

**ITEM 3 KING STREET CONCORD WEST - REVISED
PLANNING PROPOSAL**

Department Planning and Environment

Author Initials: KL

EXECUTIVE SUMMARY

An amended Planning Proposal has been received for 3 King Street Concord West (Site 3 in the Concord West Precinct Master Plan). The amended Planning Proposal responds to a resolution of Council of 19 April 2016 that required consistency with the Master Plan and for the rezoning to be deferred pending the upgrade of the George, Beronga & Pomeroy Street intersection.

The Planning Proposal seeks to rezone the land from R2 Low Density Residential to B1 Neighbourhood Centre, increase the maximum building height from 8.5m to 16m and increase the floor space ratio (FSR) from 0.5:1 to 2.3:1.

A detailed design and costing has been prepared by Council to inform the upgrade of the George, Pomeroy and Beronga Street intersection. This information will enable Council to 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 Ave, Public School. This approach confirms Council's intent to ensure that the breach by the Department of Education is resolved and the required intersection upgrade be completed to support development proposals identified for renewal under the Concord West Precinct Master Plan.

The development outcome proposed is consistent with the Concord West Precinct Master Plan and it is recommended that the Planning Proposal be submitted to the Department of Planning and Environment for a Gateway Determination.

REPORT

Background

At the Council meeting of 19 April 2016, Council resolved the following:

Part A

1. *THAT the Planning Proposal for 3 King Street, Concord West, prepared by Smith & Tzannes, be deferred pending resolution of Part B to the City of Canada Bay Council's (ie the elected body) satisfaction.*
2. *THAT if the Planning Proposal for 3 King Street, Concord West, prepared by Smith & Tzannes was to proceed in the future, it be amended to reflect*

the scale of development proposed by the draft Concord West Master Plan, including a maximum FSR of 2.3:1 and a maximum height of 16 metres.

3. *THAT the General Manager inform any other parties seeking a Planning Proposal in the area that the matter will be deferred pending resolution of Part B to the City of Canada Bay Council's (ie the elected body) satisfaction.*

Part B

1. *THAT the City of Canada Bay Council notes that condition 73 of Development Approval No 505/2012 for 64-66 Victoria Avenue and 22A Conway Avenue, Concord West, (being the Victoria Avenue Community School) determined on 13 August 2013, required the State Government to undertake specified improvements to the intersection of George Street, Beronga Street and Pomeroy Street, North Strathfield **prior** to the use of the School, refer **Attachment A** for the full details of condition 73.*
2. *THAT the City of Canada Bay Council notes that the State Government has failed to satisfy the conditions of consent which, given it involved a government school, were agreed to by the Minister prior to the Joint Regional Planning Panel being able to exercise its consent authority.*
3. *THAT the Mayor write to the Premier asking him to immediately allocate the funding to enable the State Government to meet its obligations under condition 73 of Development Approval 505/2012.*
4. *THAT as a matter of courtesy, a copy of the letter to the Premier be provided to the State Member for Strathfield.*

Attachment A

Development Approval No 505/2012

64-66 Victoria Avenue and 22A Conway Avenue, Concord West, (being the Victoria Avenue Community School)

Conditions which must be satisfied prior to the use of the building or part

73. **Improvements to intersection of George Street, Beronga Street and Pomeroy Street, North Strathfield**
In accordance with the recommendations contained in the McLaren Traffic Engineering Report dated December 2012, the intersection of George Street, Beronga Street and Pomeroy Street, North Strathfield shall be improved with a left turn slip lane from George Street north into Beronga Street east, and all other additional improvements to this intersection as shown in Annexure F to the McLaren report. All improvements to this intersection referred to in this condition shall be

constructed in accordance with the funding arrangement referred to in the letter from the Department of Education dated 11 July 2013.

The required road work shall be designed and constructed in accordance with Austroads, Roads and Maritime Services (RMS) Traffic Signal Design Manual and other relevant Australian Standards and shall be endorsed by a suitably qualified practitioner. Certified copies of the traffic signal design and civil design plans as well as swept path analyses shall be submitted to RMS for consideration and approval prior to commencement of any road works. Note: RMS fees for administration, plan checking, signal works inspection and project management apply and shall be paid prior to the commencement of works.

*The applicant will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned traffic signal and civil works. The WAD will need to be executed prior to RMS assessment of the detailed traffic signal design plans and before the commencement of works.
(Reason: To ensure ongoing public safety and traffic management)*

Discussion

The two key issues identified within the Resolution of Council of 19 April 2016 are addressed below:

1. *Improvements to the intersection of George Street, Beronga Street and Pomeroy Street, North Strathfield*

Council raised concern that the George Street, Beronga Street and Pomeroy Street intersection upgrade works that were required to be completed as a condition of development consent for the Victoria Avenue Public School had not been completed. As a result, the subject Planning Proposal was deferred on the basis that satisfactory infrastructure was not in place to support the rezoning of industrial land within the Concord West Precinct Master Plan.

Following the deferral of a separate Planning Proposal at 25 George Street, North Strathfield on the grounds of insufficient infrastructure being available, a Rezoning Review was sought by the Applicant and the outcome of the Rezoning Review supported the progression of the Planning Proposal to Gateway Determination.

At the Council meeting on the 7 February 2017, Council considered the abovementioned Rezoning Review and resolved:

That following the receipt of 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.

Council has engaged consultants to prepare a detailed design and costing for the upgrade of the George, Pomeroy and Beronga Street intersection. 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 Ave, Public School.

This resolution reinforces Council's intent to ensure that the breach by the Department of Education is resolved appropriately and the required intersection upgrade be completed to support development proposals identified for renewal within the Master Plan.

It is considered appropriate to enable Planning Proposals that are consistent with the Master Plan to progress to a Gateway Determination without being delayed and for liaison to continue with the Department of Education to deliver the intersection upgrade in accordance with the obligations of the development consent.

2. *Consistency of the Planning Proposal with the Concord West Precinct Master Plan Council*

The Council resolution of 19 April 2016 also required:

THAT if the Planning Proposal for 3 King Street, Concord West, prepared by Smith & Tzannes was to proceed in the future, it be amended to reflect the scale of development proposed by the draft Concord West Master Plan, including a maximum FSR of 2.3:1 and a maximum height of 16 metres.

A review of the amended Planning Proposal against existing planning controls and LEP provisions identified for the site under the draft Master Plan is provided below:

	Existing LEP Controls	draft Master Plan	Planning Proposal
Zone	R2 Low Density Residential	R3 Medium Density Residential with an additional permitted use for Commercial Premises /or requirement for commercial premise to front the public plaza	B1 Neighbourhood Centre
FSR	0.5:1	2.3:1	2.3:1
Height	8.5m	16m (4 storeys)	16m (4 storeys)

The Planning Proposal seeks to amend the LEP by rezoning the subject site from R2 Low Density Residential to B1 Neighbourhood Centre, increase the maximum building height from 8.5m to 16m and increase the floor space ratio (FSR) from 0.5:1 to 2.3:1.

The revised Planning Proposal is consistent with the Master Plan with respect to the proposed FSR and Height. A copy of the Planning Proposal submitted by the applicant is provided as *Attachment 3*.

The Planning Proposal seeks to provide ground floor commercial development with three (3) storeys of residential development above, providing four (4) storeys in total, consistent with the approach sought by the Master Plan. Commercial uses will be facilitated on the ground floor with a frontage to a new public plaza adjacent to Concord West station.

The Planning Proposal does seek to rezone the site to B1 Neighbourhood Centre rather than the R3 Medium Density Residential zone with an Additional Permitted use as contemplated by the Master Plan. However, the B1 Neighbourhood Centre zone is considered appropriate as it more closely reflects the type of development proposed on the site with respect to the ground floor being utilised for commercial development and the additional floors above for residential uses.

The proposal seeks twenty (20) x two (2) bedroom dwellings. Whilst it is noted that a mix of dwellings would be expected to be provided by such a development, the Planning Proposal does not require such specific measures and the dwelling mix will be reviewed at Development Application stage.

Other matters

Development Control Plan (DCP)

A DCP was prepared in conjunction with the Concord West Master Plan and provides a 3m setback on the northern interface where the site abuts the R2 Low Density Residential zone and a 4m Rail Line Setback on the eastern boundary which abuts the rail corridor. A 2 metre upper floor setback is also required from the King Street frontage to ensure the built form provides a pedestrian scale to King Street.

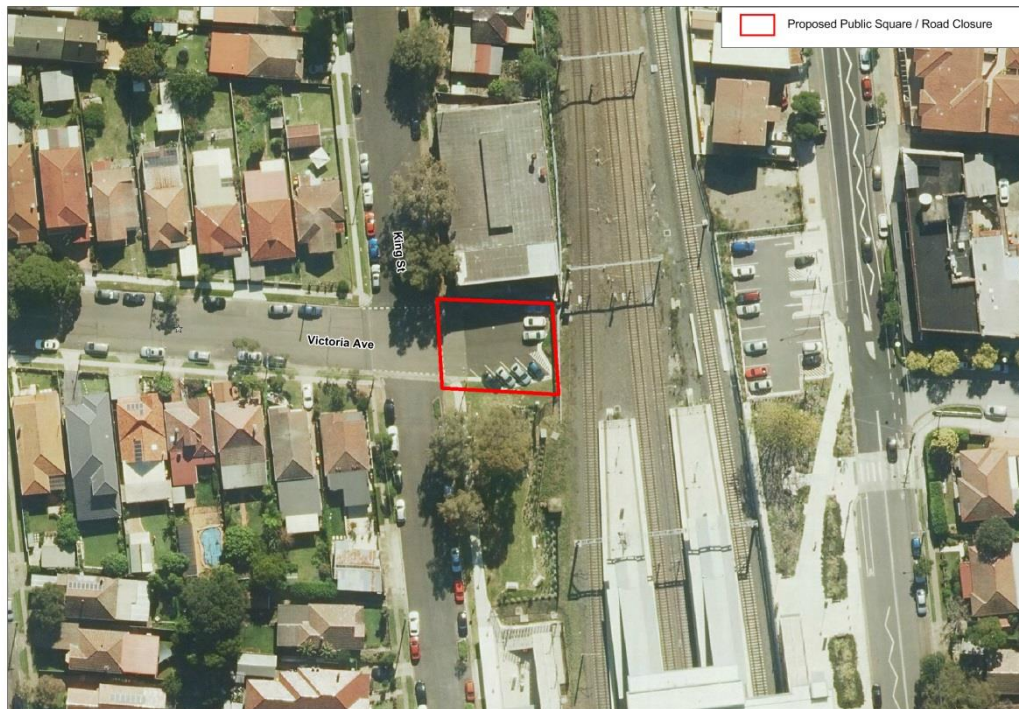
The Special Precincts DCP was recently endorsed by Council to reflect the requirements of the Concord West Precinct Master Plan. The DCP will need to be updated to specifically apply to 3 King Street, Concord West under Section 2.15, *Land to which this section of the DCP applies*.

Proposed Road Closure – Eastern end of Victoria Avenue

Page 16 of the Master Plan identifies the eastern end of the existing Victoria Avenue to be closed to provide for a Public Square. The document states:

Station Square is envisioned as a small urban plaza that provides a meeting place and a focal point for the neighbourhood near the station entry. The square will be activated through the redevelopment of 3 King Street into a mixed use building with ground floor café or restaurant that can utilise the square for outdoor seating and dining. The square will offer a quiet and shady environment where one can wait for the train, or to pick up / drop off friends and family on their way to / from work, school or the city.

To enable the vision for Station Square to be realised, the portion of the road directly to the south of 3 King Street is required to be closed to enable renewal of the space. This is required to be undertaken in conjunction with the timing of the redevelopment of 3 King Street to ensure access is not restricted to the site prior to the commencement of construction and that once construction has commenced, that the Road Closure is in place and renewal of the Square can be undertaken.



The location of the proposed public square/road closure can be seen below. It is considered that work should commence to facilitate the future closure and design of the proposed Square.

It is recommended that Council commence the process to close the eastern component of Victoria Ave, Concord West to enable the Public Square to be created. A budget allocation of \$10,000 is estimated to carry out required survey and background work. It is proposed to fund this work from the Canada Bay Development Contribution Plan.

Additional Information

Detailed Site Investigation

Reference is made to report prepared by Ground Technologies ‘Stage 2 Contamination Assessment’ dated 31 March 2016 and is provided as *Attachment 2*.

A review of the report has noted that it identifies previous uses of the site were an electrical manufacturer and also a place to fabricate glass and aluminium products.

Under Table 1 to the SEPP 55 Planning guidelines these activities are considered to be likely to cause contamination.

The recommendation of the report advises:

The results of the chemical analyses indicate that the site does not present a risk to human health or the environment in a “Residential B” – Residential with minimum opportunities for soil access such as high rise buildings and apartments setting.

It is anticipated that fill materials will be excavated and removed as part of the proposed development. The excavated material should be disposed of as per section 9.20 of this report.

On the basis of the above, it is noted that the site is proposed to be rezoned to B1 Neighbourhood Centre, with uses such as Childcare centres permissible with consent within the zone. In this regard, it is noted that a Site Audit Statement which confirms the site is suitable for the proposed zone must be provided prior to public exhibition, should the Planning Proposal be provided with Gateway Determination.

Addendum

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.

The following is to 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 Revised Planning Proposal is seeking to amend the Canada Bay LEP 2013 to facilitate the redevelopment of a site previously used for industrial purposes, to a B1 Neighbourhood Centre zone.

The Planning Proposal is consistent with the Concord West Precinct Master Plan.

The site is located adjacent to Concord West Rail Station and abuts an existing road end (eastern end of Victoria Road). This road is proposed to be a Public Square within the Master Plan and for this reason it is recommended that the process be commenced to enable the future closure of the road and the delivery of this public space.

It is recommended that the Planning Proposal be forwarded to the Department of Planning & Environment, including additional information for a Gateway Determination.

RECOMMENDATION

1. THAT the revised Planning Proposal be submitted to the Department of Planning and Environment for a Gateway Determination with an addendum including a preliminary site investigation, a copy of the Concord West Socio-Economic Study, a copy of the 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 Council commence background work to inform the future closure of the eastern part of Victoria Ave, Concord West (east of King Street) to enable a Public Square to be created.
7. THAT \$10,000 be allocated from the Canada Bay Development Contributions Plan reserve to carry out required survey and associated works to inform the road closure.

Attachments:

1. Amended Planning Proposal (Under separate cover)
2. Addendum – Provision of Additional Information (Under separate cover)
3. Concord West Master Plan – Extract
4. Planning Proposal – Amended Plans (Under separate cover)
5. Draft Development Control Plan (Special Precincts - Concord West) (Under separate cover)

**ITEM 3 KING STREET CONCORD WEST - REVISED PLANNING
PROPOSAL**

RESOLVED

(Crs Megna/Parnaby)

1. THAT the revised Planning Proposal be submitted to the Department of Planning and Environment for a Gateway Determination with an addendum including a preliminary site investigation, a copy of the Concord West Socio-Economic Study, a copy of the Concord West Precinct Master Plan, a copy of the draft Concord West Precinct Flood Study, information on proposed community consultation, and a project timeline.
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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 Council commence background work to inform the future closure of the eastern part of Victoria Ave, Concord West (east of King Street) to enable a Public Square to be created.
7. THAT \$10,000 be allocated from the Canada Bay Development Contributions Plan reserve to carry out required survey and associated works to inform the road closure.

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

(AGAINST: Nil)