



Planning,
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IRF21/3797

Gateway determination report – PP-2020-462

160 Burwood Road, Concord – Bushells Factory Site

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Council's response letter – Canada Bay Council, July 2021
Draft site specific DCP – Canada Bay Council, July 2021
Economic Impact Assessment Economic (February 2020) and Addendum (May 2021) – Hill PDA
Land Use Advice – June 2021
Revised Concept Plan – July 2021

Retail Demand Assessment – Hill PDA, January 2019

Social Infrastructure and Community Uses Demand Assessment – Urbis, August 2015

Sustainability Strategy – Kinesis, February 2019

Preliminary Geotechnical Investigation and Additional Statement – Geotechnique, Sept 2014 & Aug 2015

Contamination Assessment of Soil and Additional Statement – Geotechnique, Sept 2014 & Aug 2015

Preliminary Site Investigation (Stage 1) – SLR, August 2014

Affordable Housing Contribution Scheme (draft) – Canada Bay Council, June 2020

Draft letter of offer for planning agreement – LFA Pacific, June 2020

Adaptive reuse principles and façade report – AJ+C, September 2019

Aboriginal Heritage Due Diligence Assessment – Heritage 21, April 2016

Statement of Heritage Impact – Heritage 21, September 2019

Heritage Significance Assessment– Heritage 21, April 2016

Heritage Listing Nomination Report – Heritage 21, February 2019

Transport impact assessment – GTA Consultants, September 2019

Public domain plan – BVN, June 2020

Arboricultural report – Moore Trees, September 2019

Landscape masterplan – AJ+C and BVN, June 2020

Urban Design Peer Review – RD, September 2019

Survey Plan – CMS Surveyors, 2015

1 Planning Proposal

1.1 Overview and objectives of planning proposal

Table 2 Planning proposal details

LGA	Canada Bay
PPA	City of Canada Bay Council
NAME	Bushell's factory redevelopment, 160 Burwood Road, Concord
NUMBER	PP-2020-462
LEP TO BE AMENDED	Canada Bay LEP 2013
ADDRESS	160 Burwood Road, Concord
DESCRIPTION	Lot 5 DP129325 Lot 2 DP230294 Lot 398 DP752023 Lot 399 DP752023
RECEIVED	8/07/2020
FILE NO.	IRF21/3797
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 amend planning controls in the Canada Bay Local Environmental Plan (LEP) 2013 to facilitate the renewal of the former Bushells factory site at 160 Burwood Road, Concord. To achieve this, the planning proposal seeks to amend the Canada Bay LEP to:

- rezone the site from IN1 General Industrial to B1 Neighbourhood Centre, R3 Medium Density Residential and RE1 Public Recreation;
- amend height and floor space ratio (FSR) controls for the site;
- introduce provisions to require a mix of retail, commercial and light industrial uses on the site;
- introduce commercial premises as an additional permitted use in the R3 Medium Density Residential zone;
- list the former Bushells factory building as a local heritage item; and
- introduce a foreshore building line on the site.

1.2 Site description and surrounding area

The site comprises four (4) lots and has a total area of approximately 3.9ha. The site is zoned IN1 General Industrial and is currently used for industrial purposes as a coffee manufacturing facility which has operated since the early 1960s. The site is an isolated industrial site, located on the Parramatta River and surrounded by low-density residential areas.

The site is approximately 1.5km north-east of the Parramatta Road Corridor and the future Burwood North metro station, which will be located at the intersection of Burwood and Parramatta Roads. Currently the closest train station is Burwood Station located approximately 2.6km away (**Figure 3**).

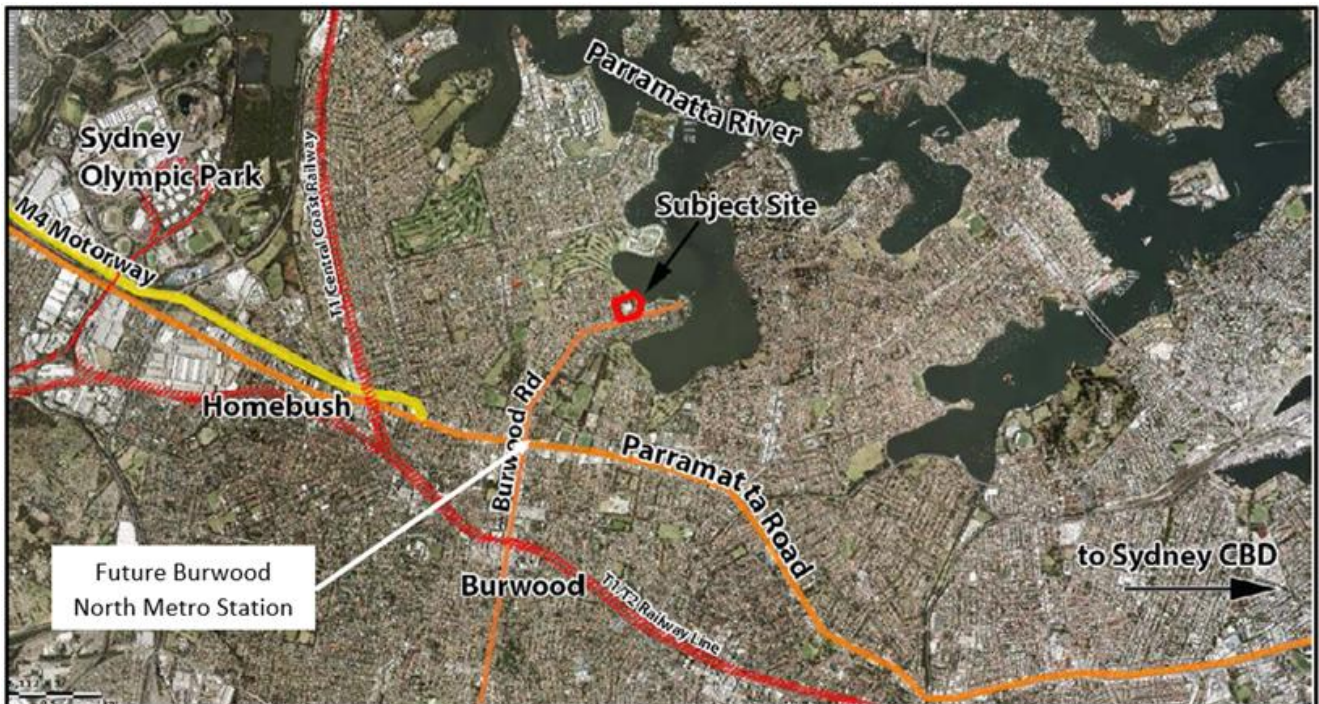


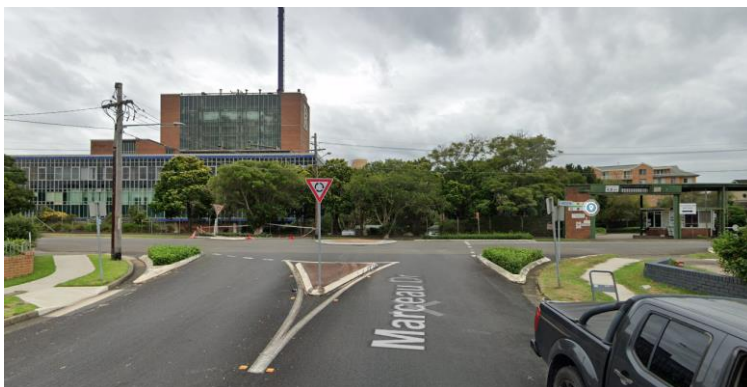
Figure 3 Subject site and its regional context (source: planning proposal)

The “Bushells factory” is the main building comprising a multi-storey brick and concrete factory with an existing roof height of 46.6 AHD and a 78m high chimney stack. Most of the site is developed for the factory associated administration building, hardstand car parking and gatehouse entry on Burwood Road. There is planting and landscaping on the boundaries of the site provides a buffer between the industrial and surrounding residential uses.

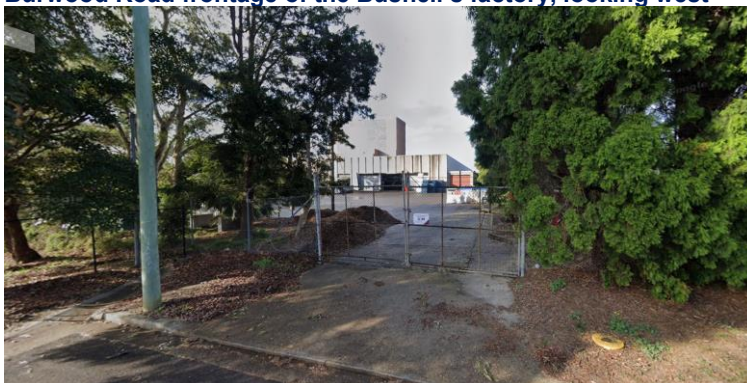
The site is surrounded by low-density residential uses to the south and west, medium density residential to the east and it is located directly adjacent to the foreshore of Exile Bay and Massey Park Golf Course to the north (**Figure 4**).



Figure 4 Site context (source: planning proposal)



Burwood Road frontage of the Bushell's factory, looking west



Zoeller Street vehicle entry into the site, looking northeast



View looking northeast from Corner Zoeller Street, Duke Avenue and Sanders Parade



Burwood Road, looking south towards the site, Chimney Stack in the background



Bushell's Factory, within the site (Source: planning proposal)

The images above are sourced from Google Maps (01/10/2021, unless otherwise stated) as COVID-19 restrictions limited the ability for a site visit during September and early October 2021.

2 Proposal

2.1 Objectives and Intended Outcomes

The planning proposal (**Attachment A**) contains objectives and intended outcomes that adequately explain the intent of the proposal. The planning proposal states the objectives are to:

- *Facilitate the urban renewal of this industrial site to become a mixed-use riverside village that offers a mix of land uses that are more suited and complimentary to the existing local area, including residential, retail, commercial, community, recreational and urban service (light industry) uses.*
- *Enable redevelopment of the site with uses more suited and consistent with the local area than are provided within the existing statutory framework;*
- *Take advantage of the site location to enhance connectivity, provide high amenity foreshore access and local community space;*
- *Take advantage of the scale of the land to be rezoned to provide a range of housing types that address the needs of the community and contribute to additional housing supply; and*
- *Enable a scale of development that can provide for a new neighbourhood centre to benefit new and existing local residents while responding to the existing character of the locality; and*
- *Assist with the delivery of the Hen and Chicken Bay Foreshore Green Grid corridor.*

The proposal states the intended outcomes, as stated in the planning proposal, are to provide approximately:

- a predominantly residential land use, rather than general industrial use that is more likely to generate heavy vehicle traffic and other land use conflicts with existing surrounding residential uses;
- a diversity of housing types and scale of residential development that provides for ensures residential amenity (e.g. solar access and view sharing) and provides for new amenities including shops and businesses;
- integration of suitable retail, business and urban service (light industrial) uses in an accessible location and opportunity for a cultural and recreational hub for the local community using the site's waterfront location and adaptive reuse of the factory building to create opportunities for creative industries, arts/cultural activities and civic activities;
- a highly permeable site to facilitate through site access to the foreshore and to public transport connections;
- high quality public open space with improved public access and landscaping; and
- a sustainable development that incorporates energy and water efficiency, adaptive building reuse and increased tree canopy.

The objectives and intended outcomes of this planning proposal are clear and adequate.

2.2 Explanation of provisions

The planning proposal seeks to amend the Canada Bay LEP 2013 to:

- rezone the site from IN1 General Industrial to B1 Neighbourhood Centre, R3 Medium Density Residential and RE1 Public Recreation;
- amend the maximum building height from 12m to a range of heights across the site:

- 18m on the northern boundary of the site;
- RL 46.6 to reflect the existing roof height of the Central Roasting Hall building to be retained;
- 21m (6 storeys) at the centre of the site around the former Bushells Factory Central Roasting Hall building;
- 15m (4 storeys) between the Central Roasting Hall building and the 3 storey terraces on Burwood Road; and
- 12m (3 storeys), 17m (5 storeys) and 21m (6 storeys) along the eastern boundary.

There is no change proposed to existing heights along the Burwood Road frontage, the western boundary and immediately north of the Central Roasting Hall.

- amend the maximum FSR from 1:1 to 1.25:1 (*corresponding block by block FSR controls of 1.13:1, 1.81:1, 2.1:1, 2.4:1 and 2.74:1 are also proposed*).
- Introduce provisions to require a minimum 10,000 sqm (GFA) to be provided for non-residential uses, including a minimum of 3,000 sqm (GFA) of light industrial floorspace, and a maximum of 1,000 sqm (GFA) for each 'shop' tenancy.
- amend Schedule 1 Additional Permitted Uses to permit *commercial premises* in the R3 Medium Density Residential Zone;
- list the former Bushells Factory Building as an item of Local Heritage in Schedule 5 Environmental Heritage; and
- introduce a foreshore building line to the portion of the site to be zoned RE1 Public Recreation.

The planning proposal is supported a concept plan (dated July 2021) a draft development control plan (dated July 2021) and a planning agreement (dated June 2020). A summary of these documents is provided below.

2.2.1 Concept Plan

An indicative concept plan submitted with the proposal demonstrates the intended built form and public domain outcomes for the site. The concept plan includes:

- the retention of the former Bushells Factory Central Roasting Hall building and adaptive reuse for ground floor commercial, retail and urban services uses.
- 7,000 sqm of retail and commercial floorspace and 3,000 sqm of urban services/light industrial floorspace, facilitating approximately 187 jobs.
- 393 dwellings ranging in height from 3-6 storeys and a variety of housing types including shop top housing, residential flat buildings, terraces and affordable housing (10%).
- 5,900 sqm of new foreshore public open space, and
- 9,740 sqm of privately-owned publicly accessible public domain, including a public square, new local roads (Burwood Road to Zoeller Street) and bicycle and pedestrian access to the foreshore.

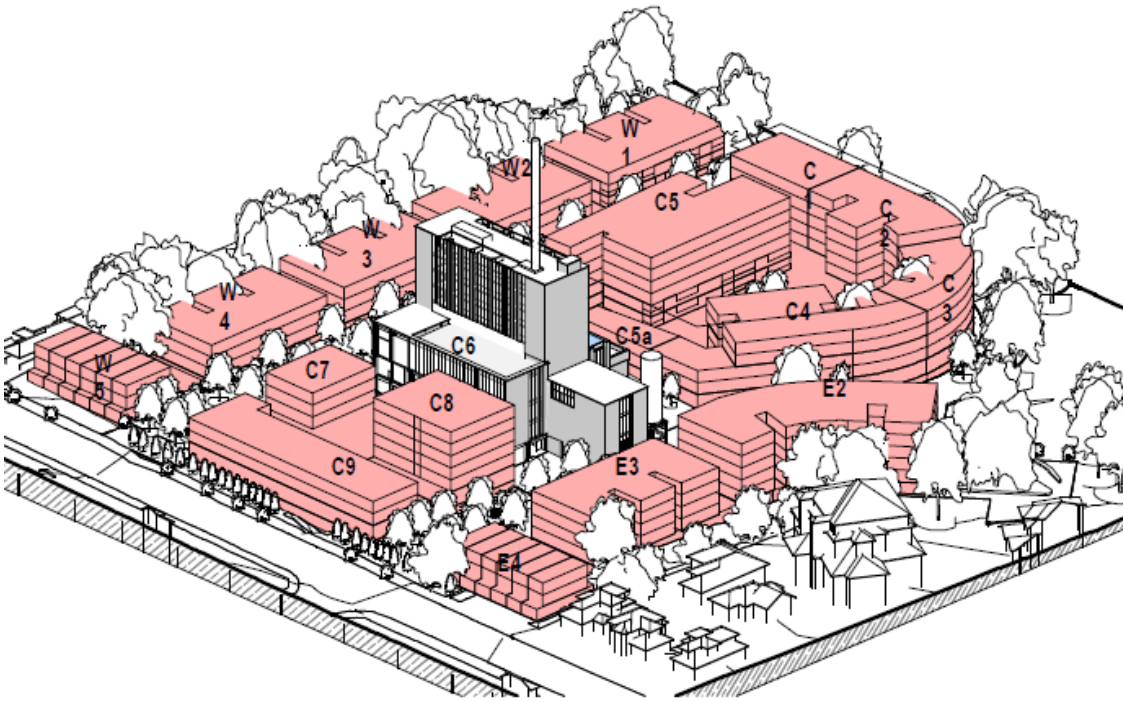


Figure 1. Proposed built form, south-east view from Burwood Road (Source: BVN Concept plan)

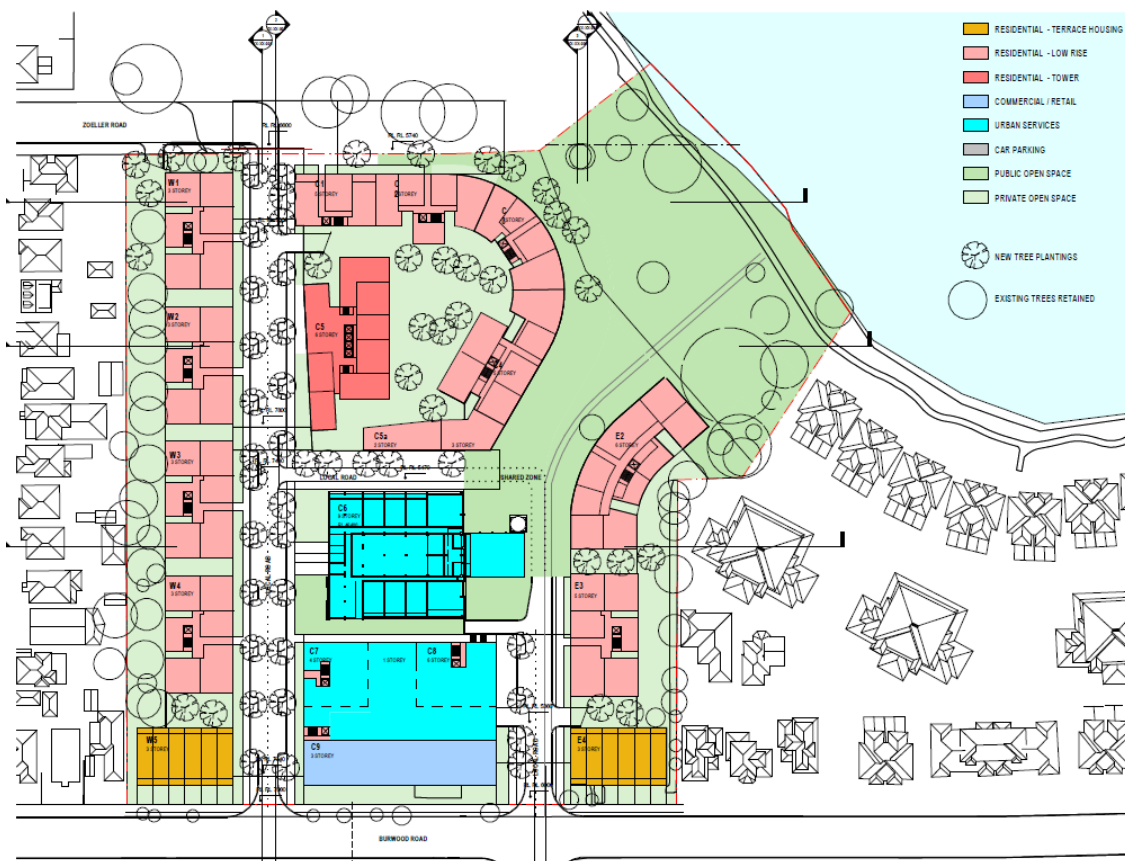


Figure 2. Layout of residential, commercial/retail and urban services uses (Source: BVN Concept Plan)

2.2.2 Planning Agreement

The proponent proposes to provide public benefits by entering into a Planning Agreement with Council to provide:

- 5,900sqm of land to be dedicated as public open space including embellishment;
- restoration works to the seawall and additional waterfront edge landscaping to provide access to water; and
- provision of a “screen net” to protect the site from the risk of incoming golf balls from the golf course to the north of the site.

Other public benefits, as stated by the proponent, include the delivery of 10% affordable dwellings (via the Affordable Housing Contributions Scheme), the heritage listing and adaptive reuse of the Central Roasting Hall, including opportunities for the public to engage with the heritage fabric by locating non-residential use within this building, and enhancements to public domain and public open space.

Clause 6.12 *Affordable Housing* in the LEP includes a contribution levy of 5% of the relevant floor area for the Bushell’s Site, while the Affordable Housing Contribution Scheme has been amended to include a 10% contribution. See below section for the recommended **Gateway Condition**.

2.2.3 Development Control Plan

A draft DCP has been prepared to support the proposed amendments to the Canada Bay LEP 2013 and is intended to be exhibited with the planning proposal. The draft DCP includes detailed controls to guide future development on the site, including urban design principles and criteria, building envelopes and footprints, requirements for a mix of uses, tree canopy and deep soil landscaping, sustainability measures, heritage, and access and movement.

Department comment

The planning proposal is seeking to amend the FSR from 1:1 to 1.25:1 across the site. As requested by the LPP and Council, block by block FSR controls are also provided.

There is no objection to a site FSR control and supporting ‘block by block’ FSR controls to guide future development; however, the proposed amendment to FSR controls requires clarification.

The proposed FSR map identifies only the block by block FSR controls with no site FSR map provided. The planning proposal is to include a proposed FSR map with the proposed site FSR, with a supporting plan showing the block by block distribution of FSR controls across the site.

A number of **Gateway Conditions** are recommended to ensure the planning proposal’s objectives and outcomes align with the Sydney Eastern City Planning Panel (SECPP)’s rezoning review recommendations (30 March 2020), Canada Bay Local Planning Panel (5 June 2019) and Council’s letter request to the Department (dated 30 July 2021). This includes outcomes to facilitate the viability and longevity of light industrial uses so that they may be sustainable in the long-term from a commercial and planning perspective:

- Consider how the spatial needs of light industry uses can be addressed in the LEP provision, such as:
 - objectives and/or provisions requiring light industrial uses to be located on the lower and upper ground floor levels and for appropriate floor-to-ceiling heights to enable these uses,
 - objectives and/provisions to facilitate the provision of mixed employment and economic outcomes, requirements for the adaptive reuse of existing buildings on the land, a site-specific DCP to be prepared before development consent can be granted.

- Update the draft DCP to address the spatial needs, functional requirements, and detailed design considerations of light industrial uses (e.g. primarily located at the lower and upper ground floor levels, floor to ceiling heights, waste disposal etc).
- The planning proposal be updated to acknowledge the need to amend Clause 6.12 *Affordable Housing* in the LEP to increase the affordable housing contribution levy for the site from 5% to 10% of the relevant floor area, in accordance with the Affordable Housing Contribution Scheme.

The Department exhibited a proposal '*Employment Zones Reform*' from 20 May to 30 June 2021 to simplify the employment zones framework. Under the exhibited framework, the proposed land use zones in the proposal will likely be translated as follows:

- Existing land zone for the site: IN1 General Industry to E4 General Industrial zone.
 - Proposed land zone for the site: B1 Neighbourhood Centre to E1 Local Centre zone.
- Note: there are no changes to residential (R3) and public recreation (RE1) zones as part of the Reforms.

Council may wish to consider if the following apply to the outcomes and objectives of the proposal:

- The new 'light industry' sub-terms of '*creative industries*' and '*circular economy facility (domestic goods repair and reuse facility)*' and their relevant land use zones; and
- The proposed amendments to '*neighbourhood shop*' and '*shop-top housing*'.

A **Gateway Condition** is recommended requiring Council update the proposal before exhibition to include an advisory referencing the Employment Zones Reform work, noting the proposed translation of employment zones as it relates to the planning proposal. The Department will work closely with Council post-Gateway to address any implications or issues.

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

2.3 Planning proposal history

The planning proposal was initially lodged in June 2017 with the City of Canada Bay Council (Council). The planning proposal was not supported by Council at that time as it was not considered to demonstrate strategic or site-specific merit due to the density proposed and distance of the site from a major centre and high frequency public transport.

The planning proposal has been revised a number of times in response to the recommendations of Council, Canada Bay Local Planning Panel (CBLPP), and a rezoning review decision of the Sydney East City Planning Panel (SECPP). A summary of the planning proposal history is provided at Table 1.

Rezoning review

On 31 March 2020, the SECPP considered the planning proposal and determined that it demonstrated strategic and site-specific merit and recommended it proceed to Gateway subject to conditions.

The SECPP determined that due to the unique circumstances and context of the site, the retention of the IN1 (General Industrial) zone over the entire site would be most unlikely to meet all the desired outcomes of the relevant strategies into the future.

The SECPP considered that a mix of industrial / urban services, residential and open space uses would take maximum advantage of the characteristics and setting of the site to achieve a very strong net public benefit consistent with outcomes sought from State and local planning strategies.

On 19 May 2020 Council resolved to forward the planning proposal to the Department for a Gateway determination.

It is noted, that on 15 October 2019, shortly after the rezoning review request was lodged but prior to the SECPP decision, Council considered an earlier version of the planning proposal and resolved to support the proposal (subject to amendments) and forward it for a Gateway determination. The proposal included lower FSR controls and greater public open space than the planning proposal considered by the SECPP and submitted for Gateway.

Table 1: Chronology and details of previous proposed planning proposals for the site

Year	Details	Outcome
June 2017 (Original)	<p>The planning proposal lodged with Council proposed:</p> <ul style="list-style-type: none"> • Rezoning of IN1 to B4. • Additional permitted uses for boat sheds, jetties, moorings and water recreation structures. • Increase maximum building height from 12m to 121.5m. • Increase maximum FSR from 1:1 to 1.95:1. • VPA offer for affordable housing, ferry and shuttle service for 3 years, open space (privately-owned, publicly accessible) and community open space facilities offered for rent to Council. 	The proposal was not supported by Council and resolved the proposal did not have strategic or site-specific merit due to density proposed and distance of the site from a major centre and high frequency public transport.
July 2018	Amended proposal to remove certain additional permitted uses, reduce heights and	The proposal was not supported by Council and requested amendments be made.

Year	Details	Outcome
	reduce the proposed FSR from 1.95:1 to 1.6:1.	
February 2019	<p>Amended proposal, including:</p> <ul style="list-style-type: none"> • Rezoning from IN1 to part B1, part R3, part RE1. • Additional permitted use for light industries • Listing of factory building as local heritage item • Reduction and redistribution of heights. • Reduction of FSR from 1.6:1 to 1.5:1. • VPA offer for 10% affordable housing and public open space dedicated to Council. <p>The Report to the LPP recommended the proposal be endorsed by Council for Gateway, subject to reduction in heights and FSR, and retention of (part) IN1 zone.</p>	<p>The Local Planning Panel considered the proposal on 5 June 2019 and made recommendations for matters to be addressed before the proposal could proceed / be supported.</p> <p>This was considered on 18 June 2019 by Council and deferred the proposal subject to a Councillor workshop and consultation with community representatives.</p>
September 2019	<p>An amended planning proposal was submitted for:</p> <ul style="list-style-type: none"> • IN1 to part B1, part R3, part RE1. • Listing of the factory building as a local heritage item. • Various building heights across the site. • FSR from current 1:1 to 1.25:1. • VPA offer for affordable housing (5% of total), 8,900sqm* land dedicated as public open space, funding for a bus service for 3 years, restoration of seawall and protective golf netting <p>*This included the foreshore park, plaza and an internal roadway.</p>	<p>The planning proposal was not accepted by Council as it had already assessed and commenced reporting on the February 2019 planning proposal.</p> <p>A rezoning review request was submitted on the basis that Council had failed to indicate its support within 90 days, after the lodgement of the proposal.</p> <p>On 25 September 2019, the Department advised of the rezoning review request and on 17 March 2020 the Department referred the matter to the SECPP.</p> <p>The amended proposal submitted in September was considered by the SECPP at the rezoning review.</p>
October 2019	<p>At its meeting on 15 October 2019, Council considered the planning proposal, following a Councillor Briefing in which Council considered advice from the GSC. The Report made recommendations, including (but not limited to):</p> <ul style="list-style-type: none"> • Updated traffic impact assessment report, • Reduction in height, scale and density, with a maximum gross FSR of 0.99:1 and block-by-block FSR. • Submission of advice from an appropriately qualified engineer to confirm the architectural concept plan will result in 	<p>Council resolved to support and forward the planning proposal for Gateway Determination.</p> <p>Council's assessment was based on the planning proposal as submitted in February 2019.</p>

Year	Details	Outcome
	<p>structural integrity and facilitate the reuse of the building,</p> <ul style="list-style-type: none"> The land rezoned for RE1 be dedicated to Council, being an area of 6,500sqm, with the remainder retained under private ownership with easements for public access. 	
March 2020	<p>A rezoning review meeting was held on 31 March 2020 and the Panel issued its decision.</p> <p>The rezoning review decision was based on amended planning proposal (dated Sept 2019).</p>	<p>The planning proposal lodged September 2019 was subject of a Rezoning Review by the Sydney Eastern City Planning Panel (RR_2019_CANAD_001_00) which considered the proposal on 31 March 2020 and supported the proposal for a Gateway determination (Attachment D), subject to recommended conditions.</p>
May 2020	<p>On 19 May 2020, Council considered the SECPP rezoning review decision that the planning proposal be supported for Gateway Determination subject to Conditions.</p>	<p>Council unanimously resolved to:</p> <ul style="list-style-type: none"> accept the role as planning proposal authority, submit an amended planning proposal, responding to the SECPP recommendations, to the Department for a Gateway determination, prepare a draft DCP, draft Affordable Housing Contributions Scheme and negotiate a planning agreement, all of which would be exhibited with the proposal.
June 2020	<p>An amended planning proposal was submitted to DPIE on 8 July 2020, as described in <i>Section 1.2. Explanation of provisions</i> in this Report.</p>	<p>The revised planning proposal is the subject of this Report.</p> <p>It includes 5,900sqm of public open space dedicated to Council, which included the foreshore park only, as per the recommendation of Council (Refer to Section 1.2).</p>
April 2021 - July 2021	<p>The Department wrote to Council (28 April 2021) requesting the proposal demonstrate greater employment outcomes in line with the inconsistency with the 'retain and manage' objective in the District Plan.</p>	<p>On 30 July 2021, Council responded with a draft DCP and revised Concept Plan, informed by Land Use Advice and an Economic Impact Assessment Addendum, which re-distributed light industrial floor space in the upper ground levels of the Central Roasting Facility and ground level of other buildings.</p> <p>Council recommended the Department include conditions relating to the draft DCP and a local clause to ensure the revised concept plan delivered longevity/ability of light industrial space to be sustainable in the long term.</p>

2.4 Mapping

The planning proposal includes mapping showing the proposed changes to the land use zone, height of buildings, floor space ratio, foreshore building line and heritage, which are suitable for community consultation.

Land Zoning



Figure 5 Current zoning map



Figure 6 Proposed zoning map

Height of buildings

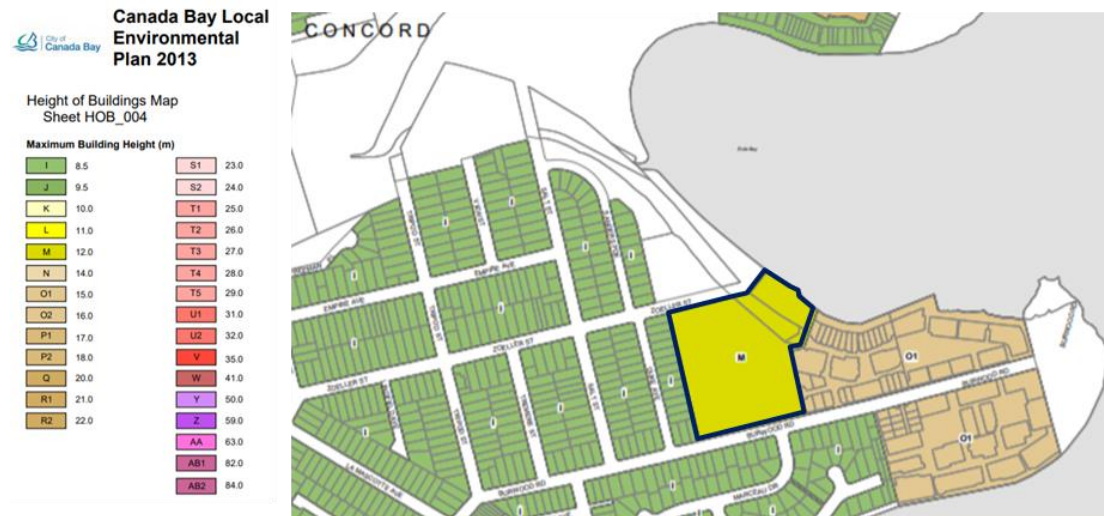


Figure 7 Current height of building map



Figure 8 Proposed height of building map

Floor space ratio



Figure 9 Current floor space ratio map



Figure 10 Proposed floor space ratio map

Foreshore building line



Figure 13 Current Foreshore Building Line map (source: ePlanning Spatial Viewer 30/9/2021)

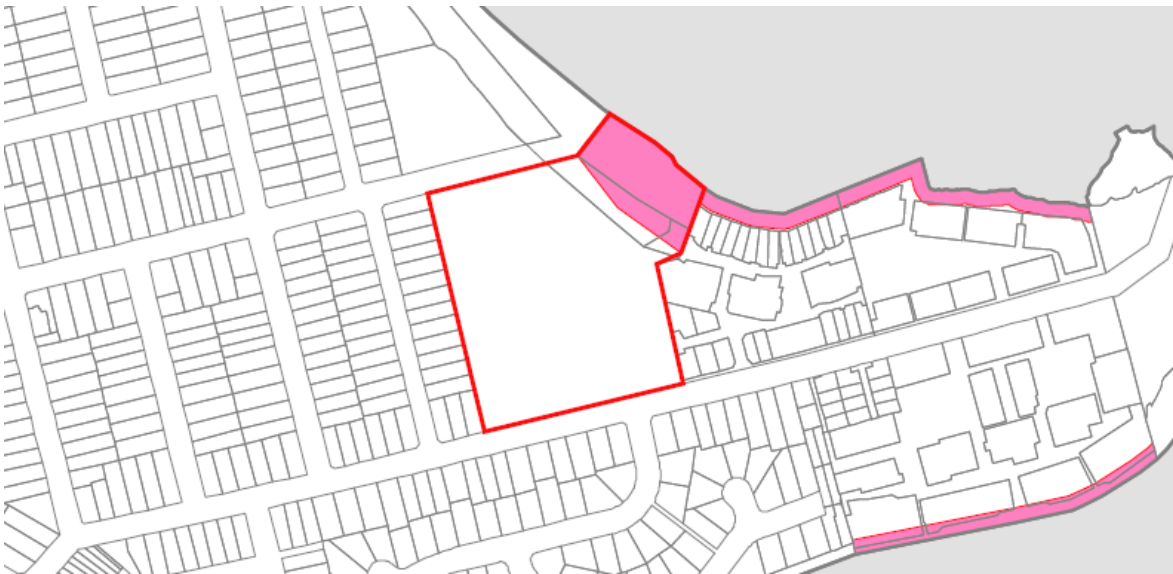


Figure 14 Proposed Foreshore Building Line map

3 Need for the planning proposal

The planning proposal states that it is not the result of any strategic study or report, however, that the proposal is consistent with:

- the 10-year timeframe in the Canada Bay Council Local Planning Strategy 2010 to revisit the strategic future of the site, and
- Priority 6, Action 6.1 of the Canada Bay Local Strategic Planning Statement (LSPS) which identifies Council's intent for the site to undergo transition and renewal.

The proposal states that manufacturing will cease on the site and be relocated elsewhere in NSW to better satisfy freight and logistic requirements. It is stated that the current *IN1 General Industrial* zoning is no longer appropriate for the site given the:

- changes in manufacturing both in the Inner West area and broader economic trends,
- isolated location of the site away from major arterial roads and transport, and
- potential for land use conflicts if another industrial use replaced the current use.

The planning proposal states that different zonings and composition have been considered, including the application of a majority *R1 General Residential* & part *B1 Neighbourhood Centre* zone; wholly *B1 Neighbourhood Centre* or *R3 Medium Density Residential* zone with additional permitted uses to enable mixed uses; or entirely *B4 Mixed Used* zone. It states the current proposed mix of uses and quantum of non-residential floor space is supported by an Economic Impact Assessment, Retail Needs and Demand Assessment, and Land Use Studies.

These supporting documents conclude that the majority of permissible uses within an IN1 zone would not be viable on the site and do not represent the highest and best use of the site. The 'do nothing' option may therefore compromise the ability of the site to achieve the IN1 zone objectives: *to encourage employment opportunities*. It is argued that the site is more suited to a mixed-use precinct, comprising residential, urban services, and 'convenience' retail and commercial functions that cater to a local population catchment.

Comment:

A planning proposal is needed to rezone the site, amend the height and FSR controls and introduce local provisions. The proposed additional local provisions, which specify the minimum non-residential floor area and maximum shop tenancy floor areas, are justified to facilitate the longevity of and ability of light industrial uses and spaces to be sustainable from a commercial and planning perspective in the longer term, and to minimise impact on the viability of surrounding centres from retail competition.

The SECPP supported the proposal to proceed to Gateway on 31 March 2020, acknowledging that the planning proposal responds to a change in circumstances for the immediate use of the site and broader trends in economic activity and employment and industrial spaces. The SECPP stated this presents an opportunity for the site to be adapted towards contemporary light industry / urban services use. The site's long-term sustainability and suitability for new industrial development was queried given its unique qualities being: isolated from other industrial lands and other commercial and retail centres; the local road network which is not suitable for high volume traffic given its distance to arterial roads; and the surrounding sensitive residential uses.

The SECPP's decision noted that the retention of the IN1 General Industrial zone over the entire site would be unlikely to meet all the desired outcomes of all the relevant strategies into the future and that a mix of industrial and urban services, residential and open space uses could take maximum advantage of the characteristics and settings of the site to achieve a very strong net public benefit consistent with outcomes sought from State and local planning strategies.

It is noted that prior to the SECPP recommendation, Council resolved on 15 October 2019 to support an earlier version of the proposal which had a reduced FSR and larger foreshore park. Council subsequently resolved to forward the proposal considered by the SECPP to the Department for Gateway determination, in May 2020.

Council's LSPS, which was assured by the Greater Sydney Commission on 25 March 2020, provides Action 6.3 to ensure that any proposed changes to land use or development recognise the requirement of the District Plan in relation to the retention and management of industrial land; achieve a height and density that is compatible with the existing context; contribute to the Green Grid and adequately consider the heritage features on the site.

An Information Note SP2018-1 for *Industrial and urban services land (Retain and manage) – transitional arrangements* was prepared by the GSC states that the retain and manage approach prevails over other district plan objectives relating to delivery of housing or retail floor area.

A strategic assessment with regard to consistency with the Eastern City District Plan and the LSPS Action 6.3 is undertaken in Section 5 of this Report. The assessment concludes that the proposal is inconsistent with certain aspects of the 'retain and manage' industrial land principles, priorities, and actions. However, the proposal is consistent with the recommendations of the SECPP rezoning review decision which determined the proposal demonstrated strategic and site-specific merit and should proceed to Gateway. The site's unique characteristics, including its isolated location on a peninsula, surrounding residential context and waterfront location, limit the site's suitability for industrial uses.

The combination of the site's characteristics and the substantial public benefit offering that can be delivered on the site, means this proposal is completely unique, with attributes unlikely to be replicated on any other industrial site in the Eastern Harbour City.

These qualities include the strategic and site-specific context of:

- a number of local strategic planning documents (namely the Canada Bay LSPS, LHS and Local Planning Statement) anticipate the near-term renewal of the site (by 2021) for a mix of uses, subject to certain principles for redevelopment being achieved;
- the site is isolated and does not form part of an industrial or employment precinct, and does not directly support other industrial or employment precincts;
- the sites interface with sensitive residential uses (east, south and south-west), Exile Bay foreshore (north) and public recreation (north-west), make the current zoning incompatible with the surrounding character; and
- the site is located on a peninsula away from arterial road networks, and is accessible only via a local road (one-lane in both directions). Any intensified industrial use on the site may result in a greater footprint of impact given the distance travelled (1.6-1.7km) by freight/trucks from the major arterial network to the site, and amplified by the co-existence of low-medium scale residential surroundings. The site also does not have deep water port access limiting any access from the Parramatta River.

This is in conjunction with the public benefits that can only be afforded from the site's unique location and historical context, including the site's:

- location on Exile Bay, which enables the delivery of a significant new public foreshore park and enhanced access to the foreshore and green grid network, identified as priorities in the Sydney Green Grid and Council's social infrastructure and open space strategy.
- residential context and setting which supports the delivery of a diverse housing, including a minimum of 10% affordable housing as part of an integrated mixed-use neighbourhood.
- contribution as a rare example of the "Factory Garden Movement", allowing for the proposed heritage listing and adaptive reuse of the Bushells factory. The location of light industry and other non-residential uses at the ground floor level could provide new public exposure to this heritage fabric which is not currently available.

4 Strategic assessment

4.1 Eastern City 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, and sustainability in the plan as outlined below.

However, the proposal is not consistent with the Productivity Planning Priority E12 to retain and manage Industrial and urban services land but aligns with the outcomes to deliver a mix of employment and economic outcomes.

In August 2020, the Greater Sydney Commission provided Officer level feedback on the planning proposal noting that the key matters for consideration are the requirements of the District Plan in relation to the retain and manage principle for industrial land, achieving a density compatible with the existing context, contributing to the Green Grid and creating a new local centre while addressing the site's heritage.

The advice considered that on balance, while noting the relative isolation of the site from the major arterial road network and location adjoining higher density residential areas, the planning proposal would be inconsistent with the principles for managing industrial and urban services land as set out in the District Plan but that there is the potential to amend the zoning to allow a broader range of employment and urban services type uses rather than industrial uses. A higher permissible FSR might also be considered to facilitate this transition. Further consultation with the Greater Sydney Commission is recommended as **Gateway condition**.

The Department is satisfied, that despite the inconsistencies, the planning proposal gives effect 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 3 District Plan assessment

District Plan Priorities	Justification
<p>E3 Providing services and social infrastructure to meet people's changing needs</p> <p>E4 Fostering healthy, creative, culturally rich and socially connected communities.</p> <p>E6 Creating and renewing great places and local centres, and respecting the District's heritage</p>	<p>Priority E3 seeks to deliver social infrastructure that reflects the needs of the community now and in the future. Priority E4 identifies that connectivity of, and access to, diverse open spaces and recreational physical activity is essential for communities. Priority E6 & Action 18 identify the role of local centres, and principles for their place-based planning. Action 20 seeks to conserve and enhance environmental heritage through community engagement, adaptive reuse and managing impacts.</p> <p>The proposal is consistent with Priorities E3, E4 and E6 (Action 18 and 20) as it creates an opportunity to open up the site for foreshore access and deliver new public open space, seeks to facilitate the adaptive reuse of the Bushells factory, and create a new local centre and enhanced services within walking distance of residents. The proposal states that there is no cultural connection (European or Aboriginal) to the site. Consultation with the Metropolitan Local Aboriginal Land Council (LALC) is recommended as Gateway condition to ensure the proposal responds to the needs of Aboriginal communities, continuing culture, and heritage significance.</p>

<p>E5 Providing housing supply, choice and affordability, with access to jobs, services and public transport</p> <p>E10 Delivering integrated land use and transport planning and a 30-minute city</p>	<p>Priority E5 seeks to deliver housing supply that is diverse and affordable and Priority E10 seeks to deliver the 30-minute city concept by integrated transport and land use planning.</p> <p>The proposal is consistent with Priority E5, as it will contribute to Canada Bay's long-term housing supply, providing a range diverse and affordable housing on the site, supported by local jobs, services and open space. The proposal aims to deliver a mixed-use development that will support the needs new of and existing residents in the surrounding neighbourhood.</p> <p>The site is well serviced with existing bus services providing direct connections to the rail station and future metro station. The site is located within 1.5km of the future Burwood North metro station. A bus stop is located directly in front of the site on Burwood Road which offers a bus service to Burwood train station (frequent service train line) and the future planned Burwood North metro station, offering connections to Sydney and Parramatta CBD.</p>
<p>E12 Retaining and managing industrial and urban services land</p>	<p>This Priority seeks to safeguard existing industrial land from redevelopment for residential or other higher order uses to ensure adequate land is available for urban services, freight, logistics and advanced manufacturing. The District Plan classifies urban services as <i>motor vehicle services, printing, waste management, courier services and concrete batching plants</i>, which is expanded by the GSC in 'A Metropolis that Works' to include "<i>panel beaters, home renovation services, glass makers, small-scale manufacturing companies, redistribution centres, kids indoor play zones, food preparation and catering facilities, repair workshops, gyms and the like</i>".</p> <p>The Priority highlights that industrial lands are required for economic and employment purposes, and therefore the number of jobs should not be the primary objective – rather these lands should be managed to accommodate a mix of economic outcomes that support the city and population, and evolving business practices/changes.</p> <p>The planning proposal states that the outcomes sought by the 'retain and manage' principle would not be achieved if the entirety of the site remained as an industrial (IN1) zone. The reason stated is that the suitability and appeal for industrial use on the site is constrained by the its peninsular location, poor road access for heavy vehicles and proximity to sensitive residential uses, and low levels of demand.</p> <p>It argues that the proposal achieves the 'retain and manage' principle with a mix of economic outcomes delivered by the B1 zone which permits light industry uses and other urban services which support the local community and reflect a change in use and character of employment lands in Eastern Sydney.</p> <p>The planning proposal is supported by Land Use Analysis and an Economic Impact Assessment Addendum which made the following recommendations:</p> <ul style="list-style-type: none"> the permissible uses in the B1 zone may not capture the full suite of 'urban services' as defined by the GSC, however, the proposal delivers a mix of economic and employment outcomes and is better suited to the following: <u>Commercial</u>: small scale population serving business premises (e.g. lawyers), which align with the definition of 'business premises', rather

than significant commercial occupiers due to public transport access and lack of critical mass;

- Retail: retail premises, due to the well-established and affluent population, with minimum retail options in close proximity;
- Industrial and urban services: smaller scale industries, such as high-technology or artisan food and drink, given the location, road network and surrounding residential;
- Emerging industries, tech and innovation: small scale industries, such as high technology, artisan food and drink, healthcare/allied health services, artisan food and drink and manufacturing. Emerging industries such as pharmaceuticals and advanced manufacturing are unlikely to be market supported on the site given access and market constraints.

The proposed mix of employment floorspace combined with part industrial zoning on the site was identified as a preferred option; however, a part industrial zoning for the site was not supported by the LPP or SECPP. The site is most suited to medical services and allied healthcare, business services (e.g. banks), supermarkets and speciality food, population services (e.g. hairdressers), restaurants and artisan food and drink industries. There is a vision for the site as an artisan food and beverage precinct with some small-scale manufacturing and light industrial uses on the site.

Comment:

The site contributes 17,000sqm or 9.6% to the current remaining industrial land supply in the LGA, subject to state-led rezonings in the Parramatta Road Corridor Transformation Strategy area and Rhodes Peninsula.

The proposal is inconsistent with Priority E12 and Action 51. However, the SECPP determined that the proposal had strategic merit and should proceed. The SECPP considered that the proposal provides an opportunity to give effect to the District Plan and LSPS by meeting broader strategic objectives. The SECPP determined that the site – with its residential and waterfront open space setting, offers an outstanding opportunity to meet housing diversity, affordable housing, some urban services and open space and foreshore access objectives.

The SECPP determined that the proposal is not strictly consistent with this priority, however the outcomes sought by applying the retain and manage principle will not be met by retaining the site entirely as an IN zone. The specialised coffee cease on the site, and the SECPP considered that the setting (and land economics) neither suits other specialised manufacturing uses or other large-scale industrial uses due to the remote character of the site and its residential surroundings.

The SECPP formed a view that the outcomes of the 'retain and manage' principle could be achieved by:

- the delivery of an alternative mix of uses which provided a mix of economic outcomes to support the city and its population,
- the maintenance of jobs, and
- a range of emerging 'urban services' which respond to the changing character of employment lands in Eastern Sydney.

	<p>The planning proposal was revised in response to the SECPPs recommendations to:</p> <ul style="list-style-type: none"> • consider and identify the viability/appropriateness of a mix of employment and economic outcomes, including commercial, retail, industrial and urban services, and emerging industries, technology and innovation; • dedicate increased floorspace to light industry, retail, and commercial uses; and • introduce site-specific requirements to ensure minimum requirements for light industry and other non-residential uses, and which expand the permissibility of 'commercial premises' on the site. <p>The SECPP considered that the planning proposal includes light industrial uses as well as additional retail / commercial space to satisfy the requirement to provide urban services on the site.</p> <p>The proposal demonstrates a mix of employment and economic outcomes; however, this will be dependent on ongoing maintenance of the minimum floor area, spatial and logistic requirements for 'light industry' uses on the site, and is subject to the Gateway Conditions detailed Section 1.2 of this Report</p> <p>In addition, Priority E12 states that Councils are to conduct strategic review of industrial land as part of updating LEPs. The Canada Bay LSPS, identifies the likely renewal of the site and establishes principles for future redevelopment for it. An assessment against these principles is in Section 3.2 of this Report.</p>
<p>E14 Protecting and improving the health and enjoyment of Sydney Harbour and the District's waterways;</p> <p>E16 Protecting and enhancing scenic and cultural landscapes;</p> <p>E17 Increasing urban tree canopy cover and delivering Green Grid connections;</p>	<p>Priority E14 prioritises enhancing access to the foreshore areas for recreation and cultural events (Action 59) and enhancing the health of waterways.</p> <p>E16 seeks to protect and enhance view lines and vistas, particularly to and from waterways (Action 64), and requires urban renewal to enhance cultural landscapes and access to the foreshore. It also emphasises the importance of preserving Aboriginal culture.</p> <p>Priority E17 identifies that the importance of the Greater Sydney Green Grid (Action 66) and enhancing tree canopy (Actions 65) to create liveable and sustainable neighbourhoods. Green infrastructure is identified as being fundamental to creating a high quality of life and is important in creating a region that is climate resilient and adaptable to future needs.</p> <p>The planning proposal is consistent with these priorities as it will introduce a foreshore building line and RE1 Public Recreation zoning providing improved access to, and management of foreshore land.</p> <p>The planning proposal seeks to protect the heritage of site and allow adaptive reuse, enhance accessibility to Priority Green Grid links (Burwood Town Centre to Hen and Chicken Bay) and increase recreation on the foreshore and opportunities to increase tree canopy on the site. The District Plan acknowledges Aboriginal and European historical and continuing connection to the Parramatta River, with the foreshore as a focal point. It is recommended that consultation with the Metropolitan LALC undertaken as part of the public exhibition.</p>

E18 Delivering high quality open space	<p>Priority E18 and Action 67 seek to protect, enhance and expand public open space by providing opportunities to expand a network of diverse, accessible, high quality open spaces that responds to the needs and values of communities as populations grow.</p> <p>The proposal is consistent with this priority as it provides for a new public foreshore park, a publicly accessible plaza, and new pedestrian / cycling linkages to facilitate access to the foreshore and Priority Green Grid links.</p>
<p>E19 Reducing carbon emissions and managing energy, water and waste efficiently;</p> <p>E20 Adapting to the impacts of urban and natural hazards and climate change.</p>	<p>Priority E19 seeks to reduce waste and emissions generated from development, while Priority E20 seeks to ensure development is compatible with urban and natural hazards.</p> <p>The proposal is consistent with Priorities E19 and E20 and is discussed later in Section 4.1 of this Report. It is noted that the planning agreement with Council includes restoration works to the seawall, however, this does not form part of the planning proposal.</p>

4.2 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 4 Local strategic planning assessment

Local Strategies	Justification
Canada Bay Local Strategic Planning Statement	<p>The discussion in <i>Section 3.1 Eastern City District Plan</i> largely applies here as the LSPS gives effect to District Plan priorities.</p> <p>The planning proposal is consistent with the following priorities, for the reasons detailed in the above Section:</p> <p><i>Priority 1 Planning for a City that is supported by infrastructure (Action 1.7) and Priority 15 Protect and enhance scenic and cultural landscapes (Action 15.1), subject to a Gateway Condition requiring consultation with the Metropolitan LALC.</i></p> <p><i>Priority 3 – Provide community services and facilities to meet people’s changing needs;</i></p> <p><i>Priority 4 Foster safe, healthy, creative, culturally rich and socially connected communities;</i></p> <p><i>Priority 5 Provide housing supply, choice and affordability in key locations,</i></p> <p><i>Priority 6 Provide high quality planning and urban design outcomes for key sites and precincts: Action 6.3. Ensure any proposed changes to land use or development at the Freshfoods site (Bushell’s site) at 160 Burwood, Road, Concord:</i></p> <ul style="list-style-type: none"> <i>adequately recognise the requirements of the Eastern City District Plan in relation to the retention and management of industrial land;</i>

- *achieve height and density that is compatible with the existing context;*
 - *contribute to the Green Grid through a generous and publicly accessible foreshore setback to Exile Bay; and*
 - *adequately considers heritage features on the site and is sympathetic with this heritage.*
- The Canada Bay LSPS was assured by the Greater Sydney Commission in March 2020 and includes site specific requirements for the site. Action 6.3 specifically recognises that the site is 'likely to experience renewal in the short to medium term'.
 - The SECPP determined that the planning proposal can provide a high-quality planning outcome, consistent with Priority 6 and Action 6.3.
 - The site-specific merits of the proposal, as noted by the SECPP, indicate the height and density is compatible with the surrounds, with a landscape character and height transition to complement the proposed heritage listed Bushell's factory. The proposal offers higher-density dwelling choice and delivery of affordable housing and opens connections to the foreshore via site linkages and a public foreshore park.

Priority 7 Create vibrant places that respect local heritage and character

- The proposal is consistent with the priority as it seeks to list the Bushells factory as local heritage item allowing for its conservation and providing opportunities for adaptive reuse.

Priority 10 Identify opportunities to support urban support services

- The proposal is consistent with this priority. As referenced in the SECPP decision, the inclusion of light industrial uses as well as additional retail and commercial space, provides for urban services on the site.
- The planning proposal will provide for diverse mix of employment and local services on the site. The planning proposal contains provisions to ensure minimum floorspace requirements for light industrial and non-residential uses are achieved on the site.

Priority 12 Improve connectivity throughout Canada Bay by encouraging a modal shift to active and public transport


Priority 13 Protect and improve the health and enjoyment of the Parramatta River Catchment and waterways

Priority 16 Increase urban tree canopy and deliver Green Grid connections

- The LSPS identifies the site on a 'Primary Green Spine' and 'Major Green Grid Corridor' of the Hen & Chicken Bay Foreshore to Burwood link, via Burwood Road. The proposal has the potential to deliver greater site permeability for these links through providing improved public access to the foreshore and new open space.
- The eastern and western boundaries of the site is identified as 'supporting habitat'. The revised concept plan provides opportunity to retain this planting and achieve 25% canopy cover (as per Action 16.5).

Priority 17 Deliver high quality open space and recreation facilities

	<ul style="list-style-type: none"> The planning proposal is consistent with this priority as will provide 9,740sqm of publicly accessible public domain and a new 5,900sqm foreshore park for the community to enjoy. <p><i>Priority 18 Reduce carbon emissions and manage energy, water and waste efficiently</i></p>
Canada Bay Local Housing Strategy	<p>The Housing Strategy was approved by the Department on 10 May 2021, subject to Council satisfying certain requirements in the Approval and advisory notes. The lodgement of the planning proposal pre-dates the LHS approval however the planning proposal for the Bushells site is identified in the LHS for the medium-long term growth (post-2021).</p> <p>This includes the following actions which are relevant to the proposal:</p> <p><i>2. Ensure that apartment dwelling yields are comprised of sufficient dwelling diversity:</i></p> <ul style="list-style-type: none"> the Canada Bay LEP contains existing provisions which require a mix of apartment types to be provided in new residential and mixed-use developments. This requirement would apply to the site and ensure mix of apartments are provided as part of future development. <p><i>5. Ensure that housing in the LGA provides opportunities for key workers, low income households and other groups through the requirement the private sector provide affordable housing as part of larger redevelopment</i></p> <ul style="list-style-type: none"> The proposal proposes an affordable housing contribution target of 10%, which exceeds the minimum 5% target. Council's amended Affordable Housing Contribution Plan (February 2021) includes a requirement for 10% affordable housing to be provided on the site.
	<p>The proposal addresses relevant requirements and advisory notes in the approval as follows:</p> <p><i>Implementing the Local Housing Strategy</i></p> <ul style="list-style-type: none"> It seeks to progress a planning proposal which promotes housing diversity and affordable housing contribution, <p><i>Advisory Notes – 160 Burwood Road, Concord (Bushells)</i></p> <p><i>Council should consider site suitability and the employment impacts of any planning proposal for residential or mixed-use development for the site at 160 Burwood Road, Concord. This should be done in the context of the priorities and actions of the Eastern City District Plan and Council's Local Employment and Productivity Strategy. Alongside consideration of the overall public benefit of proposal, these aspects should determine the potential for, and if relevant the amount of, housing suitable for the site.</i></p> <ul style="list-style-type: none"> The site suitability and employment impacts of the proposal have been considered against the actions of the District Plan and Council's Local Employment and Productivity Strategy, The proposal will deliver public benefits in the form of public open space (dedicated to Council), improved public access to the foreshore and new publicly accessible spaces, affordable housing, and heritage conservation.

<p>Local Planning Strategy 2010-2031</p>	<p>The purpose of the Local Planning Strategy (LPS) is to provide a framework for future land use planning in the City of Canada Bay. The LPS included an action to retain the site as industrial land but to be reviewed ten years after the adoption of the Strategy.</p> <p>The proposed rezoning aligns with the timeframe in which Council foreshadowed redevelopment of the site to be investigated, being 10 years after the adoption of the Strategy in 2010. Since this time the District Plan was adopted in March 2018 and the policy to retain and manage all industrial and urban services land in the Eastern City applies and Council has developed its LSPS which contains an action relevant to the site.</p>
<p>Canada Bay Local Employment and Productivity Study (2019)</p>	<p>The Study (by SGS Economics and Planning, August 2019) informed the Canada Bay LSPS, which was assured by the GSC on 25 March 2020.</p> <p>The Study found that the Canada Bay LGA is expected to have a significant under-supply of industrially-zoned land due to the large rezonings along Parramatta Road and in Rhodes East, which pre-date the introduction of the District Plan and LSPS 'retain and manage' principles for industrial land. These precincts contain an estimated 160,000sqm of industrial floorspace which will be lost.</p> <p>The study recognises that the site is the only piece of industrial land (see figure below) not subject to a state government plan seeking to rezone it, and comprises 9.6% or 17,000sqm of remaining industrial land supply in the LGA:</p> <p>MAP 11: EMPLOYMENT</p>  <p>KEY</p> <ul style="list-style-type: none"> Concord Hospital Birkenhead/Drummoyne (retail/service hub) Five Dock (retail/service hub) Local Centres (retail/services) Parramatta Road (retail/services) Remnant Industrial Rhodes (Includes Rhodes Redevelopment Area) Burwood (retail/services hub; includes a Westfield Shopping Centre) Bakehouse Quarter (retail/service hub) Health and Education Precinct Strategic Centre Local Centre Future Local Centres Future Metro station location Future Metro West Corridor Train station Ferry stop Public open space Golf courses Waterways <p>The following Priority and Action apply:</p> <p><i>Priority 18 Retain any industrially zoned land outside of pre-existing planning commitments to rezone (In Rhodes East and along Parramatta Road):</i></p>

	<p><i>Action 18a retain Bushell's site on Burwood Road</i></p> <ul style="list-style-type: none"> The Study recommends retain the Bushells site, but adds that this <i>does not preclude Council from exploring innovative future uses with operations that aren't simply compatible with the surrounding residential uses but provide some form of service both to the local and wider community.</i> The SECPP considered the proposal to be innovative and likely to result in operations that are both compatible with surrounding residential uses and provide service to the community by: <ul style="list-style-type: none"> Contributing needed and high-quality open space, improved foreshore access and contributing to the green grid network Retaining and adaptively reusing heritage elements Contributing to housing quality and diversity objectives for the LGA and District, including demand for medium density housing identified in the LSPS and targets in the District plan Enabling employment and urban services on part of the site – with the potential to employ a greater number (than existing) – in a setting that would introduce the opportunity for a range of niche light industry and creative spaces – suited to emergency economic and development trends in the LGA as outlined in the Study Improving local amenity, via the provision of neighbourhood centre scale local services and retail. The LSPS Priority 6, Action 6.3, which was informed by this Study, acknowledges the likely renewal of the site and establishes principles for its redevelopment. A statement is provided against this Priority and Action earlier in this section of the Report.
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, with key priority needs for greater public foreshore access and recreation along the foreshore.</p> <p>The planning proposal addresses the Strategy's priorities, including Outcomes 1 and 2 and actions, by providing new a new local foreshore park and enhancing foreshore access and green grid links.</p>
Urban Tree Canopy Strategy (2019)	<p>The Strategy seeks to implement the vision, priorities, and actions to manage the urban forest and inform the revised LEP.</p> <p>The Proposal is consistent with the Priorities and Actions of the study as previously mentioned in Section 3.1 Eastern City District Plan.</p>

4.3 Sydney City Eastern Planning Panel recommendations

The planning proposal lodged September 2019 (version 3) was subject of a Rezoning Review by the SECPP (RR_2019_CANAD_001_00). On 31 March 2020, the SECPP considered the planning proposal and supported it to be submitted for Gateway determination (**Attachment D**), as it demonstrates strategic and site-specific merit.

The recommendation was subject to the following conditions:

1. *A local planning provision be introduced into the instrument for the site to allow light industrial (IN2) uses to be permissible on the site. This is in the absence of a definition in the standard instrument of ‘urban services’*
2. *A development standard be introduced into the instrument to increase the minimum provision of non-residential uses to 10,000 sqm, where a min 3,000 sqm shall be provided for ‘urban services’ (aka light industrial uses)*
3. *Satisfactory arrangements be in place prior to the instrument being made to allow for, at least, the maintenance on the site of:*
 - *minimum of 8,900 sqm of Public Open Space*
 - *minimum of 10% affordable housing to be provided in perpetuity*
4. *A DCP shall be prepared and exhibited concurrently with the planning proposal to include:*
 - *urban design criteria*
 - *increased setbacks relative to building/wall height adjacent to existing lower density residential uses*
 - *increased building separation*
 - *height distribution relative to boundaries*
 - *building mass distribution*
 - *deep soil landscaping*
 - *sustainability measures*
 - *heritage and curtilage*

Comment:

The planning proposal has responded to the recommendations of the SECPP as follows:

- it introduces additional local provisions to specify the minimum quantum of non-residential uses, including for ‘light industry’ uses,
- it introduces an additional permitted use for ‘commercial premises’ in the R3 Medium Density Residential zone to facilitate the provision of non-residential GFA and the proposed B1 Neighbourhood Centre zone permits light industrial uses that are identified by the supporting technical documentation to be suitable for the site,
- a draft site-specific DCP has been prepared which addresses the matters outlined above; and
- the Affordable Housing Contribution Scheme (AHCS) has been amended to include a requirement for 10% affordable housing to be provided on the site;
- the planning proposal includes the RE1 Public Recreation zone for land identified as public space on the foreshore (5,900sqm);
- a planning agreement has been submitted which includes dedication of the land zoned RE1 to Council public open space.

The SECPP’s recommendation for a minimum 8,900sqm to be provided as public open space included internal roads, the foreshore park and a plaza; however, Council resolved to accept only the foreshore park as dedicated public land at its meeting of 19 May 2020.

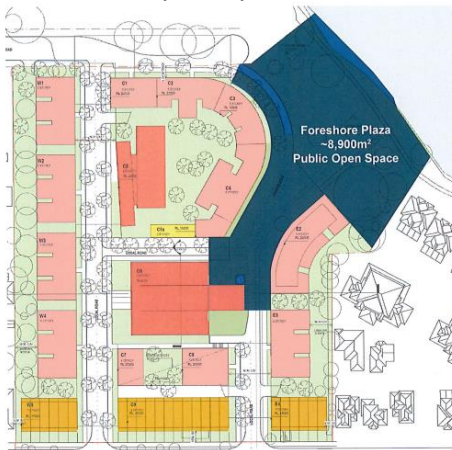
The planning proposal provides the recommended amount of open space, but with a different ownership split, as shown on the following page.

The planning proposal provides for 9,740sqm of publicly accessible public domain (including a plaza and local streets) and 5,900sqm as public open space to be dedicated to Council.



February 2019

Proponent proposed scheme
Public & Privately-owned open space: 7,400 sqm
Including the foreshore park, an internal road and public plaza.



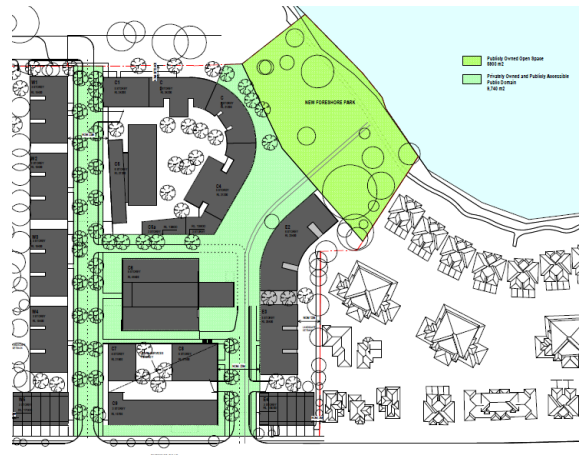
September 2019

Proponent Proposed & SECPP Endorsed
Public: 8,900 sqm
Including the foreshore park, an internal streets and public plaza.



October 2019

Council proposed & endorsed scheme
Public: 6,500 sqm (foreshore park)
Private: remaining public domain



Current Planning Proposal

Submitted for Gateway
Public: 5,900 sqm (lime green) public foreshore park,
Private: public plaza and internal streets and public domain (aqua green)

4.4 Local planning Panel recommendations

On 5 June 2019, the Canada Bay LPP considered the planning proposal (as lodged February 2019). The Local Planning Panel (LPP) noted and endorsed the broad intention of maintaining industrial and urban services land; however, considered that such an approach did not acknowledge the specific locational context of the site which makes it unsuitable for continued industrial purposes.

The Panel was of view that the site:

- is an isolated pocket of industrial land on the foreshore surrounded by residential and recreational use;
- is not located in close proximity to major traffic and transport routes and is essentially at a dead end;
- has a specific purpose-built industrial use since 1950, that will imminently and permanently relocate; and
- is the last remaining site for industrial purposes in an area where all similarly zoned sites have been rezoned for residential purposes over the last 30 years.

The LPP noted that Councils' Local Planning Strategy 2010 identified further investigation of the site within 10 years and opportunities for alternative uses in the longer term. The Panel considered that given the site's context and location that it is not suitable for continued or more intense use for industrial and urban services land and should be rezoned to allow for medium-density residential development, mix of local services uses and foreshore public open space.

The LPP stated its support for a change of zoning to facilitate a predominantly residential outcome for the site with local services with adaptive reuse of heritage, appropriate landscape setting and public open space. However, the Panel recommended the proposal should not proceed until the following issues were addressed:

- *Reduce the proposed scale and density of the site,*
- *identify the capacity of the site by understanding the traffic generated by the development and traffic management mitigations that need to be implemented including the opportunities and impacts of those initiatives,*
- *identify how heritage influences the concept plan and provide a greater level of certainty around heritage outcomes,*
- *ensure there is an appropriate framework for landscape outcomes including the retention in situ of T184 (mature Fig tree),*
- *Prepare:*
 - *A site-specific development control plan,*
 - *An analysis of land levels, heights and relationship to existing and finished levels.*
- *Base any revised planning proposal and concept plan on fine grain, block by block, FSR analysis.*

The Panel also did not support the inclusion of an IN1 or IN2 zone (as originally proposed) as it would result in land use conflicts, and instead recommended a range of local service uses be included in the B1 Zone.

It should be noted that the LPP considered an earlier version of the planning proposal than considered by the SECPP; however, the planning proposal responds to the LPP's recommendations with reduced densities, additional heritage studies to support the proposed heritage outcomes, a landscaping plan which includes retention of the mature fig tree, and block by block FSR analysis. A draft DCP has been prepared which includes detailed controls for the

site, including built form controls, landscaping and heritage provisions. A Gateway condition is recommended to update the traffic study.

4.5 Section 9.1 Ministerial Directions

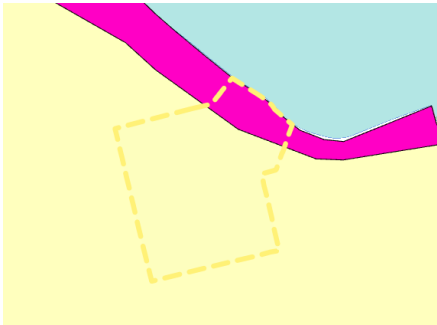
The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 5 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Business and Industrial Zones	No, but inconsistency justified	<p>Direction 1.1 aims to encourage employment growth, protect industrial and employment lands and support the viability of identified centres. This direction applies as the proposal seeks to replace industrial land with business, residential and recreation. The Direction states that a proposal can be inconsistent with this direction if it is justified by a strategy or study which gives consideration to this direction; is in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department; or, is of minor significance.</p> <p>The proposal states that the site is unsuitable for the continued or intensified use of the IN1 zone, as conceded by the SECPP, and that while the mixed use proposal will result in a net loss of employment uses and industrial floor space (-14,000sqm), it will allow a net increase in jobs (145) in retail, commercial and urban support services roles. The proposal states that the rezoning and proposed mixed use development responds to the indicative targets for population, housing and employment growth set out in the Greater Sydney Region Plan and Eastern City District Plan. It argues it is consistent with these strategic documents and this supports any inconsistency with the 9.1 Direction.</p> <p><u>Recommendation:</u> The Secretary's delegate form a view that the inconsistency with Direction 1.1 is justified because:</p> <ul style="list-style-type: none"> is supported by studies prepared in support of the proposal (Economic Impact Assessment, Retail Needs and Demand Assessment, Land Use Analysis) which consider Objectives (a) and (c) of the Direction, as detailed above. The studies conclude that the site is suitable for the quantum of floor space and types of uses proposed, which provides a viable mix of economic and employment outcomes, including additional jobs; the site is identified in the Canada Bay LSPS, assured by the Greater Sydney Commission, which acknowledges that a change of land use at the site may be consistent where it addresses the principles in Priority 6 and Action 6.3, which include the 'retain and manage' principles for industrial land. An assessment against these principles are in Section 3.2 of this Report.

2.1 Environment Protection zones	Yes	<p>The Direction seeks to protect and conserve environmentally sensitive areas.</p> <p>The proposal seeks to introduce a foreshore building line across the site's frontage to Exile Bay, to protect and conserve the environmental qualities, processes and amenity of the foreshore</p> <p><u>Recommendation:</u> The proposal is consistent with Direction 2.1.</p>
2.2 Coastal Protection	Yes	<p>This Direction seeks to protect and manage coastal areas. The Direction places limits on rezoning or intensifying land uses in coastal vulnerability areas, coastal wetlands or other land identified as land affected by a current or future coastal hazard in a LEP or DCP.</p> <p>The proposal states the site is located within the Coastal Zone, however, is not within a coastal vulnerability area nor identified as being subject to current or future coastal hazard in a LEP or DCP</p> <p><u>Comment:</u> The proposal is not within the coastal management areas which would preclude rezoning or intensification of land uses. The proposal proposes to dedicate 5,900sqm of land directly adjacent to the foreshore for public open space and is consistent with Direction 2.2.</p>
2.3 Heritage Conservation	Ministerial Direction not acknowledged (Gateway Condition)	<p>Direction 2.3 requires that a planning proposal contain provisions which facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage of the area.</p> <p>This Direction applies as the proposal seeks to introduce a new local heritage item for the site. The proposal is supported by various heritage studies which conclude that the site be recommended as a local heritage item, and that the proposal does not adversely impact the heritage or cultural significance of the site and surrounding heritage items.</p> <p><u>Recommendation:</u> The planning proposal is consistent with this Direction. However, Gateway Condition are recommended to:</p> <ul style="list-style-type: none"> • update the proposal (pre-exhibition) to acknowledge the relevance of this Direction and provide further commentary against it; • redact culturally sensitive AHIMS data from the Aboriginal Due Diligence Assessment (pre-exhibition); • consult with the Metropolitan LALC (during exhibition).
2.6 Remediation of Contaminated land	Yes, but the proposal only acknowledges SEPP 55.	<p>Direction 2.6 aims to reduce the risk of harm to human health and the environment from contaminated land. The Direction replaced the relevant provisions of SEPP 55 on 17 April 2020.</p> <p>The Direction applies to the proposal as the site is identified as having the potential to be contaminated based on historical use for</p>

		<p>coffee manufacture and a timber yard, and proposed zonings that permit residential, childcare and recreational uses.</p> <p>The proposal states that the site can be made suitable for development and that further testing should occur given the existence of higher Health Investigation Levels in a specific location in the north of the site. In addition, further investigation, remediation and / or management would be required to make the contaminated soil suitable for future development which could be addressed at development application stage.</p> <p><u>Comment:</u> A Stage 1 Preliminary Site Investigation provided with the proposal found:</p> <ul style="list-style-type: none"> • A moderate to high potential for contamination to be present on the site as a result of past and present land use activities; and • Further assessment (Stage 2 Detailed Site Investigation) of the site is warranted to identify the suitability of the site (with respect to contamination) for any change in land use scenario. <p>The Soil Contamination Assessment provided with the proposal found:</p> <ul style="list-style-type: none"> • Soils on the site are unlikely to pose a risk of harm to human health and the environment, and are suitable to retain on the site for the proposed development, subject to further investigation, remediation and/or management of areas of concern and appropriate design of structures due to the presence of acid soils. <p><u>Recommendation:</u> The proposal is to be updated to acknowledge the relevance of this Direction and provide further commentary against it (Gateway condition) and to undertake a Detailed Site Investigation, prior to finalisation.</p>
3.1 Residential Zones	Yes	<p>Direction 3.1 aims to encourage a variety of housing types, make efficient use of infrastructure and service and minimise the impact of residential development on the environment and resource lands.</p> <p>The Direction applies as the proposal seeks to create new residential zoning and floor space on the site.</p> <p><u>Comment:</u> The proposal is consistent with this Direction and its objectives as detailed previously in this Report.</p>
3.4 Integrating Land Use and Transport	Yes	<p>Direction 3.4 aims to ensure that urban structures, building forms, land use locations, development designs, subdivision, and street layouts; improve active and public transport access; reduce car dependency and travel demand; and provide for efficient movement of freight.</p> <p>This Direction applies as the planning proposal seeks to create, alter or remove a zone or a provision relating to urban land.</p>

		<p>The proposal states it is consistent with the direction as the concept plan provides greater permeability by including a new local road linking Burwood Road to Zoeller Street, and pedestrian and cycling paths to the Exile Bay foreshore, and providing neighbourhood retail/commercial uses within a walkable distance for residents of the peninsula.</p> <p><u>Recommendation:</u> The proposal is consistent with the Direction in that it would provide new, logical road links to contribute to the area, and offers new medium-high density housing with easy access to public transport connections.</p>
4.1 Acid Sulfate Soils	Yes	<p>Direction 4.1 aims to avoid significant adverse environmental impacts from land that may contain acid sulfate soils. This Direction applies as the planning proposal applies to land on the Canada Bay LEP 2013 Acid Sulfate Soils Map, with majority as Class 5 and a portion on the foreshore as Class 2:</p>  <p><i>Acid sulfate soils LEP map, ePlanning Spatial viewer.</i></p> <p>A Preliminary Geotechnical Investigation submitted with the proposal states there is high probability of Acid Sulfate Soils in nearby areas of the site, and the potential for acid soils and potential acid sulfate soils (PASS) on the site at differing depths. It makes recommendations for their management if excavation were to occur below the groundwater level, including potential need for further groundwater measurements and extensive dewatering.</p> <p><u>Recommendation:</u> The Canada Bay LEP contains provisions which prevent environmental damage arising from exposure of acid sulphate soils. The proposal is consistent with this Direction.</p>
4.3 Flooding	Ministerial Direction not addressed and further justification required (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>The site is not within a flood planning area but is within the Exile Bay Catchment Flood Study area, and the Direction applies as the proposal seeks to create, alter and remove existing zones and introduce new provision to enable more sensitive land-uses.</p> <p><u>Recommendation:</u> The proposal has not addressed Direction 4.3, and the proposal is to be updated (pre-exhibition) to acknowledge the relevance of this Direction and provide further commentary against it (Gateway condition).</p>

6.2 Reserving land for public purposes	Yes	<p>This Direction relates to the administrative processes behind the creation, removal or alteration of publicly zoned land. Under this Direction, a planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Secretary of the Department.</p> <p>The proposal will create a new RE1 zone which will be dedicated to Council, rather than subject to land acquisition requirements.</p> <p><u>Recommendation:</u> the proposal is consistent with this Direction as the proposed public open space dedicated to Council:</p> <ul style="list-style-type: none"> • has been endorsed by Council, and • will be approved by a delegate of the Planning Secretary, subject to a favourable Gateway Determination and any subsequent finalisation of the LEP.
6.3 Site Specific Provisions	No, further justification required (Gateway Condition)	<p>Direction 6.3 aims to discourage unnecessarily restrictive site-specific controls.</p> <p>The Direction applies as the proposal seeks to introduce:</p> <ul style="list-style-type: none"> • additional local provisions specifying minimum and maximum floor space requirements for certain land uses, and • 'commercial premises' as an additional permitted use in the R3 zone (Schedule 1) <p>The proposal states it has been prepared in accordance with the provisions of the Standard Instrument and in a manner consistent with the Canada Bay LEP 2013.</p> <p>The Department notes the inconsistency with Direction 6.3 is seeking to facilitate an outcome whereby 'light industrial' uses can be delivered and maximised on the site by reducing pressure from commercial and retail uses. The maximum floor space requirements for 'shop' tenancies reflects the intended outcome for 'local convenience shopping' and to minimise impacts on the role and function other nearby centres, such as Concord local centre (Majors Bay Road).</p> <p>The introduction of commercial premises within the R3 zone aligns with zone objective 3 as the subject site and surrounding residential area are not currently within walking distance of other neighbourhood / local centres and the proposal facilitates other land uses that provide facilities or services to meet the daily needs of residents.</p> <p><u>Recommendation:</u> The proposal needs to provide further justification that the inconsistency with Direction 6.3 is minor prior to any finalisation of the LEP. A Gateway Condition is recommended accordingly.</p>

4.6 State environmental planning policies (SEPPs)

With exception of certain aspects of SEPP 65 – Design Quality of Residential Apartment Development, the planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 6 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Proposal	Complies
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 proposal states it is consistent with SEPP 70 because the proposal provides for approximately 400 new dwellings and affordable housing pursuant to Council's affordable housing contribution scheme (AHCS).</p> <p><u>Comment:</u> The AHCS includes feasibility testing of the 5% and 10% contribution for the site, in response to the SECP's recommendation.</p> <p>Accordingly, a rate of 10% has been applied for the site, and includes the varying calculations for residential, mixed use and adaptable use developments, or monetary contributions. The AHCS relates to the existing Clause 6.12 Affordable Housing in the LEP. As detailed previously, the proposed Cl6.12 provisions need to be updated according to the AHCS.</p>	Yes
Affordable Rental Housing SEPP 2009	The Policy intends to facilitate increased supply and diversity of affordable rental and social housing in NSW.	<p>The proposal states it is consistent with the ARH SEPP for the same reasons stated above.</p> <p><u>Comment:</u> Under the ARHSEPP the proposed R3 zoning would make permissible secondary dwellings, boarding houses and group homes which could contribute to diverse and affordable housing at the site. However, these housing types are not currently proposed in the concept scheme.</p>	Yes
Coastal Management SEPP 2018	The SEPP contains development provisions for each of the four coastal zones (identified under the Coastal Management Act 2016) to guide appropriate development within each zone.	The proposal identified the site within the coastal environment area, and that future redevelopment of the site will address the relevant provisions at the DA stage.	Yes

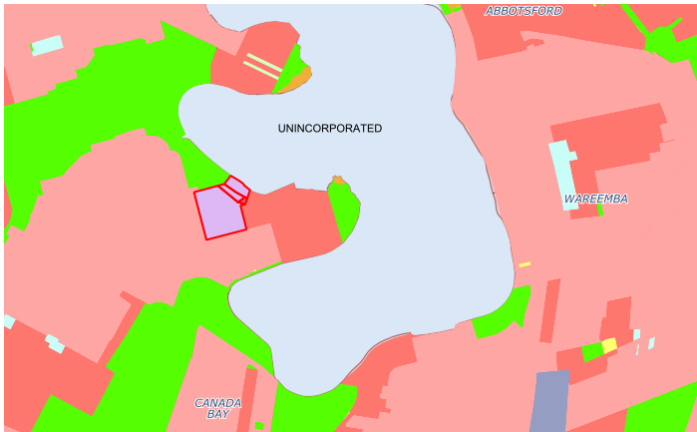
SEPPs	Requirement	Proposal	Complies
		<u>Comment:</u> The site is also within the Coastal use area. The proposal is consistent with the aims of the SEPP and the Act. Any future development will need to address the objectives and controls of the coastal environment and use areas.	
Sydney Harbour Catchment Regional Environmental Plan (REP) 2009	The REP provides a planning framework for better environmental outcomes for Sydney Harbour and its tributaries, including maintaining public accessibility to and along the harbour and its foreshores.	<p>The planning proposal states it is consistent with the SREP and the corresponding Foreshores and Waterways DCP for Landscape Character type 12, which includes Exile Bay.</p> <p><u>Comment:</u> The proposal is consistent with the aims of the SREP and may need to address the requirements of the future draft <i>Environment SEPP</i> (once gazetted).</p>	Yes
SEPP 65 – Design Quality of Residential Apartment Development	Aims to improve the design quality of residential apartment development in NSW.	<p><u>Comment:</u> The Department's Urban Design Branch undertook an urban design peer review of the planning proposal (dated Sept 2020). The matters to be addressed are outlined below:</p> <p><i>Planning Controls</i></p> <p>No objection (in principle) was raised with regards to the proposed height, FSR and boundary setbacks. The Urban Design Team noted the need for height and FSR to respond to the ADG solar access, natural ventilation, apartment size and layout, and efficiency requirements in any future development.</p> <p><i>Solar access and internal overshadowing</i></p> <p>There proposed massing indicates that some buildings (Blocks 1, 2 and 5) may not be capable to achieving the minimum solar access requirements in the ADG. A Gateway Condition requires more information, including solar access studies to be prepared to demonstrate that future development t is capable of achieving compliance with the ADG solar access requirements.</p>	Yes, but further information required for solar access and FSR controls

5 Site-specific assessment

5.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 7 Environmental impact assessment

Environmental Impact	Assessment
Zone interface	<p>The planning proposal states that the suburban context of the site is reflective of incremental post-industrial redevelopment of Sydney's waterfront, with the site serving as a remnant of Sydney's previous industrial harbour which is now incongruent with its surrounds.</p> <p><u>Comment:</u> The Department concurs with the above statement, as while the site's zoning reflects its current use for coffee manufacturing, it is uncharacteristic of the predominantly low-medium residential zoning, and to a lesser extent public recreation, in the surrounds (see figure below). The site does not appear to form part of an industrial or commercial precinct given its inconsistency with land use character in the immediate surrounds, and its distance from other local and commercial centres (1.5-2.2 km distance). Its context is further juxtaposed by its location on the foreshore of Exile Bay, which is not a contemporary approach to the placement of industrial uses.</p>  <p>(Source: Canada Bay online maps, 02/10/2022)</p>
Traffic and Transport	<p>The proposal states that the additional traffic generated by the proposed development is not expected to compromise the safety or function of the surrounding road network following implementation of agreed road network improvements.</p> <p><u>Comment:</u> The submitted Transport Impact Assessment supports a residential yield of 400-500 dwellings and 4,000 to 8,000 sqm of non-residential uses in addition to community facilities. The Assessment notes that while the site is not located in a centre, it is in a high residential amenity location and outlines existing transport services including access to high frequency bus services, active transport and the provision of road network improvements for existing and future traffic conditions.</p>

	<p>The Report considers that the increase in bus services along Burwood Road would be sufficient to meet the demand for the site and options for on-demand bus services and shuttles could be considered. However, Council has resolved not to support on-demand services as part of the planning agreement.</p> <p>The Report notes that the staging of development will also align with infrastructure projects including Sydney Metro West and the future Burwood North Metro station, located 1.5km from the site.</p> <p>A Gateway condition is recommended requiring the Transport Impact Assessment to be updated to reflect the current proposal and as result of consultation with Transport for NSW.</p>
Overshadowing	<p>The proposal states that there would be some overshadowing impacts which would need to be confirmed as part of the development application process.</p> <p><u>Comment:</u> As detailed in Section 3.5, more information is required to confirm that the proposed heights and FSR controls can achieve the minimum ADG requirements for solar access for future residential buildings and communal open space (Gateway Condition).</p> <p>The overshadowing diagrams provided in the concept plan indicate that there will be additional overshadowing to adjoining properties at the winter solstice but is generally capable of providing sufficient solar access to these properties. The additional overshadowing includes morning shadows (9-10am) to Duke Street properties in the west and afternoon shadows (1-3pm) to properties fronting Burwood Road and Exile Bay in the east.</p>
Visual impacts	<p>The proposal states that new buildings will not cause significant public domain view loss.</p> <p><u>Comment:</u> The Department's Urban Design Branch's urban design peer review of the proposal raised no objections (in principle) to the overall scale and built form. The Urban Design Report photomontages indicate that the visual landmark of the Bushell's building and chimney stack can be retained.</p>
Public domain	<p>The proposal states that it will positively contribute to the public domain by providing new public open space which will be well-connected by new through site links and foreshore walkways.</p> <p><u>Comment:</u> It is considered that the proposal would provide significant improvements to the public domain.</p>
Stormwater and flooding	<p>The proposal states that Council's stormwater management requirements can be met and would be formally addressed at the development application stage.</p> <p><u>Comment:</u> The site is not within a flood planning area; however, part of the site is identified as 'flood fringe' in the draft Exile Bay Flood Study (Feb 2020). The proposal is to be updated to address potential flood risks and suitability of the proposal for the site.</p>
Contamination and groundwater	<p>The proposal states that arsenic concentrations at one test location were marginally higher and identified as a hot spot for further investigation. It also states that further investigations may be required for groundwater conditions and potential dewatering of basement excavation below the groundwater level, and placement of footing structures in areas of acidic soils.</p>

	<p><u>Comment:</u> A Site Contamination Assessment was submitted in support of the proposal and concluded the potential for contamination to be present on the site and that further assessment would be warranted. A Gateway condition addresses this and recommends a Detailed Site Investigation be prepared prior to finalisation.</p>
Tree canopy	<p>The proposal states it will retain existing landscaping along the eastern and western boundary of the site and that any loss of trees could be mitigated with new plantings on the site.</p> <p><u>Comment:</u> The proposal proposes to retain trees where possible and in accordance with the Arboricultural Development Assessment. The draft DCP contains landscaping provisions for the site.</p>
Sustainability	<p>The Sustainability Strategy submitted with the proposal, identifies 5 key interventions to improve energy and water efficiency, and transport outcomes of the future development, including efficient appliances and improved thermal design, solar photovoltaic and battery road facilities, green façade treatments for cooler dwellings and best practice parking measures and car share facilities.</p> <p><u>Comment:</u> The Sustainability Strategy outcomes could be better integrated into the site specific DCP, subject to conflicts with the BASIX SEPP requirements. Given the scale of the site, there is opportunity to investigate more efficient approaches to energy, water and waste management, which could include consideration of Electric Vehicle charging points for residents/public as a 'future proofing' measure. The above matters will be reiterated in any Letter to Council (not a Gateway Condition), as the DCP is a local matter for Council's consideration.</p>
Heritage (European and Aboriginal)	<p>The proposal nominates the Former Bushell's Factory building to be listed as a local heritage item and states that the building could be adaptively reused. The proposal is supported by a Statement of Heritage Impact, Heritage Significance Assessment, and a Heritage Listing Nomination Report, prepared by Heritage 21. The Reports identify the site as and rare and extant example of the Factory Garden Movement and a 20th century example of a working factory, and the importance of conserving its visual prominence in the skyline.</p> <p>The Reports note that the public benefits offered by the heritage listing are recognised if the building is used for commercial or mixed use (commercial and residential) to 'open up' the building for the public. Recommendations are made for its adaptive reuse, with emphasis placed on maintaining the landscaped setting.</p> <p><u>Comment:</u> The proposed reuse of the Former Bushell's Factory building as a local heritage item is supported and would make a positive contribution to the area. A Gateway condition recommends that objectives / provisions be introduced into the LEP and site specific DCP requiring the retention and adaptive reuse of the Bushell's building, and that the DCP be prepared / applies to the land before development consent is granted.</p> <p>An Aboriginal Heritage Due Diligence Assessment submitted with the proposal concludes that the majority of the site is 'fill', however that there is potential for Aboriginal objects in the alluvial deposits and sub-surface archaeological potential, and any disturbance of these areas would warrant further assessment by a geomorphologist. It is noted that liaison with the Metropolitan LALC was unable to be undertaken during in the preparation of the assessment. A Gateway Condition recommends that sensitive AHIMS data be redacted from this Assessment, prior to exhibition, and that the Metropolitan LALC are consulted.</p>

5.2 Social and economic

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

Table 8 Social and economic impact assessment

Social and Economic Impact	Assessment
Housing supply, diversity and affordability	<p>The proposal states it will enable a range of housing types and facilitate 393 additional dwellings, 10% of which would be provided as affordable housing.</p> <p><u>Comment:</u> The proposal would provide additional housing in the area, providing a range of housing types, including midrise apartments and terraces. The proposal will also provide 10% affordable housing on the site.</p>
Social infrastructure, public domain and open space	<p>The proposal is supported by a Social Infrastructure and Community Demand Assessment which concludes that the site has limited social infrastructure within 400m but is well-served within 1-2km radius as follows:</p> <ul style="list-style-type: none"> • Good service / capacity: Health facilities, aged care facilities, primary and secondary educational facilities, open space and local parks, community centres and water-based sporting clubs. • Lack of service / capacity: indoor recreation facilities, supermarkets and childcare facilities. <p><u>Comment:</u> The proposal includes upgrade to the public domain, including a new foreshore park, which aligns with the identified need and priorities for public open space and foreshore access, consistent with the above study and Council's social infrastructure and open space strategy. The proposal will also provide opportunities for new local services on site.</p>
Jobs	<p>The planning proposal will result in a net gain of 51 jobs, with an increased proportion of residents living close to local employment opportunities, services (e.g. retail and population-serving) and other amenities (e.g. open space).</p>

5.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Traffic and transport

The planning proposal is supported by a traffic and transport which assesses the potential impact of the proposal and measures to address increased demand on transport infrastructure. An updated transport report is required as a Gateway condition. The updated transport report is to reflect the current proposal, incorporate recent and planned transport upgrades (Sydney Metro West, precinct-wide traffic studies for the Parramatta Road Corridor Urban Transformation Strategy, etc) and identify traffic management mitigations that need to be implemented.

Social infrastructure

The planning proposal provides for significant new public open space to be dedicated to Council. Consultation with the Department of Education (School Infrastructure NSW) is recommended in Agency consultation.

Utilities

Upgrades may be required to water, electricity and/or sewer. Ausgrid, Jemena and Sydney Water are included in Agency Consultation.

6 Consultation

6.1 Community

Community engagement was undertaken by the proponent as part of a review of options for the potential future redevelopment of the site. More than 190 people attended the drop-in event and 75 online surveys were completed in 2017.

Feedback included:

- Support for community facilities and activities on the site
- Support for protecting the site's character
- Support for opening up the site for public access
- General support for improving local public transport to discourage reliance on private vehicles

In response to feedback, the proposal was amended to include a community market, cultural spaces, public open spaces, adaptive reuse of the Central Roasting Hall as a heritage item, and provision of new public foreshore park with pedestrian links.

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

6.2 Agencies

The proposal does not specifically raise which agencies will be consulted. It is recommended the following agencies be consulted on the planning proposal and given 21 days to comment:

- Environment, Energy and Science Group
- Environmental Protection Agency
- Greater Sydney Commission
- Department of Education
- Ausgrid
- Sydney Water
- Jemena
- Metropolitan LALC and other relevant Aboriginal groups
- Roads and Maritime Service
- Transport for NSW
- Massey Park Golf Club

7 Timeframe

Council proposes a 12 month time frame to complete the LEP.

The Department recommends a time frame of 12 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

8 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

Given the nature of the planning proposal, the Department recommends that Council not be authorised to be the local plan-making authority for this proposal.

9 Assessment Summary

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

- The SECPP determined that the proposal demonstrates strategic and site-specific merit and should proceed.
- as determined by the SECPP, the proposal provides the opportunity to give effect to the District Plan and Local Strategic Planning Statement by meeting broader strategic objectives for housing diversity, affordable housing, some urban services, and open space and foreshore access objectives in the District Plan and local strategies.
- it is generally consistent with Council's local strategic plans, including the Housing Strategy and Local Strategic Planning Statement, assured by the Greater Sydney Commission, which identifies the likely renewal of the site in the short to medium term and establishes principles for future redevelopment of the site.
- the site's unique characteristics, isolated waterfront location, limited access to the arterial road network and sensitive residential interface, limit the sites suitability for significant industrial or manufacturing uses. The site's unique characteristics and context requires a site-specific approach which is unlikely to be repeated on any other site in the Eastern Harbour City.
- The planning proposal will increase jobs on the site and offer a mix of economic outcomes by enabling a range of small-scale light industrial and urban services to occur on the site.
- it will deliver significant public benefits including housing diversity, affordable housing, heritage conservation and adaptive reuse, and new foreshore public open space.
- it will introduce provisions to ensure the delivery of commercial, retail and light industrial use, as part of a mixed-use development on the site.

10 Recommendation

It is recommended the delegate of the Secretary:

- agree that the inconsistencies with section 9.1 Direction 1.1 Business and Industrial Zones are minor or justified.

- Note that the inconsistencies with section 9.1 Directions 2.3 Heritage, 2.6 Remediation of Contaminated Land, 4.3 Flooding, 6.3 Site Specific Provisions remain unresolved and will require justification.

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

1. Prior to public exhibition, the planning proposal is to be updated to:
 - Demonstrate that future development can achieve the minimum solar access requirements in the Apartment Design Guide (3D and 4A) to apartments and communal open space.
 - Clarify the proposed FSR controls. The planning proposal is to include a FSR map with the proposed site FSR, and a supporting plan showing the resulting block by block distribution of FSR across the site.
 - Include provisions to ensure spatial needs of light industry uses are addressed, including requirements for light industry to be located on the lower and upper ground floor levels, and appropriate floor-to-ceiling heights.
 - Ministerial Direction 2.3 Heritage Conservation - address Direction 2.3 as it relates to the proposal and include the Aboriginal Due Diligence Assessment for public exhibition, subject to the redaction of any culturally sensitive information.
 - Ministerial Direction 2.6 - address Direction 2.6 as it relates to the proposal and prepare a Detailed Site Investigation (DESI) to address the recommendations of report 13188/2, prepared by Geotechnique Pty Ltd.
 - Direction 4.3 Flooding – address the new Direction 4.3 by assessing the proposal against the requirements of the Direction.
 - Consolidated update of technical documentation, including but not limited to:
 - update the Explanation of provisions to acknowledge the need to amend Clause 6.12 *Affordable Housing* in the LEP in accordance with the Affordable Housing Contribution Scheme.
 - the draft DCP to address the spatial needs of light industrial uses as well as detailed design considerations such as floor to ceiling height spans, loading docks and vehicle access/parking, vehicle circulation, waste disposal, storage and service areas/ corridors, etc.
2. Consultation is required with the following public authorities:
 - Environment, Energy and Science Group
 - Environmental Protection Agency
 - Greater Sydney Commission
 - Department of Education
 - Ausgrid
 - Sydney Water
 - Jemena
 - Metropolitan LALC and other relevant Aboriginal groups
 - Roads and Maritime Service
 - Transport for NSW
 - Massey Park Golf Club
3. Prior to finalisation the planning proposal is to be revised to:

- Address the inconsistency with Ministerial Direction 6.3 to provide further justification that the inconsistency with Direction 6.3 is a minor inconsistency (prior to any finalisation of the LEP).
 - Update the Transport Impact Assessment to reflect the current proposal and following consultation with Transport for NSW.
4. The planning proposal should be made available for community consultation for a minimum of 28 days.
 5. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
 6. Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.