one planning proposal for all redevelopment sites would not be practicable or timely.

Council wrote to landowners who contributed funding to the preparation of the Flood Study and advised that the intended path forward is for landowners to prepare site specific planning proposals that are consistent with the draft Master Plan and background studies undertaken to date.

The Planning Proposal for 2, 2A and 4 Rothwell Avenue, Concord West, the subject of this report to Council, is consistent with this approach.

On the 1st of September 2015, Council considered a report in relation to the draft Concord West Flood Study and resolved as follows:

1. *THAT the Draft Flood Study be adopted for the purposes of public exhibition.*
2. *THAT the Draft Concord West Flood Study be placed on public exhibition for a period of 6 weeks, with an invitation for public comment.*
3. *THAT a communications strategy be put in place to advise residents and owners in the Concord West Masterplan Precinct of the existence and implications of the Draft Concord West Flood Study.*
4. *THAT on completion of the exhibition period, public submissions be considered, the Draft Concord West Flood Study be amended accordingly and a report be brought back to Council with a view to adoption of the Concord West Flood Study.*

Council officers are currently progressing the communications strategy and exhibition of the draft Flood Study.

Description of Planning Proposal

The Planning Proposal proposes to amend the LEP by rezoning the subject site from IN1 General Industrial to R3 Medium Density Residential, increase the

maximum building height from 12m to 16m, and increase the floor space ratio (FSR) from 1:1 to 1.4:1. These proposed changes to the LEP are consistent with the draft Concord West Precinct Master Plan.

The draft Concord West Precinct Master Plan envisages three four storey residential flat buildings on the subject site, with the upper level being set back, as indicated in an extract of the draft Master Plan, provided as Attachment 3.

A copy of the Planning Proposal submitted by the applicant is provided as Attachment 4.

Matters for Consideration

Draft Concord West Precinct Master Plan

As identified above, Council has resolved to receive the draft Concord West Precinct Master Plan. It is intended that the draft Master Plan be publicly exhibited with the Planning Proposal.

The Planning Proposal for 2, 2A and 4 Rothwell Avenue is consistent with the draft Master Plan, and it is considered that potential flooding and drainage can be appropriately addressed through LEP and DCP controls, and at the development application stage.

Traffic and Access

To inform the draft Concord West Master Plan, a draft Traffic, Transport, Accessibility and Parking Report was prepared.

To facilitate the additional 785 dwelling proposed by the draft Master Plan, as well as the traffic generated by the Victoria Avenue Community Precinct, the draft Traffic Report notes that the George Street/Pomeroy Street intersection will need to be upgraded through the construction of a southbound left turn slip lane, and the lengthening of “no parking” restrictions on the northbound approach.

Construction of the southbound slip lane was a recommendation of a Traffic, Pedestrian and Parking Impact Assessment Report prepared for the Victoria Avenue Community Precinct, and imposed as a condition of development consent for the site. Council officers are currently liaising with Roads and Maritime Services and the Department of Education and Communities in relation to delivery of the proposed intersection upgrades.

A variety of other DCP controls and mechanisms are proposed to address traffic and access in the Concord West Precinct given the site’s access to a train station including:

- Maximum resident car parking and minimum bicycle parking rates being imposed on future residential development.

- No access for new owners to any existing residential parking scheme.
- The provision of car sharing services.
- Improvements to the amenity of existing, and provision of new, pedestrian and cycling environments.

Potential Flooding

The draft Concord West Flood Study identifies the subject site as being potentially affected by mainstream flooding associated with Powells Creek, as well as overland flow flooding (see Attachment 5).

A site specific Flood Assessment has also been submitted with the Planning Proposal, concluding that the development envisaged by the draft Concord West Master Plan for the subject site does not have any negative impact with respect to flooding on neighbouring properties. The results of the site specific Flood Assessment are equivalent to those produced by Jacobs in the draft Concord West Precinct Flood Study. Minimum flood planning levels, freeboards and the retention of an existing overland flow path are recommended, along with further investigations when detailed development designs are prepared for the subject site.

In accordance with the findings and conclusions of the draft Concord West Flood Study, it is recommended that draft LEP flood planning controls (based on the Department of Planning and Environment's model local provisions for flood planning) and a draft flood planning area map be included in an addendum to the Planning Proposal, and be submitted to the Department of Planning and Environment for a Gateway Determination. The proposed LEP controls and map are included as Attachments 6 and 7.

The proposed LEP controls will ensure that flood hazard, flood behaviour, potential detrimental impacts of flooding on other development or properties, risk to life and various environmental, social and economic matters are given due regard in the assessment of development applications on land within a mapped flood planning area.

The Planning Proposal is consistent with the findings and recommendations of the draft Concord West Precinct Flood Study, and on this basis, it is considered appropriate that the Planning Proposal be progressed in parallel with the draft Flood Study.

Site Investigations

In accordance with the requirements of State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55), the applicant has been requested to prepare a preliminary investigation of the land, carried out in accordance with the contaminated land planning guidelines.

It is recommended that a preliminary investigation be included within an addendum to the Planning Proposal prior to it being submitted to the Department of Planning and Environment for a Gateway Determination.

Development Control Plan

An amendment will need to be made to the Canada Bay DCP to facilitate and control the nature and scale of development envisaged for the subject site by the draft Master Plan. DCP provisions will likely address site specific matters including, but not limited to, the number of storeys of development, upper level setbacks, interfaces between buildings and the public realm, pedestrian connections, vehicular access and parking rates. Following the recommendations of the draft Concord West Flood Study, the draft DCP provisions will also need to address potential flood mitigation.

The DCP amendment will need to be exhibited and approved by Council in accordance with process set out in the Environmental Planning and Assessment Regulation (2000). The provisions can be exhibited in conjunction with or post-exhibition of the Planning Proposal.

It is recommended that an amendment to the Canada Bay DCP be prepared for the subject site.

Public Domain Improvements and Development Contributions

Complete Urban has prepared a draft Concept Plan and cost estimates for certain public domain improvements identified in the draft Concord West Precinct Master Plan, including streetscape and road and path upgrades. The public domain improvements are estimated to cost in the order of \$2,000,000. It is considered that the cost of these public domain improvements could reasonably be funded by development contributions from the redevelopment of the existing industrial sites.

Once finalised, the Concept Plan and cost estimates will be used to inform an amendment of the works schedule in the Canada Bay Section 94 Development Contributions Plan. This will allow for the spending of development contributions on the public domain improvements.

The Section 94 Development Contributions Plan will need to be amended and the draft Contributions Plan exhibited and approved by Council in accordance with process set out in the Environmental Planning and Assessment Regulation (2000). The amendment can be exhibited in conjunction with or post-exhibition of the Planning Proposal.

It is recommended that an amendment to the works schedule of the Canada Bay Section 94 Development Contributions Plan be prepared.

New Parramatta Road Project

The New Parramatta Road Project, being led by Urban Growth, is a program to renew the corridor from the Sydney CBD to the City of Parramatta.

The draft Parramatta Road Urban Renewal Strategy generally identifies the subject site as being within the Homebush Precinct. The Homebush Precinct has been identified for significant future growth given its central location and very good access to transport and employment opportunities in Sydney Olympic Park, Burwood, Parramatta CBD, Rhodes, Macquarie Park and the Sydney CBDs, to complement the adjoining Sydney Olympic Park.

Council is unable to assess the Planning Proposal against more detailed planning for the New Parramatta Road Project as it is not publicly accessible until October 2015.

Additional Information

As identified above, it is recommended that an addendum to the applicant's Planning Proposal be prepared and submitted to the Department of Planning and Environment to further inform the Gateway Determination process.

In addition to the previously identified LEP flood planning controls and map, and preliminary site investigation, it is recommended that the following be provided as part of the addendum:

- The Socio-Economic Study prepared by Hill PDA.
- The draft Concord West Precinct Master Plan prepared by JBA.
- The draft Concord West Precinct Flood Study prepared by Jacobs.
- Information on proposed community consultation (a 28 day consultation period and a standard consultation process is proposed).
- A project timeline.

Conclusion

The Planning Proposal is seeking to amend the Canada Bay LEP 2013 to facilitate the redevelopment of an existing industrial site for residential flat buildings. The Planning Proposal and intended development outcome is consistent with the draft Concord West Precinct Master Plan, and the intended path forward for planning and redevelopment in the Concord West Precinct.

It is recommended that:

- The Planning Proposal for 2, 2A and 4 Rothwell Avenue, 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 with an addendum including draft LEP flood planning controls, a draft flood planning area map, a preliminary site investigation, a copy of the Concord West Socio-Economic Study, a copy of the draft Concord West Precinct Master Plan, a copy of the draft

Concord West Precinct Flood Study, information on proposed community consultation, and a project timeline.

- An amendment to the Canada Bay DCP 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.
- An amendment to the works schedule of the Canada Bay Section 94 Development Contributions Plan be prepared for the Concord West Precinct, and be placed on public exhibition.

FINANCIAL IMPACT

The Planning Proposal application fee has been paid by the applicant.

Additional residential dwellings envisaged by the Planning Proposal will result in the collection of additional development contributions for the provision of community infrastructure.

RECOMMENDATION

1. THAT the Planning Proposal for 2, 2A and 4 Rothwell Avenue, 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 with an addendum including draft Local Environmental Plan flood planning controls, a draft flood planning area map, a preliminary site investigation, a copy of the Concord West Socio-Economic Study, a copy of the draft Concord West Precinct Master Plan, a copy of the draft Concord West Precinct Flood Study, information on proposed community consultation, and 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 Canada Bay 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 94 Development Contributions Plan be prepared to include infrastructure works for the Concord West Precinct, and be placed on public exhibition.

Attachments:

1. Location Plan
2. Site Photos
3. Extract from the draft Concord West Precinct Master Plan
4. Planning Proposal
5. Provisional flood planning area map from the draft Concord West Precinct Flood Study
6. Proposed LEP flood planning controls
7. Proposed LEP flood planning area map

[Attachment 1 - Location Plan.pdf](#)

[Attachment 2 - Site Photos.pdf](#)

[Attachment 3 - Extract from the Concord West Precinct Master Plan.pdf](#)

[Attachment 4 - Planning Proposal.pdf](#)

[Attachment 5 - Provisional flood planning area map from the draft Conc...](#)

[Attachment 6 - Proposed LEP flood planning controls.pdf](#)

[Attachment 7 - Proposed LEP flood planning area map.pdf](#)