



New Brand, New Phone, Same Home

City Plan Strategy & Development will now be trading as GYDE Consulting. Find us at:

Ph: 02 9068 7500
www.gyde.com.au

GYDE

Planning Proposal

Site specific amendment to Canada Bay Local Environmental Plan 2013

176-184 George Street, Concord West

Prepared on behalf of George Concord Pty Ltd

11 October 2021

REPORT REVISION HISTORY

Revision	Date Issued	Revision Description	
06 Updated PP Final	11/10/21	Revision tracking notes	
		Prepared by	Verified by
		Sonny Embleton Senior Associate	Helen Deegan Director Major Projects

Disclaimer

This report has been prepared by City Plan Strategy & Development P/L with input from a number of other expert consultants (if relevant). To the best of our knowledge, the information contained herein is neither false nor misleading and the contents are based on information and facts that were correct at the time of writing. City Plan Strategy & Development P/L accepts no responsibility or liability for any errors, omissions or resultant consequences including any loss or damage arising from reliance in information in this publication.

Copyright © City Plan Strategy & Development P/L
ABN 58 133 501 774

All Rights Reserved. No material may be reproduced without prior permission.

New Brand, New Phone, Same Home

City Plan Strategy & Development will now be trading as GYDE Consulting. Find us at:

Ph: 02 9068 7500
www.gyde.com.au

GYDE

TABLE OF CONTENTS

Introduction.....	6
1. [Part 1] Objectives and Intended Outcomes	9
2. [Part 2] Explanation of Provisions.....	10
2.1. The Planning Proposal.....	10
3. [Part 3] Justification.....	11
3.1. Section A – Need for the Planning Proposal.....	11
3.1.1. Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?	11
3.1.2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?.....	19
3.2. Section B – Relationship to Strategic Planning Framework	20
3.2.1. Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?	20
3.2.2. Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?	27
3.2.3. Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?.....	35
3.2.4. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?	39
3.3. Section C – Environmental, Social and Economic Impact.....	59
3.3.1. Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?	59
3.3.2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	60
3.3.3. Q9. Has the planning proposal adequately addressed any social and economic effects?	62
3.4. Section D – State and Commonwealth Interests	64
3.4.1. Is there adequate public infrastructure for the planning proposal?	64
3.4.2. Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?.....	65
4. [Part 4] Mapping	65
4.1. The Site.....	65
4.1.1. Site Description.....	65
4.1.2. Legal Description	66

4.1.3. Site Features and Existing Development	67
4.1.4. Historical use of the site.....	68
4.1.5. Surrounding Land Use Context	68
4.1.6. Character	73
4.1.7. Accessibility and Transport.....	73
4.2. Current Planning Provisions.....	74
4.2.1. Canada Bay Local Environmental Plan 2013	74
4.2.2. Intensive Urban Development Area.....	75
4.3. Proposed Planning Provisions	78
4.3.1. Proposed Land Use Zoning	78
4.3.2. Proposed Height of Buildings	79
4.3.3. Proposed Floor Space Ratio.....	80
4.3.4. Proposed Intensive Urban Development Area	81
5. [Part 5] Community Consultation	82
6. [Part 6] Project Timeline	83
7. Conclusion.....	84

APPENDICES

Appendix A	Concord West Master Plan 2014
Appendix B	Concord West Socio-Economic Study - HillPDA 2013
Appendix C	Detailed Site Investigation and Remediation Action Plan – WSP Environmental 2018
Appendix D	Acid Sulfate Soils Assessment Report – DLA Environmental 2010
Appendix E	Draft Concord West Precinct Flood Study - Jacobs 2015
Appendix F	Flood Assessment - TTW 2016
Appendix G	Site Survey – Project Surveyors 2011
Appendix H	Geotechnical Report – WSP September 2018
Appendix I	Proposed LEP Maps
Appendix J	Council Meeting 20 March 2018 Report
Appendix K	Council Meeting 20 March 2018 Resolution
Appendix L	Local Planning Panel Briefing Report
Appendix M	Local Planning Panel Minutes
Appendix N	Council Meeting 19 March 2019 Report
Appendix O	Council Meeting 19 March 2019 Resolution

FIGURES

Figure 1 Aerial Context of Site (Site defined by red outline) Source: Google Maps and Spatial Information Exchange (SIX)	6
Figure 2 Recommended land use zoning. (Site defined by white outline) (source PRCUTS)	12
Figure 3 Recommended maximum building height. (Site defined by red outline) (source PRCUTS) .	12
Figure 4 Recommended maximum FSR. (Site defined by red outline) (source PRCUTS)	13
Figure 5 Extract from Concord West Precinct Masterplan. (Site defined by red outline) (source JBA)	14
Figure 6 Extract from Concord West Precinct Masterplan. (Site defined by red outline) (source JBA)	15
Figure 7 Recommended maximum building height. (Site defined by red outline) (source Concord West Precinct Masterplan)	15
Figure 8 Recommended maximum FSR. (Site defined by red outline) (source Concord West Precinct Masterplan)	16
Figure 9 Public Domain Plan – Special Precincts DCP (Source City of Canada Bay) (Site defined by red dash)	17
Figure 10 Primary Setbacks – Special Precincts DCP (Source City of Canada Bay) (Site defined by yellow dash)	17
Figure 11 Upper Level Setbacks – Special Precincts DCP (Source City of Canada Bay) (Site defined by yellow dash)	18
Figure 12 Maximum Building Heights Plan – Special Precincts DCP (Source City of Canada Bay) (Site defined by red dash)	18
Figure 13 Section FF George Street Interface – Special Precincts DCP (Source City of Canada Bay)	19
Figure 14 Section GG George Street Interface – Special Precincts DCP (Source City of Canada Bay)	19
Figure 15 Metropolis of 3 Cities Vision to 2056 (Source: Greater Sydney Region Plan 2018)	22
Figure 16 Greater Sydney Plan (Figure 21) - Fine grain walkable places	24
Figure 17 Green Grid Connections	26
Figure 18 SEPP Coastal Management 2018	37
Figure 19 Acid Sulfate Soils Map - Site dashed in red	49
Figure 20 Affordable Housing Contribution Area (subject site in red)	64

Figure 21 Aerial Context of Site (Site defined by red outline) Source: Google Maps and Spatial Information Exchange (SIX)	65
Figure 22 Site cadastral setting (Site defined by red outline) Source: Google Maps and Spatial Information Exchange (SIX)	66
Figure 23 Local Context	69
Figure 24 CLEP 2013 Land Zoning Map Extract (source NSW Legislation) Subject site in red.....	74
Figure 25 CLEP 2013 Height of Buildings Map Extract (source NSW Legislation) Subject site in red	74
Figure 26 CLEP 2013 FSR Map Extract (source NSW Legislation) Subject site in red.....	75
Figure 27 Proposed FSR mapping (Source Concord West Precinct Masterplan) (site in red).	75
Figure 28 CBLEP 2013 Heritage Map	76
Figure 29 Acid Sulfate Soils Map - Site dashed in red	77
4.3. Figure 30 Affordable Housing Contribution Area (subject site in red)Proposed Planning Provisions	78
Figure 31 Proposed LZN mapping (Source Concord West Precinct Masterplan).	79
Figure 32 Proposed HOB mapping (Source Concord West Precinct Masterplan).	80
Figure 33 Proposed FSR mapping (Source Concord West Precinct Masterplan).	80
Figure 34 Proposed FSR mapping (Source Concord West Precinct Masterplan).	81

TABLES

Table 1 Consideration for the Greater Sydney Plan and Eastern City District Plan	22
Table 2 Consistency with relevant aspects of the Canada Bay LSPS	27
Table 3 Alignment with CSP	30
Table 4 SEPP Consistency	35
Table 5 S9.1 Directions Consistency	40

INTRODUCTION

This report constitutes a Planning Proposal (PP) to seek amendments to the Canada Bay Local Environmental Plan 2013 (CBLEP 2013) to allow a site-specific rezoning and amendment to the maximum building height and floor space ratio (FSR) controls for the land at 176-184 George Street, Concord West.

This PP has been updated by City Plan Strategy and Development (City Plan) on behalf of George Concord Pty Ltd (owner of the subject site) with the original PP having been prepared by the same project team formerly of TPG Town Planning and Urban Design. This PP is submitted to the City of Canada Bay Council for assessment and determination under Part 3 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

The subject site is illustrated as Figure 1.



Figure 1 Aerial Context of Site (Site defined by red outline) Source: Google Maps and Spatial Information Exchange (SIX)

This PP has been prepared with the purpose of amending the CBLEP 2013, being the principal environmental planning instrument applying to the land, so as to rezone the subject site to allow residential development to be permissible. It is considered that rezoning the land from its current IN1 General Industrial zoning to an R3 Medium Density Residential zone, amending the corresponding maximum building height and FSR maps and identifying the site as an Intensive Urban Development Area, is the best means of achieving this outcome. This is also consistent with the intended outcomes of the Concord West Precinct Masterplan 2014, and the more recent State level Parramatta Road Corridor Urban Transformation Strategy (PRCUTS), which is given effect by Section 9.1 Ministerial Direction 7.3, and identifies this and a number of other industrial sites for rezoning for residential purposes.

In particular, this PP seeks:

- an amendment to the Canada Bay Local Environmental Plan (CBLEP) 2013 Land Use Zoning map to rezone the site from IN1 General Industrial to R3 Medium Density Residential (refer Section 4.3.1 of report);
- an amendment to the CBLEP 2013 maximum height of buildings map to set a maximum height of 16 metres under the height designation of “O2” at the northern end of the site and a maximum height of 22 metres under the height designation of “R2” over the remaining portion of the site (refer Section 4.3.2 of report);
- an amendment to the CBLEP 2013 maximum floor space ratio (FSR) map to set a maximum FSR of 1.9:1 under the FSR designation of ‘S6’ (refer Section 4.3.3 of report);
- an amendment to the CBLEP 2013 Intensive Urban Development Area map to identify the site in an Intensive Urban Development Area and for the provisions of cl 6.9 *Arrangements for designated State public infrastructure* to be applicable to the site (refer Section 4.3.4 of report);
- to address the “Gateway” assessment criteria under Part 3 of the EP&A Act; and
- to provide justification for the amendments to the CBLEP 2013.

Concurrent Planning Proposals affecting the site

PP-2020-3948

This PP has been prepared with consideration for PP-2020-3948.

The Department of Planning Industry and Environment (DPIE) is currently considering a Council-led Planning Proposal (Council ref: PP2020/0002, DPIE ref: PP-2020-3948), which sought to identify the subject site as a flood planning area subject to the (now repealed) provisions of cl 6.8 of CBLEP 2013. A gateway determination for this PP was issued on 29 July 2021.

The DPIE Flood Prone Land Package came into effect on 14 July 2021. It introduced a new flood planning clause into the CBLEP 2013 (cl 5.21) and repealed cl 6.8 of the CBLEP 2013. The new clause 5.21 requires consideration of development in the flood planning area but no longer references the LEP flood planning map.

The conditions of the 29 July 2021 gateway determination required removal of the flood planning maps from Council planning proposal.

Flood planning areas are currently identified in the Concord West Precinct Master Plan Flood Study (Appendix E) and on any planning certificate that is issued.

Flood planning area maps have since been added to a draft DCP which are expected to be publicly exhibited in October 2021.

PP-2021-3619

A Council-led planning proposal (PP-2021-3619) seeks to amend the CBLEP 2013 to implement Stage 1 (2016-2023 release areas) of the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) by amending planning controls and introducing flooding and contamination remediation requirements, active street frontages, community infrastructure and sustainability incentives, and local provisions. The subject site is included in PP-2021-3619, which seeks to establish the same outcomes for the site as sought by this site-specific PP. Regardless of which PP progresses through to finalisation first, the resulting amendments to the CBLEP 2013 will be the same.

Canada Bay Council resolutions relating to this PP*Ordinary Meeting of Council 20 March 2018*

This PP was initially considered at the 20 March 2018 ordinary meeting of Council. At that meeting, it was resolved that the PP be submitted to the Department of Planning [Industry] and Environment for a Gateway Determination, subject to the preparation of an addendum including:

Part A

- (a) draft LEP flood planning controls,*
- (b) a draft flood planning area map,*
- (c) an amended detailed site investigation,*
- (d) a copy of the Concord West Socio-Economic Study,*
- (e) a copy of the draft Concord West Precinct Master Plan,*
- (f) a copy of the draft Concord West Precinct Flood Study,*
- (g) information on proposed community consultation, and*
- (h) a project timeline.*

Items (a) and (b) are no longer relevant as the relevant CBLEP 2013 controls relating to flooding have since been made. Items (c) to (h) have been addressed in this updated PP.

Part B

11. THAT prior to the Planning Proposal proceeding to the Department of Planning and Environment for a Gateway Determination, arrangements are to be in place to dedicate a minimum of 5% of the uplift in Gross Floor Area to Council as affordable housing.

The above item is no longer relevant as this has been addressed via affordable housing provisions specific to the subject site which are now applicable under cl 6.12 (3)(a) and (5) of CBLEP 2013.

Refer Appendices J and K.

Ordinary Meeting of Council 19 March 2019

A Local Planning Panels Direction for Planning Proposals was issued by the Minister for Planning on the 23 February 2018. The Direction required Council to refer all Planning Proposals prepared after 1 June 2018 to the Local Planning Panel for advice before it is forwarded to the Department of Planning and Environment for a Gateway Determination.

As the conditions of the Council resolution were unable to be satisfied prior to 1 June 2018, the Planning Proposal was referred to the Local Planning Panel for Advice on 26 of July 2018.

An amended Local Planning Panels Direction for Planning Proposals was subsequently issued on 27 September 2018 that introduced a new requirement for the Local Planning Panel to provide advice before Council considers whether or not to forward the Planning Proposal for a Gateway Determination.

On 26 July 2018 the Planning Proposal was considered by the Local Planning Panel. The Panel supported the 20 March 2018 Council resolution, noting the importance of upgrades to the George, Pomeroy and Beronga St intersection and urging further urgent negotiation between Council, the Department of Education and relevant transport agencies to ensure the works are completed in a timely manner. Refer Appendices L and M.

In light of the Panel's recommendation, Council resolved to confirm its 20 March 2018 resolution.

Refer Appendices N and O.

1. [PART 1] OBJECTIVES AND INTENDED OUTCOMES

This PP seeks an amendment to the CBLEP 2013 so that the land use zoning, building height, floor space ratio and identification as an Intensive Urban Development Area will enable the future redevelopment of the subject site for medium density residential purposes, as envisaged by the Concord West Precinct Masterplan and the Parramatta Road Corridor Urban Transformation Strategy.

2. [PART 2] EXPLANATION OF PROVISIONS

2.1. The Planning Proposal

This PP has been prepared to address the guidelines set out in 'A guide to preparing planning proposals' DPE 2016. The PP has been prepared with the purpose of amending the CBLEP 2013 and is submitted to the City of Canada Bay Council for assessment under Part 3 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). In particular, this PP seeks to implement the intended outcomes of the Parramatta Road Corridor Urban Transformation Strategy and Concord West Master Plan (Appendix A) via the following amendments to the CBLEP 2013:

- an amendment to the Canada Bay Local Environmental Plan (CBLEP) 2013 Land Use Zoning map to rezone the site from IN1 General Industrial to R3 Medium Density Residential (refer Section 4.3.1 of report);
- an amendment to the CBLEP 2013 maximum height of buildings map to set a maximum height of 16 metres under the height designation of "O2" at the northern end of the site and a maximum height of 22 metres under the height designation of "R2" over the remaining portion of the site (refer Section 4.3.2 of report);
- an amendment to the CBLEP 2013 maximum floor space ratio (FSR) map to set a maximum FSR of 1.9:1 under the FSR designation of 'S6' (refer Section 4.3.3 of report). The site currently has an FSR of 1:1; and
- an amendment to the CBLEP 2013 Intensive Urban Development Area map to identify the site in an Intensive Urban Development Area and for the provisions of cl 6.9 *Arrangements for designated State public infrastructure* to be applicable to the site (refer Section 4.3.4 of report).

As indicated above, identification of the site on the Intensive Urban Development Area map will facilitate an equitable contribution towards State public infrastructure to support the implementation of the Parramatta Road Corridor Urban Transformation Strategy, if required. This is in response to the NSW Government planning initiatives for dwellings and jobs growth along the Parramatta Road Corridor through the finalisation of the draft Parramatta Road Urban Transformation Strategy. It is understood the Strategy will identify the necessary State public infrastructure required to support growth of the Corridor. As the planning proposal progresses, the proponent will continue to liaise with the relevant Government agencies to work through the appropriate form of this contribution.

The PP directly responds to the Parramatta Road Urban Transformation Strategy November 2016 and Section 9.1 Ministerial Direction 7.3 Parramatta Road Corridor Urban Transformation Strategy. It is underpinned by the following strategic studies, technical investigations and supporting information, which form part of the strategic context and inform the proposed amendments to the CBLEP 2013:

- The Concord West Masterplan prepared by JBA May 2014 (Appendix A).
- Concord West Socio-Economic Study - Hill PDA (Appendix B).
- Detailed Site Investigation Remediation Action Plan – WSP September 2018 (Appendix C)
- Acid Sulfate Soils Assessment Report – DLA Environmental February 2010 (Appendix D)
- Draft Concord West Precinct Flood Study - Jacobs 2015 (Appendix E)
- Flood Assessment and Civil Siteworks Concept Plans - TTW February 2016 (Appendix F)
- Site Survey – Project Surveyors November 2011 (Appendix G)
- Geotechnical Report – WSP September 2018 (Appendix H).
- Proposed LEP Maps (Appendix I).
- Council Meeting 20 March 2018 Report (Appendix J)
- Council Meeting 20 March 2018 Resolution (Appendix K)
- Local Planning Panel Briefing Report (Appendix L)
- Local Planning Panel Minutes (Appendix M)
- Council Meeting 19 March 2019 Report (Appendix N)

- Council Meeting 19 March 2019 Resolution (Appendix O)

3. [PART 3] JUSTIFICATION

3.1. Section A – Need for the Planning Proposal

3.1.1. Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

This PP is underpinned by the following strategic studies:

- Parramatta Road Corridor Urban Transformation Strategy (2016).
- Concord West Precinct Masterplan (2014).
- Concord West Socio-Economic Study (2013).

The following sections describe the response proposed by the PP to the above studies:

3.1.1.1. Parramatta Road Corridor Urban Transformation Strategy 2016

The Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) sets a long term vision for the transformation and revitalisation of the Parramatta Road Corridor and includes eight identified growth precincts. The Strategy aims to accommodate 27,000 new homes and 50,000 new jobs across the corridor over the next 30 years. The Strategy has been adopted by the NSW Government and is given statutory effect by Ministerial Direction 7.3 under section 9.1 of the *Environmental Planning and Assessment Act 1979* (NSW).

The subject site is located in the Homebush precinct of the PRCUTS. This precinct is intended to be a focus for medium and high-density residential development, particularly in proximity to key transport nodes such as Concord West station. The PRCUTS envisages that 19,500 new people 9,500 new homes and 12,900 new jobs will be created in the Homebush Precinct by 2050.

The associated Parramatta Road Corridor Planning and Design Guidelines (2016) makes recommendations for land use zoning, building height and FSR for the subject site. These recommendations mirror those outlined within the Concord West Precinct Masterplan 2014 and are illustrated in Figure 2 to Figure 4.

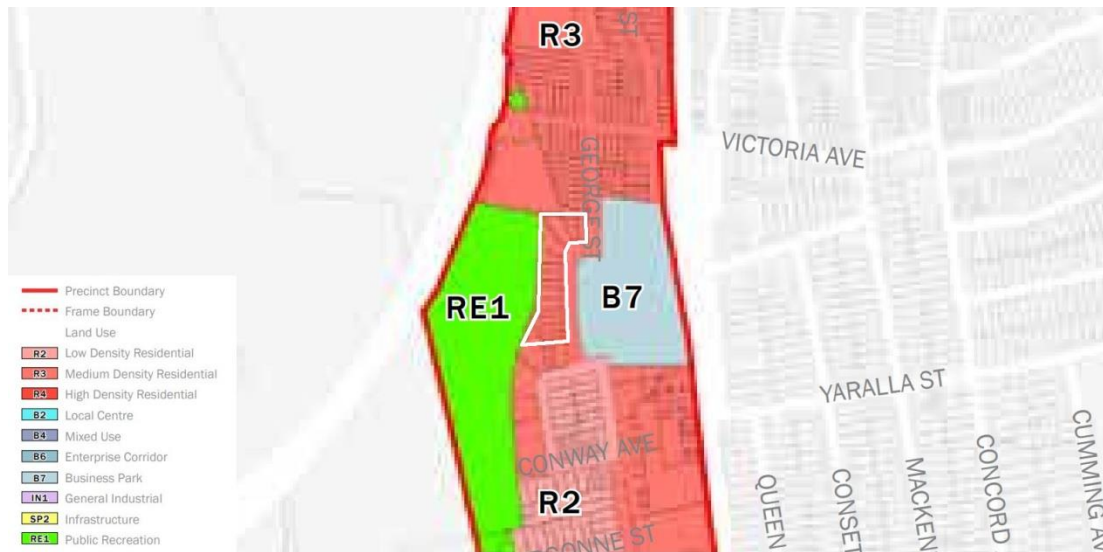




Figure 4 Recommended maximum FSR. (Site defined by red outline) (source PRCUTS)

The PP will facilitate the medium to high density development of the subject site and will therefore contribute to increased housing provision in the Concord West locality. The recommended height and FSR as proposed by the PRCUTS is aligned with the recommended outcomes of Council's Concord West Precinct Masterplan 2014. This PP is consistent with both the PRCUTS and Masterplan.

3.1.1.2. Concord West Precinct Masterplan 2014

The Concord West Precinct Masterplan 2014 (Appendix A) encompasses land on the western side of the Northern Rail Line at Concord West. The Masterplan focuses on land currently zoned IN1 General Industrial, which has been identified by the City of Canada Bay Council for predominantly residential purposes.

The Masterplan seeks to establish new planning controls to guide the future development of sites currently zoned for industrial use within the identified study area. The objectives of the study are to:

- deliver high quality urban design and appropriate built form controls that are considerate of surrounding built form;
- mitigate impacts in relation to the use of private motor vehicles and promote the use of public transport, walking and cycling;
- identify opportunities for public domain improvements and connections;
- balance city-wide and regional goals with the existing community and its context;
- provide a coordinated planning approach to the redevelopment of the area;
- provide a sound methodology and a thorough, evidence-based justification for planning, urban design and traffic recommendations provided; and
- undertake the study with Council, community and stakeholder engagement.

The Master Plan was prepared through an extensive community consultation process, as indicated in the following extract from the Plan:

'Work to reach out to the community started in November 2013 and continued until April 2014 as the plan developed. Messaging to spark and then continue conversations over the six month period included the following activities:

- Post card delivery to 1600 homes in the study area.
- Post card sharing with 400 passengers at Concord West railway station.
- Social media notices across Council's Facebook, Twitter and e-news channels.
- Two stakeholder workshops with landowners to gather feedback for the master plan.
- Two initial community workshops to gather feedback in three topic areas: built form, open space, traffic and transport. Follow up community workshop to present the final draft master plan for further feedback.
- Develop a microsite with information on the study area, team contact details, relevant web links, video of a community workshop and an online discussion space. The site received over 3500 views between Nov 2013 and April 2014. Articles within the Inner West Courier Mayoral column in Nov 2013, Jan 2014 and March 2014.'

The Masterplan identifies seven (7) key sites with the subject site being nominated as Site 5. The Masterplan envisages that the built form on Site 5 will be six (6) storeys for the majority of the site, with a four (4) storey building at the northern end of the site. Extracts from the Concord West Precinct Masterplan are provided at Figure 5 and Figure 6. The Masterplan also acknowledges that there are flooding/overland flow risks in the vicinity of the site. This issue is further discussed in Section 3.2.4.6.



Figure 5 Extract from Concord West Precinct Masterplan. (Site defined by red outline) (source JBA)

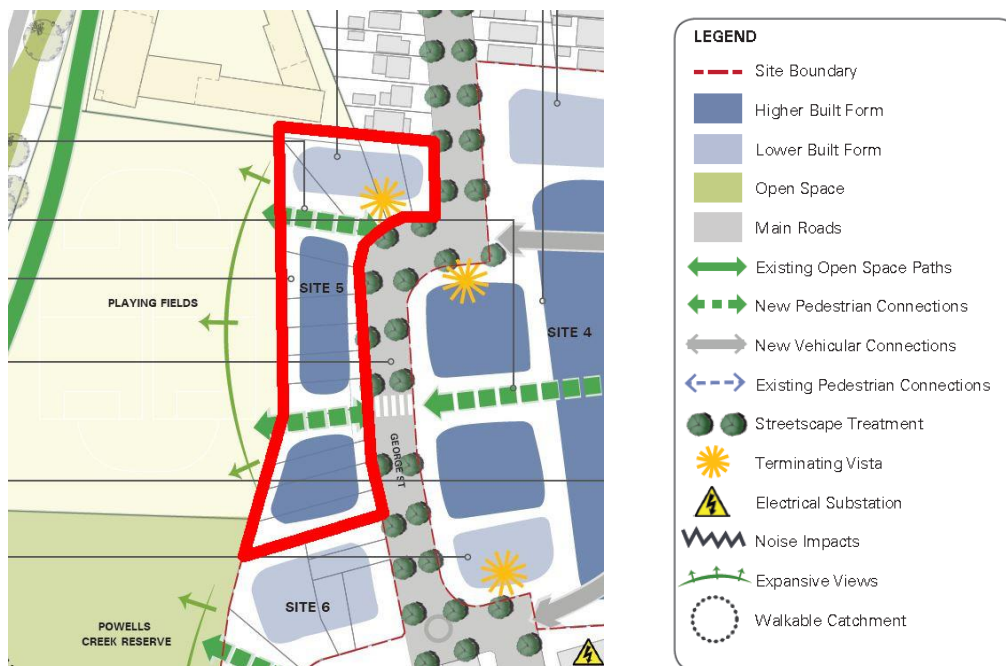


Figure 6 Extract from Concord West Precinct Masterplan. (Site defined by red outline) (source JBA)

The Masterplan recommends a maximum building height of 16 metres at the northern end of the site and a maximum height of 22 metres over the remaining portion of the site. The Masterplan recommends a maximum FSR of 1.9:1. This is illustrated in Figure 7 and Figure 8.



Figure 7 Recommended maximum building height. (Site defined by red outline) (source Concord West Precinct Masterplan)

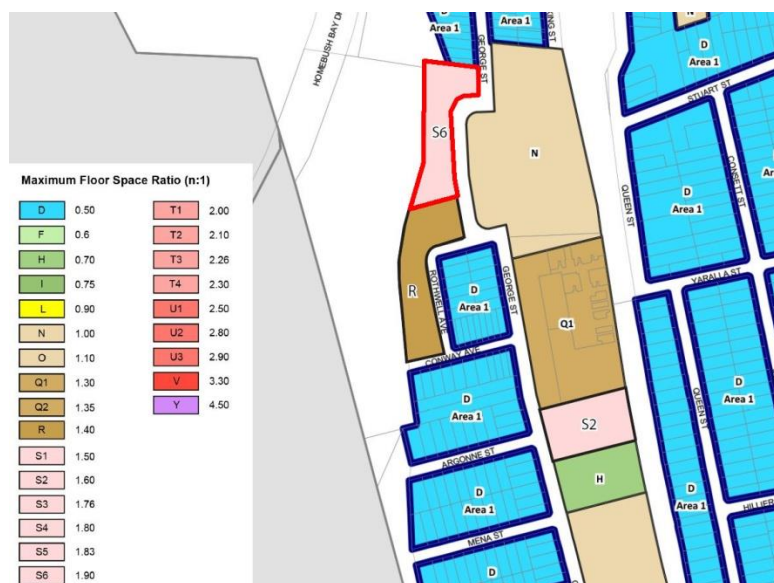


Figure 8 Recommended maximum FSR. (Site defined by red outline) (source Concord West Precinct Masterplan)

This planning proposal is consistent with the vision and recommendations of the Concord West Precinct Masterplan 2014.

3.1.1.3. Concord West Socio-Economic Study 2013

Hill PDA consultants was appointed by Canada Bay Council to prepare the Concord West Socio-Economic Study 2013 (Appendix B) for the Concord West Precinct Master Plan. This Study investigated whether the subject site should retain its industrial zoning and if it was suitable for alternative land uses such as residential.

The Concord West Socio-Economic Study relates to three clusters of employment land located within the Concord West Precinct. The Study gathered an evidence base and investigated appropriate land uses for the Precinct and their possible social and economic implications.

The Study provided recommendations to Council as to how employment lands within the Precinct could be efficiently and effectively used in the future. It tested a number of scenarios in order to ascertain the implications and ramifications of altering the IN1 General Industrial zone which currently applies to employment sites.

The overall outcome of the Study is a socio-economic impact assessment which recommends the future land use mix and economic feasibility of development options for the Precinct, including support for rezoning of the subject site for residential purposes.

The PP is consistent with the recommendations of this Study.

3.1.1.4. Special Precincts DCP – Section 6.6.4 Concord West Precinct

The Concord West Precinct Masterplan 2014 has informed the preparation of the Special Precincts DCP for Concord West, which became effective in April 2018. The DCP includes the desired building setbacks, and the intended visual and pedestrian links between George Street and the Powell's Creek Reserve. Figure 9 - Figure 14 are extracts from the DCP.

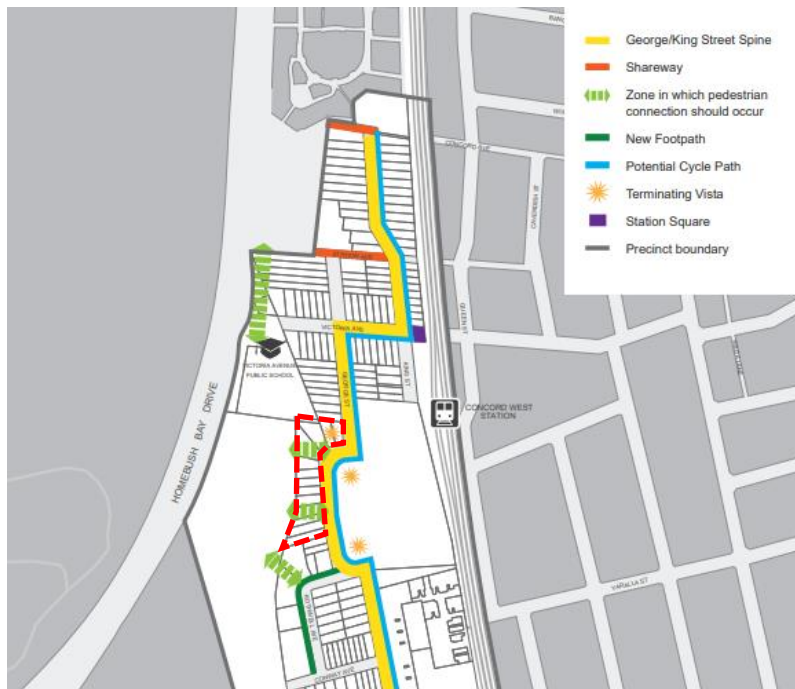


Figure 9 Public Domain Plan – Special Precincts DCP (Source City of Canada Bay) (Site defined by red dash)

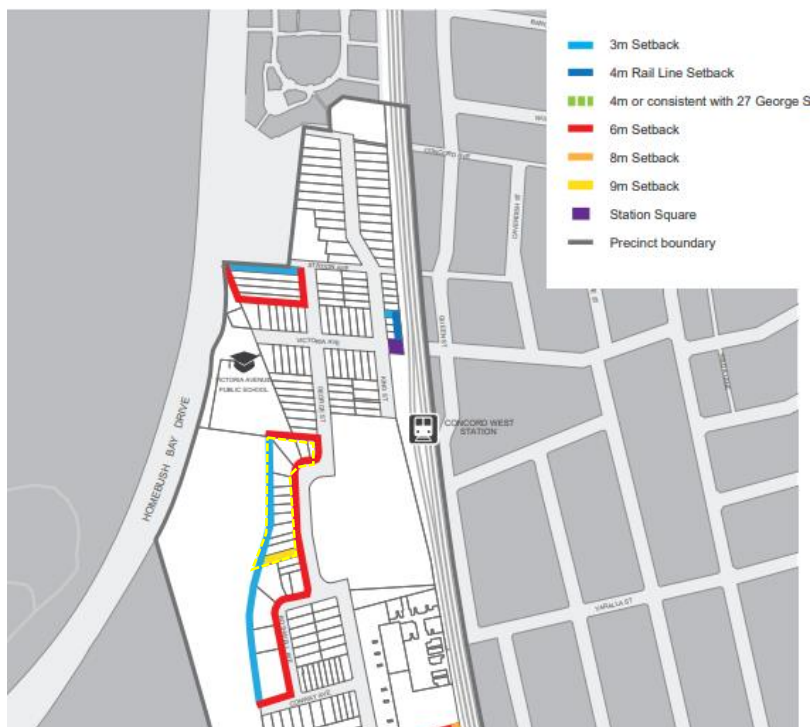


Figure 10 Primary Setbacks – Special Precincts DCP (Source City of Canada Bay) (Site defined by yellow dash)

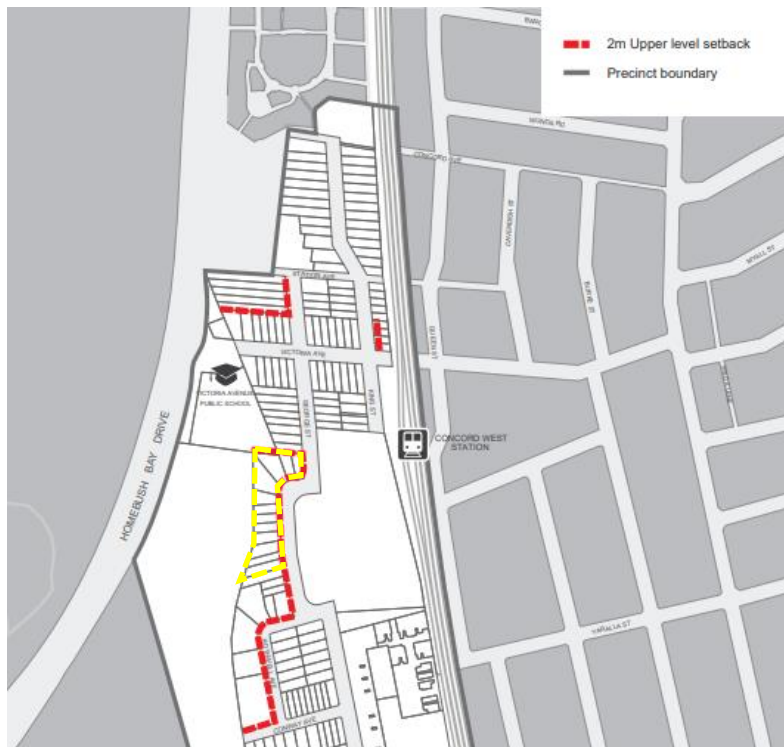


Figure 11 Upper Level Setbacks – Special Precincts DCP (Source City of Canada Bay) (Site defined by yellow dash)

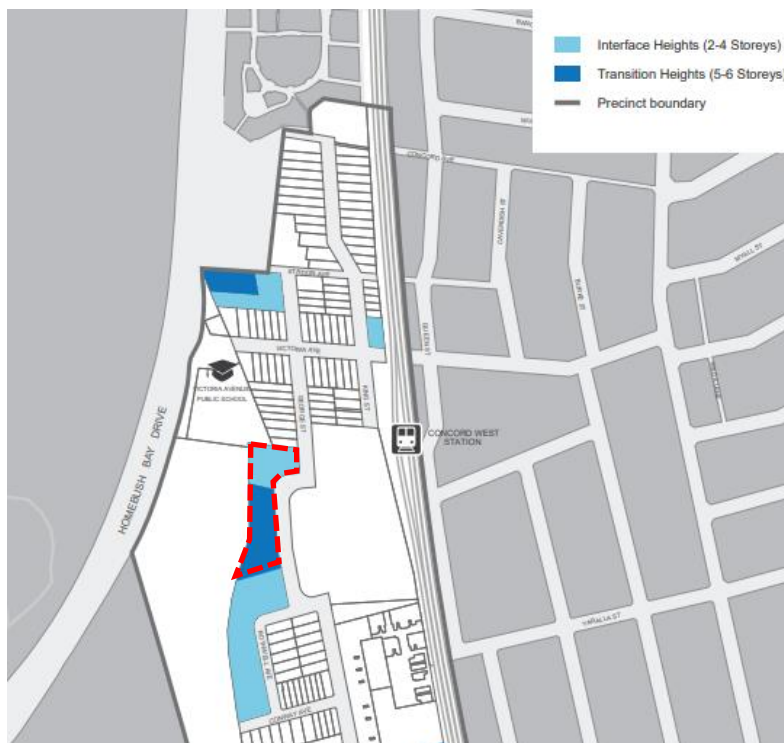


Figure 12 Maximum Building Heights Plan – Special Precincts DCP (Source City of Canada Bay) (Site defined by red dash)

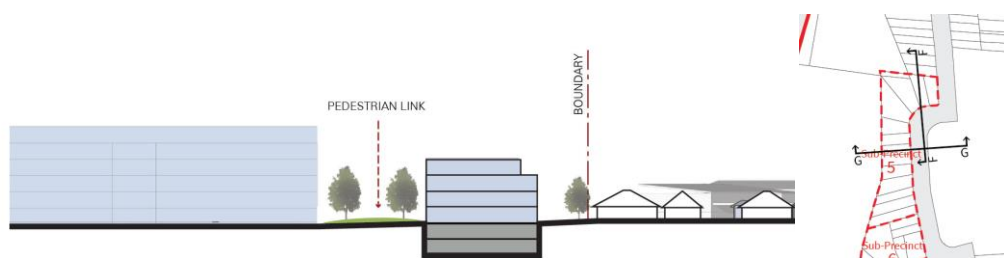


Figure 13 Section FF George Street Interface – Special Precincts DCP (Source City of Canada Bay)

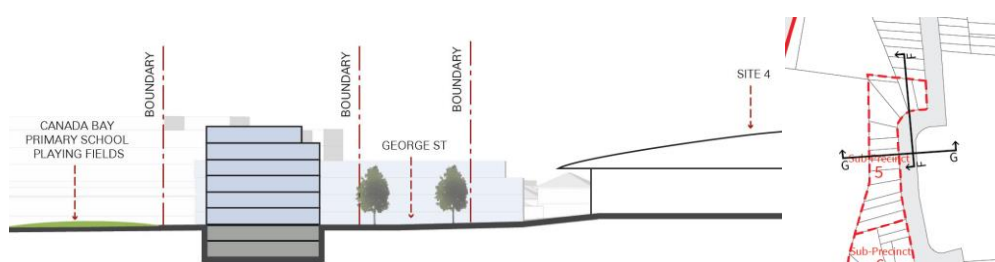


Figure 14 Section GG George Street Interface – Special Precincts DCP (Source City of Canada Bay)

This PP uses the Masterplan and DCP as a basis for the proposed zoning, height and FSR. As the proposed land use zoning, building height and FSR are consistent with the Masterplan, the proposed controls will enable the outcomes anticipated to be delivered by the DCP.

3.1.2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The site is identified as being suitable for residential purposes, however, is currently zoned industrial. It is considered that dealing with the PP as a site specific rezoning to amend CBLEP 2013, with associated amendments to the applicable height and FSR controls, is the best way to allow the future residential development of the site, as supported by the broader strategic planning framework. The PP is seeking to permit residential development of the subject site that will be of a scale and nature that is consistent with the vision and principles of the Concord West Precinct Masterplan (2014) and Parramatta Road Corridor Urban Transformation Strategy (2016).

Identification of the site on the Intensive Urban Development Area map will facilitate an equitable contribution towards State public infrastructure to support the implementation of the Parramatta Road Corridor Urban Transformation Strategy, if required. This is in response to the NSW Government planning initiatives for dwellings and jobs growth along the Parramatta Road Corridor through the finalisation of the draft Parramatta Road Urban Transformation Strategy. It is understood the Strategy will identify the necessary State public infrastructure required to support growth of the Corridor. As the planning proposal progresses, the proponent will continue to liaise with the relevant Government agencies to work through the appropriate form of this contribution if it is required.

3.2. Section B – Relationship to Strategic Planning Framework

3.2.1. Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

Strategic Merit Assessment	
Strategic Merit Criteria	PP Response
a) Does the proposal have strategic merit? Is it:	
Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or	The PP is consistent with the Greater Sydney Region Plan and the Eastern City District Plan as demonstrated in the sections below.
Consistent with a relevant local council strategy that has been endorsed by the Department; or	The PP is consistent with the Canada Bay Local Strategic Planning Statement and Community Strategic Plan as outlined in the section below.
Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls	<p>The PP responds to a well anticipated change in circumstances arising from the staged delivery of Westconnex infrastructure and public transport improvements anticipated to relieve Parramatta Road and the broader locality of vehicle traffic volumes. This has provided an opportunity for renewal in the locality that is supported and guided by the Parramatta Road Corridor Urban Transformation Strategy. This PP seeks to implement the recommended outcomes of this State endorsed strategy.</p> <p>It is understood that the T9 Northern Line servicing roads is planned to receive a substantial increase in rail services, enhancing passenger capacity.</p>
b) Does the proposal have site-specific merit, having regard to the following:	
the natural environment (including known significant environmental values, resources or hazards); and	The PP seeks to increase building height and density in a location where environmental hazards such as flooding and contamination can be appropriately managed. The PP will in fact enable better access to local parklands adjacent to the site and demonstrates an appropriate solution can be achieved to the known flooding issue associated with the "George Street Sag", which will result in broader precinct wide benefits.
the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and	The PP proposes to enable medium density residential land uses of a scale and form that is consistent with the recommended outcomes of the adopted Parramatta Road Corridor Urban Transformation Strategy, the implementation of which is supported by s9.1 Ministerial Direction 7.3. The recommendations of the PRCUTS are supported by the Concord West Socio-Economic Study which confirms the suitability of rezoning of industrial to residential land uses on the subject site

Strategic Merit Assessment	
Strategic Merit Criteria	PP Response
the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.	<p>and other nearby sites. Therefore the PP is consistent with the likely future use of the precinct that is confirmed by these documents.</p> <p>The subject site is located in an existing urban area and has immediate access to servicing infrastructure, road and rail-based transport networks and public open space adjacent to the site. Canada Bay Council is in the process of preparing a precinct wide traffic study, which aims to demonstrate there is sufficient capacity in the network to meet the requirements of the expected development capacity of the precinct, including for this site-specific planning proposal. This study will further inform this PP upon its completion.</p> <p>Infrastructure elements such as the transport, open space, community, education and health facilities will be incrementally upgraded as identified development thresholds are met in accordance with the Strategy's Implementation Plan and Infrastructure Schedule. Broader upgrades will occur as a coordinated precinct wide upgrade. This is supported by the identification of the subject site as an Intensive Urban Development Area, which will enable an equitable contribution to be provided in conjunction with the future development of the site, if required.</p>

3.2.1.1. Greater Sydney Region Plan - A Metropolis of Three Cities 2018

The Greater Sydney Region Plan - A Metropolis of Three Cities has been prepared by the GSC and was adopted in March 2018. It is 20-year plan to manage growth and change and is built on a 40-year vision where the people of Greater Sydney live within 30 minutes of their jobs, education and health facilities, services and great places. This vision is consistent with the 10 Directions established in the Directions for a Greater Sydney that are a set of common guiding principles that will assist in navigating Greater Sydney's future as follows:

- A city supported by infrastructure.
- A collaborative city.
- A city for people.
- Housing the city.
- A city of great places.
- A well connected city.
- Jobs and skills for the city.
- A city in its landscape.
- An efficient city.
- A resilient city.

Within the Greater Sydney Region Plan these Directions are presented via the three cities concept, with the cities being the Western Parkland City, Central River City and Eastern Harbour City. District Plans have also been developed to support the three cities concept at a more localised level. The subject site is located in the Eastern Harbour City, is highly accessible to Sydney's Economic Corridor and is in close proximity to the Rhodes Strategic Centre, Sydney Olympic Park, while being highly accessible to Sydney and Parramatta CBDs, as can be seen in Figure 15 below.

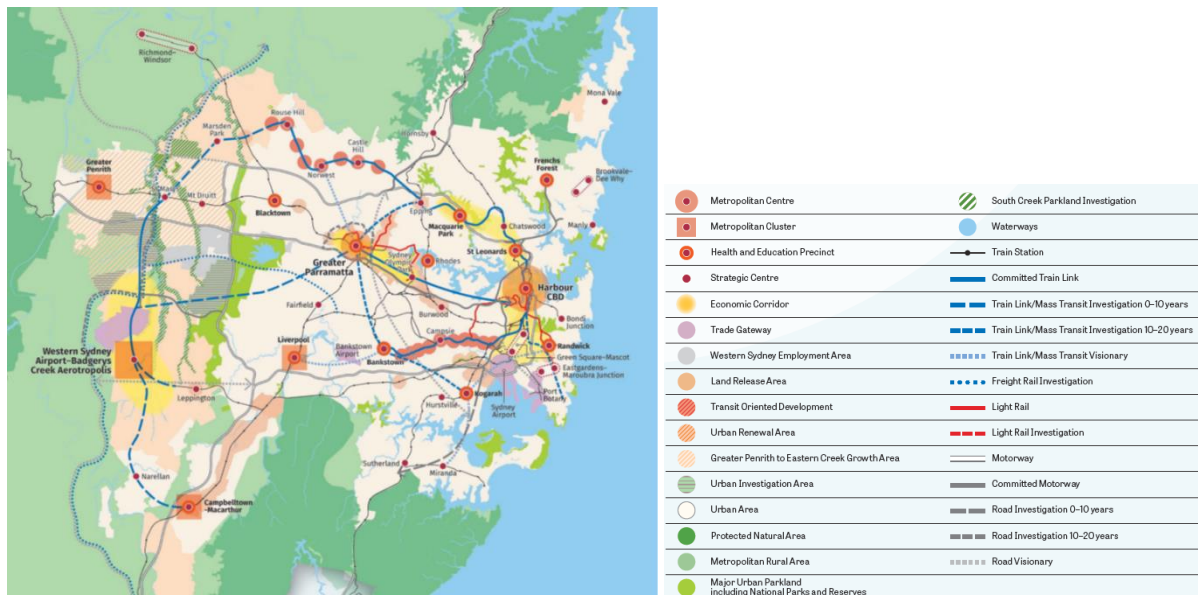


Figure 15 Metropolis of 3 Cities Vision to 2056 (Source: Greater Sydney Region Plan 2018)

The plan notes the importance of creating opportunities for community participation and social interaction is noted by the plan as is creating opportunities for employment and to support tourism, which are key intended outcomes of this PP.

Table 1 provides an overview of how the PP meet the relevant objectives of the Greater Sydney Plan.

3.2.1.2. Eastern City District Plan

As a part of Canada Bay Council, Concord West is identified in the GSC's Eastern City District Plan which outlines a 20-year vision, priorities and actions for the Eastern District for LGAs.

The subject site is located in close proximity to Rhodes Strategic Centre, Sydney Olympic Park and is highly accessible to Sydney and Parramatta CBDs and therefore has the ability to facilitate increased commercial density, given its location close to a number of major employment destinations as well as road, harbour and planned rail based public transport infrastructure.

Table 1 provides an overview of how the PP meets the relevant objectives of the Eastern City District Plan.

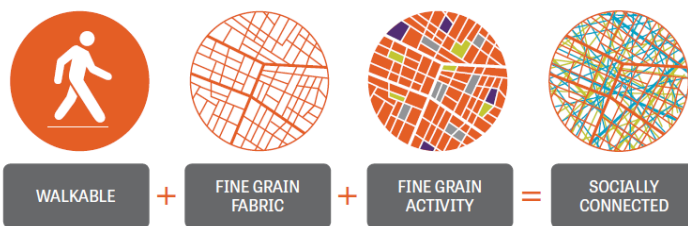
3.2.1.3. Consistency with the Objectives of the Greater Sydney Plan and Planning Priorities of the Eastern City District Plan

To respond to population growth and future planning challenges, the Greater Sydney Plan and Eastern City District Plan focus on a number of Objectives and Planning Priorities. Table 1 demonstrates the key matters within those plans relevant to this PP and consistency with Objectives and Planning Priorities.

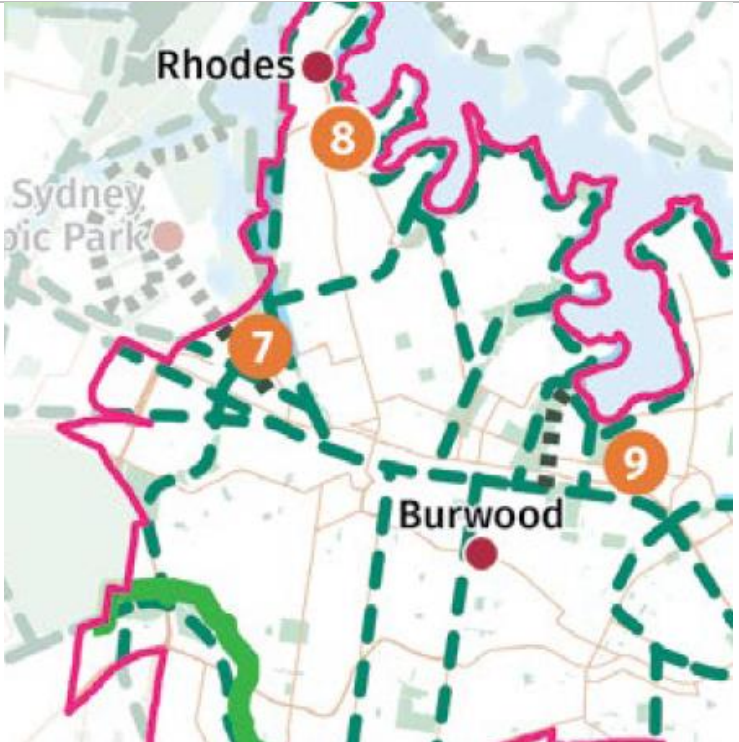
Table 1 Consideration for the Greater Sydney Plan and Eastern City District Plan

Greater Sydney Plan Objective	Eastern City District Planning Priority	Response
Objective 4 Infrastructure use is optimised	Planning Priority E1	The PP will increase residential capacity in a location already well serviced by road based public transport routes. This provides access to a range of destinations along the Economic Corridor including Sydney CBD, Parramatta CBD, North

Greater Sydney Plan Objective	Eastern City District Planning Priority	Response
	Planning for a city supported by infrastructure	Sydney CBD, the Rhodes Strategic Centre and Sydney Olympic Park.
Objective 6 Services and infrastructure meet communities' changing needs	Planning Priority E3 Providing services and social infrastructure to meet people's changing needs	<p>This objective and planning priority seek to facilitate a higher quality of life, reduce commute time through collocation of housing, employment, services and public transport. The Plans recognise housing supply must be coordinated with local infrastructure to create liveable, walkable and cycle-friendly neighbourhoods with shops, services and public transport.</p> <p>The PP is for a site that is well connected to public transport and local amenities being adjacent to public open space.</p>
Objective 7 Communities are healthy, resilient and socially connected	Planning Priority E4 Fostering healthy, creative, culturally rich and socially connected communities	<p>This objective and planning priority recognises streets and public places as key contributors to wellbeing by encouraging spontaneous social interaction and community cultural life when they are designed at a human scale for walkability. Active street life provides the greatest social opportunities when they are inclusive, intergenerational and multipurpose.</p> <p>The PP will build on an opportunity to leverage the benefits of focusing residential density in areas with excellent access to public transport and adjacent to a large area of public open space. It will create new opportunities for the community to access parkland to support community interaction and cohesion.</p>
Objective 8 Greater Sydney's communities are culturally rich with diverse neighbourhoods	Planning Priority E4 Fostering healthy, creative, culturally rich and socially connected communities	<p>This objective and planning priority notes the benefits of a place-based planning approach that recognises cultural diversity in communities and responds to the different ways in which people engage and contribute.</p> <p>The PP seeks to enable the redevelopment of a redundant industrial site to support the activation and use of streets and public places.</p>
Objective 9 Greater Sydney celebrates the arts and supports creative industries and innovation	Planning Priority E4 Fostering healthy, creative, culturally rich and socially connected communities	<p>This objective note that great places are made when artistic, cultural and creative works are visible, valued, distinctive and accessible. Providing local opportunities for artistic, cultural and creative expression through support for, and access to, arts, literature, screen, performance and cultural experiences, public art and events encourages creativity and innovation that contributes to local identity. Such activities assist in reinforcing local cultural values and contribute to the night time economy.</p> <p>This PP provides an opportunity to create a new place-based connection to local parkland that will encourage the cultural expression and sharing of enjoyment in the public domain.</p>
Objective 10 Greater housing supply	Planning Priority E5: Providing housing supply, choice and affordability, with access to jobs and services	<p>This objective notes the importance of providing ongoing housing supply and a range of housing types in the right locations to create more liveable neighbourhoods and support Greater Sydney's growing population.</p> <p>An affordable housing contribution will be required at future DA stage pursuant to cl 6.11 of the LEP.</p> <p>The Plan recognises that nodes along mass transit corridors present some of the best opportunities for urban renewal to</p>

Greater Sydney Plan Objective	Eastern City District Planning Priority	Response
		<p>create new housing as these locations are generally well serviced by amenities and are highly accessible.</p> <p>Table 3 of the Plan seeks to establish 46,550 new dwellings in the Eastern City to 2021 and 157,500 new dwellings to 2036. 2,150 of these dwellings have been anticipated to be provided in the 5 year period between 2016-2021.</p> <p>It is the intent of this PP to create new housing opportunities that will increase housing choice and diversity in a locality with access to public transport and employment oriented destinations.</p>
Objective 11 Housing is more diverse and affordable	Planning Priority E5: Providing housing supply, choice and affordability, with access to jobs and services	<p>Housing affordability is becoming increasingly challenging in Sydney and has a direct impact on the ability for persons on lower income to access housing opportunity in close proximity to work places.</p> <p>The PP will facilitate increased and diversified housing opportunities assist in placing downward pressure on housing costs and thus contributing to affordability.</p> <p>An affordable housing contribution will be required at future DA stage pursuant to CI 6.12 of the LEP.</p>
Objective 12 Great places that bring people together	Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage	<p>This objective recognises Greater Sydney's centres and neighbourhoods each have a unique combination of people, potential, history, culture, arts, climate, built form and natural features creating places with distinctive identities and functions. The Plan notes the dual role of streets as places for people and their contribution in both moving people and encouraging them to linger and engage in public life. The plan highlights the following factors for creating fine grained people-oriented places.</p> <div data-bbox="705 1344 1396 1568">  </div> <p><i>Figure 16 Greater Sydney Plan (Figure 21) - Fine grain walkable places</i></p> <p>Ongoing renewal in the locality will result in a higher level of amenity. This will be supported by the PP's direct response to the site providing new opportunities to access local parklands by creating new links through a site which presently inhibits local access.</p>
Objective 13 Environmental heritage is identified, conserved and enhanced	Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage	<p>This objective and planning priority seeks to establish great places through well designed buildings, social infrastructure and fine grained form. The Plans advocate for a place based design approach that creates places with distinctive identities that respond to local context.</p> <p>The PP will facilitate finer grained medium density residential development that responds to the opportunities for people to live in close proximity to transit infrastructure as well as</p>

Greater Sydney Plan Objective	Eastern City District Planning Priority	Response
		enhancing accessibility to Powells Creek Reserve by providing two new public open space connections.
Objective 14 A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities	Planning Priority E10 Delivering integrated land use and transport planning and a 30-minute city	<p>This objective seeks to enable people to access places of employment and enjoyment within 30 minutes of their homes. This envisages local centres will provide a range of activities and housing opportunities to create walkable, cycle-friendly neighbourhoods.</p> <p>Given the site's location in walking distance to Concord West railway station, increasing residential density on the site will directly deliver on these aims as well as facilitating better accessibility to Powells Creek Reserve for the growing local community.</p>
Objective 15: The Eastern, GOP and Western Economic Corridors	Planning Priority E7 Growing a stronger and more competitive Harbour CBD	The Plans seek to enhance the economic strength of Greater Sydney's Eastern Economic Corridor, which has high concentrations of jobs with good road and public transport connectivity, which allow high levels of interaction between businesses and people. The PP will facilitate an increase in population in this corridor providing access to local jobs and services.
Objective 22 Investment and business activity in centres	Planning Priority E11 Growing investment, business opportunities and jobs in strategic centres	The subject site is located within a short single stop rail journey to the Rhodes Strategic Centre, which is anticipated to provide up to 24,000 jobs by 2036.
Objective 23 Industrial and urban services land is planned, retained and managed.	Planning Priority E12 Retaining and managing industrial and urban services land	<p>The Eastern City District Plan includes Planning Priority E12 which is focussed on retaining and managing industrial and urban services land.</p> <p>Action 51 of the Plan states:</p> <p><i>Retain and manage industrial and urban services land, in line with the Principles for managing industrial and urban services land in the Eastern City District by safeguarding all industrial zoned land from conversion to residential development, including conversion to mixed use zones. In updating local environmental plans, councils are to conduct a strategic review of industrial land.</i></p> <p>Page 93 of the Plan refers to the Parramatta Road Corridor Urban Transformation Strategy and that provisions for development consistent with the Corridor Strategy and Implementation Toolkit are made under a section 9.1 Direction. The Plan also states the following:</p> <p><i>This Corridor Strategy and Implementation Toolkit reflect the extensive process undertaken and therefore the land subject of this Corridor Strategy is not subject to the industrial land strategies and actions of the District Plan.</i></p> <p>The subject site falls within the Corridor Strategy and therefore Action 51 does not apply.</p>

Greater Sydney Plan Objective	Eastern City District Planning Priority	Response
Objective 30 Urban tree canopy cover is increased	Planning Priority E17 Increasing urban tree canopy cover and delivering Green Grid connections	The PP will result in the creation of a new public open space link to provide access between George Street and Powells Creek Reserve. Landscape treatments will be considered as part of a later detailed design and DA process. Opportunities for tree planting in the street will be considered if appropriate and achievable.
Objective 31 Public open space is accessible, protected and enhanced	Planning Priority E17 Increasing urban tree canopy cover Planning Priority E18 Delivering high quality open space and delivering Green Grid connections	A network of open spaces is a form of green infrastructure which supports sustainable, efficient and resilient communities. The PP will result in the creation of a new public open space link to provide access between George Street and Powells Creek Reserve.
Objective 32 The Green Grid links parks, open spaces, bushland and walking and cycling paths	Planning Priority E17 Increasing urban tree canopy cover and delivering Green Grid connections	 <p><i>Figure 17 Green Grid Connections</i></p> <p>The Greater Sydney Green Grid connects communities to the landscape. It is a long-term vision for a network of high quality green areas - from regional parks to local parks and playgrounds - that connect centres, public transport and public spaces to green infrastructure and landscape features. Within the public realm it includes enhanced waterway corridors, transport routes, suburban streets, footpaths and cycleways.</p> <p>The site is in close proximity to Green Grid Projects identified as important to the Eastern City District as well as broader</p>

Greater Sydney Plan Objective	Eastern District City Planning Priority	Response
		<p>green grid routes providing good access to wider destinations via active transport means. The PP will build on opportunities to utilise active transport. Specifically, the Powells Creek and Mason Park, Strathfield Project will provide walking and cycling links, urban greening, stormwater treatment and a mix of open space uses that link Concord West, North Strathfield, Homebush and Strathfield to Parramatta Road, Bicentennial Park and the Parramatta River foreshore.</p> <p>The site will improve east west connectivity between Powells Creek Reserve and George Street.</p>
Objective 33 A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change		<p>This objective seeks to mitigate climate change by reducing the emission of greenhouse gases to prevent more severe climate change and adapting to manage the impacts of climate change.</p> <p>The Plan seeks to facilitate greater use of public transport to combat the use of private vehicles and in doing so reduce greenhouse gas emissions.</p> <p>As the site is well located in proximity to road and rail based public transport as well as local employment opportunities and amenities in Rhodes and in other destinations along the Economic Corridor, the PP builds on the opportunity to intensify residential uses in a location that encourages uptake of public transport use and discourages the use of private vehicles.</p>

3.2.2. Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

3.2.2.1. Local Strategic Planning Statement (LSPS): City of Canada Bay

The Canada Bay Local Strategic Planning Statement (LSPS) is the key strategic planning document for the City of Canada Bay. It guides the character of its centres and neighbourhoods into the future.

Table 2 outlines the PP's consistency with relevant aspects of the Canada Bay Local Strategic Planning Statement:

Table 2 Consistency with relevant aspects of the Canada Bay LSPS

Relevant Planning Priority/ Action	PP Response
Priority 1 Planning for a City that is supported by infrastructure	
1.2 Work with neighbouring Councils, Transport for NSW and the Department of Planning and Environment to enable the delivery of dedicated rapid public transport and place based outcomes along the Parramatta Road Corridor.	The PP is consistent with the recommended place based planning outcomes reflected in the Parramatta Road Corridor Urban Transformation Strategy.
1.3 Work collaboratively with the Greater Sydney Commission, State Government and other stakeholders to: <ul style="list-style-type: none"> • ensure urban design outcomes for all Planned Precincts and renewal areas facilitate a diversity of housing typologies, adaptable car parking and basement spaces 	The PP will facilitate the delivery of a new open space link between George Street and Powells Creek Reserve, enhancing accessibility to open space of a district scale.

Relevant Planning Priority/ Action	PP Response
<p>(minimum 2.4 metres clear height), density with a human scale and a diversity of building typologies;</p> <ul style="list-style-type: none"> • implement the 'movement and place' framework* when undertaking planning for Local Centres and key road corridors and require new high density developments to provide adequate offstreet loading facilities; and • deliver social infrastructure, high quality public domain and local open space. 	
Priority 5 Provide housing supply, choice and affordability in key locations	
<p>5.1 Implement the Parramatta Road Corridor Strategy generally in accordance with the 2016-2023 Implementation Plan, following finalisation of a precinct wide traffic and transport study, and an urban design study, including the preparation of:</p> <ul style="list-style-type: none"> • precinct wide Planning Proposal; • draft Development Control Plan; • Affordable Housing Contributions Scheme; and • Local Contributions Plan. 	<p>The PP seeks to implement the recommendations of the Parramatta Road Corridor Urban Transformation Strategy.</p>
<p>5.3 Investigate changes to the planning framework to encourage a greater diversity of dwellings (such as dual occupancy and terraces) within the immediate vicinity of Concord West station, Majors Bay Road (Concord), North Strathfield station and Five Dock Town Centre.</p>	<p>The PP seeks to implement the recommendations of the Parramatta Road Corridor Urban Transformation Strategy which is to facilitate medium density residential uses in walking distance to the Concord West railway station.</p>
<p>5.5 Require a minimum of 5% of the Gross Floor Area of new development to be dedicated as affordable housing for:</p> <ul style="list-style-type: none"> • Planned Precincts; • Parramatta Road Corridor precincts; and • where there is a significant increase in density arising from a Planning Proposal. An affordable housing contribution plan is required before the rezoning of above precincts / sites. 	<p>Clause 6.12 - Affordable housing is now in force within the LEP. This clause requires affordable housing provision at the DA stage.</p>
<p>5.6 Ensure that Planned Precincts, the Parramatta Road Corridor and the redevelopment of large sites deliver a diversity of housing types ranging from terraces to apartments.</p>	<p>The PP will result in greater housing diversity in a locality dominated by detached dwelling houses. Housing diversity will be further considered as part of a future DA and include an affordable housing component as described above.</p>
Priority 6 Provide high quality planning and urban design outcomes for key sites and precincts	
<p>6.6 Limit change for sites and precincts not identified for land use change. Where land use change is proposed outside of the identified sites and precincts, development proposals must reflect the prevailing scale and density of the established built form in the locality and be supported by an evidence-base that is equivalent to at least that undertaken for this LSPS.</p>	<p>The PP is for land located in a precinct that is identified for change. The scale and density of the proposed change is consistent with the recommendations of the Parramatta Road Corridor Urban Transformation Strategy, the applicable DCP and the Concord West Master Plan.</p>

Relevant Planning Priority/ Action	PP Response
Priority 9 Enhance employment and economic opportunities in Local Centres	
9.3 Strategic land use change adjoining or adjacent to the Local Centres of Five Dock, Majors Bay Road (Concord) and North Strathfield, and also Concord West station, must not occur until such time as Council has endorsed a study that determines how retail and commercial floor space can be accommodated	The PP is for land located in a precinct that is identified for change. The scale and density of the proposed change is consistent with the recommendations of the Parramatta Road Corridor Urban Transformation Strategy, the applicable DCP and the Concord West Master Plan. The PP does not propose the incorporation of non-residential land uses.
Priority 12 Improve connectivity throughout Canada Bay by encouraging a modal shift to active and public transport	
12.1 Implement the City of Canada Bay Local Movement Strategy to increase connectivity across the LGA and encourage a modal shift to active and public transport.	The PP will support implementation of the movement strategy by establishing new local pedestrian links.
Priority 13 Protect and improve the health and enjoyment of the Parramatta River Catchment and waterways	
13.1 Protect the Parramatta River catchment by ensuring policies and planning instruments contribute to the Parramatta River Catchment Group's mission to make the Parramatta River swimmable again by 2025.	The PP will facilitate development within the existing urban footprint that will assist in remediating identified contamination and provide new opportunities to incorporate water sensitive urban design initiatives via the detailed design and development application processes.
13.2 Review and update water sensitive urban design controls to ensure: <ul style="list-style-type: none"> • reduced stormwater runoff volumes and pollution entering waterways; • pervious areas are maximised; • all stormwater is treated before it reaches waterways; and • stormwater management systems are vegetated to slow down and clean runoff and provide passive irrigation, greening and urban cooling on lot, street and precinct scales. 	The PP will facilitate development that incorporates two new public open space links. Opportunities to incorporate water sensitive urban design initiatives into this link and deep soil areas of the site will be investigated via the detailed design and development application processes.
Priority 16 Increase urban tree canopy and deliver Green Grid connections	
16.3 Increase the urban tree canopy on private land by amending the Canada Bay Development Control Plan to: <ul style="list-style-type: none"> • update the list of recommended tree species; • require tree planting when land is redeveloped; and • include appropriate controls to protect trees, including the definition of a tree. 	The PP will facilitate development that incorporates two new public open space links and setbacks that offer potential for tree planting, which will be further investigated at detailed design stage.
Priority 17 Deliver high quality open space and recreation facilities	
17.1 Consider and implement the Canada Bay Social Infrastructure (Open Space and Recreation) Strategy, including plans to deliver: <ul style="list-style-type: none"> • new and improved sports fields and courts; 	The PP will facilitate development that incorporates two new public open space links that will connect areas identified for growth with large areas of public open space such as Powells

Relevant Planning Priority/ Action	PP Response
<ul style="list-style-type: none"> passive recreation for activities such as sitting and walking; the planning and delivery of new open space in conjunction with land use change in North Strathfield, Concord West and along the Parramatta Road Corridor; a new local park in the Strathfield Triangle; the expansion of Fred Kelly Place on the eastern and western side of Great North Road in Five Dock; and an increase in the provision of indoor recreation, including in the new community centre in East Rhodes, Five Dock Leisure Centre and Concord Oval. 	Creek Reserve, especially the playing fields adjacent to the site.
Priority 19 Adapt to the impacts of urban and natural hazards and climate change	
19.1 Implement flood related planning controls in accordance with the recommendations of the Concord West Precinct Flood Study.	The PP will facilitate a solution to known flooding issues on George Street with benefits for the broader precinct.
19.4 Minimise new urban development in areas exposed to natural and urban hazards and consider options to limit the intensification of development in existing urban areas most exposed to hazards.	The PP is for a site where flooding issues can be suitably managed via a civil design solution that is supported by Council and will provide a solution to known flooding issues on George Street with benefits for the broader precinct.

3.2.2.2. Your Future 2030 - Community Strategic Plan 2018-2030

The Canada Bay Your future 2030 - Community Strategic Plan 2018-2030 (CSP) identifies themes, goals and strategies that will provide direction for the delivery of outcomes for the Canada Bay LGA from 2018 until 2030.

The CSP identifies five key vision areas (themes) aligned to your aspirations and priorities for your future.

1. Inclusive, involved and prosperous
2. Environmentally responsible
3. Easy to get around
4. Engaged and future focussed
5. Visionary, smart and accountable

Table 3 Alignment with CSP outlines how this PP aligns with and delivers on the key objectives and actions set out by the CSP.

Table 3 Alignment with CSP

Goals and Delivery Strategies	PP Response
Theme 1: Inclusive, involved and prosperous	
Goal: 1.1. All residents have full access to high-quality services that facilitate inclusion and participation in community life.	
1.1.1. Promote Disability Inclusion to enhance positive community attitudes and behaviours and improved access to create a more liveable community for people with disability.	The PP will facilitate the future development of a residential building that will be built to the relevant accessibility standards under the Building Condes of Australia (BCA).

Goals and Delivery Strategies	PP Response
1.1.2. Provide Children and Family services and facilities to support children's and families' health, education and welfare.	Not directly relevant to this PP. However, an affordable housing contribution will be required at future DA stage pursuant to Cl 6.12 of the LEP to support the welfare of local community members in need of such housing.
1.1.3. Provide services and a range of facilities for Seniors to harness the skills and wisdom of our ageing population and to support their participation in our community.	The PP will facilitate a development that will be attractive to diverse population, including seniors. It will provide housing in a locality that extends ample opportunity for community interaction via the creation of a new open space link to Powells Reserve.
1.1.4. Support Young People by providing information and services, which promote connection with the community, safe spaces, and participation in active and passive recreation.	The PP will facilitate two new open space links to Powells Reserve encouraging greater use and participation within an existing public open space area.
1.1.5. Ensure Grant Programs support local community development outcomes.	Not directly relevant to this PP.
1.1.6. Implement a range of Community Safety programs to make the physical environment safer, raise awareness of safety and minimise crime.	The PP will facilitate a development that results in greater passive surveillance over the public domain.
1.1.7. Participate in Emergency Management planning and service provision to ensure readiness in times of emergencies.	Not directly relevant to this PP.
Goal 1.2. The community has a diverse range of opportunities to engage in recreation and lifelong learning that promotes health and wellbeing	
1.2.1. Provide Library Services that engage the community in lifelong learning and provide recreational and social opportunities in accessible and people-friendly surrounds.	Not directly relevant to this PP.
1.2.2. Provide quality active and passive Recreation Services and Facilities that contribute to health and wellbeing.	The PP will facilitate new open space links to Powells Reserve encouraging greater use of an existing public open space area and thus making a direct contribution to health and wellbeing.
1.2.3. Provide Community Facilities that are accessible and available for use by all members of the community.	Not directly relevant to this PP.
1.2.4. Plan for a diversity of housing across the full range of income levels, including Affordable Housing to support people who work in essential services.	An affordable housing contribution will be required at future DA stage pursuant to Cl 6.12 of the LEP. The housing mix will be further considered at DA stage to provide a suitable response to any ADG and DCP provisions relating to housing mix in accordance with CBLEP 2013 cl 6.11 - Mix of dwelling sizes in residential flat buildings and mixed use development.
Goal 1.3. Our sense of place and of belonging is strong with our diversity respected and celebrated and local heritage and character promoted in friendly village neighbourhoods and vibrant and prosperous centres	

Goals and Delivery Strategies	PP Response
1.3.1. Provide Place Management to enhance spaces and places and bring communities and businesses together.	The PP will facilitate better access to an existing public open space through the creation of open space links from George Street. This will encourage a greater level of community interaction, participation and social cohesion.
1.3.2. Coordinate and facilitate Arts and Cultural Development and recognise our heritage and connection to place.	Not directly relevant to this PP.
1.3.3. Coordinate and support high quality Community Events to celebrate diversity, showcase creativity and recognise sporting achievements.	Not directly relevant to this PP.
1.3.4. Economic Development activities are provided in partnership between businesses and governments to stimulate the economy and visits.	Not directly relevant to this PP.
Theme 2: Environmentally responsible	
Goal 2.1. Working together, we adopt practices that sustain our environment.	
2.1.1. Respond to the impacts of Climate Change through planning for environmental sustainability and implementing energy, water, and greenhouse gas mitigation and adaption programs.	The PP will facilitate a development that increases the residential population adjacent to a railway station, reducing reliance on private vehicles and reducing carbon emissions.
2.1.2. Engage with the community through innovative Community Environment Programs to provide long term sustainable solutions.	The PP will be publicly exhibited in accordance with the requirements set out under Part 3 of the Act.
2.1.3. Protect and enhance Natural Resources and biodiversity to ensure resources are there for future generations.	The PP will not result in any adverse impacts on local biodiversity.
2.1.4. Provide efficient and effective Waste and Resource Recovery services.	Not directly relevant to this PP.
2.1.5. Manage Drainage and Stormwater infrastructure to prevent local flooding and to provide for harvesting of stormwater for water recycling.	The PP factors in a local civil design solution that is supported by Canada Bay Council and will mitigate the effects of flooding on George Street to the benefit of the wider locality.
Goal 2.2. Attractive, well maintained and accessible parks and open spaces provide for a range of active and passive recreation uses.	
2.2.1. Plan for, and maintain, Parks and Open Space to provide active and passive recreation opportunities for everyone's enjoyment.	The PP will improve access to an existing area of public open space through the dedication of two local open space links between George Street and Powells Creek Reserve.
Theme 3: Easy to get around	
Goal 3.1. Regional and local infrastructure is well planned and resourced to enable connectivity across our City	
3.1.1. Adopt an integrated approach to the provision of Major Regional Infrastructure to meet community need.	The PP will improve access to an existing area of public open space through the dedication of two new local open space links between George Street and Powells Creek Reserve, which

Goals and Delivery Strategies	PP Response
	facilitates more effective and convenient use of existing public open space asset.
Goal 3.2. A connected network of quality active and public transport routes and services minimise traffic and make it easier to get around.	
3.2.1. Advocate and provide for accessible Public Transport and related infrastructure that meets the community's needs.	The PP will facilitate a development that increases the residential population adjacent to a railway station, supporting the viability of public transport services.
3.2.2. Provide linked Footpaths and Cycleways to enable ease of movement around our City and beyond.	The PP will improve access to an existing area of public open space through the dedication of local open space links between George Street and Powells Creek Reserve, which facilitates easier access to existing public open space.
3.2.3. Provide efficient Lighting for streets, public spaces, parks and sporting fields to ensure a safer environment and to contribute to reducing energy use and greenhouse gas emissions.	This is a detailed design matter for consideration at later delivery stages.
Goal 3.3. Traffic, parking, roads and marine infrastructure provide for safe and efficient travel.	
3.3.1. Deliver Traffic and Parking infrastructure that supports the use of active and public transport and safe use of roads.	The PP will facilitate a development that will incorporate a parking provision that suitably responds to the relevant DCP provisions, considering its location in walking distance to a railway station.
3.3.2. Provide quality Roads, Bridges, Kerbs and Gutters infrastructure that caters for current and future road transport needs.	This is a detailed design matter for consideration at later delivery stages.
3.3.3. Provide Marine Structures to cater for water-based transport and recreational activities.	Not directly relevant to this PP.
Theme 4: Engaged and future focussed	
Goal 4.1. The community participates in setting directions for the future.	
4.1.1. Community Engagement provides direction for planning and the two way flow of information contributes to decision making.	The PP will be publicly exhibited as per the requirements under Part 3 of the Act.
4.1.2. When planning for our future, ensure the community's aspirations and priorities are embedded in Corporate Strategy	Not directly relevant to this PP.
Goal 4.2. High quality sustainable urban design results in innovative development sensitive to existing local character.	
4.2.1. Provide Strategic and Land Use Planning to ensure the built and natural environment is highly liveable with quality and sustainable development incorporating best practice design.	The PP seeks to implement the intended outcomes of an adopted State level strategy that is enforced by a Section 9.1. Ministerial Direction.
Theme 5: Visionary, smart and accountable	
Goal 5.1. The elected Council provides strong leadership for the community that is underpinned by open and transparent governance.	
5.1.1. The Council governs efficiently and effectively on behalf of the Community.	Not directly relevant to this PP.

Goals and Delivery Strategies	PP Response
5.1.2. Provide Civic Events and Citizenship ceremonies to celebrate the diversity and achievements of the community and to welcome newcomers.	Not directly relevant to this PP.
Goal 5.2. Leadership of the organisation inspires best practice in everything in which Council is involved	
5.2.1. Provide Organisational Leadership that is inspirational, promotes a culture of working with and for the community, delivers continuous business improvement and empowers staff.	Not directly relevant to this PP.
5.2.2. Provide Governance and Risk services to ensure compliance with the Local Government Act and other relevant Acts.	Not directly relevant to this PP.
5.2.3. Ensure Council's long-term financial sustainability by providing effective Financial Management.	Not directly relevant to this PP.
5.2.4. Provide quality Customer Services that reach out and positively connect with customers.	Not directly relevant to this PP.
5.2.5. Manage Information Systems to support the operations of the Council and its interaction with the community.	Not directly relevant to this PP.
5.2.6. Ensure Procurement services provide best value outcomes.	Not directly relevant to this PP.
5.2.7. Manage Council's Property Portfolio to ensure best value returns and to ensure properties are developed, renewed and maintained for the benefit of the community.	Not directly relevant to this PP.
5.2.8. Ensure Workforce Management practices provide for a collaborative workplace culture and efficient workforce processes.	Not directly relevant to this PP.
5.2.9. Ensure Workplace Health and Safety programs to provide for a safe and healthy work environment.	Not directly relevant to this PP.
Goal 5.3. The City is well promoted and our community is well informed of the business of Council.	
5.3.1. Ensure Council's Communications provide easily available information to promote the City and its community and to promote the business of Council.	The PP will facilitate a high quality new development that will reflect positively on the perceptions of Canada Bay Council.
Goal 5.4. Compliance services encourage and contribute to quality developments, public health, animal welfare and parking management.	
5.4.1. Provide transparent and informative Statutory Development services to assure approval processes are streamlined and timely and effective compliance is achieved.	The PP seeks to implement the intended outcomes of an adopted State level strategy that is enforced by a Section 9.1. Ministerial Direction. The controls proposed are widely used throughout the Canada Bay LGA and will facilitate logical implementation. The controls are consistent with those already exhibited and

Goals and Delivery Strategies	PP Response
	therefore consistent with community expectations.
5.4.2. Offer a cost effective and efficient Building Inspection service to ensure buildings are safe and comply with Standards.	Not directly relevant to this PP.
5.4.3. Provide services and encourage the community to take pride in their city to ensure Public Health for all.	The PP will facilitate greater accessibility to Powells Creek Reserve via new public open space links to encourage healthy and active living.
5.4.4. Provide Animal Compliance and encourage responsible animal ownership practices.	Not directly relevant to this PP.
5.4.5. Provide and enforce Parking Controls to provide for and maximise use of parking spaces in the City.	Not directly relevant to this PP.

3.2.3. Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

There are no existing State Environmental Planning Policies (SEPPs) or known draft policies that would prohibit or restrict the Planning Proposal from proceeding. An assessment of consistency against the key relevant SEPPs is provided in Table 4 SEPP Consistency below with further explanation of relevant SEPPs provided in following sections. Where a SEPP is listed as not relevant to this Planning Proposal, there are no provisions contained in this Planning Proposal that would contradict or would hinder application of those SEPPs.

Table 4 SEPP Consistency

SEPP	Not Relevant	Justifiably Inconsistent	Consistent
SEPP (Aboriginal Land) 2019	✓		
SEPP (Activation Precincts) 2020	✓		
SEPP (Affordable Rental Housing) – 2009	✓		
SEPP (Building Sustainability Index: BASIX) 2004	✓		
SEPP (Coastal Management) 2018			✓
SEPP (Concurrences and Consents) 2018	✓		
SEPP (Educational Establishments and Child Care Facilities) 2017	✓		
SEPP (Exempt and Complying Development Codes) 2008	✓		
SEPP (Gosford City Centre) 2018	✓		
SEPP (Housing for Seniors or People with a Disability) 2004	✓		
SEPP (Infrastructure) 2007			✓
SEPP (Koala Habitat Protection) 2020	✓		
SEPP (Koala Habitat Protection) 2021	✓		

SEPP	Not Relevant	Justifiably Inconsistent	Consistent
SEPP (Kosciuszko National Park—Alpine Resorts) 2007	✓		
SEPP (Kurnell Peninsula) 1989	✓		
SEPP (Major Infrastructure Corridors) 2020	✓		
SEPP (Mining, Petroleum Production & Extractive Industries) 2007	✓		
SEPP 19 - Bushland in Urban Areas	✓		
SEPP 21 - Caravan Parks (formerly Movable Dwellings)	✓		
SEPP 33 - Hazardous and Offensive Development	✓		
SEPP 36 - Manufactured Home Estates	✓		
SEPP 47 - Moore Park Showground	✓		
SEPP 50 - Canal Estate Development	✓		
SEPP 55 - Remediation of Land			✓
SEPP 64 - Advertising and Signage	✓		
SEPP 65 - Design Quality of Residential Apartment Development	✓		
SEPP 70 - Affordable Housing (Revised Schemes)	✓		
SEPP (Penrith Lakes Scheme) 1989	✓		
SEPP (Primary Production and Rural Development) 2019	✓		
SEPP (State and Regional Development) 2011	✓		
SEPP (State Significant Precincts) 2005	✓		
SEPP (Sydney Drinking Water Catchment) 2011	✓		
SEPP (Sydney Region Growth Centres) 2006	✓		
SEPP (Three Ports) 2013	✓		
SEPP (Urban Renewal) 2010	✓		
SEPP (Vegetation in Non-Rural Areas) 2017	✓		
SEPP (Western Sydney Aerotropolis) 2020	✓		
SEPP (Western Sydney Employment Area) 2009	✓		
SEPP (Western Sydney Parklands) 2009	✓		

3.2.3.1. SEPP (Coastal Management) 2018

A very small part of the south west corner of Lot 16 in DP 15973 is within the Proximity Area for Coastal Wetlands under the SEPP (Coastal Management) 2018. This is illustrated in Figure 18.

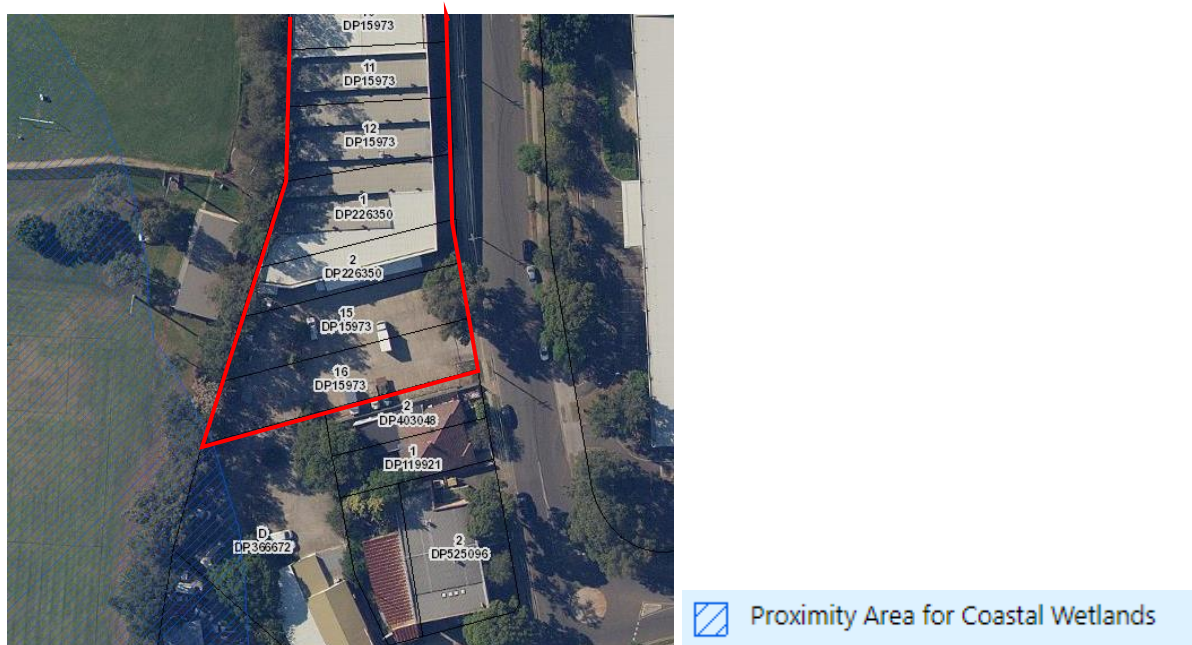


Figure 18 SEPP Coastal Management 2018

Clause 11 of the SEPP stipulates the following requirements for land in proximity to coastal wetlands:

11 Development on land in proximity to coastal wetlands or littoral rainforest

Note—

The Coastal Wetlands and Littoral Rainforests Area Map identifies certain land that is inside the coastal wetlands and littoral rainforests area as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” or both.

(1) Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on—

(a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or

(b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.

The PP will not hinder the application of the SEPP at Development Application stage. Further consideration of coastal environmental related issues would be addressed at the time a development application (DA) is lodged to develop the subject site. The change from industrial land use to a residential purpose allows for better management of stormwater runoff.

3.2.3.2. SEPP (Infrastructure) 2007

The proposed amendment to the CBLEP 2013 to rezone the subject site from IN1 General Industrial to R3 Medium Density Residential is unlikely to result in a development that is classified as “traffic generating” under the ISEPP. The site does not have access to a classified road, nor to a road that connects to a classified road under the Roads and Maritime Services’ (RMS) Schedule of Classified & State and Regional Roads. The criteria for whether residential development on site would be “traffic generating” is as follows:

Schedule 3 Traffic generating development to be referred to RMS

(Clause 104)

Column 1 Purpose of development	Column 2 Size or capacity—site with access to any road	Column 3 Size or capacity—site with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road)
Note. The development may be the erection of new premises or the enlargement or extension of existing premises		
Apartment or residential flat building	300 or more dwellings	75 or more dwellings
Area used exclusively for parking or any other development having ancillary parking accommodation	200 or more motor vehicles	50 or more motor vehicles

The site is not located within 90m of a classified road. Considering the size of the subject site, when assessed against possible density yields arising from the current FSR and height controls which apply to residential zonings for Canada Bay, it is unlikely that any future development for the purposes of residential flat buildings will be “traffic generating” as defined under the ISEPP as it is unlikely to contain more than 300 units or 200 car spaces.

The planning proposal is consistent with the recommendations of Concord West Precinct Masterplan and Parramatta Road Urban Transformation Strategy documents. Each of these documents has been underpinned by rigorous traffic analysis, including a Traffic, Transport, Accessibility and Parking Report prepared by GTA. As this PP seeks to align with the expected outcomes of those documents, no further traffic investigations are considered necessary to support this PP.

The Parramatta Road Corridor Urban Transformation Strategy Implementation Plan 2016-2023 contains an Action Plan for the Homebush Precinct. The action relating to road improvements and upgrades states that prior to any rezoning commencing, a Precinct-wide traffic study and supporting modelling is required to be completed. It is understood that Canada Bay Council (in conjunction with Burwood and Strathfield Councils) has been undertaking a precinct traffic study. However, to date this study has not been finalised as it is pending Transport for NSW’s (TfNSW) inclusion in their Strategic Transport Model. Once this occurs, it is anticipated that the study will favourably demonstrate there is sufficient capacity in the road network to accommodate the traffic volumes associated with the PP.

Further consideration of traffic related issues would be addressed at the time a development application (DA) is lodged to develop the subject site.

3.2.3.3. State Environmental Planning Policy No 55 - Remediation of Land

Given the conversion of industrial to residential uses, an important SEPP to consider is State Environmental Planning Policy No 55 (Remediation of Land) (SEPP 55). Clause 6 of SEPP 55 states as follows:

6 Contamination and remediation to be considered in zoning or rezoning proposal

(1) In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:

(a) the planning authority has considered whether the land is contaminated, and

(b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and

(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.

A Detailed Site Investigation (DSI) was undertaken by WSP in September 2018 (refer Appendix C). The report recommends that remedial activities be undertaken if the site is to be redeveloped.

WSP's report noted that the exceedances of health-based and ecological criteria are unlikely to pose a significant risk to current or future site users under the proposed land use settings. The asbestos impacted soils at the site are most likely to have been imported in fill used to level the site. In its current state beneath the paved surfaces of the site the soil poses no unacceptable risk. However, it could present a potential health risk to intrusive maintenance workers and future construction workers. Therefore, WSP advised that any future earthworks undertaken as part of site redevelopment will need to have in place a protocol for management of asbestos finds and the final excavation should be cleared of asbestos as part of site validation.

Following the DSI works, a Remediation Action Plan (RAP) was compiled. Soil remediation options were evaluated and the excavation and off-site disposal of impacted soil was deemed the most suitable remedial option. The process will include detailed insitu waste classification (or exsitu waste classification of stockpiled soil) before it is removed from the site. Asbestos impacts have been recommended to be addressed first, by appropriately licenced asbestos removal contractors, with controls and monitoring in place. Once the asbestos is removed the remaining fill can be removed in accordance with its waste classification. Where excavations lie outside the proposed redevelopment excavation footprint and design levels require, reinstatement of site levels will be achieved using imported virgin excavated natural material (VENM) or excavated natural material (ENM). Additionally, appropriate contingency plans and validation of completed works has been outlined within the RAP.

Based on the findings and recommendations of the RAP, the site can be made suitable for future residential purposes. Therefore, the PP is consistent with the requirements of SEPP 55.

3.2.4. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The s 9.1 Ministerial directions that are relevant considerations for this planning proposal are:

- 1.1 Business and Industrial Zones.
- 2.6 Remediation of Contaminated Land.
- 3.1 Residential Zones.
- 3.4 Integrating Land Use and Transport.
- 4.1 Acid Sulfate Soils.
- 4.3 Flooding.
- 6.2 Reserving Land for Public Purposes.
- 6.3 Site Specific Provisions.
- 7.3 Parramatta Road Corridor Urban Transformation Strategy.
- 7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan.

Table 5 provides a summary of the assessment against the relevant of the Ministerial Directions provided in the following sections.

Table 5 S9.1 Directions Consistency

	Ministerial Direction	Not Relevant	Justifiably inconsistent	Consistent
1. Employment & Resources				
1.1	Business and Industrial Zones		✓	
1.2	Rural Zones	✓		
1.3	Mining, Petroleum Production and Extractive Industries	✓		
1.4	Oyster Aquaculture	✓		
1.5	Rural Lands	✓		
2 Environment & Heritage				
2.1	Environmental Protection Zones	✓		
2.2	Coastal Protection		✓	
2.3	Heritage Conservation	✓		
2.4	Recreation Vehicle Areas	✓		
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	✓		
2.6	Remediation of Contaminated Land			✓
3 Housing, Infrastructure and Urban Development				
3.1	Residential Zones			✓
3.2	Caravan Parks and Manufactured Home Estates	✓		
3.3	Home Occupations	✓		
3.4	Integrating Land Use and Transport			✓
3.5	Development Near Regulated Airports and Defence Airfields	✓		
3.6	Shooting Ranges	✓		
3.7	Reduction in non-hosted short term rental accommodation period	✓		
4 Hazard and Risk				
4.1	Acid Sulfate Soils			✓
4.2	Mine Subsidence and Unstable Land	✓		
4.3	Flooding		✓	
4.4	Planning for Bushfire Protection	✓		
5 Regional Planning				
5.1	(Revoked 17 October 2017)	✓		
5.2	Sydney Drinking Water Catchments	✓		
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	✓		

	Ministerial Direction	Not Relevant	Justifiably inconsistent	Consistent
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	✓		
5.5	(Revoked 18 June 2010)	✓		
5.6	(Revoked 10 July 2008)	✓		
5.7	(Revoked 10 July 2008)	✓		
5.8	(Revoked 20 August 2018)	✓		
5.9	North West Rail Link Corridor Strategy	✓		
5.10	Implementation of Regional Plans	✓		
5.11	Development of Aboriginal Land Council land	✓		
6 Local Plan Making				
6.1	Approval and Referral Requirements	✓		
6.2	Reserving Land for Public Purposes			✓
6.3	Site Specific Provisions			✓
7 Metropolitan Planning				
7.1	(Revoked 9 November 2020)	✓		
7.2	(Revoked 28 November 2019)	✓		
7.3	Parramatta Road Corridor Urban Transformation Strategy			✓
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	✓		
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan			✓
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	✓		
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	✓		
7.8	Implementation of the Western Sydney Aerotropolis Plan	✓		
7.9	Implementation of Bayside West Precincts 2036 Plan	✓		
7.10	Implementation of Planning Principles for the Cooks Cove Precinct	✓		
7.11	Implementation of St Leonards and Crows Nest 2036 Plan	✓		
7.12	Implementation of Greater Macarthur 2040	✓		
7.13	Implementation of the Pyrmont Peninsula Place Strategy	✓		

3.2.4.1. s9.1 Direction – 1.1 Business and Industrial Zones

The PP will affect land that is zoned B3 Commercial Core.

Objectives

(1) The objectives of this direction are to:

- (a) encourage employment growth in suitable locations,*
- (b) protect employment land in business and industrial zones, and*
- (c) support the viability of identified strategic centres.*

Where this direction applies

(2) This direction applies to all relevant planning authorities.

When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).

What a relevant planning authority must do if this direction applies

(4) A planning proposal must:

- (a) give effect to the objectives of this direction,*
- (b) retain the areas and locations of existing business and industrial zones,*
- (c) not reduce the total potential floor space area for employment uses and related public services in business zones,*
- (d) not reduce the total potential floor space area for industrial uses in industrial zones, and*
- (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.*

Consistency

(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

(a) justified by a strategy which:

- (i) gives consideration to the objective of this direction, and*
- (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*
- (iii) is approved by the Director-General of the Department of Planning, or*

(b) justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction, or

(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or

(d) of minor significance.

This direction applies when a relevant planning authority prepares a PP that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).

Whilst the PP is inconsistent with this Section 9.1 Direction, it is considered that the inconsistency is justified by a strategic study in accordance with Clause (5)(b) of the direction stated above.

The subject site is considered suitable for rezoning from IN1 - General Industrial to R3 - Medium Density Residential based on recommendations of the Socio-Economic Impact Study undertaken by Hill PDA on behalf of Council in June 2013. This study supports the rezoning of the site to R3 Medium Density Residential and acknowledges the changing role of the precinct from an employment centre that has limited demand for industrial space and increasing vacancies.

This PP is in accordance with the recommendations of the 2013 study. A site-specific economic analysis is therefore not considered warranted. This economic study was further used as input into the Concord West Precinct Masterplan which recognises the subject site as suitable for residential purposes.

More recently, the Parramatta Road Urban Transformation Strategy identifies the subject site for medium density residential purposes with a vision that is consistent with the Concord West Precinct Masterplan 2014.

Therefore, the PP is justifiably inconsistent with this Direction.

3.2.4.2. s9.1 Direction – 2.2 Coastal Management

A very small part of the south west corner of Lot 16 in DP 15973 is within the Proximity Area for Coastal Wetlands under the SEPP (Coastal Management) 2018 and is included in the coastal wetlands and littoral rainforests area. This is illustrated in Figure 18. Therefore this Direction Applies.

Objective

(1) The objective of this direction is to protect and manage coastal areas of NSW.

Where this direction applies

(2) This direction applies to land that is within the coastal zone, as defined under the Coastal Management Act 2016 - comprising the coastal wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area and coastal use area - and as identified by the State Environmental Planning Policy (Coastal Management)2018.

When this direction applies

(3) This direction applies when a planning proposal authority prepares a planning proposal that applies to land identified in (2) above.

What a planning proposal authority must do if this direction applies

(4) A planning proposal must include provisions that give effect to and are consistent with:

(a) the objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management areas;

(b) the NSW Coastal Management Manual and associated Toolkit;

(c) NSW Coastal Design Guidelines 2003; and

(d) any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016, that applies to the land.

(5) A planning proposal must not rezone land which would enable increased development or more intensive land-use on land:

(a) within a coastal vulnerability area identified by the State Environmental Planning Policy (Coastal Management) 2018; or

(b) that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan, or a study or assessment undertaken:

(i) by or on behalf of the relevant planning authority and the planning proposal authority, or

(ii) by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority.

(6) A planning proposal must not rezone land which would enable increased development or more intensive land-use on land within a coastal wetlands and littoral rainforests area identified by the State Environmental Planning Policy (Coastal Management) 2018.

(7) A planning proposal for a Local Environmental Plan may propose to amend the following maps, including increasing or decreasing the land within these maps, under the State Environmental Planning Policy (Coastal Management) 2018:

(a) Coastal wetlands and littoral rainforests area map;

(b) Coastal vulnerability area map;

(c) Coastal environment area map; and

(d) Coastal use area map.

Such a planning proposal must be supported by evidence in a relevant Coastal Management Program that has been certified by the Minister, or by a Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016.

Note: Under section 10(2) of the Coastal Management Act 2016, any provision of an LEP that identifies a coastal management area (or part of such an area) must not be made without the recommendation of the Minister administering the Coastal Management Act 2016.

Consistency

(8) A planning proposal may be inconsistent with the terms of this direction only if the planning proposal authority can satisfy the Secretary of the Department of Planning and Environment (or their nominee) that the provisions of the planning proposal that are inconsistent are:

(a) justified by a study or strategy prepared in support of the planning proposal which gives consideration to the objective of this direction, or

(b) in accordance with any relevant Regional Strategic Plan or District Strategic Plan, prepared under Division 3.1 of the Environmental Planning and Assessment Act 1979 by the relevant strategic planning authority, which gives consideration to the objective of this direction, or

(c) of minor significance.

“Coastal hazard” and “Coastal Management Program” are defined in the Coastal Management Act 2016.

This Direction states that a planning proposal must not rezone land which would enable increased development or more intensive land-use on land within a coastal wetlands and littoral rainforests area identified by the State Environmental Planning Policy (Coastal Management) 2018.

The PP proposes to rezone the affected portion of land from industrial to a more sensitive and medium density residential use. However, a planning proposal may be inconsistent with the terms of this direction if it can be demonstrated that the inconsistency is of minor significance or is justified by a study or strategy prepared in support of the planning proposal which gives consideration to the objective of this direction.

As illustrated in Figure 18, the portion of the subject site that is located in the coastal wetlands and littoral rainforests area affects only very small a portion of the site, and is therefore of minor significance.

The intended outcome of this PP is consistent with the Concord West Precinct Master Plan, the PRCUTS and Special Precincts DCP, which envisage that the portion of the site subject to the State Environmental Planning Policy (Coastal Management) 2018 will be located in a setback area as illustrated in Figure 10. While these plans precede the commencement of the State Environmental Planning Policy (Coastal Management) 2018 and Direction 2.2 and therefore the SEPP and the Direction could not have been considered in their preparation, the detailed planning set out in these documents further demonstrates that the effects of the PP on coastal management will be of minor significance which can be suitably addressed via a future DA.

The State Environmental Planning Policy (Coastal Management) 2018 is required to be addressed in conjunction with a future DA. The PP would not inhibit the implementation of the SEPP at DA stage. As such the PP is justifiably inconsistent with this direction.

3.2.4.3. s9.1 Direction – 2.6 Remediation of Contaminated Land

Given the conversion of industrial to residential uses, this Direction Applies.

Objective

(1) The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.

Where this direction applies

(2) This direction applies to:

(a) land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997,

(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,

(c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land:

(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

When this direction applies

(3) This direction applies when a planning proposal authority prepares a planning proposal applying to land specified in paragraph (2).

What a planning proposal authority must do if this direction applies

(4) A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land specified in paragraph (2) if the inclusion of the land in that zone would permit a change of use of the land, unless:

(a) the planning proposal authority has considered whether the land is contaminated, and

(b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and

(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.

In order to satisfy itself as to paragraph (4)(c), the planning proposal authority may need to include certain provisions in the local environmental plan.

(5) Before including any land specified in paragraph (2) in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

Note: In this direction, contaminated land planning guidelines means guidelines under clause 3 of Schedule 6 to the Environmental Planning and Assessment Act 1979.

Refer to Section 3.2.4.3 of this PP.

Based on the findings and recommendation of the DSI and RAP, the site can be made suitable for future residential purposes.

Therefore, the PP is consistent with the Direction.

3.2.4.4. s9.1 Direction – 3.4 Integrating Land Use and Transport

This Direction applies to all Councils when a PP is prepared that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. Therefore, this Direction applies.

Objectives

(1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and*
- (b) increasing the choice of available transport and reducing dependence on cars, and*
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
- (d) supporting the efficient and viable operation of public transport services, and*
- (e) providing for the efficient movement of freight.*

Where this direction applies

(2) This direction applies to all relevant planning authorities.

When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. What a relevant planning authority must do if this direction applies

(4) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:

- (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and*
- (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).*

Consistency

(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

- (a) justified by a strategy which:*
 - (i) gives consideration to the objective of this direction, and*
 - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*
 - (iii) is approved by the Director-General of the Department of Planning, or*
- (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or*
- (c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*
- (d) of minor significance*

Unless otherwise justified, to achieve consistency with this direction, a planning proposal must include provisions that give effect to and are consistent with the aims, objectives and principles of:

- Improving Transport Choice – Guidelines for planning and development (DUAP 2001); and
- The Right Place for Business and Services – Planning Policy (DUAP 2001).

Improving Transport Choice – Guidelines for planning and development was prepared by the (then) Department of Urban Affairs and Planning in 2001 to provide guidelines, principles, initiatives and best practice examples for locating land uses and designing development that encourages viable and more sustainable transport modes than the private car such as public transport, walking and cycling.

The PP has been considered against the provisions of this direction and is consistent with the objectives of this Ministerial Direction. It is considered that this PP, if implemented, will:

- Improve access to housing and housing opportunity near public transport;
- Reduce dependence on cars as the rezone will give rise to further opportunity within the Canada Bay LGA for transit orientated development; and
- Support the efficient and viable operation of public transport services.

The PP will allow for the future residential development of the site, which will take advantage of the existing public transport and open space infrastructure in close proximity to the site.

The PP seeks to enhance the existing Concord West locality by allowing the provision of the residential use of the subject site, which will capitalise on the services available in Concord West.

The planning proposal is therefore consistent with the Direction.

3.2.4.5. s9.1 Direction - 4.1 Acid Sulfate Soils

This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils.

The PP and any subsequent DA will be considered against any Acid Sulfate Soils (map) prepared by Council. A review of Council's Acid Sulfate Soils map indicates that the subject site as being located in an area with an Acid Sulfate Soils classification of Class 5 and a very small portion of the site in Class 2. Therefore this Direction is relevant.

The Acid Sulfate Soils map is provided as Figure 19:

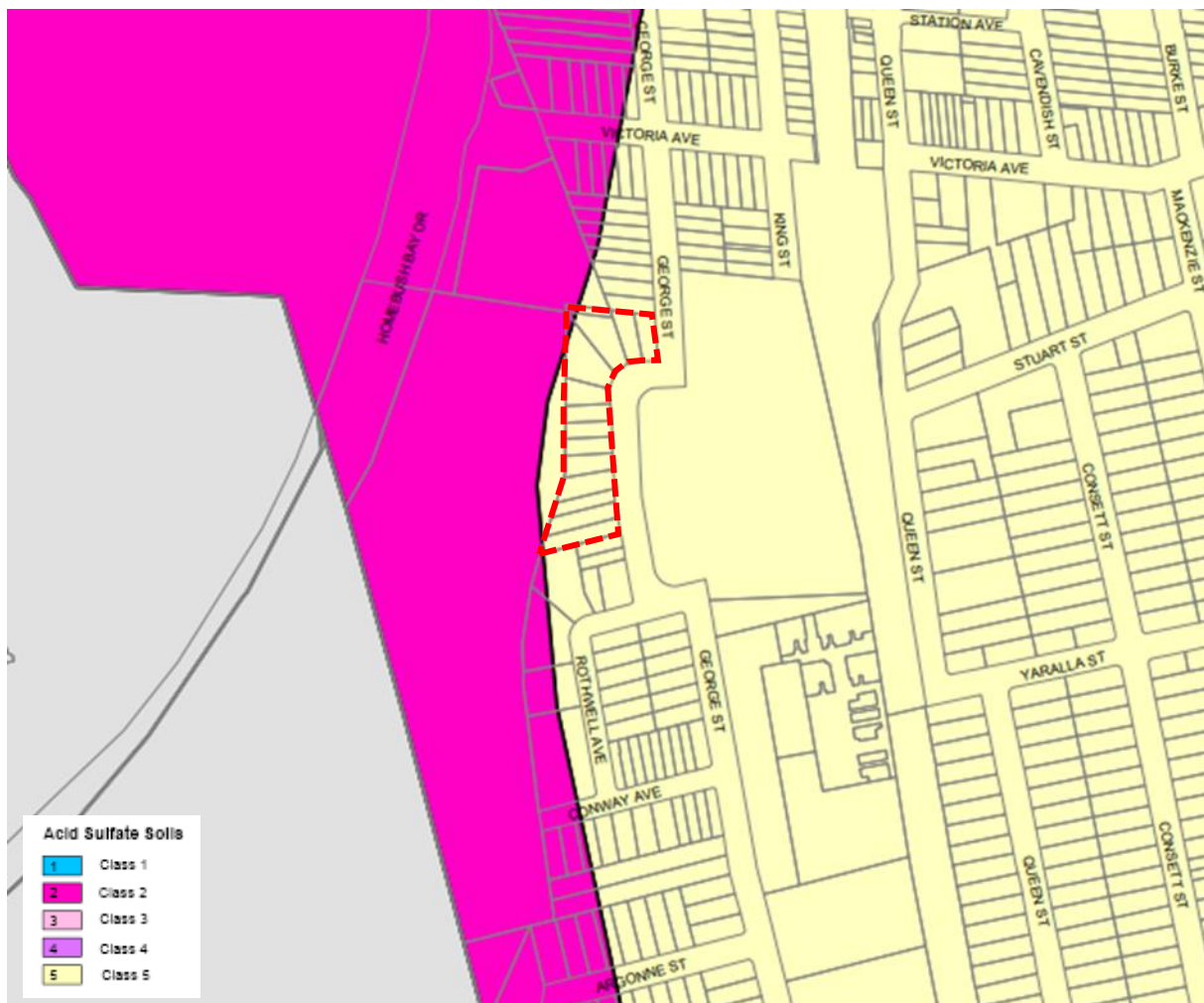


Figure 19 Acid Sulfate Soils Map - Site dashed in red

The provisions of this direction are as follows:

Objective

(1) The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.

Where this direction applies

(2) This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils, as shown on Acid Sulfate Soils Planning Maps held by the Department of Planning.

When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.

What a relevant planning authority must do if this direction applies

(4) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.

(5) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:

(a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or

(b) such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines.

(6) A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director General prior to undertaking community consultation in satisfaction of section 57 of the Act.

(7) Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5).

Consistency

(8) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

(a) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or

(b) of minor significance.

The Acid Sulphate Soils Map identifies the subject site as being located within the following classification areas:

- Class 5 for the majority of the site; and
- Class 2 for small portions on the west side of the site.

DLA Environmental conducted preliminary assessments for the presence of Acid Sulfate Soils (ASS) on the site (refer to Appendix D). The site is at an elevation of between RL 4m AHD and RL 5.4m AHD, and is located in close proximity to Homebush Bay and class 2 acid sulphate soils. For this reason, DLA Environmental concluded that Acid Sulphate Soils could potentially occur at the site. Soil sampling was undertaken and established that in Borehole 1 a low potential acidity risk is present. Ground water levels in Borehole 1 indicated that natural soils come from an anoxic environment, which would indicate that soils will maintain the potential acidity risk if they are left undisturbed.

Laboratory analysis of soil from Borehole 2 indicated that the soil possesses nil actual and nil potential acidity risk. Analysis of natural soils in Borehole 3 indicated that the soil should be considered to be

'Actual Acid Sulphate Soil'. Soils from Borehole 3 were noted to be above the groundwater level resulting in an oxidising environment and the detected pH of less than 4.

Treatment of lime may be utilised to neutralise the actual acidity of the soils if the contact with the acid soils does not meet engineering criteria for concrete and steel structures. The laboratory recommended liming rate has been calculated at 1.96 and 10.1 kg/tonne for samples BH1 - 3 and BH3 – 1.5-1.9 respectively. The lime rate would neutralise the actual acidity eliminating any potential for acid generation.

As outlined, laboratory analytical results indicate that there are some areas of Actual Acid Sulphate Soils and areas of Potential Acid Sulphate Soils existing in the natural soils on site. Fill soils are noted to pose nil actual or potential acidity risk. Site observations indicate that the underlying soil profile consists of grey shale.

The detection of Actual Acid Sulphate Soils and the risk of potential acid sulphate soils indicate that an Acid Sulphate Soils Management Plan will be required to be produced for the Site. This plan will account for the management and monitoring of impacts on site during both the construction and operation phase of the proposed development.

It is considered that this issue can be further assessed and dealt with as part of any future DA for the subject site, at which time an Acid Sulphate Soils Management Plan can be submitted.

3.2.4.6. s9.1 Direction - 4.3 Flooding

This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land such as this site. As such, this Direction has been considered.

Objectives

(1) The objectives of this direction are:

(a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005.

(b) to ensure that the provisions of a local environmental plan that apply to flood prone land are commensurate with flood behaviour and include consideration of the potential flood impacts on and off the subject land.

Where this direction applies

(2) This direction applies to all relevant planning authorities that are responsible for flood prone land.

When this direction applies

(3) This direction applies when a planning proposal authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.

What a relevant planning authority must do if this direction applies

(4) A planning proposal must include provisions that give effect to and are consistent with:

(a) the NSW Flood Prone Land Policy,

(b) the principles of the Floodplain Development Manual 2005,

- (c) the Considering flooding in land use planning guideline 2021, and
- (d) any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.
- (5) A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Environmental Protection Zones to a Residential, Business, Industrial or Special Purpose Zones.
- (6) A planning proposal must not contain provisions that apply to the flood planning area which:
- (a) permit development in floodway areas,
 - (b) permit development that will result in significant flood impacts to other properties,
 - (c) permit development for the purposes of residential accommodation in high hazard areas,
 - (d) permit a significant increase in the development and/or dwelling density of that land,
 - (e) permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,
 - (f) permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent,
 - (g) are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or
 - (h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.
- (7) A planning proposal must not contain provisions that apply to areas between the flood planning area and probable maximum flood to which Special Flood Considerations apply which:
- (a) permit development in floodway areas,
 - (b) permit development that will result in significant flood impacts to other properties,
 - (c) permit a significant increase in the dwelling density of that land,
 - (d) permit the development of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,
 - (e) are likely to affect the safe occupation of and efficient evacuation of the lot, or
 - (f) are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.
- (8) For the purposes of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council.

Consistency

(9) A planning proposal may be inconsistent with the terms of this direction only if the planning proposal authority can satisfy the Secretary of the Department of Planning, Industry and Environment (or their nominee) that:

(a) the planning proposal is in accordance with a floodplain risk management study or plan adopted by the relevant Council in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or

(b) where there is no council adopted floodplain risk management study or plan, the planning proposal is consistent with the flood study adopted by the council prepared in accordance with the principles of the Floodplain Development Manual 2005 or

(c) the planning proposal is supported by a flood and risk impact assessment accepted by the relevant planning authority and is prepared in accordance with the principles of the Floodplain Development Manual 2005 and consistent with the relevant planning authorities' requirements, or

(d) the provisions of the planning proposal that are inconsistent are of minor significance as determined by the relevant planning authority.

Jacobs consultants were appointed by Canada Bay Council to prepare a draft Flood Study for the Concord West Precinct (Appendix E), including the subject site. The key objectives of the draft Flood Study are to:

- define existing mainstream and overland flood levels along the eastern bank of Powell's Creek and the local catchments to the east of the creek, as well as under the proposed redevelopment conditions. The draft Flood Study did not consider the impact of upgrades and drainage modifications associated with the nearby North Strathfield Railway Underpass project to the south of the Precinct, which was under construction at the time the draft Flood Study was being prepared;
- consider the potential impact of climate change on flooding for the Precinct, to assist Council with future planning decisions;
- consider the flood impact of the draft Master Plan on the existing conditions and determine whether development proposed is acceptable; and
- identify options for mitigating flood impacts and prepare concept designs and cost estimates for the preferred options.

The Draft Concord West Precinct Flood Study was publicly exhibited between 2 September 2015 and 14 October 2015. It underpins the identification of sites located in a flood planning area and was used to inform updates to the City of Canada Bay Development Control Plan in 2017. The Draft Flood Study identifies the subject site and other nearby sites as being within the Flood Planning Area. It specifically notes local flooding issue known as the George Street sag point.

The Department of Planning Industry and Environment (DPIE) is currently considering a Council-led Planning Proposal (Council ref: PP2020/0002, DPIE ref: PP-2020-3948), which sought to identify the subject site as a flood planning area subject to the provisions of cl 6.8 of CBLEP 2013 and any relevant supporting provisions under the DCP. A gateway determination for this PP was issued on 29 July 2021.

The DPIE Flood Prone Land Package came into effect on 14 July 2021. It introduced a new flood planning clause into the CBLEP 2013 (cl 5.21) and repealed cl 6.8 of the CBLEP 2013. The new clause 5.21 requires consideration of development in the flood planning area but no longer references the LEP flood planning map.

The conditions of the 29 July 2021 gateway determination required removal of the flood planning maps from Council planning proposal.

Flood planning areas are currently identified in the Concord West Precinct Master Plan Flood Study (Appendix E) and on any planning certificate that is issued.

Flood planning area maps have since been added to a draft DCP which are expected to be publicly exhibited in October 2021.

To consider the response of this PP to flooding, a Flood Impact Assessment has been prepared by TTW (Appendix F). The report concludes that development is possible within the precinct, including on the subject site, and recommends management measures to ensure this occurs in an appropriate manner. Further detail regarding flood impacts are provided within the Flood Impact Assessment at Appendix F.

Council's specification for the Management of Stormwater sets out the following flood controls for any development of flood affected land:

- The minimum freeboard shall be as follows:
 - 150mm for roadways - between the 100-year ARI overland flow route and warehouse, factory, and garage floor levels and entrances to underground carparks.
 - 300mm for roadways - between the 100-year ARI overland flow route and office, living rooms, retail space, storeroom, and show room floor levels.
 - 300mm for surcharge paths e.g. easements - between the 100-year ARI overland flow route and all internal building floor levels, garages and basement carparks.
 - 500mm for channels, creeks and rivers - between the 100-year flood water level and all internal building floor levels, garages, and basement carparks.

The TTW report concludes that any future development at 176-184 George Street can be designed to reduce the flood impact on neighbouring properties and improve conditions for existing residents north of the site. The site is capable of accommodating a built form with finished floor levels that provide adequate freeboard to the 100-year ARI flood in accordance with Council's DCP.

TTW makes the following recommendations:

That the flood information presented in this report be reviewed when detailed designs are prepared including but not limited to:

- *pits and headwall design taking into account hydraulic efficiency.*
- *detailed design of pit 7 functioning as intended to be a surcharge pit.*
- *safety protection system of the open channel and culvert in conjunction with proposed landscaping works.*

Council has advised that it will provide the necessary stormwater infrastructure within the public domain in conjunction with the future development of the site. The provision of this infrastructure will benefit the wider precinct and will also enable the future development of nearby land parcels. Initial consultation with Council's drainage/flooding engineers indicate that they support the TTW concept design and overall recommendations.

Noting the above, we give particular consideration to consistency with the following aspects of this direction:

- 6(c) *must not permit development for the purposes of residential accommodation in high hazard areas.*
- 6(d) *must not permit a significant increase in the development and/or dwelling density of that land.*

There are high hazard areas affecting the site. As is demonstrated in the TTW Flood Study (Appendix F), appropriate flood planning levels have been proposed and a suitable solution has been agreed that will mitigate flood issues at the identified George Street sag point, thus making the site suitable for medium density residential uses.

Council has advised that it is also considering adoption of LEP Clause 5.22 Special flood considerations. However, it is unlikely that the clause will apply to any future uses on this site.

Based on the above, this PP is justifiably consistent with this Direction.

3.2.4.7. s9.1 Direction - 6.2 Reserving Land for Public Purposes

This PP has been prepared with consideration for s9.1 Direction – 6.2 Reserving Land for Public Purposes.

Objectives

(1) The objectives of this direction are:

(a) to facilitate the provision of public services and facilities by reserving land for public purposes, and

(b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

Where this direction applies

(2) This direction applies to all relevant planning authorities.

When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal.

What a relevant planning authority must do if this direction applies

(4) 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 Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).

(5) When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must:

(a) reserve the land in accordance with the request, and

(b) include the land in a zone appropriate to its intended future use or a zone advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), and

(c) identify the relevant acquiring authority for the land.

(6) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:

(a) include the requested provisions, or

(b) take such other action as advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) with respect to the use of the land before it is acquired.

(7) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.

Consistency

(8) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that:

(a) with respect to a request referred to in paragraph (7), that further information is required before appropriate planning controls for the land can be determined, or

(b) the provisions of the planning proposal that are inconsistent with the terms of this direction are of minor significance.

The PP proposes to put in place the appropriate land use zoning that will ultimately enable a medium density residential development that is intended under the Concord West Master Plan and DCP to result in the dedication of land for public purposes in the form of open space links between George Street and Powell's Creek Reserve.

The PP does not propose to create alter the reserve status of any land within the precinct or create a zone that would preclude the land from being used for public purposes.

At a later detailed design or development application stage, the need to establish reserves may eventuate; however this would be subject to a separate planning process and would not occur as a direct result of this PP.

As such the PP is consistent with this direction.

3.2.4.8. s9.1 Direction - 6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls. The PP is consistent with this direction as it does not seek to impose any development standards or requirements in addition to those already contained in the standard environmental planning instrument.

Objective

(1) The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.

Where this direction applies

(2) This direction applies to all relevant planning authorities.

When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.

What a relevant planning authority must do if this direction applies

(4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:

(a) allow that land use to be carried out in the zone the land is situated on, or

(b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or

(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.

(5) A planning proposal must not contain or refer to drawings that show details of the development proposal.

Consistency

(6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are of minor significance.

The PP is consistent with this direction as it does not seek to impose any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended, which is the CBLEP 2013.

The PP does not seek to unnecessarily restrict the site. The planning proposal is consistent with clause 4 of this Direction in that it:

- proposes to amend only a height and FSR standard via the PP, which are development standards commonly used throughout NSW; and
- does not contain or refer to drawings that show details of any specific development proposal.

As such the PP is consistent with this Direction.

3.2.4.9. s9.1 Direction - 7.3 Parramatta Road Corridor Urban Transformation Strategy

The objective of this direction is to give legal effect to the planning principles, directions and priorities set out in the Parramatta Road Corridor Urban Transformation Strategy. The subject site is located within the Homebush precinct of the Strategy and therefore this Direction applies.

Objectives

(1) The objectives of this Direction are to:

(a) facilitate development within the Parramatta Road Corridor that is consistent with the Parramatta Road Corridor Urban Transformation Strategy (November, 2016), the Parramatta Road Corridor Implementation Tool Kit and the Parramatta Road Corridor Urban Transformation Implementation Update 2021,

(b) provide a diversity of jobs and housing to meet the needs of a broad cross-section of the community, and

(c) *guide the incremental transformation of the Parramatta Road Corridor in line with the delivery of necessary infrastructure.*

Where this Direction applies

(2) *This Direction applies to the following Local Government Areas:*

- (a) *City of Parramatta Council,*
- (b) *Cumberland Council,*
- (c) *Strathfield Council,*
- (d) *Burwood Council,*
- (e) *Canada Bay Council, and*
- (f) *Inner West Council.*

When this Direction applies

(3) *This Direction applies when a relevant planning authority prepares a planning proposal for land within the Parramatta Road Corridor as identified on the Map titled Parramatta Road Corridor on pages 14 and 15 of the Parramatta Road Corridor Urban Transformation Strategy (November, 2016).*

What a relevant planning authority must do if this Direction applies

(4) *A planning proposal that applies to land within the Parramatta Road Corridor must:*

- (a) *give effect to the objectives of this Direction,*
- (b) *be consistent with the Strategic Actions within the Parramatta Road Corridor Urban Transformation Strategy (November, 2016),*
- (c) *be consistent with the Parramatta Road Corridor Planning and Design Guidelines (November, 2016) and particularly the requirements set out in Section 3 Corridor-wide Guidelines and the relevant Precinct Guidelines,*
- (d) *be consistent with the staging and other identified thresholds for land use change identified in the Parramatta Road Corridor Implementation Plan 2016 – 2023 (November, 2016) and the Parramatta Road Corridor Urban Transformation Implementation Update 2021, as applicable,*
- (e) *contain a requirement that development is not permitted until land is adequately serviced (or arrangements satisfactory to the relevant planning authority, or other appropriate authority, have been made to service it) consistent with the Parramatta Road Corridor Implementation Plan 2016 – 2023 (November, 2016),*
- (f) *be consistent with the relevant District Plan.*

Consistency

(5) *A planning proposal may be inconsistent with the terms of this Direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning & Environment (or an officer of the Department nominated by the Secretary) that the planning proposal is:*

- (a) *consistent with the Out of Sequence Checklist in the Parramatta Road Corridor Implementation Plan 2016 – 2023 (November, 2016), or*

(b) justified by a study that clearly demonstrates better outcomes are delivered than identified in the Parramatta Road Corridor Urban Transformation Strategy (November, 2016) and Parramatta Road Corridor Implementation Plan 2016-2023 (November, 2016) having regard to the vision and objectives, or

(c) of minor significance.

The PP is consistent with and will give effect to the objectives of this Direction as it will facilitate development on already serviced land within the Parramatta Road Corridor that is consistent with the Parramatta Road Corridor Urban Transformation Strategy (November, 2016), the Parramatta Road Corridor Implementation Tool Kit and the Parramatta Road Corridor Urban Transformation Implementation Update 2021. The PP will facilitate jobs during construction and provide a diversity housing to meet the needs of a broad cross-section of the community.

The site is located in the area of land identified for release in the 2016 – 2023 timeframe and as such the PP is considered to be 'in sequence' and future development will correspond appropriately to the delivery of necessary infrastructure. This is reinforced by the following statement in the Parramatta Road Corridor Urban Transformation Strategy Implementation Update 2021.

From the date of the Implementation Update, the progression of planning proposals in the 2016-2023 Release Area, or planning proposals for whole precincts can progress to a Gateway determination notwithstanding the status of any precinct wide traffic study.

The Implementation Update allows Council to progress this PP to Gateway and Exhibition stages prior to completion of precinct-wide traffic studies. However, it advises that precinct-wide traffic studies must be completed prior to finalisation of planning proposals.

The date of the implementation update is July 2021, and its effect is enforced by the updated S9.1 Direction 7.3 issued 5 August 2021. As such it is appropriate for this PP to planning proposals for whole precincts can progress to a Gateway determination irrespective of the status of any precinct wide traffic study. This PP is consistent with this Direction in that it meets all of the necessary staging requirements, is consistent with the planning and design guidelines and implementation plan, and will assist in delivering on the outcomes envisaged by the strategy as outlined in Section 3.1.1.1.

3.2.4.10. s9.1 Direction - 7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan

The subject site is located in the Greater Parramatta Priority Growth Area and as such this Direction has been considered.

A planning proposal is required to be consistent with the Interim Plan published in July 2017.

The future direction for the development of the site is set by the Parramatta Road Corridor Urban Transformation Strategy, which aligns with the delivery objectives of the Interim Plan. The PP will not inhibit delivery of any infrastructure intended to be delivered via the interim plan.

The PP is therefore consistent with this Direction.

3.3. Section C – Environmental, Social and Economic Impact

3.3.1. Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site is already substantially cleared and altered and has been developed for industrial purposes. There is no critical habitat, threatened species populations or ecological communities, or their habitats on the site. There does not appear to be the need for a Local Environmental Study.

It is considered unlikely that the site will contain critical habitat as it has been cleared of all vegetation and has been used for the purposes of industrial warehousing.

3.3.2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

This PP proposes to rezone the subject site and amend the corresponding maximum height and FSR standards. While this will result in a different building form and potentially an increase in building bulk over some portions of the site compared to what currently exists, the PP is consistent with the Concord West Precinct Masterplan and is not considered to result in any unreasonable impacts. All matters associated with the future building form will be appropriately managed and considered as part of a future DA.

3.3.2.1. Building height and density

The PP adheres to the principles of the Concord West Precinct Masterplan and Parramatta Road Urban Transformation Strategy and will not result in any additional impacts on the surrounding public realm or future residential development above those considered within those documents.

The PP proposes a height and density that is consistent with the Concord West Masterplan and Parramatta Road Urban Transformation Strategy for development up to 6 storeys (22m).

The following table considers the proposed building height in accordance with the clause 4.3 objectives set out under the CBLEP 2013.

Clause 4.3 Objective	PP Justification
(a) to ensure that buildings are compatible with the desired future character in terms of building height and roof forms,	The proposed building heights allow for a transition in building heights across the site and ensures that any future development of the site is consistent with the Concord West Masterplan and the intended outcomes of the PRCUTS.
(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development.	<p>The draft DCP ensures that any future development provides suitable breaks between the buildings to ensure that views between George Street and Powells Creek Reserve are achieved as intended.</p> <p>Views from a future development would be generally oriented towards Powells Creek Reserve and George Street. This would add to the passive surveillance and therefore the safety of the public realm.</p> <p>Solar access to existing and proposed development can be achieved with minimal solar impacts as the PP is consistent with the heights recommended under the Concord West Masterplan.</p>

The following table considers the proposed density in accordance with the clause 4.4 objectives set out under the CBLEP 2013.

Clause 4.4 Objective	PP Justification
(a) to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality,	The proposed FSR controls ensures that any future development of the site is consistent with the Concord West Masterplan.

(b) to provide a suitable balance between landscaping and built form,	Under the proposed FSR controls, landscaped setbacks can be achieved to the street and public parks as desired under the Masterplan and draft DCP. A future built form would include deep soil provisions as required under the Apartment Design Guide (ADG) to facilitate planting of larger tree species.
(c) to minimise the effects of bulk and scale of buildings.	A future built form would be articulated to reduce the visual impacts of building bulk.

The above objectives of CBLEP 2013 would be required to be addressed as part of a future development application (DA).

3.3.2.2. Access, traffic and parking

Preparation of the Concord West Masterplan was supported by a Traffic, Transport, Accessibility and Parking Report prepared by GTA Consultants in May 2014. The study makes the following key conclusions:

- The study area has good accessibility to nearby public transport services and the surrounding walking and cycling network.
- There are opportunities to improve the existing pedestrian and cycle networks for the benefit of future sustainable transport mode choice.
- The rezoned lands are expected to generate up to 228 and 2,280 vehicle movements in any peak hour and daily respectively.
- All traffic to and from the study area is required to pass through the George Street/ Pomeroy Street intersection. A capacity assessment of the George Street/ Pomeroy Street intersection indicates that the study area could accommodate the traffic generation associated with the indicative dwelling yield of 785 dwellings.

The PP is consistent with the Concord West Precinct Masterplan and would result in a built form of equal height and density as recommended under the Plan. Given the traffic impacts have already been accounted for under that Plan, no further traffic investigations are considered necessary for the purpose of this PP.

It is understood that Council has adopted a slightly lower rate for car parking generation based on advice from an independent consultant and survey work undertaken at nearby higher density developments. This information is consistent with the PRUTS approach to assessing traffic generation. Given this, traffic generation from the proposed PP is likely to be less than that initially considered by the GTA May 2014 study.

Given the site is located within 800m of a railway station, State Environmental Planning Policy (SEPP) 65 further stipulates that any future residential flat development is required to comply with parking rates set out in the Guide to Traffic Generating Developments, or Council's DCP, whichever is the lesser. On-site parking will be addressed as part of any future DA.

As previously discussed in Section 0 of this PP, the Parramatta Road Corridor Urban Transformation Strategy Implementation Plan 2016-2023 contains an Action Plan for the Homebush Precinct. The action relating to road improvements and upgrades states that prior to any rezoning commencing, a Precinct-wide traffic study and supporting modelling is required to be completed. It is understood that Canada Bay Council (in conjunction with Burwood and Strathfield Councils) has been undertaking a precinct traffic study. However, to date this study has not been finalised. Once this occurs, it is anticipated that the study will favourably demonstrate there is sufficient capacity in the road network to accommodate the traffic volumes associated with the PP.

As previously discussed, the following statement in Parramatta Road Corridor Urban Transformation Strategy Implementation Update 2021 allows Council to progress this PP to Gateway and Exhibition stages prior to completion of precinct-wide traffic studies.

From the date of the Implementation Update, the progression of planning proposals in the 2016-2023 Release Area, or planning proposals for whole precincts can progress to a Gateway determination notwithstanding the status of any precinct wide traffic study.

However, the Update advises that precinct-wide traffic studies must be completed prior to finalisation of planning proposals.

3.3.2.3. Flooding

The site is subject to local flooding. Issues associated with flooding are addressed under section 3.2.4.6 of this report titled 'S9.1 Direction – 4.3 Flooding'.

The Department of Planning Industry and Environment (DPIE) is currently considering a Council-led Planning Proposal (Council ref: PP2020/0002, DPIE ref: PP-2020-3948), which sought to identify the subject site as a flood planning area subject to the provisions of cl 6.8 of CBLEP 2013 and any relevant supporting provisions under the DCP. A gateway determination for this PP was issued on 29 July 2021.

The DPIE Flood Prone Land Package came into effect on 14 July 2021. It introduced a new flood planning clause into the CBLEP 2013 (cl 5.21) and repealed cl 6.8 of the CBLEP 2013. The new clause 5.21 requires consideration of development in the flood planning area but no longer references the LEP flood planning map.

The conditions of the 29 July 2021 gateway determination required removal of the flood planning maps from Council planning proposal.

Flood planning areas are currently identified in the Concord West Precinct Master Plan Flood Study (Appendix E) and on any planning certificate that is issued.

Flood planning area maps have since been added to a draft DCP which are expected to be publicly exhibited in October 2021.

Suitable flood mitigation measures have been identified by TTW in Appendix F, and will make the site suitable for medium density residential uses.

Council has further advised that it will be undertaking necessary stormwater infrastructure within the public realm. The provision of this infrastructure will benefit the wider precinct and enable the future development of the subject site and other nearby land parcels.

3.3.2.4. Geotechnical

While the PP does not propose to any physical works, consideration has been given to geotechnical matters associated with the future development of the intended building form to be accommodated on the site. The Geotechnical Investigation Report provided as Appendix H confirms that a suitable excavation, battering and construction methods can be applied to support the future development of the intended building form on the site. Any geotechnical matters will further investigated and resolved at detailed design and DA stage.

3.3.3. Q9. Has the planning proposal adequately addressed any social and economic effects?

These considerations have been previously discussed in this PP and are addressed in detail in the Concord West Socio Economic Impact Study (Appendix B) undertaken by Hill PDA on behalf of Council in June 2013. It is therefore considered that further economic analysis is not necessary.

The PP is intended to be a catalyst for positive change in this retail and transport hub, which is intended to grow in terms of its service level and population. The PP provides for new residential accommodation, which will support the existing and future town centre economic in terms of growth and sustainability.

The PP will support population growth, which in turn will result in greater utilisation of existing retail and transport infrastructure. The intended integration with the existing public realm is aimed at improving resident and community amenity and quality of life, as well as support economic development and revitalisation in the immediate locality.

The amendments to the CBLEP 2013 Land Use Map, Height of Buildings and FSR development standards on the subject site would deliver a number of positive of community benefits. It will establish the best use and a basis for the most economic and orderly development of land within walking distance of an existing train station and in an established and emerging mixed use retail, commercial and residential setting. The PP will facilitate passive surveillance of a street frontage which is currently inactive due to the redundancy of existing industrial uses in this location. This will also create opportunities for retail activities at street level which have potential to provide places for community interaction promoting greater social cohesion and community development.

In particular the PP will:

- allow for a higher density built form outcome to be achieved on the subject site that takes advantage of the site's proximity to a railway station, existing town centre amenities and large areas of public open space at Powells Creek Reserve;
- facilitate the urban renewal of an underutilised site within an identified revitalising area by supporting economic activity, and thereby enhance public enjoyment and safety by encouraging greater activity on the street and public places as well as increasing activity and passive surveillance from upper level residential land uses;
- allow for the provision of more housing choice for the subject site and in Concord West, in a location of high amenity and public transport accessibility;
- facilitate greater connectivity between Powells Creek Reserve, George Street and other nearby sites capable of being redeveloped with benefits for public health and wellbeing as well as for the connectivity of District wide green and active links to be facilitated by the Green Grid initiative;
- present an opportunity for a higher density residential development to take advantage of nearby rail and road based public transport opportunities, increasing the range of housing choices and general housing stock; and
- allow a more dense residential development that will provide the opportunity for greater urban consolidation in a location capable of accommodating it. In this regard, greater density in this location will take full advantage of an urban renewal opportunity and accommodating demand for housing without further exacerbating the need to extend Sydney's urban footprint.

The PP will result in a net community benefit as it will allow future development to take full advantage of its location in close proximity to transport hubs and infrastructure in the form of a transit oriented development, which has wider benefits than just for the local community. This encourages sustainable transport use and discourages car dependence, which in turn has positive flow-on effects for the local and wider traffic network such as reduced energy consumption and a smaller ecological footprint.

3.3.3.1. Affordable Housing

Clause 6.12 - Affordable housing is now in force within the LEP. This clause requires consideration of affordable housing at the DA stage.

CI 6.12 identifies the subject site as excluded from the Homebush Affordable Housing Contribution Area as illustrated in Figure 20. It provides the following site-specific provision that will require the delivery of an affordable housing component on the subject site. CI 6.12 states:

(3) The affordable housing levy contribution for development in the following affordable housing contribution areas is 4% of the relevant floor area—

(b) the Homebush affordable housing contribution area, except for 3 King Street, Concord West and 176–184 George Street, Concord West,

...

(5) The affordable housing levy contribution for development on land at 176–184 George Street, Concord West, within the Homebush affordable housing contribution area, is 5% of the relevant floor area that exceeds the floor space achieved by applying a floor space ratio of 1.0:1.

A future development of the site will address requirements to include an affordable housing component pursuant to cl 6.12.

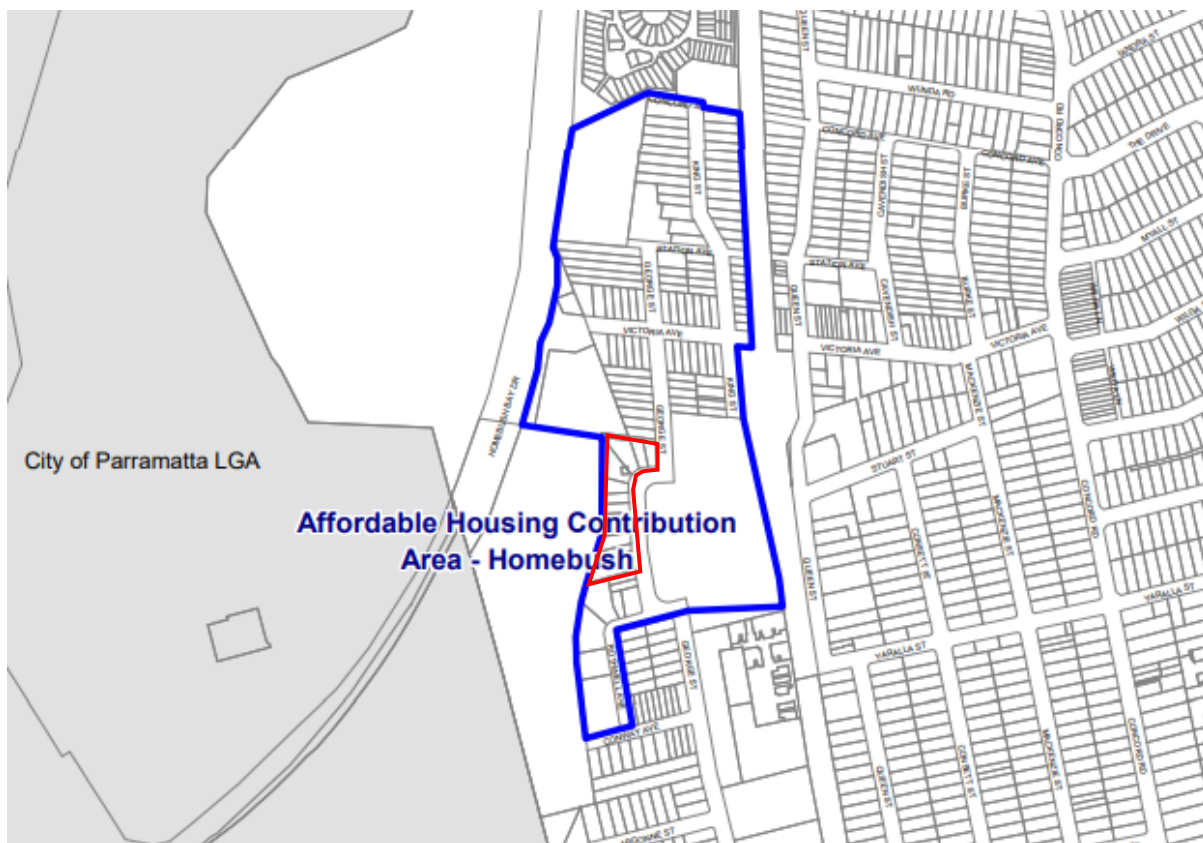


Figure 20 Affordable Housing Contribution Area (subject site in red)

3.4. Section D – State and Commonwealth Interests

3.4.1. Is there adequate public infrastructure for the planning proposal?

Public transport and utility services infrastructure are available in the locality and within walking distance to the site. The Concord West railway station provides direct access to the North Shore, Northern and Western rail line.

The site has previously been used for urban purposes and is connected to existing infrastructure services.

Identification of the site on the Intensive Urban Development Area map will facilitate an equitable contribution towards State public infrastructure to support the implementation of the Parramatta Road

Corridor Urban Transformation Strategy, if required. This is in response to the NSW Government planning initiatives for dwellings and jobs growth along the Parramatta Road Corridor through the finalisation of the draft Parramatta Road Urban Transformation Strategy. It is understood the Strategy will identify the necessary State public infrastructure required to support growth of the Corridor. As the planning proposal progresses, the proponent will continue to liaise with the relevant Government agencies to work through the appropriate form of this contribution.

3.4.2. Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

No State or Commonwealth authorities have been consulted yet by the proponent. It is anticipated that the City of Canada Bay Council and Department of Planning and Environment will consult with relevant public authorities in accordance with the provisions of the EP&A Act and Regulation.

4. [PART 4] MAPPING

4.1. The Site

4.1.1. Site Description

The site is located at 176-184 George Street, Concord West and includes a small land parcel at the north west corner of the site known as 176Z George Street, Concord West. The site is made up of 14 allotments of land with an area of approximately 8,000m² (refer Figure 21 and Figure 22).



Figure 21 Aerial Context of Site (Site defined by red outline) Source: Google Maps and Spatial Information Exchange (SIX)



Figure 22 Site cadastral setting (Site defined by red outline) Source: Google Maps and Spatial Information Exchange (SIX)

4.1.2. Legal Description

The subject site is comprised of the following land parcels, illustrated in Figure 22 (see Appendix G):

Lot	DP	Street Address
2	218758	176Z George Street Concord West
4	15973	176-184 George Street Concord West
5	15973	176-184 George Street Concord West
6	15973	176-184 George Street Concord West
7	15973	176-184 George Street Concord West
8	15973	176-184 George Street Concord West
9	15973	176-184 George Street Concord West
10	15973	176-184 George Street Concord West
11	15973	176-184 George Street Concord West
12	15973	176-184 George Street Concord West
1	226350	176-184 George Street Concord West
2	226350	176-184 George Street Concord West
15	15973	176-184 George Street Concord West
16	15973	176-184 George Street Concord West

4.1.3. Site Features and Existing Development

The subject site has been developed for a 5,649m² brick and metal clad warehouse building, with a number of loading docks and an at-grade car parking area.

The following Photographs 1-6 demonstrate the existing site features:



Photograph 1: View of warehouse car park, looking west.



Photograph 2: View of warehouse, looking north-west.



Photograph 3: View of warehouse, looking north-west.



Photograph 4: View of office warehouse, looking north.



Photograph 5: View of warehouse, looking west.



Photograph 6: View of driveway at north of property, looking west

4.1.4. Historical use of the site

The detailed site investigation prepared by WSP (Appendix C) confirms that the historical use of the site ranged from commercial/industrial and residential buildings.

4.1.5. Surrounding Land Use Context

Figure 23 illustrates the local context surrounding the subject site. The site is located in close proximity to the Concord West Train Station. The recent development of an enclosed (fenced) sporting Oval for the Victoria Avenue Public School has resulted in limited access between the site and the Powells Creek reserve located adjacent to the southern portion of the site.



Figure 23 Local Context

The site is surrounded by a mix of building types that vary in height and usage. The surrounding buildings are being used for residential, industrial, warehousing and commercial purposes.

Photographs 7 to 16 below demonstrate the existing development styles, heights of buildings and uses of buildings on properties immediately surrounding the subject site.



Photograph 7: View of industrial building along Conway Avenue, Concord West



Photograph 8: View of existing building along Rothwell Avenue, Concord West



Photograph 9: View of existing building along Rothwell Avenue, Concord West



Photograph 10: View of existing building along Rothwell Avenue, Concord West.



Photograph 11: View of residential property north of the subject site, along George Street.



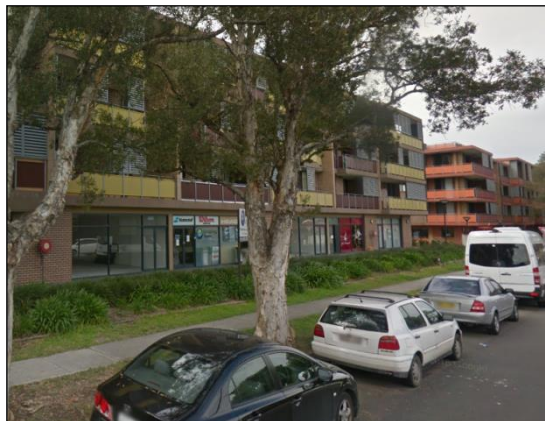
Photograph 12: View of residential property north of the subject site, along George Street.



Photograph 13: View of business site along George Street opposite the subject site.



Photograph 14: View of business site along George Street opposite the subject site.



Photograph 15: View of ground floor retail along George Street, south of the subject site (Source Google Maps).



Photograph 16: View of residential apartment buildings and supermarket along George Street, south of the subject site.

North

Adjoining the northern boundary of the subject site is a detached two-storey dwelling house and the Victoria Avenue Public School. Further to the north, along George Street, are a mix of single and 2-storey residential dwellings.

West – Powells Creek Reserve

Directly abutting the western boundary of the site is the Victoria Avenue Public School's fenced sporting oval and Powells Creek Reserve. Further west is Powells Creek and Homebush Bay Drive.



Photograph 17: View of Powell's Creek Reserve, looking south-east



Photograph 18: View of Powell's Creek reserve, looking south-east



Photograph 19: View of Powell's Creek Reserve, looking south.



Photograph 20: View of Powell's Creek Reserve, looking south-east.



Photograph 21: View of Powell's Creek Reserve, looking south.



Photograph 22: View of bike track along Powell's Creek Reserve, looking south-west

East

To the east of the subject site, on the opposite side of George Street, is The Little Gantry Children's Centre and a Westpac commercial building.

South

To the south of the site, including along Rothwell Avenue, there is a mix of industrial and residential development.

4.1.6. Character

The site is located in a well-established urban area characterised by predominantly residential uses, with some industrial uses located throughout the area. The site is in close proximity to the "Northern Rail Line" but is not directly adjacent. Powells Creek Reserve adjoins the western boundary of the site (refer to Figure 23).

The site is approximately 11.5 kilometres from Sydney's CBD and approximately 8.5 kilometres in a straight line distance from the Parramatta CBD, both being major commercial and retail centres with a wide range of services.

4.1.7. Accessibility and Transport

The site has vehicular access from George Street along its entire eastern frontage. George Street begins at Parramatta Road (Great Western Highway), Homebush to the south, and passes through North Strathfield and then along the subject site at Concord West heading north. Development in this portion of George Street is generally residential, with varying degrees of low-scale dwellings and medium/high density apartment building developments.

The subject site is located in close proximity to the M4 motorway which is currently undergoing an eastwards extension and will significantly improve regional connectivity of the Olympic Park, Homebush and Concord West localities.

The site is also well serviced by public transport with the subject site being located approximately 170-200 metres from Concord West Railway Station.

4.2. Current Planning Provisions

4.2.1. Canada Bay Local Environmental Plan 2013

4.2.1.1. Land Use Zoning

The subject site is currently zoned IN1 General Industrial under the CLEP 2013, which is illustrated in Figure 24.

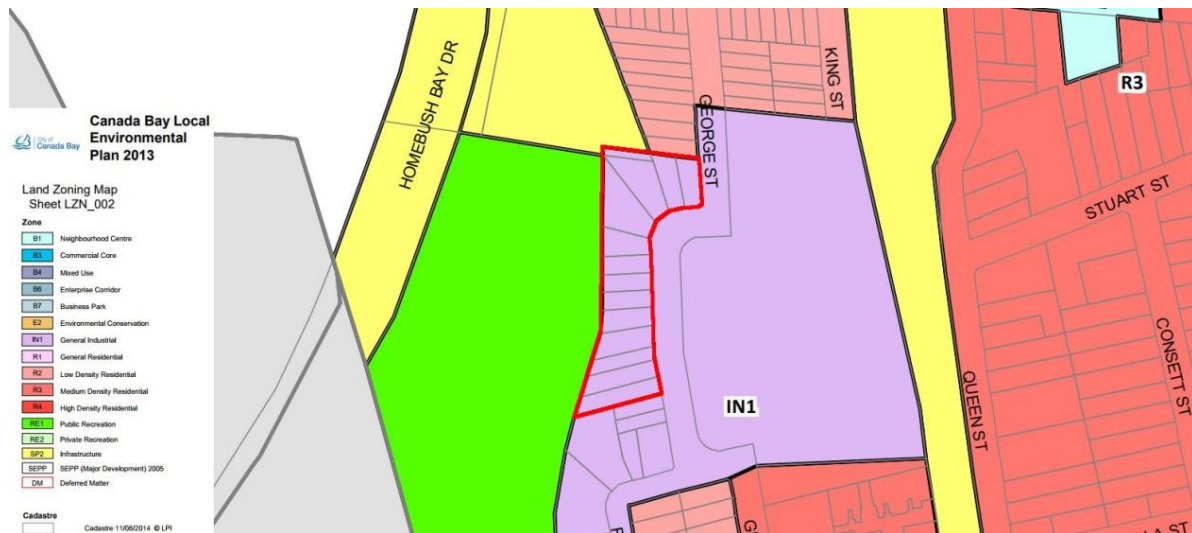


Figure 24 CLEP 2013 Land Zoning Map Extract (source NSW Legislation) Subject site in red

4.2.1.2. Building Height

The subject site is currently provided with a height designation of 'M' under the CLEP 2013, which permits a maximum building height of 12m as illustrated in Figure 25.



Figure 25 CLEP 2013 Height of Buildings Map Extract (source NSW Legislation) Subject site in red

4.2.1.3. Floor Space Ratio

The subject site is currently provided with a floor space ratio of 'N' under the CBLEP 2013, which permits a maximum FSR of 1:1 as illustrated in Figure 26.

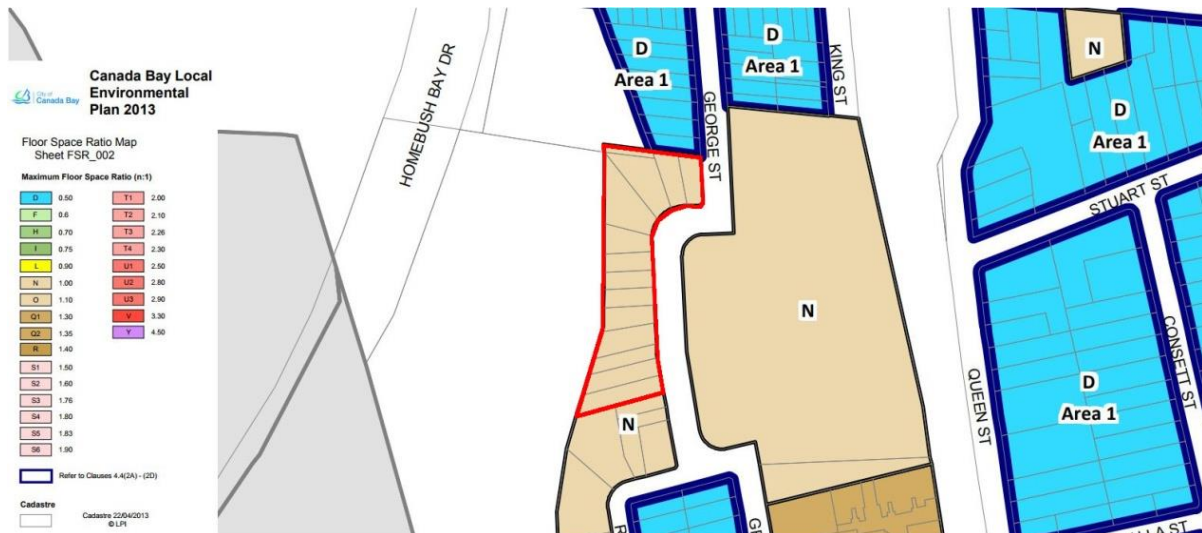


Figure 26 CLEP 2013 FSR Map Extract (source NSW Legislation) Subject site in red

4.2.2. Intensive Urban Development Area

Subject site is not presently identified on the Intensive Urban Development Area map to identify the site in an Intensive Urban Development Area. The current Intensive Urban Development Area map is provided at Figure 27.

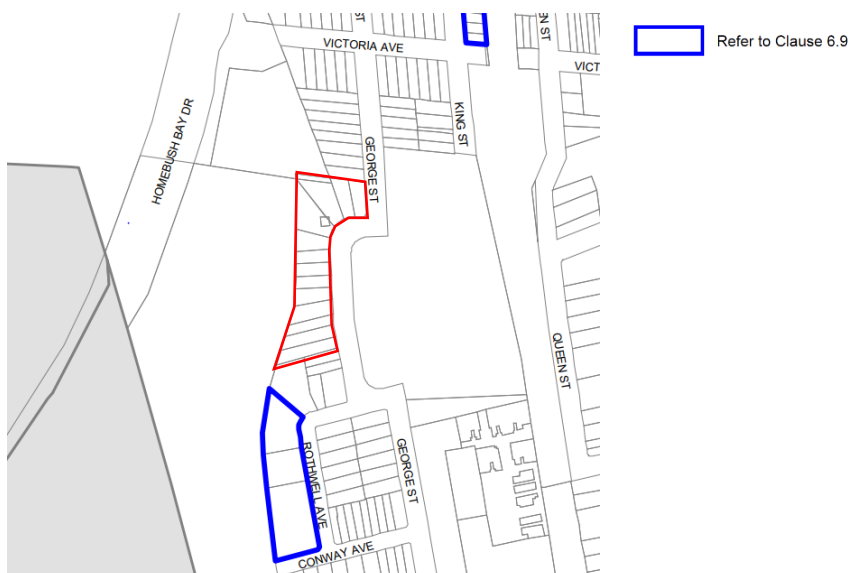


Figure 27 Proposed FSR mapping (Source Concord West Precinct Masterplan) (site in red).

4.2.2.1. Heritage

The subject site is not heritage listed but is located adjacent to a heritage item (I467 Powell's Creek Reserve) to the west. This is illustrated in Figure 28.

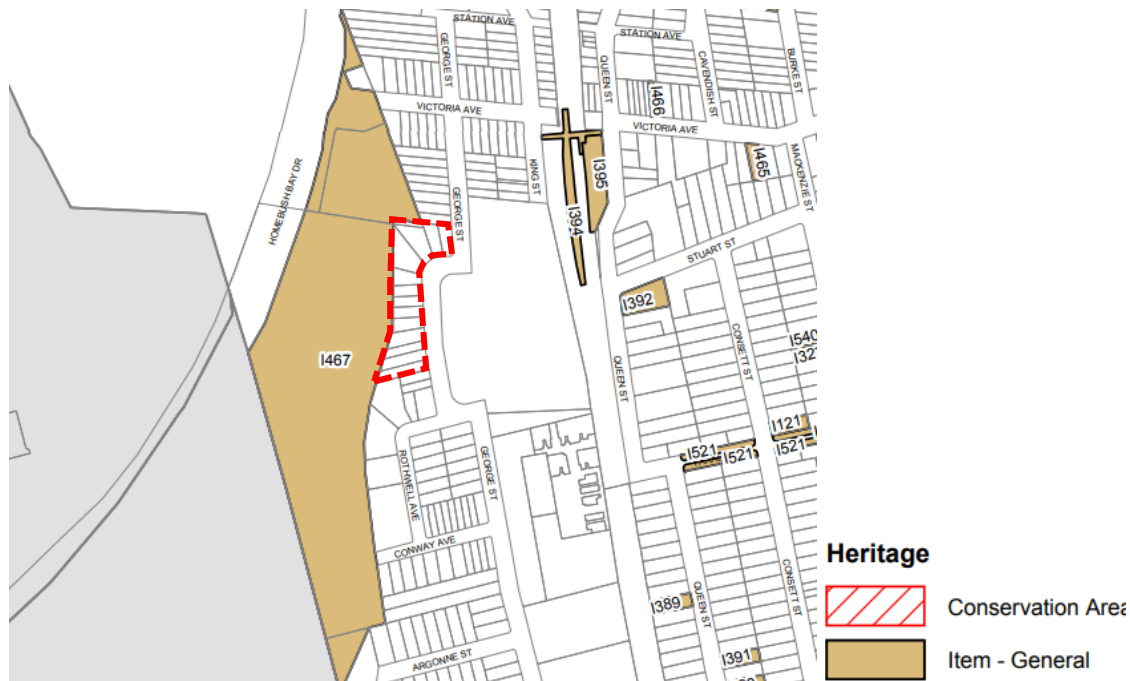


Figure 28 CBLEP 2013 Heritage Map

4.2.2.2. Acid Sulfate Soils

The subject site is located in an area with an Acid Sulfate Soils classification of Class 5, with a small portion of the site identified as Class 2. Any future DA will be assessed in accordance with the requirements of cl 6.1 of the CBLEP 2013.

The Acid Sulfate Soils map is provided as Figure 29.



Figure 29 Acid Sulfate Soils Map - Site dashed in red

4.2.2.3. Flood Planning

The Department of Planning Industry and Environment (DPIE) is currently considering a Council-led Planning Proposal (Council ref: PP2020/0002, DPIE ref: PP-2020-3948), which sought to identify the subject site as a flood planning area subject to the provisions of cl 6.8 of CBLEP 2013 and any relevant supporting provisions under the DCP. A gateway determination for this PP was issued on 29 July 2021.

The DPIE Flood Prone Land Package came into effect on 14 July 2021. It introduced a new flood planning clause into the CBLEP 2013 (cl 5.21) and repealed cl 6.8 of the CBLEP 2013. The new clause 5.21 requires consideration of development in the flood planning area but no longer references the LEP flood planning map.

The conditions of the 29 July 2021 gateway determination required removal of the flood planning maps from Council planning proposal.

Flood planning areas are currently identified in the Concord West Precinct Master Plan Flood Study (Appendix E) and on any planning certificate that is issued.

Flood planning area maps have since been added to a draft DCP which are expected to be publicly exhibited in October 2021.

4.2.2.4. Affordable Housing

The subject site is located in an Affordable Housing Contribution Area and is subject to the requirements of cl 6.12 of the CBLEP 2013. This is illustrated in Figure 30.

Cl 6.12 imposes an affordable housing levy contribution for development on the subject site of 5% of the relevant floor area for any floorspace that exceeds a floor space ratio of 1.0:1.

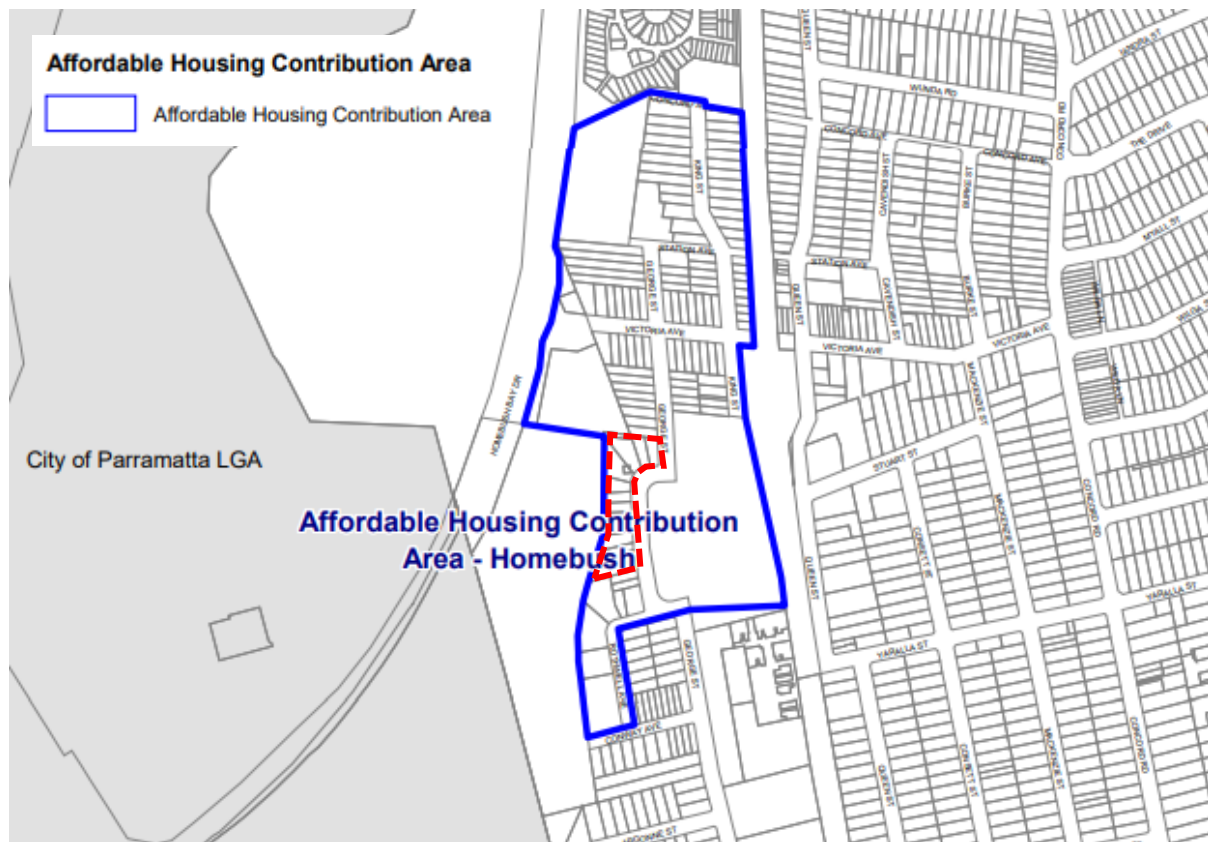


Figure 30 Affordable Housing Contribution Area (subject site in red)

4.3. Proposed Planning Provisions

This PP seeks to amend to relevant land use zoning, height of building and floor space ratio mapping of the Canada Bay Local Environmental Plan 2013 (CBLEP 2013) as they relate to the subject site. The subject site is currently zoned IN1 General Industrial, permits a maximum building height of 12m and a maximum FSR of 1:1 under the CBLEP 2013. Residential and mixed use developments are prohibited in the IN1 General Industrial zone. This PP specifically proposes to amend the CBLEP 2013 as follows:

4.3.1. Proposed Land Use Zoning

This PP seeks an amendment to the CBLEP 2013 to change the zoning from IN1 General Industrial to R3 Medium Density Residential via a Land Zoning (LZN) Map Amendment. This would facilitate the future development intent of the site for a “residential flat building” development and is consistent with the Concord West Precinct Masterplan. The proposed LZN mapping is provided as Figure 31

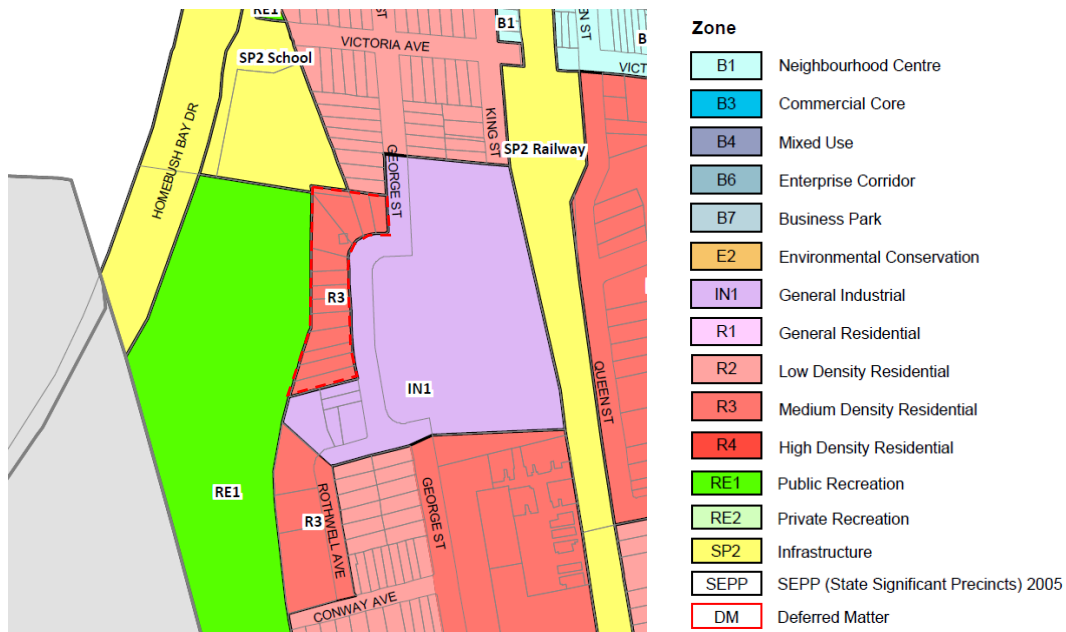


Figure 31 Proposed LZN mapping (Source Concord West Precinct Masterplan).

4.3.2. Proposed Height of Buildings

This PP seeks to amend the CBLEP maximum height of building (HOB) map to change the current blanket height limit of 12 metres to a maximum height of 16 metres under the height designation of “O2” at the northern end of the site and a maximum height of 22 metres under the height designation of “R2” over the remaining portion of the site. This is consistent with the Concord West Precinct Masterplan. The proposed height of building map is provided as Figure 32.

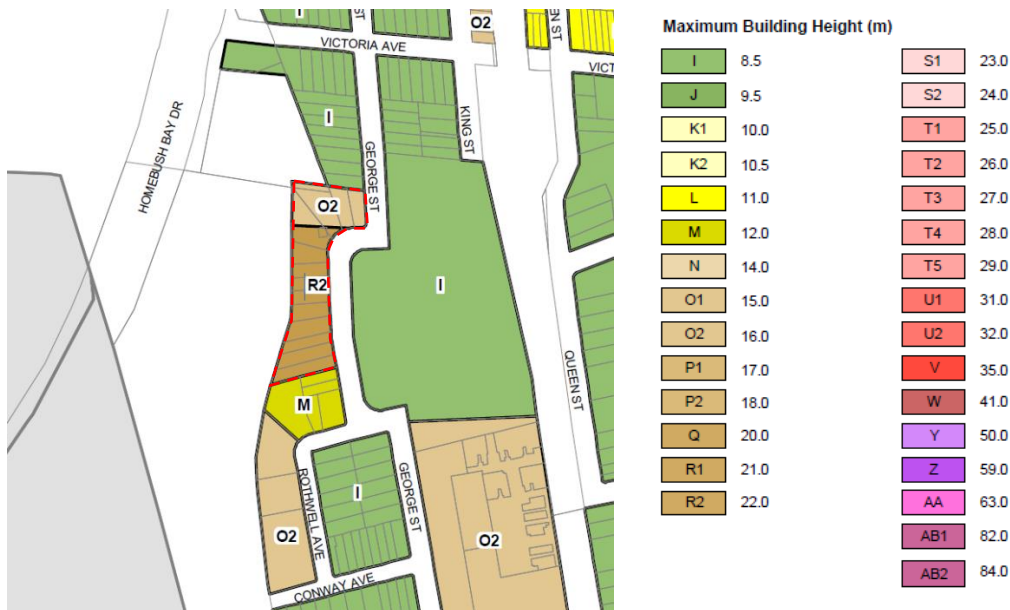


Figure 32 Proposed HOB mapping (Source Concord West Precinct Masterplan).

4.3.3. Proposed Floor Space Ratio

This PP seeks to amend the CBLEP maximum FSR map to change the current maximum FSR control of 1:1 to a maximum FSR of 1.9:1 under the FSR designation of 'S6'. This is consistent with the Concord West Precinct Masterplan. The proposed FSR map is provided as Figure 33.

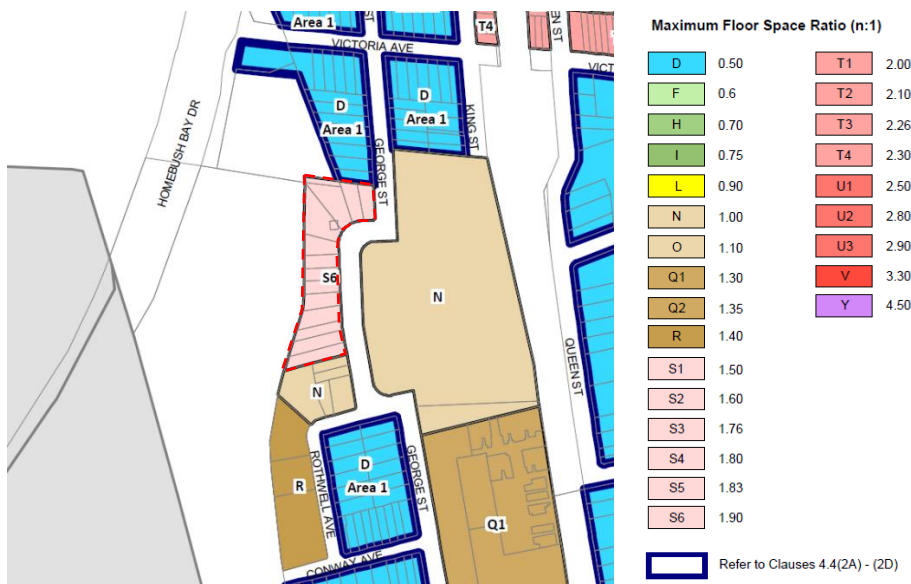


Figure 33 Proposed FSR mapping (Source Concord West Precinct Masterplan).

4.3.4. Proposed Intensive Urban Development Area

This PP seeks an amendment to the CBLEP 2013 Intensive Urban Development Area map to identify the site in an Intensive Urban Development Area and for the provisions of cl 6.9 *Arrangements for designated State public infrastructure* to be applicable to the site. The proposed Intensive Urban Development Area map is provided at Figure 34.

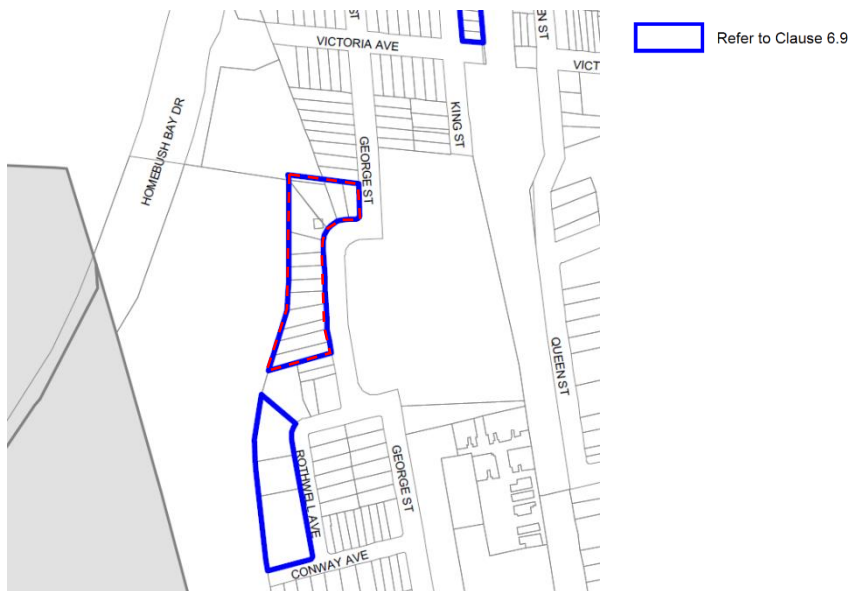


Figure 34 Proposed FSR mapping (Source Concord West Precinct Masterplan).

5. [PART 5] COMMUNITY CONSULTATION

Significant community and stakeholder consultation was undertaken in the preparation of the Concord West Precinct Masterplan and Parramatta Road Corridor Urban Transformation Strategy. This PP adheres to the outcomes envisaged by the Master Plan and Strategy. This PP responds to the principles of these strategies and will enable the precinct to develop in accordance with the intended strategic vision and intent for the precinct. As the PP is generally in accordance with the Masterplan and Strategy, further community consultation beyond the statutory requirements is considered unnecessary with respect to this PP.

It is noted that confirmation of the public exhibition period and requirements for the PP will be given by the Minister as part of the LEP Gateway determination.

The gateway determination will specify the community consultation that must be undertaken on the Planning Proposal.

The consultation period is expected to be for a period of 28 days, commensurate with the level of impact of the PP as advised by Council.

Based on information provided by Council, it is anticipated that public exhibition of the Planning Proposal will be undertaken in the following manner:

- Notification on the Canada Bay Council website, under 'Items on Public Exhibition';
- Notification in writing to affected and adjoining landowners, as considered appropriate.

It is also anticipated that any written notice will likely provide the following:

- A brief description of the objectives or intended outcomes of the planning proposal
- Identify the land affected by the planning proposal;
- State where and when the planning proposal can be inspected;
- Clearly identify the planning authority for the receipt of submissions;
- Indicate the last date for submissions;
- Confirm whether delegation for making the LEP has been issued to Council;

It is expected that any public exhibition will provide the following information for inspection:

- The Planning Proposal as approved for community consultation by the Gateway determination;
- The Gateway determination;
- Any information or technical information relied upon by the Planning Proposal.

Any future DA for the site would also be exhibited in accordance with Council requirements, at which point the public and any authorities would have the opportunity to make further comments on the proposal.

6. [PART 6] PROJECT TIMELINE

The following project timeline is provided in accordance with 'A guide to preparing planning proposals' prepared by the Department of Planning and Environment (2012).

Months	2021					2022														
	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J		
Updates to the PP	■	■																		
Gateway Determination (DPE)			■																	
Council refers PP to relevant State Government Agencies			■	■																
Council Publicly Exhibits PP *					■															
Consideration of submissions (Council)						■	■													
Consideration of proposal post exhibition (Council)							■	■	■											
Submit proposal to DPE to finalise LEP (Council)										■										
DPE Assessment										■	■	■								
Plan Making (DPE)*													■	■	■					

* To coincide with the finalisation of a precinct wide traffic study.

7. CONCLUSION

This PP has been prepared to request that Canada Bay Council amend the planning controls contained within the CBLEP 2013 to enable a site-specific rezoning from IN1 General Industrial to R3 Medium Density Residential, including associated amendments to the building height and FSR standards and identification as an Intensive Urban Development Area at 176-184 George Street, Concord West.

It is concluded that this PP is appropriate in that it:

- has been prepared to ensure all matters required to be addressed under the requirements for a planning proposal have been adequately addressed;
- is consistent with State Government policies and has demonstrated that any future DA will be capable of meeting the requirements of relevant State Environmental Planning Policies;
- is consistent with the Greater Sydney Plan and the Eastern City District Plan priorities, including in particular in relation to housing supply through urban renewal;
- is consistent with all relevant Ministerial Directions under Section 9.1 of the EP&A Act;
- is consistent with the principles and intended outcomes of the Parramatta Road Corridor Urban Transformation Strategy and the Concord West Precinct Masterplan;
- is consistent and compatible with the desired future scale, character and land use context of the area as envisaged by the Parramatta Road Corridor Urban Transformation Strategy, Implementation Update 2021 and Concord West Precinct Masterplan;
- is considered to be the best means of achieving the objectives and intended outcomes of the Parramatta Road Corridor Urban Transformation Strategy and the Concord West Precinct Masterplan;
- is suitable for the site and will not adversely impact any existing or future centres in or near Concord West;
- provides for increased dwelling capacity in a location where public transport and utility infrastructure is already available; and
- is located where environmental planning issues and potential impacts are not of such significance as to preclude the proposal, and can be managed in the planning and design of a future DA.

Given the above strategic planning merit and justification, Council is requested to proceed to forward this planning proposal to the Minister or delegate for a gateway determination under section 3.34 of the EP&A Act to enable the proposal to be exhibited for public, community and stakeholder input.

APPENDIX A

Concord West Master Plan 2014

APPENDIX B

Concord West Socio-Economic Study - HillPDA 2013

APPENDIX C

Detailed Site Investigation and Remediation Action Plan – WSP Environmental 2018

APPENDIX D

Acid Sulfate Soils Assessment Report – DLA Environmental 2010

APPENDIX E

Draft Concord West Precinct Flood Study - Jacobs 2015

APPENDIX F

Flood Assessment - TTW 2016

APPENDIX G

Site Survey – Project Surveyors 2011

APPENDIX H

Geotechnical Report – WSP September 2018

APPENDIX I

Proposed LEP Maps

APPENDIX J

Council Meeting 20 March 2018 Report

APPENDIX K

Council Meeting 20 March 2018 Resolution

APPENDIX L

Local Planning Panel Briefing Report

APPENDIX M

Local Planning Panel Minutes

APPENDIX N

Council Meeting 19 March 2019 Report

APPENDIX O

Council Meeting 19 March 2019 Resolution