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Gateway Determination Report – PP-2021-3619

Parramatta Road Corridor Urban Transformation
Strategy (PRCUTS) – 2016 -2023 release areas

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Table 1 Reports and plans supporting the proposal

| Relevant reports and plans |
|--|
| Planning Proposal – May 2021 |
| Master Plan Urban Design Reports for Kings Bay, Burwood-Concord and Homebush North precincts |
| Public Domain Plan 2020 |
| Sustainable Precincts Strategy 2020 |
| Flood Risk Assessment – Burwood and Kings Bay Precincts 2020 |
| Draft Concord West Flood Study 2015 |
| Preliminary Site Investigation (Contamination) 2018 |
| Urban Tree Canopy Strategy 2019 |
| Parramatta Road Corridor Urban Transformation |
| Local Housing Strategy endorsed May 2021 |
| Local Strategic Planning Statement March 2020 |

1 Introduction

1.1 Overview of planning proposal

Table 2 Planning proposal details

| LGA | Canada Bay |
|---------------------|---|
| PPA | Department of Planning, Industry and Environment |
| NAME | Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) – 2016 -2023 release areas |
| NUMBER | PP2021/3619 |
| LEP TO BE AMENDED | Canada Bay Local Environmental Plan (LEP) 2013 |
| ADDRESS | Parramatta Road Corridor precincts; Kings Bay, Burwood-Concord, Homebush North |
| RECEIVED | 24/05/2021 |
| FILE NO. | IRF21/3376 |
| POLITICAL DONATIONS | There are no donations or gifts to disclose and a political donation disclosure is not required |

LOBBYIST CODE OF CONDUCT

There have been no meetings or communications with registered lobbyists with respect to this proposal

The planning proposal seeks to implement planning controls relating to land within the 2016-2023 release area as defined under the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS). The proposal relates to three precincts shown in Figure 1:

- Kings Bay;
- Burwood-Concord; and
- Homebush North.

To achieve the objectives of PRCUTS recommendations, the planning proposal seeks to amend the Canada Bay LEP 2013 by:

- amending land use zoning;
- amending height and FSR controls and introducing incentive height and FSR controls in the Kings Bay and Burwood-Concord Road precincts;
- introducing local provisions to address local infrastructure delivery, design excellence, sustainability, and remediation; and
- introducing additional permitted uses and active frontage controls in the Kings Bay and Concord- Burwood precincts.

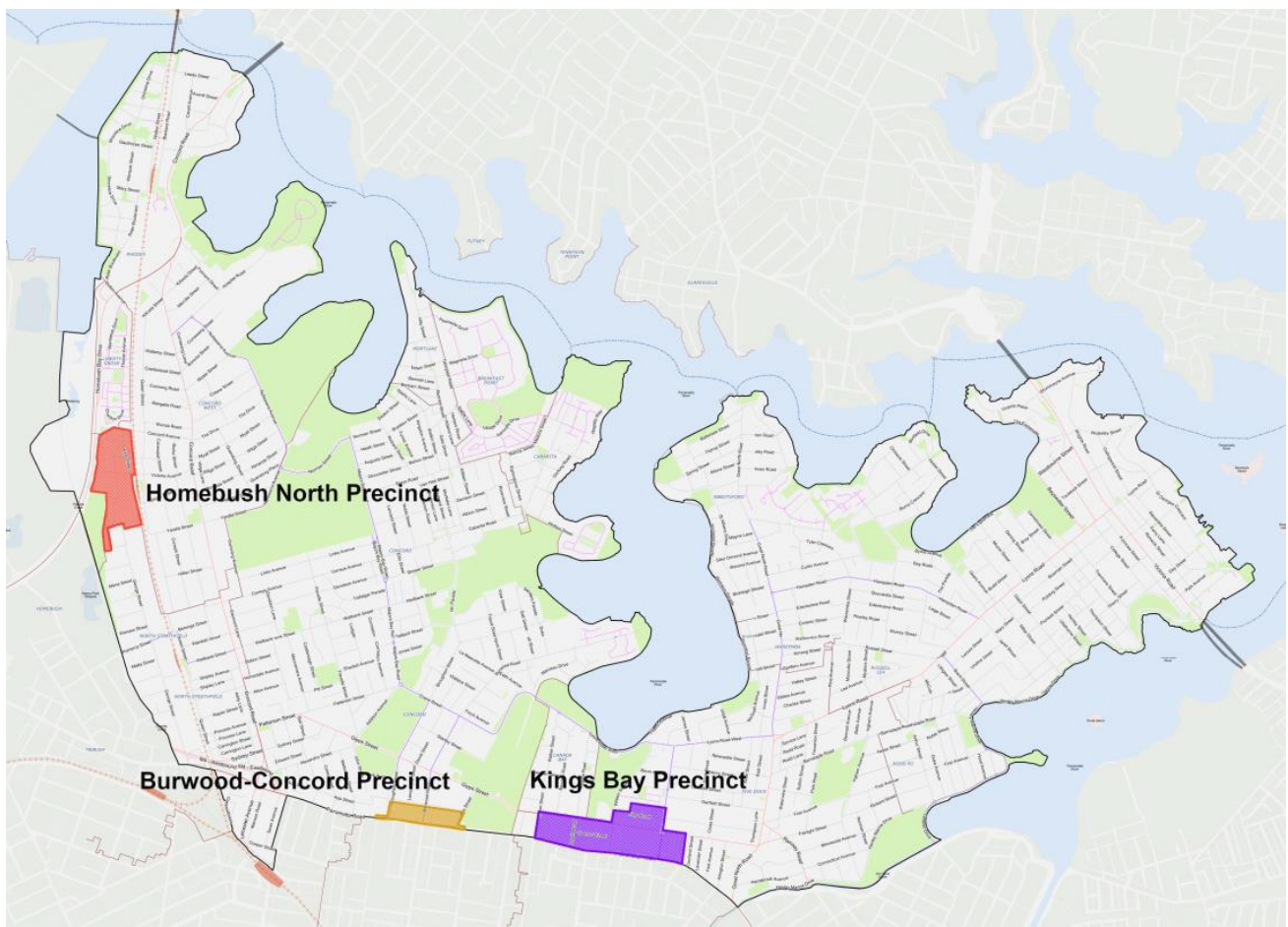


Figure 1 Land within Stage 1 of PRCUTS within the Canada Bay LGA (source: Canada Bay Council)

1.2 Description of precincts

Kings Bay Precinct

The Kings Bay Precinct is located on Parramatta Road between Five Dock and Burwood (Figure 2). The precinct is characterised by industrial development, including car dealerships and mixed light industrial uses. The precinct also contains small pockets of residential development on Kings Road and Queens Road.

Rosebank College is a significant landholding in the precinct located between Parramatta Road and Queens Road and subject of a heritage listing. Five Dock Leisure Centre is immediately to the north of the precinct and forms part of network of green spaces connecting the precinct to the Parramatta River.



Figure 2 Land within Stage 1 of the Kings Bay Precinct (source: Planning Proposal)

Burwood-Concord Precinct

The Burwood-Concord Precinct is located on Parramatta Road and bound by Burton Street to the north, Concord Oval to the east and Broughton Street to the west (Figure 3). Burwood Road bisects the precinct east-west, providing a connection to the Burwood town centre to the south of Parramatta Road.

The precinct is characterised by a mix of industrial uses, including car dealerships and showrooms on Parramatta Road and detached dwellings along Burton Street. The future Burwood North Metro will be located in the precinct, between Burwood Road and Loftus Street.



Figure 3 Land within Stage 1 of the Burwood-Concord Precinct (source: Planning Proposal)

Homebush North

The Homebush North Precinct is located between Concord West train station and significant parklands, including Bicentennial Park. The precinct is bound by the rail corridor to the west, Homebush Bay Drive to the east and local streets, Rothwell Avenue and Conway Avenue in the south (refer to Figure 4).

The precinct is characterised by low density housing on King Street, George Street and Victoria Avenue and a mix of and light industrial and business uses clustered in the north and south of the precinct. The precinct also includes Victoria Avenue Public School located directly north of Powell's Creek Reserve.



Figure 4 Land within Stage 1 of the Homebush Precinct (source: Planning Proposal)

2 Proposal

2.1 Objectives and Intended Outcomes

The objectives and intended outcomes stated in the planning proposal are to:

- *Implement planning controls for the Canada Bay Stage 1 (2016 – 2023) release areas consistent with Parramatta Road Corridor Urban Transformation Strategy (PRCUTS), with refinements based on Council's evidence-based strategies and planning processes;*
- *Deliver infrastructure commensurate to the planned intensity of development as set out in the PRCUTS Infrastructure Schedule;*
- *Create fine-grained precincts that are safe, socially activated and community and family friendly;*
- *Create new centres that are socially and economically activated; and*
- *Create public domain and development that is well-designed, sustainable, and resilient and that is supported by commensurate public benefits.*

The objectives of this planning proposal are clear and adequate.

2.2 Explanation of provisions

The planning proposal seeks to amend the Canada Bay LEP 2013 (LEP) to implement the land use recommendations for the 2016-2023 release areas in the Homebush, Kings Bay and Burwood-Concord precincts of PRCUTS.

The planning proposal seeks to implement the objectives and intended outcomes by amending the Canada Bay LEP 2013 (LEP), including:

- amending land use zoning;
- amending height and FSR controls and introducing incentive height and FSR controls in the Kings Bay and Burwood-Concord Road precincts;
- introducing local provisions to address local infrastructure delivery, design excellence, sustainability, and remediation; and
- introducing additional permitted uses and active frontage controls in the Kings Bay and Concord- Burwood precincts.

The planning states the proposed amendments have been informed by the Planning and Design Guidelines in PRCUTS and more detailed urban design analysis and precinct masterplans prepared for each Precinct.

The proposed amendments are described in detail in the following sections:

- Section 2.2.1 describes the proposed zoning, base and incentive height and FSR controls for the Kings Bay Precinct;
- Section 2.2.2 describes the proposed zoning, base and incentive height and FSR controls for the Burwood-Concord Precinct;
- Section 2.2.3 describes the proposed zoning, height and FSR controls for the Homebush North Precinct; and
- Section 2.2.4 describes proposed local provisions including local infrastructure, sustainability, remediation, and design excellence.

2.2.1 Kings Bay Precinct

The planning proposal outlines the intent for the Kings Bay Precinct to become a vibrant mixed-use centre, with fine grain retail and commercial ground floor uses and high-density apartments focused around Spencer Street and along Parramatta Road. The height and density is proposed to

be greatest between Parramatta Road and Queens Road, with heights and densities transitioning to lower scale apartments north of Queens Road, east of Harris Street and east of Walker Street. The planning proposal seeks to deliver approximately 2,779 new dwellings and 2,068 jobs in the Kings Bay precinct.

The proposed public domain upgrades include new open space, local streets and widened footpaths and through site links. To achieve these outcomes, amendments to the Canada Bay LEP are proposed as outlined in Table 3.

Refer to Section 2.2.4 for proposed local provisions and Appendix A for proposed mapping amendments. Figure 5 shows the indicative built form outcome for the Precinct.



Figure 5 Indicative built form Kings Bay Precinct (Source: Planning Proposal)

Table 3 Current and Proposed Kings Bay Precinct controls

| Current zone | Proposed zone | Current/ Base FSR | Proposed incentive FSR | Current/ Base HOB | Proposed Incentive HOB |
|----------------------------|------------------------------------|----------------------|-----------------------------|----------------------|---|
| IN1 General Industrial | B4 Mixed Use | 1:1 | 1.3:1 and 3:1 | 12m | A range from 17m to 67m (2.5m proposed for public domain) |
| | R3 Medium Density Residential | 1:1 | a range from 1.3:1 to 2.2:1 | 12m | A range from 17m to 28m (2.5m proposed for public domain) |
| | RE1 Public Recreation | 1:1 | 3:1 | 12m | 2.5m |
| B6 Enterprise Corridor | B4 Mixed Use (Rosebank College) | 1:1 | 1:1 (no proposed change) | 12m | 12m (no proposed change) |
| | R3 Medium Density Residential | 1:1 | 1.8:1 | 12m | 20m to 28m (2.5m proposed for public domain) |
| R2 Low Density Residential | R3 Medium Density Residential | 0.5:1 | 0.5:1 – 1.4:1 | 8.5m | 8.5m and 17m |

2.2.2 Burwood-Concord Precinct

The planning proposal outlines the intent for the Burwood-Concord Precinct to be a commercial mixed-use centre. The new Burwood Metro will be located at the intersection of Parramatta and Burwood Roads. New mixed use and commercial development is proposed along Parramatta Road and Burwood Road, with high density residential setback from Parramatta Road and stepping down to lower scale residential areas. The proposed public domain upgrades include new open space, local streets, widened footpaths and through site links. The planning proposal seeks to deliver approximately 806 new dwellings and 1,032 jobs in the Burwood-Concord precinct.

To achieve these outcomes, amendments to the LEP are proposed as outlined in Table 4. Refer to Section 2.2.4 for proposed local provisions and Appendix A for proposed mapping amendments. Figure 6 shows the indicative built form outcome for the Precinct.

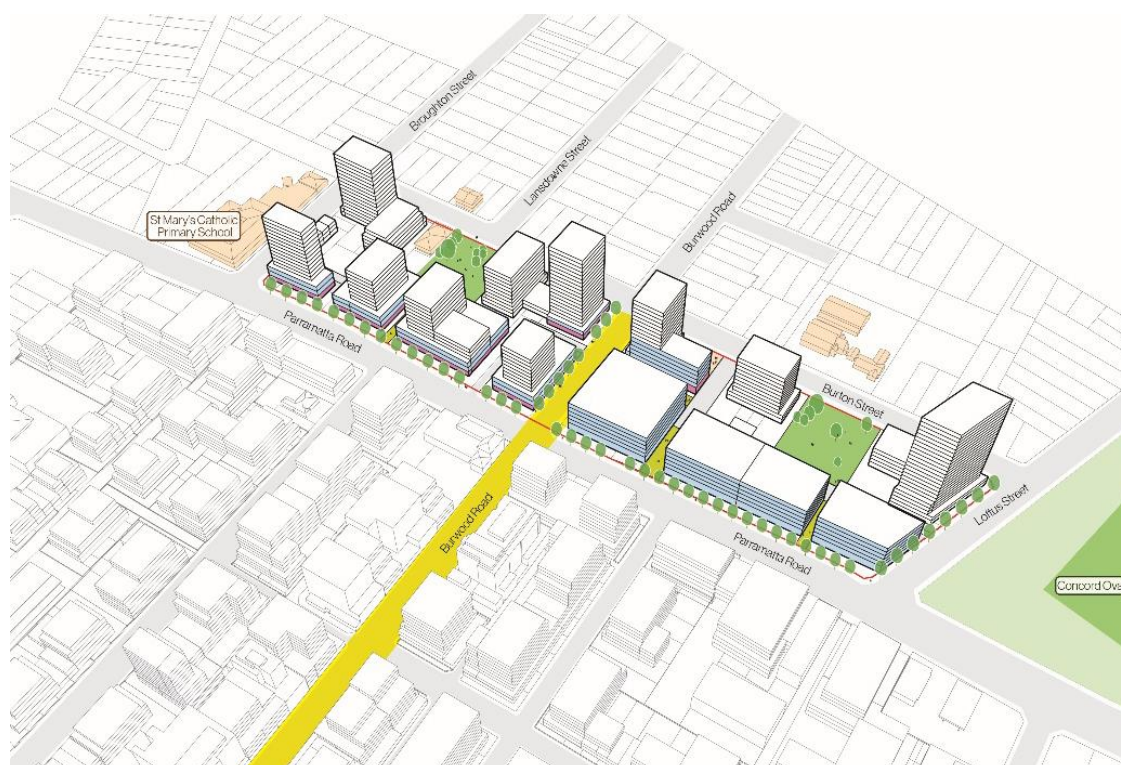


Figure 6 Proposed built form Burwood- Concord (Source: Planning Proposal)

Table 4 Current and Proposed Burwood-Concord Precinct controls

| Current zone | Proposed zone | Current/ Base FSR | Proposed incentive FSR | Current/ Base HOB | Proposed Incentive HOB |
|-------------------------------|-------------------------------|-------------------|------------------------|-------------------|---|
| B6 Enterprise Corridor | B4 Mixed Use | 1:1 to 2:1 | 3:1 | 12m | 40m to 55m (2.5m proposed for public domain) |
| | R3 Medium Density Residential | 2:1 | 3:1 | 12m | 42m |
| R3 Medium Density Residential | B4 Mixed Use | 0.5:1 | 3:1 | 8.5m | 42m and 78m (2.5m proposed for public domain) |
| | R3 Medium Density Residential | 0.5:1 | 0.9:1 and 3:1 | 8.5m | A range from 10.5m to 78m (2.5m proposed for public domain) |
| | SP2 Infrastructure | 0.5:1 | 0.5:1 | 8.5 | 8.5m |

| Current zone | Proposed zone | Current FSR | Proposed FSR | Current HOB | Proposed HOB |
|----------------------------|-------------------------------|---------------|--------------|--------------|--------------|
| R2 Low Density Residential | R3 Medium Density Residential | 0.5:1 | 0.7:1 | 8.5m | 8.5m |
| | RE1 Public Recreation | Nil | Nil | 8.5m | 2.5m |
| SP2 Infrastructure | SP2 Infrastructure | Nil and 0.5:1 | 0.7:1 | Nil and 8.5m | 8.5m |
| | RE1 Public Recreation | Nil | 0.7:1 | Nil | 2.5m |
| RE1 Public Recreation | RE1 Public Recreation | Nil | 0.7:1 | Nil | 8.5m* |

A **Gateway condition** is recommended to clarify the reason for the proposed 8.5m height at 75A Victoria Avenue. The site is occupied by an electricity substation and is currently zoned RE1 Public Recreation. The planning proposal does not seek to rezone the site; however, it seeks to introduce height and FSR controls. The proposed height of 8.5m is inconsistent with the proposed height of 2.5m for other areas zoned RE1 Public Recreation.

2.2.4 Proposed local provisions

| Provision | Explanation of amendments |
|---|---|
| Local Provisions | |
| Infrastructure delivery (Kings Bay and Burwood-Concord) | <p>The planning proposal seeks to introduce provisions to ensure local infrastructure items identified in the PRCUTS Infrastructure Schedule and Council's Public Domain Plan are delivered in the Kings Bay and Burwood-Concord Precincts. This includes public domain improvements, public open space, pedestrian through-site links and local roads.</p> <p>The planning proposal seeks to achieve this by introducing:</p> <ul style="list-style-type: none"> ○ minimum site area and amalgamation requirements for development; ○ local infrastructure requirements for development sites; and ○ Incentive height and FSR provisions (Community Infrastructure height and FSR controls) <p>The proposed incentive height and FSR controls (shown on the proposed Community Infrastructure Height of Buildings Map and Community Infrastructure Floor Space Ratio Map) would be available for development that achieves both the minimum site area and infrastructure requirements. The existing height and FSR controls are proposed to be retained as the 'base' height and FSR controls where proposed development does achieve the minimum site area and infrastructure requirements. Incentive provisions are not proposed in the Homebush North Precinct.</p> <p><i>Note The planning proposal includes draft 'Community Infrastructure Maps' which do not form part of the proposed amendments but identify the proposed local infrastructure requirements in the Kings Bay and Burwood-Concord Precincts. It is intended that the maps will be used for public exhibition.</i></p> <p>Department Comment:</p> <p>The proposed incentive FSR controls are generally consistent with the recommended densities in the PRCUTS, while the proposed height allows FSR from areas identified as local infrastructure to be accommodated ('transferred') to the remaining parts of consolidated development sites.</p> <p>The planning proposal includes 34 items of identified local infrastructure (including new open space, streets, and pedestrian connections) to be delivered on nominated development sites. The proposed infrastructure</p> |

| | |
|--|--|
| | <p>provisions are considered adequate to proceed to public exhibition; however, the final provisions will be subject to further assessment and drafting at finalisation stage.</p> <p>The planning proposal states that the proposed development potential for sites with proposed infrastructure to be delivered is consistent with the recommended densities in PRCUTS.</p> <p>The planning proposal states that feasibility was considered in the formulation of the controls. The Department requests that feasibility advice is provided prior to finalisation to ensure the proposed provisions can be delivered. This advice should also consider other requirements for development sought as part of the planning proposal including design excellence competitions, affordable housing contributions, regional infrastructure contributions, dual reticulation requirements and BASIX targets. A Gateway condition is recommended.</p> <p>The PRCUTS identified that local infrastructure could be funded by local councils through contributions plans and voluntary planning agreements. The planning proposal will also be supported by a draft Infrastructure Strategy and draft contributions plan.</p> |
| Remediation (Kings Bay and Burwood-Concord) | <p>The planning proposal seeks to introduce a new local provision to address potential contamination and remediation in the Kings Bay and Burwood-Concord Precincts. The planning proposal also seeks to introduce a new Remediation Map which identifies land where the provision would apply.</p> <p>The intent of this provision is to allow the consent authority to impose development consent conditions that:</p> <ul style="list-style-type: none"> • require the investigation, sampling and testing of the land; or • require the preparation of a remedial action plan for the land, being a detailed plan for the remediation of any land affected by contamination, or • require remediation of the land or any part of it to an appropriate standard, or • prohibit the construction or erection of a building or the carrying out of work (other than the remediation work) on any part of the site pursuant to the consent until Council accepts a written independent review verifying the remediation for the site area to appropriate standard, or • other kinds of conditions or limitations. <p>This provision is not intended to limit the application of <i>State Environmental planning Policy No 55 – Remediation of Land</i> to the land.</p> |
| | <p>Department comment:</p> <p>The proposed remediation provision seeks to introduce requirements which are already addressed by <i>State Environmental Planning Policy No 55 – Remediation of Land</i>. SEPP 55 sets out requirements for the assessment and management of contaminated land in NSW as part of the development application process.</p> <p>A Gateway condition is recommended to remove this provision (and Remediation Map) from the planning proposal.</p> |
| Sustainability (Kings Bay, Burwood – Concord and Homebush North) | <p>The planning proposal seeks to introduce new sustainability provisions to require development to include sustainable utilities infrastructure, to exceed BASIX energy and water efficiency targets, and introduce tree canopy cover targets for development in all Precincts. The following provisions are proposed:</p> <ul style="list-style-type: none"> • introducing water and energy efficiency targets for development that exceed BASIX. This was recommended by the <i>Canada Bay Sustainable Precincts Strategy 2020</i> and proposes: |

- BASIX Energy 55 (2-3 storeys);
- BASIX Energy 50 (4-5 storeys);
- BASIX 40 (6+storeys);
- BASIX Water 60 for all new dwellings within the Precinct where recycled water is available; and
- BASIX Water 50 for all new dwellings within the Precinct where recycled water is not available
- Requirement for new buildings to contain both potable water pipes and recycled water pipes for the purposes of all available internal and external water uses.
- Introducing a 25% tree canopy requirement for development sites and supporting provisions to ensure 50% shading of communal rooftop or podium spaces, or where not used for open space 75% of the roof area or podium is covered in vegetation, including tree canopy

Department comment

The proposed BASIX targets in the planning proposal are consistent with the energy and water targets recommended in the PRCUTS.

The Department does not have any in-principle objection to the additional sustainability measures however, these should be incentivised. A **Gateway condition** is recommended to require the planning proposal to be updated to confirm the proposed incentive associated with the proposed BASIX targets.

The planning proposal identified two proposed options to implement the BASIX targets for the PRCUTS precincts: an amendment to the *State Environmental Planning Policy (BASIX) 2004* or introducing BASIX targets in the LEP based on the recommendations in the PRCUTS.

The BASIX Higher Standards package is currently on exhibition until January 2022. The exhibition package sets out proposed thermal performance and energy standards for residential development and seeks to establish higher targets than currently required under the BASIX SEPP. The planning proposal may need to be revised at finalisation pending the outcomes of the exhibition and progress of the Higher Standards package.

The reference to the amendment to the BASIX SEPP, as requested in the planning proposal, will need to be removed from the planning proposal prior to exhibition. This is to avoid confusion with the BASIX Higher Standards package being progressed by the Department. This is included as **Gateway condition**.

Further information is required to support the proposed tree canopy provision. The Sustainable Precincts Strategy recommends a 25% tree canopy target at the Precinct level, noting that some sites may achieve a higher target than others. The Department requires confirmation that the proposed 25% target can be achieved on a site-by-site basis. This is to ensure that the proposed site-by-site canopy controls can be realised, noting that the strategy described a general target including public domain.

A **Gateway condition** is recommended to demonstrate that the 25% tree canopy target can be achieved on a site-by-site basis. The supporting provisions relating to rooftop shading and greening are considered more appropriate for inclusion in a DCP and are recommended to be removed from the planning proposal.

Design Excellence

The planning proposal seeks to introduce design excellence provisions for development in the Kings Bay, Burwood-Concord and Homebush North Precincts. The proposed provision would require:

- A competitive design process for development above 28 metres; or

| | |
|--|--|
| (Kings Bay, Burwood - Concord and Homebush North) | <ul style="list-style-type: none"> • A design review panel process for development less than 28 metres. <p>Department comment</p> <p>The Department supports design excellence and high-quality design; however, it is not clear if the cost associated with holding design competitions has been considered in the feasibility testing for development. Further justification will be required to confirm the appropriateness of the design excellence provisions for the PRCUTS Precincts and to determine if incentive (height or FSR) provisions are required to support the design competition requirements for development.</p> <p>It is noted that the Design and Place SEPP will change the process around design excellence and design review panels in NSW. The draft Design and Place SEPP is expected to be exhibited later this year, including a Design Review Guide. The planning proposal may need to be updated prior to finalisation to align with the Design and Place SEPP.</p> |
| <p>Additional Permitted Uses</p> <p>(Kings Bay and Burwood-Concord)</p> | <p>The planning proposal seeks to introduce 'Commercial Premises' as an additional permitted use in the proposed R3 Zone in the Kings Bay and Burwood-Concord Precincts in the following locations:</p> <ul style="list-style-type: none"> • Land in the proposed R3 Medium Density Residential zone in the Kings Bay Precinct fronting Parramatta Road. <p><i>Note: the planning proposal also includes reference to 'Light Industry' and a list of 'compatible uses' in the proposed additional permitted uses provision for the above location.</i></p> <ul style="list-style-type: none"> • Land at 28-30 Burton Street and 32-40 Burton Street, along the frontage to Burwood Road and Niechs Lane in the Burwood-Concord Precinct. <p>The planning proposal seeks to allow commercial premises on the ground floor of residential flat buildings as an additional permitted use in these locations.</p> <p><i>Note: The planning proposal on page 41 identifies the intention to include 'Depot' as an additional permitted use at 15-17 Regatta Road Five Dock (Kings Bay Precinct) to allow the continued use of the site as a council depot. The proposed amendment is not referenced in the explanation of proposed provisions in the planning proposal.</i></p> <p>Department comment:</p> <p>The planning proposed seeks to allow commercial premises and certain light industrial uses on the ground floor of residential flat buildings in the R3 zone in certain locations in the Kings Bay. The proposal also includes a list of specific 'compatible uses' as additional permitted uses for the proposed R3 zone in Kings Bay. The definition of commercial premises includes office premises, business premises and retail premises, but does not include light industry. It is not clear if the planning proposal is seeking to only allow commercial premises or allow light industrial uses and the identified 'compatible uses'. Clarification on the proposed additional permitted uses in the R3 zone for the Kings Bay Precinct is required.</p> <p>The planning proposal also references the inclusion of 'Depot' as an additional permitted use in the Kings Bay Precinct (page 41 of the planning proposal). The planning proposal provides no further detail on this proposed amendment and clarification is required to confirm if any additional permitted uses are proposed for the existing Council depot site.</p> <p>Conditions of Gateway are recommended to confirm the proposed additional permitted uses in Kings Bay Precinct.</p> |
| Flooding | <p>Identify and map flood prone land in the Kings Bay Precinct on the Flood Planning Map.</p> |

| | |
|--|--|
| (Kings Bay) | <p>Department comment:</p> <p>The Department's package of flood prone land amendments came into effect on 14 July 2021. This included a revised planning circular, new guideline, a new mandatory LEP clause and a revised local planning direction (Direction 4.3). The new mandatory LEP clause has removed the reference to flood planning maps from the LEP, with councils to outline flood planning area/s on their website or in the development control plan.</p> <p>The proposed amendment to the Flood Planning Map is inconsistent with the flood prone land amendments package, including <i>Considering Flooding in Land Use Planning Guideline</i> and the new standard instrument clause. It is recommended that Council update the development control plan to identify all flood planning areas in accordance with the Department's <i>Considering Flooding in Land Use Planning Guideline</i>, placing flood maps in the development control plan or on council's webpage.</p> <p>A Gateway condition is recommended to remove the Flood Planning Map amendment from the planning proposal.</p> |
| <p>Active frontage</p> <p>(Kings Bay and Burwood-Concord)</p> | <p>Introduce active frontage controls for certain land in the Kings Bay and Burwood-Concord Precincts. No proposed changed to Clause 6.5 of the Canada Bay LEP.</p> <p><i>Note, the proposed locations for active frontage controls are shown on the proposed Active Street Frontage Map (Appendix A).</i></p> |

The Department exhibited a proposal 'Employment Zones Reform' from 20 May to 30 June 2021 to simplify the employment zones framework. It is currently proposed that the existing zones (which are relevant to this proposal) will be translated as follows:

- **B1 Neighbourhood Centre** to E1 Local Centre zone;
- **IN1 General Industrial** to E4 General Industrial zone; and
- **B4 Mixed Use** to MU Mixed Use.

The Employment Zones Framework may impact B1, B4 and IN1 zoned land (current or proposed) in the planning proposal, requiring updates to the proposal prior to finalisation.

A **Gateway Condition** is recommended to include an advisory reference to the Employment Zones Reform work noting the proposed translation of employment zones as it relates to the proposed amendments. The Department will work closely with Council post-Gateway to address any implications of the Employment Zones Reform.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved, subject to recommended **Gateway Conditions**.

It is noted that the planning proposal contains proposed local clauses prepared by Council to assist in the explanation of provisions. The drafting of local provisions will be undertaken by the Parliamentary Counsel's Office (PCO) at finalisation and may be subject to change. A **Gateway condition** is recommended to include an advisory note that the proposed provisions in the planning proposal have been prepared by Council and that any local clauses will be drafted by PCO at finalisation stage.

2.3 Mapping

The planning proposal includes mapping showing the proposed changes to the Land Zoning, Height of Buildings, Floor Space Ratio, Flood Planning, and Active Street Frontages maps.

The proposed amendment to the Flood Planning Map is to be removed as a **Gateway condition** as outlined above.

The Height of Buildings Map and Floor Space Ratio Map is proposed to be amended for Homebush North Precinct only. Existing height and FSR controls in Kings Bay and Burwood-Concord Precincts will be retained as 'base' controls on the Height of Buildings Map and Floor Space Ratio maps for development in these Precincts.

The planning proposal seeks to introduce 5 (five) new maps to the Canada Bay LEP 2013:

- Design Excellence Map to identify where design excellence provisions apply to development in the Kings Bay, Burwood-Concord and Homebush North Precincts;
- Key Sites Map to identify minimum site area and land amalgamation requirements for development in the Kings Bay and Burwood-Concord Precincts;
- Community Infrastructure Height of Buildings Map for the Kings Bay and Burwood-Concord Precincts to identify incentive height controls for development where minimum site area requirements and local infrastructure requirements are achieved;
- Community Infrastructure Floor Space Ratio Map for the Kings Bay and Burwood-Concord Precincts to identify incentive FSR controls for development where minimum site area requirements and local infrastructure requirements are achieved; and
- Remediation Map to identify land where remediation provisions are proposed in the Kings Bay and Burwood-Concord Precincts.

The proposed Remediation Map will be removed as a **Gateway condition** as outlined in Section 2.2.4. The introduction of a Design Excellence Map also requires consideration having regard to a **Gateway condition** for design excellence provisions outlined at 2.2.4.

The proposed mapping amendments are shown at **Appendix A**.

The planning proposal includes draft 'Community Infrastructure Maps' which do not form part of the proposed LEP mapping amendments but identify the proposed local infrastructure requirements in the Kings Bay and Burwood-Concord Precincts. It is intended that the maps will be used for public exhibition.

3 Need for the planning proposal

The planning proposal seeks to amend the Canada Bay LEP to implement the PRCUTS Stage 1 (2016-2023) release areas.

The planning proposal seeks to align with the Eastern City District Plan (District Plan), Canada Bay Local Strategic Planning Statement (LSPS) priorities and actions, Canada Bay Local Housing Strategy (LHS) and the Canada Bay Affordable Housing Contribution Scheme.

The planning proposal has been informed by the guidelines and recommendations in PRCUTS, and is supported by a comprehensive evidence base, comprising:

- Detailed Precinct master plans to inform proposed controls for each Precinct;
- Public Domain Plan based on the PRCUTS infrastructure schedule;
- Sustainable Precincts Strategy;
- Flood Risk Assessment; and
- Preliminary Site Investigations.

3.1 District Plan

The site is within the Eastern City District and the Greater Sydney Commission released the Eastern City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 6 District Plan Assessment

| District Plan Priorities | Justification |
|--|---|
| Infrastructure and Collaboration | |
| E1 Planning for a city supported by infrastructure | <p>The planning proposal is consistent with Priority E1, which seeks to align increased residential density with infrastructure (including cultural, education, health, community and water infrastructure), jobs and services.</p> <p>The planning proposal includes requirements for the delivery of local infrastructure to support the proposed uplift. The infrastructure requirements have been informed by the PRCUTS infrastructure schedule and Council's Public Domain Plan.</p> |
| Liveability | |
| E3 Providing services and social infrastructure to meet people's changing needs | <p>The proposal is consistent with this priority because it:</p> <ul style="list-style-type: none"> • Encourages new housing and urban renewal near transport, jobs and services to improve accessibility, social inclusion and economic opportunities • incentivises development to deliver local infrastructure including new open space and public domain improvements to support the growing community. |
| E4 Fostering healthy, creative, culturally rich and socially connected communities. | <p>The planning proposal is consistent with this priority as it aims to ensure walkable and mixed-use neighbourhoods, is supported by improved connections and open space. The planning proposal is supported by Precinct masterplans which establish a place-based approach with detailed analysis and recommended built form and public domain outcomes to promote permeability, connectivity and accessibility.</p> |
| E5 Providing housing supply, choice and affordability, with access to jobs, services and public transport. | <p>The proposal is consistent with this Priority because it:</p> <ul style="list-style-type: none"> • seeks to increase housing supply in the PRCUTS Precincts, including a range of housing types (ranging from low, medium and high-density housing types) • will increase housing supply by approximately 4,155 dwellings to meet the growing needs of households in Canada Bay LGA • promotes new mixed-use centres that will provide jobs and services close to new homes and public transport. |
| E6 Creating and renewing great places and local centres, and respecting the District's heritage | <p>The planning proposal is seeking to implement PRCUTS to renew and revitalise the Homebush North, Kings Bay and Burwood-Concord Precincts. The planning proposal is supported by a comprehensive evidence base, including Precinct master plans to ensure the planning proposal is a place-based approach to renewal.</p> <p>The planning proposal does not seek to change existing heritage conservation provision or heritage listings. Existing heritage items have been considered in Council's master planning process.</p> |
| Productivity | |

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| E10 Delivering integrated land use and transport planning and a 30-minute city | <p>The proposal is consistent with this Priority which encourages integrated land use and transport to deliver a 30-minute city, as it:</p> <ul style="list-style-type: none"> • provides opportunities for increased housing growth near existing centres and transport • promotes mix-used centres, providing local jobs, services and amenities close to new homes • Proposes new connections and an improved public domain to encourage walking and cycling for local trips |
| E12 - Retaining and managing industrial and urban services land | <p>The PRCUTS 2016 provides for a diversity of jobs and housing to meet the needs of a broad cross-section of the community. This strategy guides the incremental transformation of the Parramatta Road Corridor in line with the delivery of necessary infrastructure. Provisions for development consistent with the Parramatta Road Corridor are made under section 9.1 Direction 7.3.</p> <p>The PRCUTS reflects an extensive process undertaken and therefore the District Plan specifies that land subject to PRCUTS is not subject to the industrial land strategies and actions of the District Plan.</p> |

Sustainability

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| E17 Increasing urban tree canopy cover and delivering Green Grid connections | <p>The planning proposal is consistent with this priority. The planning proposal seeks to introduce a requirement for 25% tree canopy with development sites.</p> <p>The Eastern District Plan identifies several green grid opportunities that pass through or beside the precincts. The proposal seeks to deliver a network of green links to key green grid corridors.</p> |
| E18 Delivering high quality open space | <p>The planning proposal is consistent with this priority as it facilitate the delivery of new public open space and improved footpaths and cycleways to improve access to existing and future parks. The planning proposal is supported by Precinct master plans and a public domain plan</p> |
| E19 - Reducing carbon emissions and managing energy, water and waste efficiently | <p>The planning proposal is consistent with this priority as the planning proposal seeks to introduce provisions to require development to provide dual reticulation water (potable and recycled water) and to encourage development to exceed BASIX targets for water and energy efficiency. The planning proposal also includes tree canopy targets to increase vegetation in the precincts.</p> <p>The supporting draft DCP includes NABERS targets for energy and water for non-residential development, consistent with the recommendations in the PRCUTS.</p> |
| E20 - Adapting to the impacts of urban and natural hazards and climate change | <p>The planning proposal is supported by the draft Concord West Flood Study and Flood Risk Assessment for the Kings Bay and Burwood Precincts 2020. The planning proposal is consistent with the recommendations of the flood studies, including introducing a flood planning provisions for the Kings Bay Precinct. The planning proposal has deferred parts of the Homebush North Precinct, subject to further flood studies being completed to determine land suitably.</p> <p>The planning proposal also seeks to introduce sustainability provisions, including energy and water efficiency and tree canopy to improve resilience and reduce urban heat.</p> <p>The PRCUTS is located near an existing high-pressure gas pipeline operated by Jemena. The Gateway condition is recommended to consult with Jemena during public exhibition.</p> |

3.2 Parramatta Road Corridor Urban Transformation Strategy

The planning proposal seeks to implement the PRCUTS. The PRCUTS was released by State government in November 2016 and sets out a vision and framework to guide renewal and redevelopment along the Parramatta Road corridor.

The PRCUTS is supported by Planning and Design Guidelines outlining recommended controls, an Infrastructure Schedule outlining local and state infrastructure upgrades, and an Implementation Guide to inform staging. A Section 9.1 Ministerial Direction requires planning proposals to be consistent with the PRCUTS (refer to Section 3.5 for further discussion on Direction 7.3 *Implementation of Parramatta Road Corridor Urban Transformation Strategy*).

The PRCUTS states that *the guidelines will inform future controls in local environmental plans and development control plans by providing development principles and controls for land within the Corridor that should be considered when the Strategy is being implemented through rezoning proposals*.

The PRCUTS includes recommendations to guide future development, including land use zoning, height and density controls, infrastructure upgrades including new open space and connections, affordable housing contributions, carparking rates, and sustainability outcomes.

The planning proposal states that the guidelines and recommendations of the PRCUTS, with an additional evidence based prepared by Council, have informed the proposal. This includes precinct masterplans prepared by Council, which contain detailed site analysis and built form testing to refine the recommendations in the PRCUTS to:

- deliver the recommended densities and yields in the PRCUTS;
- analyse and test the PRCUTS recommendations to inform detailed planning controls for sites;
- refine and identify local infrastructure requirements and public domain improvements to support development;
- enable land within development sites to be set aside and delivered as infrastructure without reducing the proposed development potential across amalgamated sites;
- facilitate the delivery of local infrastructure by limiting height on land identified as public domain and increasing height in other areas to accommodate the total proposed FSR; and
- generally align with the landownership of recently amalgamated sites.

The planning proposal states that the proposed amendments are generally consistent with PRCUTS recommendations, with some variation. The proposal states that the variations deliver better urban design outcomes and are the result of Council's strategic planning process. These variations include:

1. maximum building height and FSR controls on some sites based on Council's Precinct master plans, detailed site testing and infrastructure delivery provisions.
2. rezoning to B4 Mixed Use rather than R3 Medium Density Residential at:
 - i. the Council depot site in Kings Bay Precinct to retain the current function of the site and provide operational flexibility for Council; and
 - ii. in the Burwood Precinct to create a continuous B4 mixed-use zone on Sydney Metro land.
3. deferral of certain sites in the Homebush North Precinct (subject to further investigation and future planning proposals).

The Department's analysis of the planning proposals consistency against Section 9.1 Ministerial Direction 7.3 is discussed in **Section 3.5 of this report**. This is supported by the Department's detail analysis of the proposed variations to PRCUTS discussed in **Appendix B of this report**.

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 7 Local strategic planning assessment

| Local Strategies | |
|------------------------------------|--|
| Local Strategic Planning Statement | <p>The planning proposal is consistent with Council's LSPS including the following actions:</p> <p>1.2 Collaborate with neighbouring Councils, Transport for NSW and the Department to enable dedicated rapid public transport and place-based outcomes along Parramatta Road Corridor.</p> <p>5.5 Requires that a minimum of 5% of the Gross Floor Area of new development to be dedicated as affordable housing for the PRCUTS Precincts.</p> <p>Council's Affordable Housing Contribution Scheme was adopted August 2020 and requires 4% of residential floorspace in the PRCUTS Precincts to be provided as affordable housing. The exception is 3 King Street and 176-184 George Street in Homebush North where 5% of additional floorspace is required as affordable housing.</p> <p>The affordable housing contributions rates in Council's Affordable Housing Contribution Scheme were based on feasibility testing that determined 4% to be feasible across the PRCUTS precincts (with the exception noted above).</p> <p>5.6 Ensure that Planned Precincts, Parramatta Road Corridor and redevelopment of large sites deliver a diversity of housing types ranging from terraces to apartments.</p> <p>The planning proposal ensures a range of housing types including terrace housing in Homebush North and mid to high rise apartment buildings. The Canada Bay LEP contains provisions to require a mix of apartments types to be provided in residential and mixed-use developments.</p> <p>6.5 Prior to land use change occurring on the site known as 1- 7 King Street, Council's Socio Economic Study is to be updated to respond to Government policies.</p> <p>The planning proposal does not propose any change to the planning controls at 1-7 King Street. Any proposed land use change will be subject to further investigation and a separate planning proposal.</p> <p>9.2 Ensure plans for the new Local Centre at Spencer Street in the Kings Bay Precinct deliver fine grain retail frontages along Spencer Street, with large floor plate uses sleeved behind; large bulky goods retail concentrated along Parramatta Road; high floor to ceiling heights on the ground and second floor; material and finishes that reinforce the industrial character; and consistency with PRCUTS and 'movement and place'.</p> <p>The Precinct master plan sets out recommended controls to ensure adequate ceiling heights and fine grain frontages. It is recommended these controls are included in the draft DCP.</p> <p>9.7 Ensure that B4 Mixed Use Zones and B1 Neighbourhood Centres maintain a substantial retail, office and commercial focus.</p> <p>The planning proposal includes active frontage provisions for the B4 zone in the Kings Bay and Burwood-Concord Precincts to ensure retail, office and commercial uses on street frontages.</p> |

| Local Strategies | |
|------------------------|---|
| | <p>10.1 Investigate and encourage new mixed-use forms, larger format uses and urban support services on Parramatta Road ground floor development in Kings Bay Precinct.</p> <p>The Precinct master plan for Kings Bay identifies opportunities for mixed use development and larger format uses in the indicative built form for the Precinct. Provisions to encourage this form of development should be included in the draft DCP.</p> <p>10.2 Ensure that Kings Bay Precinct has access from roads other than Parramatta Road; double height ceilings for Parramatta Road ground floor uses; rear lane low bay access for small trucks and customer parking; and shared loading docks for non-residential uses.</p> <p>The planning proposal ensures access from Parramatta Road is restricted and proposes new streets and access ways to service development sites. The detailed design of buildings and servicing arrangements will be a matter to be addressed at the development application stage.</p> <p>14.3 When preparing planning studies and controls, create links to habitat sites through canopy cover, the Green Grid and waterways, and improve planting of shrubs and understory vegetation.</p> <p>16.5 Ensure that Master Plans and Precinct Plans achieve a minimum of 25% canopy cover.</p> <p>Council proposes to introduce a new LEP clause specifying tree canopy, and vegetation cover. The Department supports increasing tree canopy and reducing urban heat, however controls relating to tree canopy require further justification and some provisions maybe more appropriate for inclusion in the draft DCP (rather than the LEP).</p> <p>17.1 Consider and implement the Social Infrastructure (Open Space and Recreation) Strategy, including delivery of sports fields and courts; passive recreation; new open space in North Strathfield, Concord West and along the Parramatta Road Corridor; a new park in the Strathfield Triangle; expansion of Fred Kelly Place; and increased indoor recreation.</p> <p>The planning proposal includes provisions to deliver new open space in the Kings Bay and Burwood-Concord Precincts.</p> <p>18.1 Advocate for increased BASIX water and energy targets.</p> <p>The planning proposal includes provisions for increased BASIX targets for water and energy. As previously noted, any provision to exceed BASIX targets must be incentivised.</p> <p><i>Note: the BASIX Higher Standards package is currently on exhibition until January 2022. The exhibition package sets out proposed thermal performance and energy standards for residential development and seeks to establish higher targets under the BASIX SEPP. The planning proposal may need to be revised at finalisation pending the outcomes the exhibition of the BASIX Higher Standards.</i></p> <p>18.3 Where appropriate, develop controls to compel developers to connect to planned recycled water schemes for all non-potable water uses.</p> <p>The planning proposal includes a requirement for development to provide dual reticulation pipes (potable and recycled water). The Department notes a similar provision is proposed for the Rhodes Precinct under the Canada Bay LEP.</p> |
| Local Housing Strategy | <p>The Housing Strategy was endorsed by the Department on 10 May 2021, subject to Council satisfying certain requirements in the Approval and advisory notes. The LHS identifies the implementation of PRCUTS as a key</p> |

| Local Strategies | |
|---|---|
| | <p>housing priority, with the Stage 1 release areas delivering 4,155 dwellings to Council's 6-10-year housing supply.</p> <p>This proposal is important for delivery of housing in the LGA, as this proposal delivers 74% of the ten-year housing target, as forecast by the Canada Bay LHS.</p> <p>The planning proposal is consistent with Action 1 as it will deliver high density housing in the form of apartments as outlined in PRCUTS.</p> <p>The estimated yields to be achieved across the three Stage 1 areas will enable Council to exceed the 6-10 year housing target of 3,800 new dwellings (2021-2026). It will also contribute towards achieving Council's 10-20 year housing target of 12,500 new dwellings. Additional housing supply is also provided by the recent rezoning of the Rhodes Precinct.</p> <p>The LHS identifies a need for more diverse housing types including medium density housing. Consistent with Action 2, the planning proposal provides a range of housing types including medium density housing, medium scale apartments and high-density apartments. The Canada Bay LEP (Clause 6.11) contains provisions requiring a mix of apartment types to be provided in new developments. This provision would apply to any future residential and mixed-use development to ensure a range of apartment types are provided.</p> <p>Consistent with Action 5, the planning proposal will ensure affordable housing is provided. The Canada Bay Affordable Housing Contribution Scheme requires a minimum contribution of 4% affordable housing to be provided across the PRCUTS precincts based on feasibility testing (exception for 3 King Street and 176-184 George Street in Homebush North where 5% applies).</p> |
| Social Infrastructure (Open Space and Recreation) Strategy and Action Plan (2019) | <p>The Social Infrastructure (Open Space and Recreation) Strategy and Action Plan provides the evidence base to support Council's short-long term planning for open space and recreation.</p> <p>The Strategy finds that new open space is needed to meet the needs of the growing population in Canada Bay. Action 2.11 aims to ensure that planned open space in the PRCUTS is delivered to a high quality and provides a range of recreation opportunities including achieving benchmarks of:</p> <ul style="list-style-type: none"> • All dwellings should be within 400m of public or communal open space of at least 0.3ha • All high-density dwellings should also be within 200m of open space of at least 0.1ha <p>Action 2.2 as it will provide new open space in Kings Bay and Burwood-Concord to ensure residents have access to high quality open space in these Precincts. The planning proposal is consistent with this Strategy.</p> |
| Urban Tree Canopy Strategy (2019) | <p>The Strategy seeks to implement the vision, priorities, and actions to manage the urban forest and increase canopy cover by at least 25% by 2040.</p> <p>The Proposal is consistent with the Strategy as it includes a 25% tree canopy target for new development. The Public Domain Plan which supports the planning proposal includes 25% tree canopy.</p> |

3.4 Local Planning Panel recommendation

The Local Planning Panel (LPP) considered the planning proposal 18 February 2021. Council's response to the advice provided by the LPP is outlined in the table below.

Table 8 Council's response Local Planning Panel

| Panel advice | Council Comments |
|--|---|
| Planning Proposal may be premature, given the fact that the Precinct wide corridor traffic study has not been finalised. The outcomes of the study may require densities and other controls to be revisited. | <p>Finalisation will be contingent on the traffic study noting any recommendations can be addressed during the plan making process. Council noted this may involve re-exhibition of the plan.</p> <p><i>Note by DPIE: The update to Direction 7.3 and the PRCUTS Implementation Update 2021 allows planning proposals to proceed to gateway and exhibition prior to completion of the Precinct-wide traffic study. The outcomes and recommendations of the traffic study will need to be addressed prior to finalisation of the planning proposal.</i></p> |
| Concern about the loss of urban services land in the Kings Bay Precinct (IN1/B6 zoned lands). | The PRCUTS identifies this land for residential and mixed-use purposes. The Eastern City District Plan states that the PRCUTS is not subject to the industrial land strategies and actions of the District Plan. The Planning Proposal is also generally consistent with 9.1 Direction 7.3 for the Parramatta Road Corridor. |
| A draft DCP to be exhibited with the planning proposal to ensure the character of the evolving Precincts is understood by the community. | Council has prepared a supporting draft DCP for the PRCUTS Precincts with the intention that the document be exhibited concurrently with the planning proposal. |
| <p>Council should seek advice to ensure that its approach to the delivery of public amenity via land dedication to Council (open space, widened footpaths, new laneways and through site links) is legal. Council should ensure that desired outcomes are not lost through the Development Application process.</p> <p>The Panel notes that this approach needs to be clearly articulated in the Development Control Plan, the Development Contributions Plan and potentially the LEP.</p> | <p>Council sought advice regarding the proposed planning mechanism to deliver public infrastructure. The advice has confirmed that the draft plan is robust and enforceable.</p> <p>The proposed infrastructure and public domain works are needed to support the population growth that will be facilitated by PRCUTS.</p> <p>It is intended that the proposed mechanism for the delivery of infrastructure will be reinforced through the LEP, DCP and the PRCUTS Infrastructure Strategy.</p> <p>Council note that the planning proposal is not dissimilar to other plans that have been made (e.g. Lane Cove Council's St Leonards South Precinct).</p> |
| A 25% urban tree canopy target will need trees to be provided in the public domain and on private land. | The planning proposal is seeking to introduce a requirement for development sites to achieve 25% canopy cover and introduce supporting controls for greening of rooftop spaces. |
| Consider the introduction of a landscaped area control for Medium Density zones and a minimum landscaped area requirement of 30% and 40%, which is comparable to other relevant LGAs. | A minimum landscape area is being considered for inclusion in Council's DCP. |
| Consideration should be given to applying a single storey height limit (in metres) to areas of open space to enable structures within parks. | The planning proposal includes a proposed 2.5m maximum height limit for areas of open space, pedestrian through-links and roads on private land. |
| The proposed amalgamation pattern should be clearly identified as a requirement in a DCP. There should be recognition that achieving FSR and | The planning proposal includes mechanisms to deliver public infrastructure, including an amalgamation map in the LEP (proposed Key Sites Map). The planning proposal will be |

| Panel advice | Council Comments |
|--|--|
| heights is a function of the land use and achieving the amalgamation patterns. Smaller sites cannot expect to achieve the FSR/heights identified | supported by an Infrastructure Strategy, which is intended to be exhibited concurrently with the planning proposal. |
| Homebush Precinct | |
| Council should have a policy position on the future of 1-7 King Street, Concord West, which is proposed to be retained as IN1 General Industrial. B7 Business Park zone is consistent with PRCUTS and more relevant to the existing use of the site. Consider amending the PRCUTS recommended 8.5m height limit to be compatible with the current height of the building, 8.5m surrounding context (e.g. 11.0m) and a reasonable floor to ceiling height for offices in a business park environment. | <p>Action 6.5 of the <i>Canada Bay Local Strategic Planning Statement</i> requires Council undertake a Socio-Economic Study prior to any land use change in this location. The study will inform a policy position for Council. It will consider matters including the PRCUTS and Metro. It would be premature to develop a policy position for the site until that work is complete, given the unknown impacts that Metro could have on land uses for the site.</p> <p>The rezoning of the site at 1-7 King Street Concord West is deferred until further studies are complete. The site's IN1 General Industrial zoning is not proposed to change in this planning proposal.</p> |
| Implications of flooding impacts on built form. It is not clear whether height limits have been taken PMF levels into account. | Land identified as being affected by a 1 in 100-year flood event in the Concord West Flood Study have been deferred from the planning proposal subject to further flood studies being completed. |
| Consider interface between 202 George Street (proposed height of 16-22m) and adjoining 8.5m residential. Needs detailed design controls in a DCP with particular attention to setbacks and open space around buildings. | The planning proposal was revised to remove any proposed amendments for 202 George Street due to flooding concerns. Potential interface issues will be considered in any future planning proposal for 202 George Street. |
| Timing of infrastructure upgrades, such as at Pomeroy and George Street, will influence the capacity of the Precinct to accommodate change or a greater intensity of development. | A draft business case is being finalised for submission to INSW, for application for construction funding. Detailed design is anticipated for finalisation in mid to late 2021. Stage 2. The timeframe for construction is pending stage 2 funding approval. |
| Burwood / Kings Bay | |
| Proposed widening of Queens Road to deliver an enhanced footpath and public domain is supported. It is important that this outcome is delivered through the DCP and, where relevant, a contributions plan. | The proposed amendments to the planning proposal to deliver public infrastructure, amendments to the DCP and proposed revisions to the Contributions Plan will address this. |
| Various issues regarding height variations, setbacks, widening and extending laneways, heritage curtilage and minor errors and inconsistencies. | Council revised the planning proposal to address these concerns prior to the planning proposal being submitted to the Department for Gateway assessment. |
| The Department is satisfied with Council officer's response to the Local Planning Panel's recommendation above. | |

3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 9 9.1 Ministerial Direction assessment

| Direction | Consistent / Not applicable | Reasons for Consistency or Inconsistency |
|--------------------------------------|-----------------------------|---|
| 1.1 Business and Industrial Zones | Inconsistent but justified | <p>The direction applies as the proposal seeks to rezone existing IN1 General Industrial and B6 Enterprise Corridor to B4 Mixed Use, R4 High Density Residential and RE1 Public Recreation.</p> <p>A planning proposal may be inconsistent with the terms of this direction if the provisions of the proposal are justified by a strategy which considers the objectives of this direction, identifies land which is the subject of the proposal, and is endorsed by the Department of Planning and Environment.</p> <p>The planning proposal is consistent with the PRCUTS and Eastern City District Plan and therefore any inconsistency with this Direction is justified.</p> |
| 2.3 Heritage Conservation | Consistent | <p>The planning proposal is consistent with this Direction as it does not seek to amend any heritage listings or heritage conservation provisions.</p> |
| 2.6 Remediation of Contaminated Land | | <p>The planning proposal seeks to rezone land used for industrial and purposes, including automotive repairs/workshops, for residential purposes. The planning proposal is supported by a Preliminary Site Investigation which identified the potential for soil and groundwater contamination within the Precincts but did not identify any potential for significant or widespread contamination that would preclude rezoning of the sites.</p> <p>The investigation concluded that the land could be made suitable for residential purposes and that contamination could be appropriately assessed and managed at the DA stage, through detailed site investigations in accordance with the requirements of State Environmental Planning Policy No 55 – Remediation of Land.</p> <p>The planning proposal seeks to introduce a remediation clause which would identify areas within the PRCUTS Precincts that may be potentially contaminated and requirements for development, including a requirement for land to be remediated prior to development consent being issued for development. The provision is similar to the requirements of the State Environmental Planning Policy No 55 – Remediation of Land which requires contamination to be considered and addressed as part of the development application process. The proposed remediation provision is recommended to be removed from the planning proposal. A Gateway condition is recommended to remove this provision.</p> |
| 3.1 Residential Zones | Consistent | <p>The objective of this direction is to encourage a variety of housing types, make efficient use of infrastructure and minimise impacts of residential development.</p> <p>The proposal seeks to facilitate new housing and ensure there is adequate infrastructure for the increased housing capacity. The planning proposal seeks to deliver Stage 1 of the PRCUTS. The</p> |

| Direction | Consistent / Not applicable | Reasons for Consistency or Inconsistency |
|--------------------------------------|-----------------------------|--|
| | | <p>planning proposal would facilitate approximately 4,155 new homes across the Precincts:</p> <ul style="list-style-type: none"> • 2,779 dwellings in the Kings Bay • 806 dwellings in the Burwood-Concord • 570 dwellings in the Homebush North <p>The planning proposal is consistent with this Direction as it will deliver a range of housing types, including terrace housing, medium scale apartments and high-density apartments along Parramatta Road. Existing provisions in the Canada Bay LEP (Clause 6.11 and 6.12) will ensure a variety of apartment types and affordable housing is provided in the Precincts.</p> <p>The planning proposal is generally consistent with the recommended residential densities in PRCUTS and is supported by detailed Precinct master plans and infrastructure delivery provisions to ensure existing infrastructure is maximised and new local infrastructure is planned and identified.</p> |
| 3.4 Integrating Land Use & Transport | Consistent | <p>The planning proposal is consistent with this Direction as:</p> <ul style="list-style-type: none"> • The planning proposal seeks to concentrate new residential and commercial development and services in mixed use centres aligned PRCUTS; • The planning proposal will facilitate an improved walking and cycling network and permeability with new streets, and pedestrian and cycling connections; and • It aims to improve road management by prioritising movement along Parramatta Road, limiting vehicular access from Parramatta Road, and identifying new street and servicing arrangements. <p>The planning proposal is progressing prior to the completion of the Precinct-wide traffic studies (consistent if the <i>PRCUTS Implementation Update 2021</i>) which are expected to be completed late 2021. The planning proposal may need to be updated based on the recommendations of the traffic studies and consultation with Transport for NSW.</p> <p>A Gateway condition is recommended to require the planning proposal to be updated to address the recommendations of the Precinct-wide traffic studies.</p> |
| 4.1 Acid Sulfate Soils | Consistent | <p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>The proposal seeks to intensify land uses on land identified as having a probability of containing Class 2 and Class 5 acid sulfate soils. Future development will need to consider Clause 6.1 Acid Sulfate Soils in the LEP, including the requirement for an acid sulfate soils management plan be prepared prior to a development consent being granted.</p> <p>The existing provisions in the LEP are considered adequate to manage and prevent environmental damage arising from exposure of acid sulphate soils.</p> |

| Direction | Consistent / Not applicable | Reasons for Consistency or Inconsistency |
|--------------|--|--|
| 4.3 Flooding | Inconsistent but justified, or resolved through a Gateway condition | <p>Direction 4.3 aims to ensure appropriate consideration of flood prone land in line with government policies and plans when a planning proposal seeks to create, remove or alter a zone or a provision that affects flood prone land.</p> <p>Direction 4.3 was updated 14 July 2021, following the planning proposal being submitted for Gateway Determination. An assessment of the proposal's consistency with the updated Direction 4.3 has been undertaken.</p> <p><u>Homebush North Precinct</u></p> <p>The Draft Concord West Flood Study (2015) identifies flood prone land in the Homebush North Precinct. The planning proposal does not propose an changes to the zoning of flood affected lots in the Homebush North Precinct. This includes land at 7 Concord Avenue, 2 Station Avenue, 2020 George Street, 71-73 Victoria Avenue and residential properties west of King Street and north of Victoria Avenue. Council has commenced a flood study for the Powell's Creek catchment which is expected to be completed mid-2022. The flood study will inform any future land use change and planning proposal for deferred areas in the Homebush North (areas identified above).</p> <p><u>Kings Bay Precinct</u></p> <p>Council has undertaken the Parramatta Road Corridor Flood Risk Assessment (2020) for the Kings Bay and Burwood-Concord Precincts. The assessment was prepared in accordance with the technical requirements of the Floodplain Development Manual 2005 and consistent with Council's existing flood planning controls.</p> <p>The study identified land in the Kings Bay Precinct, within the vicinity of William and Spencer Streets subject to flooding in a 1% AEP event. The flood risk is limited to properties fronting Spencer Street, with flood depths ranging from 15cm to 1m with the greatest depth concentrated within the Spencer Street road reserve.</p> <p>Based on the proposed built form in the PRCUTS, the Flood Risk Assessment identified that the planning proposal would result in decreased flood levels within the Precinct, but an increase to flood levels downstream of more than 0.01m.</p> <p>The planning proposal seeks to permit a significant increase in the development in the Kings Bay Precinct; however, the planning proposal does not seek to permit development in any floodway areas or allow development for the purpose of residential accommodation in high hazard areas.</p> <p>To address flood risk and mitigate any impacts as part of future development, the planning proposal seeks to introduce a flood planning level equal to the 1 in 100-year flood level plus freeboard for the Kings Bay Precinct. The introduction of the flood planning level will ensure future development is designed above the flood planning level, mitigates flood risk and ensures development does not result in significant impact to other properties.</p> <p>The planning proposal seeks to amend the Flood Planning Map to identify land within the flood planning area in the Kings Bay Precinct. As outlined in Section 2.2.4, a Gateway condition is recommended to remove the Flood Planning Map from the planning proposal.</p> |

| Direction | Consistent / Not applicable | Reasons for Consistency or Inconsistency |
|--|--|---|
| | | <p>Information in the flood planning is to be included in Council's DCP or on the website instead.</p> <p>The inconsistency with subclause 6 (c) is justified as the planning proposal is supported by a Flood Risk Assessment prepared in accordance with the principles of the Floodplain Development Manual 2005 and Council's existing flood planning controls.</p> <p>Council's LEP and DCP contain existing provisions to ensure flood risk is assessed and mitigated in the detailed design of buildings and the public domain.</p> |
| 6.1 Approval and Referral Requirements | Consistent | The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. The proposal does not seek to increase requirements for concurrence, consultation or referral and does not identify any developments as designated development. |
| 6.2 Reserving Land for Public Purposes | Consistent | The proposal does not seek to identify or remove land for acquisition for public purpose. The planning proposal identifies land to be dedicated for a public purpose through incentive height and FSR controls. |
| 6.3 Site Specific Provisions | Consistent | <p>The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.</p> <p>The planning proposal includes detailed provisions to implement the PRCUTS and deliver local infrastructure, but the proposed provisions are not considered to be unnecessarily restrictive.</p> |
| 7.3 Parramatta Road Corridor Urban Transformation Strategy | Inconsistent - minor and justified, and resolved through Gateway conditions | <p>This Direction applies to planning proposals within the PRCUTS. Planning proposals must demonstrate consistency with the PRCUTS, including the Planning and Design Guidelines, Implementation Plan and Implementation Update 2021. Planning proposals must also address state infrastructure requirements.</p> <p>The planning proposal is consistent with the strategic actions in the PRCUTS; however, minor variations to the Planning and Design Guidelines have resulted from Council's detailed Precinct master planning work and alignment with concept planning being undertaken by Sydney Metro West for Burwood North Metro. Any inconsistency is considered minor as the recommended yields, vision and outcomes outlined in PRCUTS are intended to be achieved in the planning proposal. An overview of the variations to PRCUTS is provided in Appendix B.</p> <p>The planning proposal seeks to introduce infrastructure delivery provisions in the Canada Bay LEP to facilitate the delivery of local infrastructure identified in the PRCUTS infrastructure schedule and Councils Public Domain Plan. The planning proposal contains provisions requiring local infrastructure to be provided as part of development, but the planning proposal does not include a requirement for land to be adequately serviced prior to development or seek to introduce satisfactory arrangements provisions for state infrastructure.</p> <p>A Gateway condition is recommended to require the planning proposal to be updated to address state infrastructure requirements. It is noted that infrastructure reforms currently being progressed by NSW Government may result in the introduction of a regional infrastructure</p> |

| Direction | Consistent / Not applicable | Reasons for Consistency or Inconsistency |
|-----------|-----------------------------|---|
| | | <p>contribution (RIC) for all developemnt in Greater Sydney. The planning proposal may need to be revised pending the progression and implementation of the infrastructure reforms. The Department will work with Council as part of the finalisation of the planning proposal to identify any implications.</p> <p>Direction 7.3 was recently updated (including the <i>PRCUTS Implementation Update 2021</i>) to allow planning proposals to proceed to Gateway and exhibition prior to completion of the Precinct-wide traffic studies. The traffic studies will need to be completed any recommendations addressed via updates to the planning proposal prior to finalisation.</p> <p>A Gateway condition is recommended to require the planning proposal to be updated to incorporate any recommendations from the Precinct-wide traffic studies prior to finalisation.</p> |

3.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs. Relevant SEPP's are discussed in the table below.

Table 10 Assessment of planning proposal against relevant SEPPs

| SEPP | Requirement | Proposal |
|--|--|---|
| SEPP 55 — Remediation of Land | Aims to promote the remediation of contaminated land to reduce risk to human health. | <p>The planning proposal is supported by a Preliminary Site Investigation which identifies potential for contamination on land in the Precincts. The investigation concluded that the land could be made suitable for residential purposes and that contamination could be appropriately assessed and managed at the DA stage, through detailed site investigations in accordance with the requirements of SEPP 55.</p> <p>The planning proposal seeks to introduce a new provision that would require sites in the PRCUTS Precincts identified as being potentially contaminated to be remediated prior to any works or development. SEPP 55 establishes a consistent state-wide approach to the assessment and management of potentially contaminated land in NSW. A local provision in the LEP is not required (refer to discussion in Table 7).</p> |
| SEPP 65 —Design Quality of Residential Apartment Development | Aims to improve the design quality of residential apartment development in NSW. | <p>SEPP No. 65 includes design principles that are required to be considered for residential flat buildings or mixed-use developments that have a residential component.</p> <p>The Apartment Design Guide supports SEPP 65 and sets out design considerations and criteria for residential development. Part 2 of the Apartment Design Guide sets out strategic planning considerations, including height, FSR and siting controls for development. The planning proposal is</p> |

| | | |
|--|--|---|
| | | <p>supported by Precinct master plans which provide detailed site analysis and built form testing (informed by the Planning and Design Guidelines in PRCUTS), and include building envelopes, siting, setbacks, and solar diagrams to support the proposed height and density controls.</p> <p>The planning proposal will also be supported by a draft DCP that includes provisions relating to building siting, building envelopes, setbacks, and landscaping requirements (minimum landscaped area).</p> <p>A further comprehensive assessment of compliance with SEPP 65 and the Apartment Design Guide will be undertaken at the development application stage.</p> |
| SEPP (Infrastructure) 2007 | The ISEPP sets out requirements for development adjacent to road corridors to ensure development does not impact the function of the road, and that any impacts are addressed. | <p>The planning proposal includes land in the Kings Bay and Burwood-Concord Precincts with frontage to a classified road. The planning proposal includes provisions that seek to restrict vehicular access to Parramatta Road, and measures to reduce noise and air quality impacts. This includes a 6m landscaped setback to Parramatta Road, non-residential uses at ground level and locating open space away from Parramatta Road.</p> <p>Future development applications will need to demonstrate compliance with the requirements in the ISEPP (Subdivision 2). This will ensure that any potential impacts of road noise are addressed and mitigated in the detailed design stage.</p> |
| SEPP 70 — Affordable Housing (Revised Schemes) | SEPP 70 promotes the delivery and maintenance of affordable housing and establishes a mechanism for the imposition of conditions relating to affordable housing contribution (as per S7.32 of the EP&A Act). | <p>The planning proposal is supported by the Canada Bay Affordable Housing Scheme.</p> <p>Council's Affordable Housing Contribution Scheme requires new residential development in the PRCUTS Precincts to provide a minimum of 4% of residential floorspace as affordable housing based on feasibility testing (with exceptions noted above).</p> |
| SEPP (Building Sustainability Index: BASIX) 2004 | The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State. | <p>The Building Sustainability Index (BASIX) requirements apply to all residential dwelling types and establish targets for water and energy efficiency and thermal performance.</p> <p>The planning proposal is seeking to introduce provisions for development to exceed BASIX targets for water and energy. The targets are consistent with the recommended BASIX targets in PRCUTS.</p> <p>A planning proposal may seek to incentivise higher BASIX targets, but this must not be a mandatory requirement. The planning proposal will need to be updated to clarify that any exceedance of BASIX targets is encouraged via an incentive. A Gateway condition is recommended to address this.</p> <p><i>Note: the BASIX Higher Standards package is currently on exhibition until January 2022. The</i></p> |

exhibition package sets out proposed thermal performance and energy standards for residential development and seeks to establish higher targets than currently required under the BASIX SEPP. The planning proposal may need to be revised at finalisation in response to the recommendations of the Higher Standards package.

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal, except flooding, contamination and acid sulfate soils which are addressed in Section 3.5.

Table 11 Environmental impact assessment

| Environmental Impact | Assessment |
|--------------------------|--|
| Water and energy | <p>The proposal encourages efficient and sustainable resource uses, including requirements for dual reticulation of water, provisions to exceed BASIX targets for water and energy and measures to reduce urban heat island effect, including tree canopy targets.</p> <p>The planning proposal is also supported by a draft DCP which includes requirements for NABERS in non-residential development in the precincts, consistent with the recommendations in the PRCUTS.</p> |
| Urban design and amenity | <p>The planning proposal is a Precinct-based approach to renewal. It is supported by detailed master plans and a public domain plan which consider proposed massing and siting, local character and heritage, streetscape and interface conditions, new connections and street networks, new open space, and overshadowing impacts.</p> <p>The planning proposal is generally consistent with the intended urban design and amenity outcomes in PRCUTS and will achieve the intended vision and strategic objectives. The planning proposal does include some variation to proposed building heights in Burwood-Concord and Kings Bay Precinct in response to detailed site planning undertaken in the Precinct master plans and urban design analysis.</p> <p>Future development applications will need to demonstrate compliance with the design criteria in SEPP 65 and the ADG to ensure apartments achieve the highest amenity outcomes including solar access, natural ventilation, and access to communal open space.</p> <p>A supporting DCP will also provide guidance for future development to ensure high quality design outcomes in line with the proposed outcomes in the planning proposal and Precinct master plans.</p> |
| Traffic | <p>The planning proposal includes provisions to improve local streets and connections as set out in the PRCUTS infrastructure schedule and Council's Public Domain Plan. This includes new streets access ways to improve movement but minimise impacts on the Parramatta Road corridor.</p> <p>The planning proposal does not include proposed maximum car parking rates for development. The PRCUTS Planning and Design Guidelines includes recommended maximum car parking rates for development in the corridor. Confirmation is required that the maximum car parking rates in the PRCUTS will be included in Council's DCP. A</p> |

Gateway condition is recommended to confirm maximum car parking rates as recommended in the PRCUTS will be included in Council's DCP.

The PRCUTS *Implementation Update 2021* encourages planning proposals to be progressed to Gateway and exhibition ahead prior to the completion of the Precinct-wide traffic studies. The Precinct-wide traffic studies must be completed prior to the finalisation of a planning proposal, with the planning proposal to be updated to address any recommendations of the traffic studies. For discussion on Sydney Metro refer to Section 4.3.

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 12 Social and economic impact assessment

| Social and Economic Impact | Assessment |
|----------------------------|--|
| Economic | <p>The proposal seeks to implement the recommendations of PRCUTS to renew and revitalise Precincts along the Parramatta Road. The proposed rezoning and renewal of these Precincts, particularly Kings Bay and Burwood-Concord, will diversify the local economy and promote economic benefits through increased activity, recreation and local jobs. These aims are supported by the proposed provisions which:</p> <ul style="list-style-type: none"> Promote mixed-use development and commercial uses in well-located areas to facilitate increased access to jobs and services Promote active frontages and ground floor commercial uses to ensure commercial and retail uses activate Parramatta Road and primary streets Ensure development is supported by adequate infrastructure and introducing provisions to facilitate infrastructure delivery through development. <p>The above provisions promote economic development while ensuring balancing development with design and sustainability outcomes. The detailed master plans prepared to support the proposal provide a place-based approach that will renew and revitalise the Precincts and create new economic opportunities.</p> |
| Social | <p>The proposal supports housing supply to meet the 6-10 years housing target (in Council's Local Housing Strategy) in a manner that encourages a diversity of housing types, a range of densities and affordability. The delivery of low and medium density housing, high rise apartments and affordable rental dwellings, adopts a place-based approach that considers accessibility to transport, employment and other services.</p> <p>The proposal supports social benefits through new and improved open space, local infrastructure upgrades and provisions which require design excellence and sustainability initiatives to be implemented in new developments.</p> |

4.3 Infrastructure

Local Infrastructure

The planning proposal seeks to introduce infrastructure delivery provisions in the Canada Bay LEP to facilitate the delivery of local infrastructure identified in the PRCUTS infrastructure schedule and Council's Public Domain Plan. This includes new open space, new streets, through site links and public domain improvements.

Council has prepared a draft Development Control Plan and a draft Infrastructure Strategy to support planning proposal. Council endorsed the exhibition of the documents at the Council meeting on 20 July 2021. It is intended that these documents will be exhibited at the same time as the planning proposal.

State Infrastructure

Sydney Metro West

The future Burwood North Metro is located in the Burwood-Concord Precinct. Council has been working with Sydney Metro to ensure the proposed planning controls in this planning proposal align with the concept planning work currently being undertaken for the future Burwood North Metro.

The Department recommends Council continue to consult with Sydney Metro to ensure integration between the concept design for Burwood North Metro and proposed provisions in the planning proposal.

The *PRCUTS Implementation Update 2021* encourages consideration of changes to transport network as a result of Sydney Metro West, including any updated plans prepared in response to the new metro line.

A **Gateway condition** is recommended to consult with Sydney Metro and to require the planning proposal to be updated prior to finalisation to align with any transport or infrastructure plan developed in response to Sydney Metro West.

State infrastructure requirements

The planning proposal contains provisions requiring local infrastructure to be provided as part of development but does not address state infrastructure requirements.

The planning proposal states that regional infrastructure in the *Parramatta Road Urban Amenity Improvement Plan* will be funded by the NSW Government. This includes new cycleways, contribution toward the redevelopment of Concord Oval and upgrades to Charles Health Reserve.

A **Gateway condition** is recommended to require the planning proposal to reference that development will be subject to State or Regional Infrastructure Contributions, consistent with the Implementation Actions in the *PRCUTS Implementation Update 2021*.

It is noted that Infrastructure Contributions Review currently being progressed by NSW Government may result in the introduction of a Regional Infrastructure Contribution (RIC) for Greater Sydney. The planning proposal may need to be revised pending the progression and implementation of the recommendations being considered in the Infrastructure Contributions Review as there may be implications for the delivery of infrastructure. The Department will work with Council as part of the finalisation of the planning proposal to identify any implications.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days. The exhibition period proposed is considered appropriate, and forms one of the conditions of the Gateway determination.

5.2 Agencies

Council has nominated public agencies to be consulted about the planning proposal. It is recommended the following agencies and councils be consulted on the planning proposal and given 21 days to comment:

- Environment, Energy and Science (EES) Group of the Department,
- Environment Protection Agency (EPA)
- Sydney Metro
- Department of Education
- Transport for NSW
- Sydney Water
- Ausgrid
- Jemena Gas
- State Emergency Service
- Inner West Council
- Strathfield Council
- Burwood Council

6 Timeframe

Council proposes a 12 month time frame to complete the LEP. The Department agrees to this timeframe. It is recommended that if the Gateway is supported it also includes conditions requiring council to consider a report on exhibit of the proposal by specified milestone dates. A condition to this effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has not requested delegation to be the Local Plan-Making Authority. The Department recommends that Council not be authorised to be the local plan-making authority for this proposal because it seeks to implement the NSW Government's Parramatta Road Corridor Urban Transformation Strategy, a NSW Government policy.

8 Assessment Summary

The planning proposal is supported to proceed with conditions for the following reasons:

- it is consistent with the Eastern City District Plan and Councils local strategic plans, including the Housing Strategy and Local Strategic Planning Statement.
- it will implement the strategic actions and land use recommendations in the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) - the NSW Government's strategic framework for transforming the Parramatta Road Corridor.
- it will deliver a Precinct-based approach to the implementation of the PRCUTS, supported by detailed masterplans and studies to refine Precinct outcomes and proposed planning controls.
- it will deliver significant new housing supply and will provide improved housing choice and affordability in accessible and well serviced locations.
- it will promote a coordinated and place-based approach to renewal and infrastructure delivery, deliver vibrant mixed-use centres and active streets, and new open space and public domain improvements.

- it will introduce provisions to ensure design excellence, local infrastructure delivery, and sustainability is addressed. The planning proposal is supported by the Council's Affordable Housing Contribution Scheme (AHCS) which requires that a proportion of new housing be provided as affordable housing.
- The proposal aims to deliver the required local infrastructure to service the planned density of development. The delivery of infrastructure is consistent with the PRCUTS Infrastructure Schedule.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with certain aspects of section 9.1 Direction - 1.1 Business and Industrial Zones and Direction 4.3 - Flooding is minor or justified;
- Note that the consistency with certain aspects of section 9.1 Direction – 7.3 Parramatta Road Corridor Urban Transformation Strategy is unresolved but can be addressed through Gateway conditions.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be updated to:
 - a. include an explanatory note that future development will be subject to state/regional infrastructure contributions in accordance with the implementation actions in the Parramatta Road Urban Corridor Transformation Strategy Implementation Update 2021.
 - b. remove the proposed amendment to the Flood Planning Map.
 - c. remove the proposed remediation provisions and proposed Remediation Map.
 - d. remove the provisions specifically relating to rooftop shading and rooftop greening associated with the proposed tree canopy provisions from the planning proposal. For clarity, the tree canopy target is not required to be removed from the planning proposal.
 - e. remove all references to a Department led amendment to *State Environmental Planning Policy (BASIX) 2004* from the planning proposal.
 - f. confirm the proposed incentive to support the proposed BASIX targets in the planning proposal.
 - g. confirm the maximum car parking rates as recommended in the PRCUTS will be included in Council's development control plan.
 - h. confirm the proposed additional permitted uses in the Kings Bay Precinct as follows:
 - i. Clarify whether 'Commercial Premises' as defined in the Standard Instrument is proposed to be included as an additional permitted use for land in the proposed R3 Zone fronting Parramatta Road; and
 - ii. Clarify whether 'Depot' is proposed to be included as an additional permitted use in the proposed B4 zone at 15-17 Regatta Road, Five Dock.
 - i. include a table, within the planning proposal, that clearly demonstrates the:
 - i. Description of the relevant land(s) to be rezoned,
 - ii. Zoning(s) that currently applies to the land(s) (under the existing LEP),
 - iii. Zoning(s) sought in the proposal,
 - iv. Indicative zoning under the employment zones reform, and
 - v. Associated commentary/relevant information.

- j. include an advisory note that the proposed provisions in Appendix A of the planning proposal are prepared by Council. Provisions will be subject to drafting by Parliamentary Counsel Office (PCO) at finalisation.
 - k. clarify the reason for the proposed 8.5m height to 75A Victoria Avenue.
2. Prior to finalisation, the planning proposal is to be revised to:
- a) address the Implementation Actions in the *Parramatta Road Urban Corridor Transformation Strategy Implementation Update 2021* to:
 - i. ensure the planning proposal aligns with any transport or infrastructure plan developed by the NSW Government in response to Sydney Metro West; and
 - ii. address the recommendations and outcomes of the Precinct-wide traffic studies.
 - b) Demonstrate how the PRCUTS tree canopy target of 25% can be achieved.
 - c) Provide feasibility analysis considering the zoning, height and floor space ratio and other requirements for development including design excellence competitions, affordable housing contributions, state or regional contributions, dual reticulation requirements and BASIX targets etc.
3. The planning proposal should be made available for community consultation for a minimum of 28 days.
4. Consultation is required with the following public authorities:
- Environment, Energy and Science (EES) Group
 - Environmental Protection Agency (EPA)
 - Sydney Metro
 - Department of Education
 - Transport for NSW
 - Sydney Water
 - Ausgrid
 - Jemena Gas
 - State Emergency Service
 - Inner West Council
 - Strathfield Council
 - Burwood Council
5. The planning proposal must be reported to council for a final recommendation 9 months from the date of the Gateway determination.
6. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
7. Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.



11.11.2021

(Signature)

(Date)

Katrina Burley
 Manager, Place and Infrastructure
 Eastern and South Districts



(Signature)

11/11/2021

(Date)

Eva Stanbury
A/Director, Eastern & South District
Eastern Harbour City



(Signature)

24/11/21

(Date)

Malcolm McDonald
Executive Director
Eastern Harbour City

Assessment officer

Ashley Richards
Specialist, Eastern & South District, Eastern Harbour City
02 8289 6776

Appendix A Mapping

Kings Bay Precinct

Land Zoning Map



Current zoning (Land Zoning Map Sheet LZN 005)



Proposed amended zoning (Land Zoning Map Sheet LZN 005)

Proposed Key Sites Map



Proposed Key Sites Map (Key Sites Map Sheet KS_005)

Height of Buildings Map



Current height of buildings (Height of Buildings Map Sheet HOB_005)

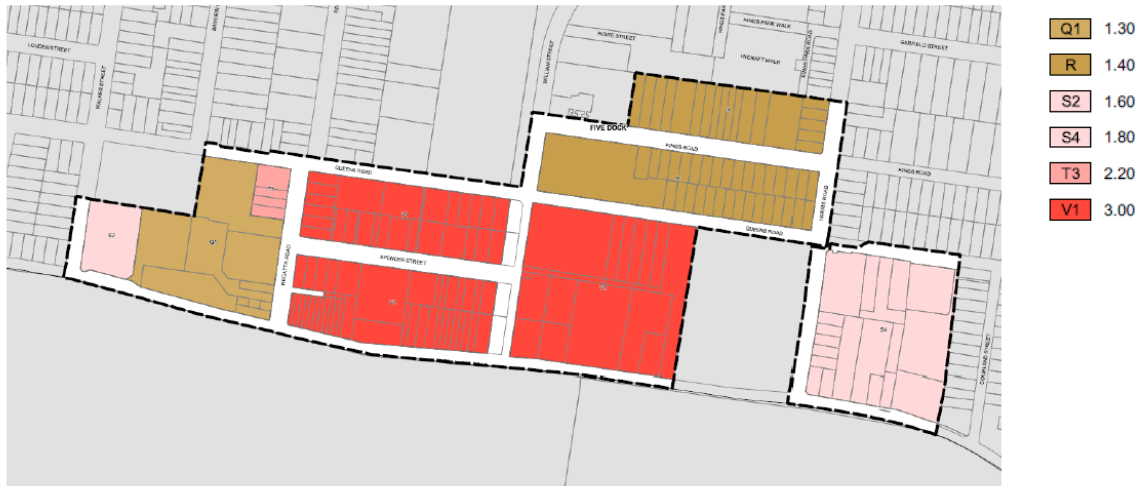


Proposed community infrastructure maximum building heights (Height of Buildings Map Sheet HOB_005)

Floor Space Ratio Maps



Current maximum FSR (Floor Space Ratio Map Sheet FSR_005)



Proposed community infrastructure maximum FSR (Floor Space Ratio Map Sheet FSR_005)

Active Street Frontage Map



Proposed amended active street frontages map (Active Street Frontages Map Sheet ASF_005)

Active Street Frontage

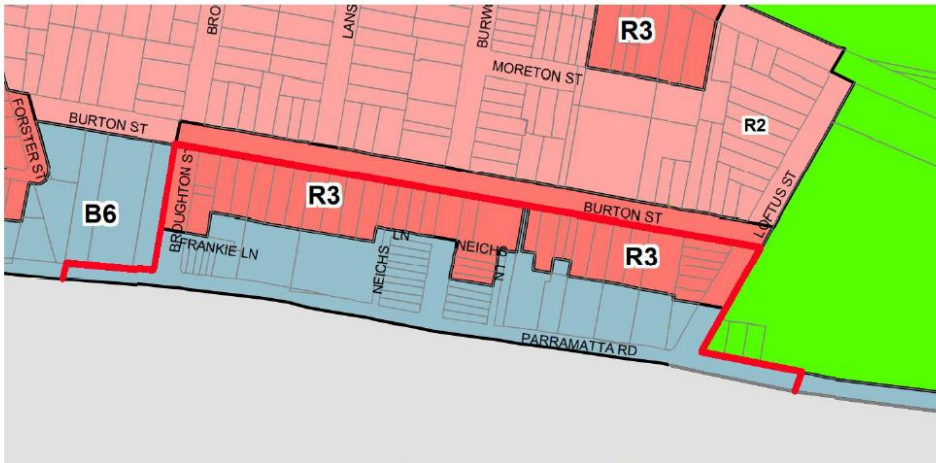
Propose Design Excellence Map



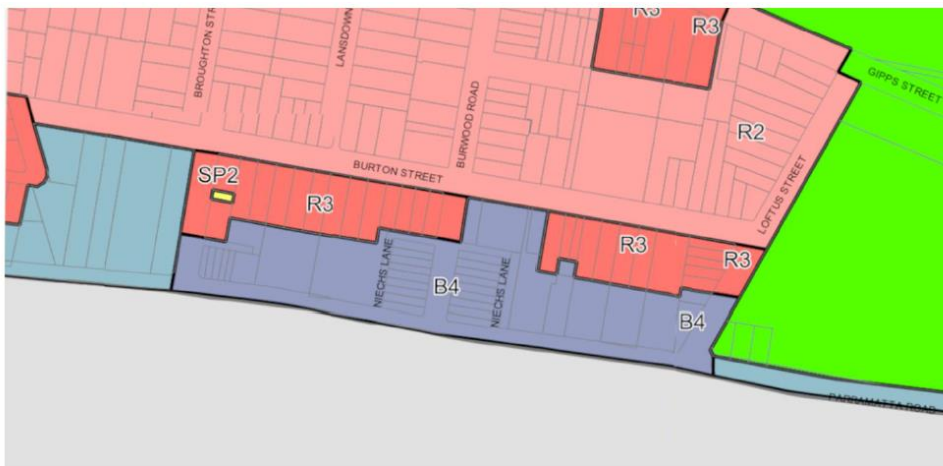
Design Excellence Area

Burwood-Concord Precinct

Land Zoning Map

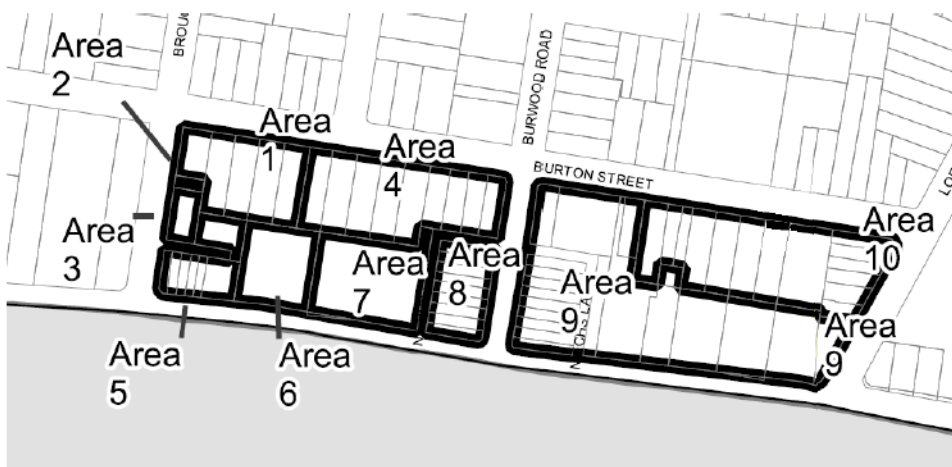


Current zoning (Land Zoning Map Sheet LZN_003 and 005)



Proposed amended zoning (Land Zoning Map Sheet LZN_003 and 005)

Proposed Key Sites Map



Proposed Key Sites Map (Key Sites Map Sheet KS_003)

Height of Buildings Map

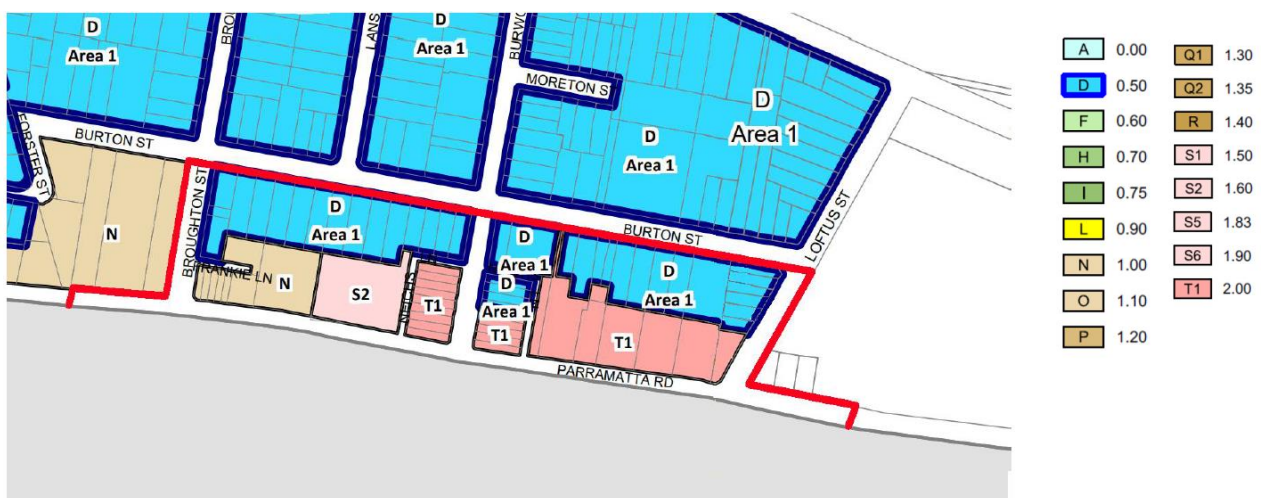


Current height of buildings (Height of Buildings Map Sheet HOB_003 and 005)



Proposed community infrastructure maximum building heights (Height of Buildings Map Sheet HOB_003 and 005)

Floor Space Ratio Map



Current maximum FSR (Floor Space Ratio Map Sheet FSR_003 and 005)



Proposed community infrastructure maximum FSR (Floor Space Ratio Map Sheet FSR_003 and 005)

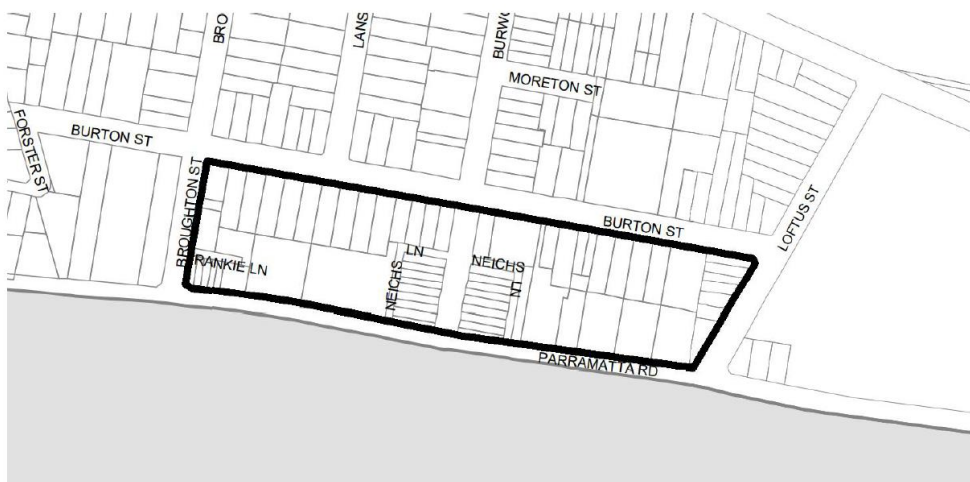
Active Street Frontage Map



Proposed amended active street frontages map - new sheet 003 (Active Street Frontages Map Sheet ASF_0035 and 005)

— Active Street Frontage

Design Excellence Map



Design Excellence Area

Homebush North Precinct

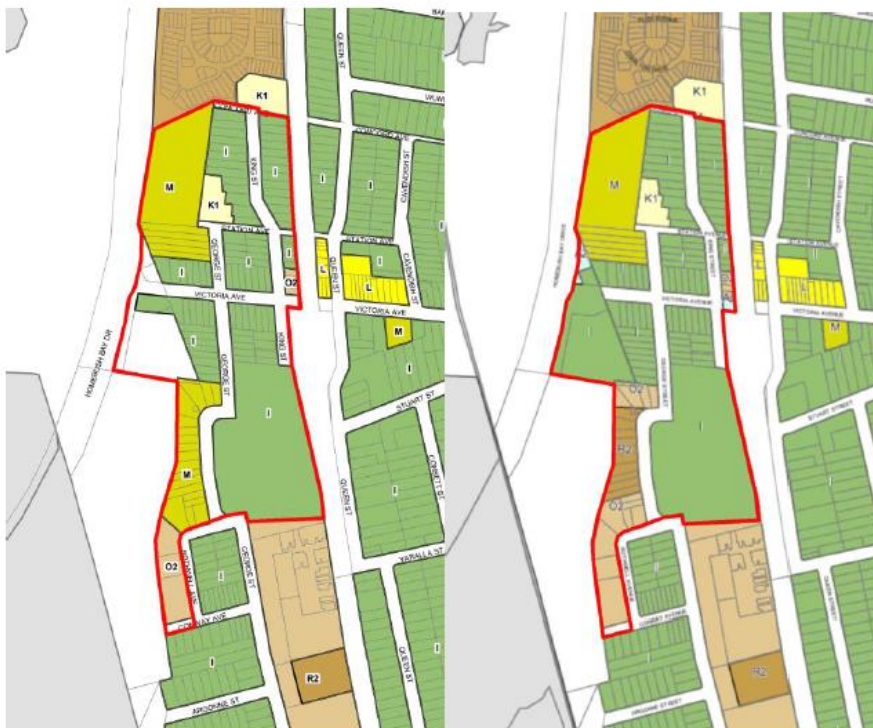
Land Zoning Map



Current zoning
(Land Zoning Map Sheet LZN_002)

Proposed amended zoning
(Land Zoning Map Sheet LZN_002)

Height of Buildings Map



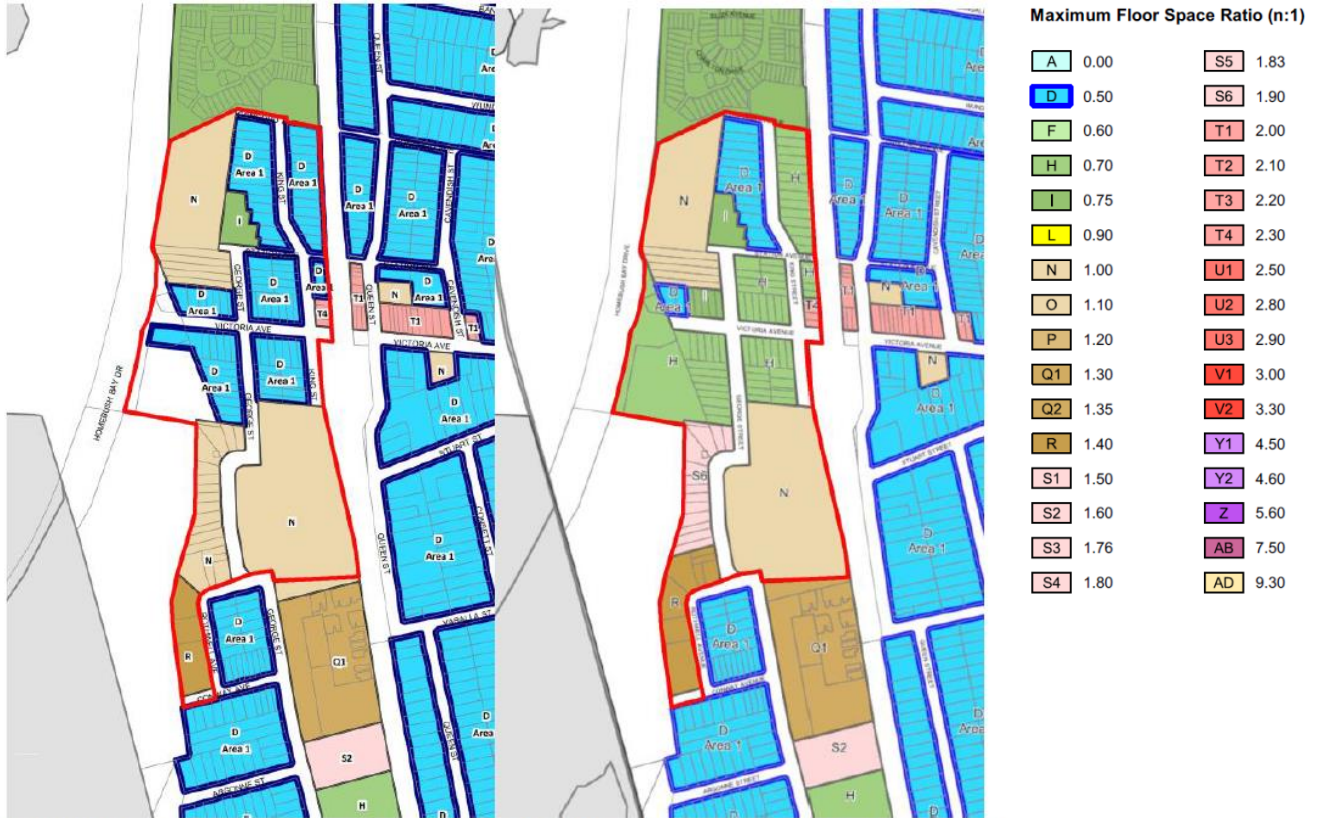
Current height of buildings
(Height of Buildings Map Sheet
HOB_002)

Proposed amended maximum
building height (Height of Buildings
Map Sheet HOB_002)

Maximum Building Height (m)

| | | | |
|----|------|-----|-------|
| A1 | 0.0 | T4 | 28.0 |
| A2 | 2.5 | T5 | 29.0 |
| A3 | 1.0 | U1 | 31.0 |
| I | 8.5 | U2 | 32.0 |
| J | 9.5 | V | 35.0 |
| K1 | 10.0 | W1 | 40.0 |
| K2 | 10.5 | W2 | 41.0 |
| L | 11.0 | W3 | 42.0 |
| M | 12.0 | Y1 | 50.0 |
| N | 14.0 | Y2 | 55.0 |
| O1 | 15.0 | Y3 | 56.0 |
| O2 | 16.0 | Z | 59.0 |
| P1 | 17.0 | AA1 | 61.0 |
| P2 | 18.0 | AA2 | 63.0 |
| Q1 | 19.0 | AA3 | 65.0 |
| Q2 | 20.0 | AA4 | 67.0 |
| R1 | 21.0 | AA5 | 78.0 |
| R2 | 22.0 | AB1 | 82.0 |
| S1 | 23.0 | AB2 | 84.0 |
| S2 | 24.0 | AB3 | 93.0 |
| T1 | 25.0 | AD1 | 125.0 |
| T2 | 26.0 | AD2 | 127.0 |
| T3 | 27.0 | | |

Floor Space Ratio Map



Current maximum FSR
(Floor Space Ratio Map Sheet
FSR_002)

Proposed amended maximum FSR
(Floor Space Ratio Map Sheet FSR_002)

Design Excellence Map



Appendix B: Consistency with PRCUTS

The planning proposal is consistent with the Principles and Strategic Actions of PRCUTS. It is generally consistent with the recommended planning controls in PRCUTS with some variations that are intended to deliver better urban design and public benefits or that respond to Council's evidence-based strategic planning process.

The planning proposal has been informed by detailed master planning to determine the recommended built form controls and amalgamation requirements for development sites to facilitate the delivery of local infrastructure. The planning proposal seeks to introduce minimum site area requirements and incentive provisions to deliver local infrastructure. This approach has resulted in some minor variations to the PRCITS guidelines as outlined below.

A detailed overview of the variations from PRCUTS is provided from page 30 of the planning proposal. An assessment of the planning proposal against the strategic objectives in PRCUTS is also provided at Appendix B of the planning proposal.

Height and density

The proposed building heights and FSR controls for the King Bay and Burwood-Concord Precincts seek to introduce incentive controls for development. The incentive height and FSR may be achieved where a specified lot amalgamation is achieved and identified local infrastructure is provided.

The planning proposal states that it is not possible to achieve the recommended building heights and FSR on some sites as set out in the PRCUTS. It states that detailed built form testing has revealed sites where the maximum building height may be achieved, but the FSR is required to be reduced. For these sites, the planning proposal recommends capping the FSR to align with the maximum height limit. Alternatively, testing identifies sites where the maximum FSR may be achieved, but the recommended building heights cannot be achieved. In these circumstances the maximum building height has been capped in line with the maximum FSR control. The proposed variations for specific sites are detailed on page 33 of the planning proposal.

The planning proposal seeks to introduce infrastructure delivery mechanisms (incentive height and FSR and minimum site area requirements) to facilitate the delivery of local infrastructure through development. The planning proposal generally aligns with the recommended densities in PRCUTS; however, proposed heights have increased on some sites to facilitate the transfer of FSR from one part of a site to another where part of a site is identified for the purpose of local infrastructure.

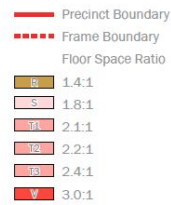
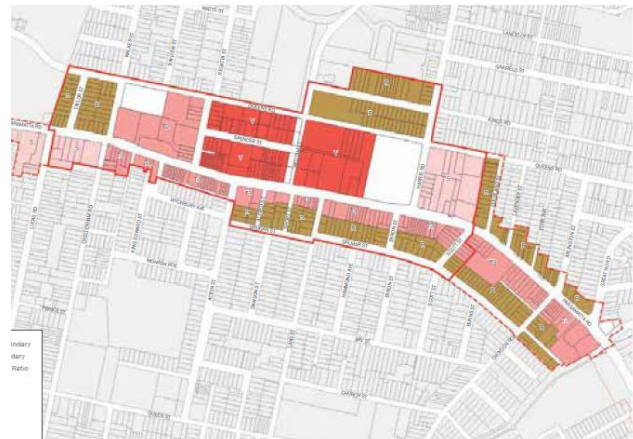
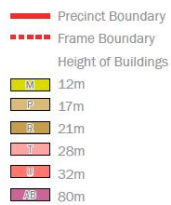
The planning proposal considers that the changes are required to facilitate the delivery of identified local infrastructure within development sites and to prevent the development capacity of PRCUTS from being exceeded, which would require additional evidence-based strategic and site-specific justification to that provided by PRCUTS and the planning proposal.

The Department does not have any in-principle objection to the proposed variations as the planning proposal as the planning proposal intends to achieve the same yield for each precinct as identified in PRCUTS.

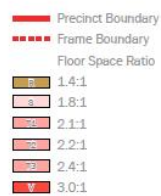
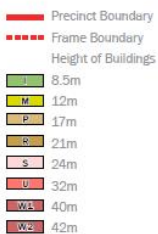
The planning proposal is consistent with the vision and outcomes of the PRCUTS and the precinct master plans have been developed in response to the recommendations in the Planning and Design Guidelines in PRCUTS. The recommendations in PRCUTS are a guide to inform proposed planning controls.

Recommended height and FSR controls in PRCUTS

Kings Bay



Burwood- Concord



Land Use

The Planning and Design Guidelines recommends R3 Medium density Residential zoning for the sites below. The planning proposal seeks to rezone these sites to B4 Mixed Use for the following reasons:

- Burwood – Concord Precinct: proposed B4 zone for the existing Council depot site. It is understood that 'Depot' is also proposed as an additional permitted use to retain the current function of the site and provide operational flexibility for Council; and
- Burwood-Concord Precinct: extend the proposed B4 zone along Burwood Road to Burton Street to create a continuous B4 zone around the future Burwood Metro as requested by Sydney Metro. It is noted that Council has consulted with Sydney Metro as part of the preparation of the planning proposal. Further consultation with Sydney Metro will be recommended as a condition of Gateway.

The planning proposal seeks to defer rezoning certain sites in the Homebush North Precinct. The sites are subject to flooding impacts and require further investigation and studies to determine appropriate land uses and densities. This includes the Powell Creek Catchment Flood Study which is currently being undertaken by Council and is expected to be completed in mid-2022. Any rezoning of this land will form part of a future planning proposal.

Affordable housing

The PRCUTS recommends a minimum of 5% of new housing is to be provided as affordable housing, or in line with Government policy of the day.

Council's Affordable Housing Contribution Scheme (AHCS) was adopted 18 August 2020 and requires 4% of residential floorspace in the PRCUTS precincts to be provided as affordable housing. The exception is 3 King Street and 176-184 George Street in Homebush North where 5% of additional floorspace is required to be provided as affordable housing.

The affordable housing contributions rates in Council's AHCS were based on detailed feasibility testing that determined a contribution rate of 4% residential floorspace to be feasible across the PRCUTS precincts (with the exception noted above). The rates in the AHCS seek to implement a consistent, precinct-based affordable housing contribution rate for the PRCUTS precincts based on feasibility testing.

Local Infrastructure

The PRCUTS Infrastructure Schedule identifies the local and state infrastructure upgrades required to support development. The planning proposal seeks some refinement to the local infrastructure items. The variations are minor and are in response to Council's detailed Precinct master plans, public domain plan and investigations being undertaken for Burwood North Metro.

The changes are summarised below and detailed from page 30 of the planning proposal.

- Additional public open space is proposed for the Kings Bay Precinct, corner of Queens Road and William Street and realignment of proposed linear parks.
- Reconfiguration of the Regatta Road Park in the Kings Bay Precinct.
- Additional through-site link is proposed for the Burwood Precinct to connect to Parramatta Road.
- An access laneway is proposed in the Burwood Precinct in response to Sydney Metro concept plan to provide access to/servicing of the lots facing Parramatta Road.
- Minor road widening at Niechs Lane in the Burwood- Concord Precinct.
- Extension of Frankie Lane in the Burwood – Concord Precinct to incorporate a T-section truck turning bay and limit access from Parramatta Road.