



IRF22/2792

Gateway determination report – PP-2021-6169

176-184 George Street, Concord West

August 22

Published by NSW Department of Planning and Environment

dpie.nsw.gov.au

Title: Gateway determination report – PP-2021-6169

Subtitle: 176-184 George Street, Concord West

© State of New South Wales through Department of Planning and Environment 2022. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (August 22) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

Contents

1	Planning proposal.....	1
1.1	Overview.....	1
1.2	Objectives of planning proposal	1
1.3	Explanation of provisions	1
1.4	Site description and surrounding area.....	2
1.4.1	The surrounding context	3
1.5	Mapping.....	4
1.6	Background	8
1.7	Active Planning proposal for PRCUTS – 2016 -2023 release areas.....	9
2	Need for the planning proposal	10
3	Strategic assessment	10
3.1	District Plan	10
3.2	Parramatta Road Urban Transformation Strategy 2016	10
3.3	Local.....	11
3.4	Local planning panel (LPP) recommendation.....	11
3.5	Section 9.1 Ministerial Directions	13
3.6	State environmental planning policies (SEPPs)	13
4	Site-specific assessment	13
4.1	Environmental.....	13
4.2	Social and economic.....	14
4.3	Infrastructure	14
5	Assessment summary	14
6	Recommendation.....	15

1 Planning proposal

1.1 Overview

Table 1 Planning proposal details

LGA	Canada Bay
PPA	City of Canada Bay
NAME	176-184 George Street, Concord West
NUMBER	PP_2021-6169
LEP TO BE AMENDED	Canada Bay Local Environmental Plan 2013
ADDRESS	176-184 George Street, Concord West
DESCRIPTION	Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 15 and 16 DP 15973 Lot 1 and 2 DP 226350 Lot 2 DP 218758
RECEIVED	22/10/2021
FILE NO.	IRF22/2792
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The intended outcome of the proposal is to enable the 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 (PRCUTS).

The Department considers that the planning proposal contains objectives that adequately explains the intent of the planning proposal.

1.3 Explanation of provisions

The planning proposal seeks to amend the land use zoning and development controls applying to the subject site under the Canada Bay Local Environmental Plan (LEP) 2013, as outlined in **Table 2**.

Table 2 Current and proposed controls

Control	Current	Proposed
Zone	IN1 General Industrial	R3 Medium Density Residential
Maximum height of the building	12m	Part 16m and Part 22m
Floor space ratio	1:1	1.9:1

The planning proposal also seeks to identify the site as an Intensive Urban Development Area, to require satisfactory arrangements to be made for the provision of designated State public infrastructure to support the implementation of the PRCUTS.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The planning proposal applies to land at 176-184 George Street, Concord West, which comprises Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 15 and 16 DP 15973; Lots 1 and 2 DP 226350 and Lot 2 DP 218758 (**Figure 1**).

The site covers an area of approximately 8,000m² and currently accommodates a 5,649m² warehouse building with loading docks and an at-grade parking area.



Figure 1: The site highlighted red (source: Nearmap, 2022)

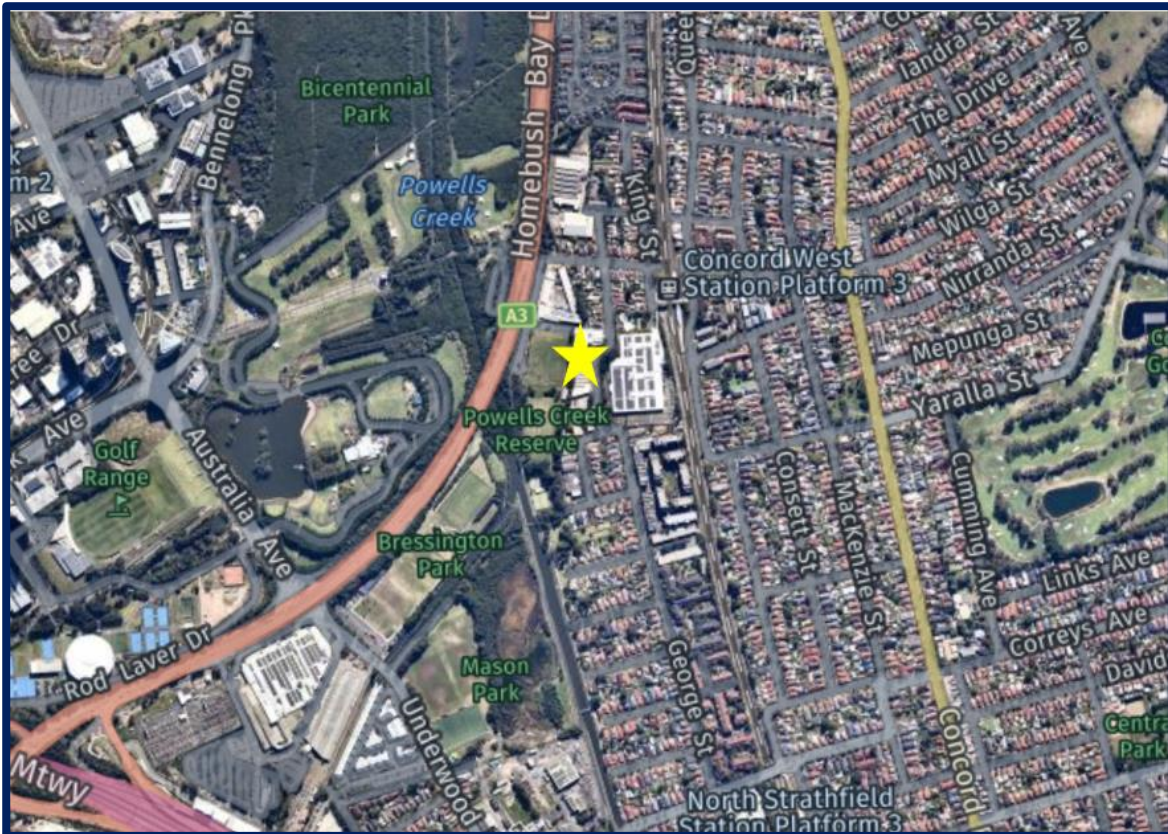


Figure 2: Site context (Source: Nearmap)

Adjoining development comprises a two-storey dwelling and the Victoria Avenue Public School to the north; low density residential and industrial development to the south; George Street, Westpac commercial building and a childcare centre to the east; and the Victoria Avenue Public School's playing fields and Powell's Creek Reserve, which is identified as a local heritage item I467 under the Canada Bay LEP 2013 to the west

The site is identified as a key site (Site 5) in the Concord West Precinct Master Plan's Central Precinct, earmarked for residential development of up to 6 storeys, with a potential yield of 157 dwellings.

It is also identified in the Concord West Flood Study as being within a flood planning area, impacted by the 'George Street Sag' towards the northern end of the site along George Street.

The site is also has contamination issues relating to its previous uses and is affected by a high pressure dangerous goods pipeline.

1.4.1 The surrounding context

The site has access to transport infrastructure. It is located in close proximity to Concord West, North Strathfield and Rhodes railway stations, local bus services, as well as existing road infrastructure including the M4 Motorway and Parramatta Road (to the south) and Homebush Bay Drive (to the west).

A map of the surrounding context is shown in **Figure 2**. The surrounding area has a mix of residential, industrial, open space uses:

To the north

- Land to the north of the site is predominantly zoned R2 Low Density Residential and SP2 Infrastructure (School) under the Canada Bay LEP 2013, with land further north in Liberty Grove zoned R3 Medium Density Residential.
- The site is located in close proximity to the Rhodes Strategic Centre, Rhodes Railway Station, Rhodes Waterside Shopping Mall to the north, as well as Concord Hospital to the north-east.

To the south

- Land immediately south of the site is zoned IN1 General Industrial, with land further southward predominately zoned R2 Low Density Residential and R3 Medium Density Residential under the Canada Bay LEP 2013.
- The site is located in proximity to open space areas including Bressington Park and Mason Park to the south.

To the east

- Land to the east of the site is predominantly zoned IN1 General Industrial, R3 Medium Density Residential and R2 Low Density Residential under the Canada Bay LEP 2013.
- The site is located in proximity to existing recreational facilities, including the nearby Concord Golf Course and Ron Routley Oval to the east.

To the west

- Land to the west of the site is largely zoned for public recreation purposes.
- The site is also located in proximity to Powells Creek, which forms part of the 'Powells Creek and Mason Park, Smithfield' green grid project considered important to the District under the Eastern City District Plan.
- Bicentennial Park, Sydney Olympic Park and Sydney Aquatic Centre are also located further westward from the site.

1.5 Mapping

The current and proposed Land Use Zoning, Maximum Height of Buildings and Floor Space Ratio maps of the Canada Bay LEP 2013, are shown in **Figures 3 to 8**.

The planning proposal also seeks to amend the Intensive Urban Development Area map of the Canada Bay LEP 2013 to identify the subject site (see **Figure 9**).

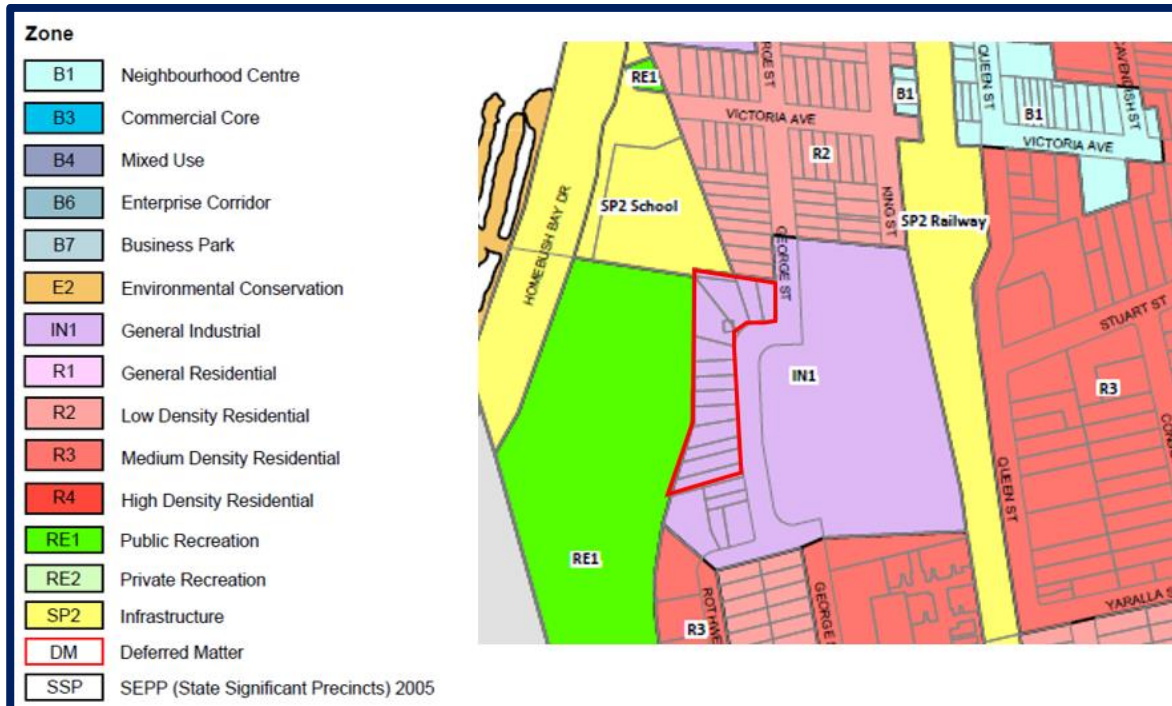


Figure 3: Current zoning map

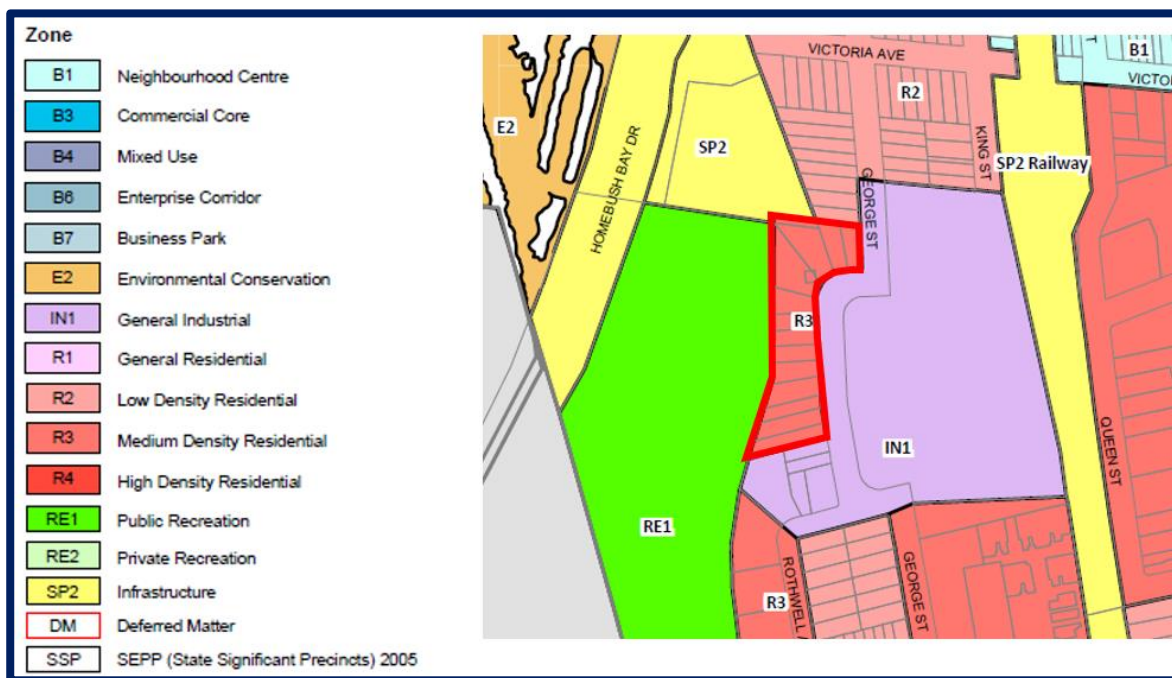


Figure 4: Proposed zoning map



Figure 5: Current height map

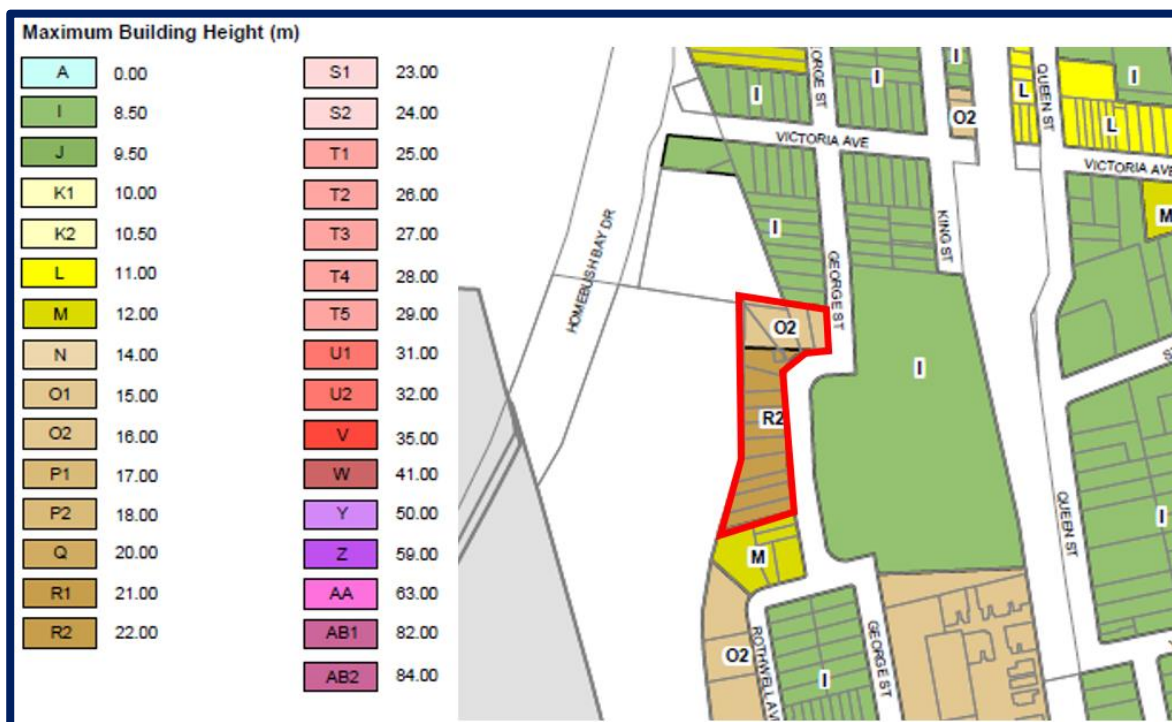


Figure 6: Proposed height map

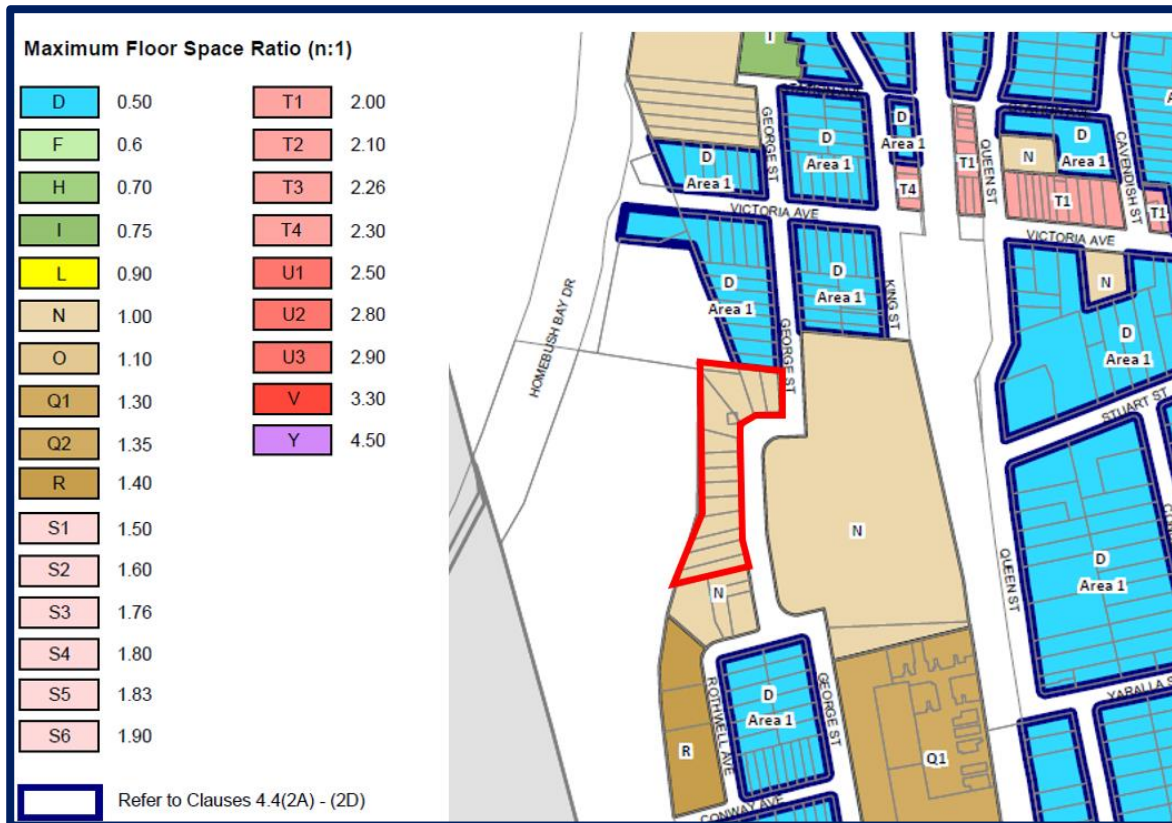


Figure 7: Current floor space ratio map

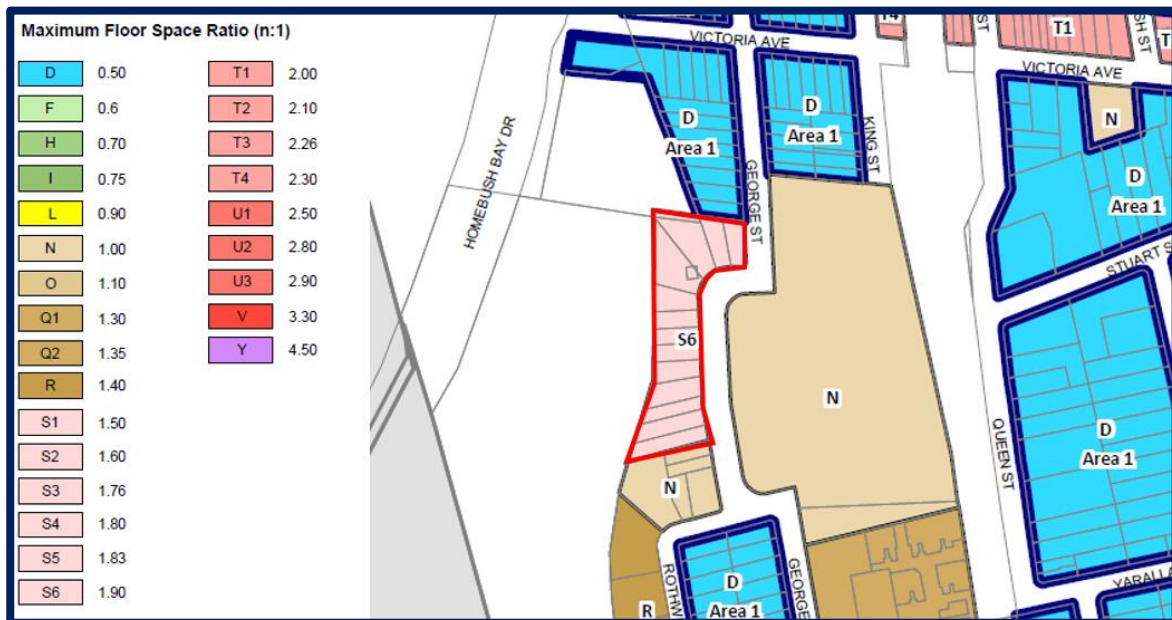


Figure 8: Proposed floor space ratio map



Figure 9 Proposed Intensive Urban Development Area map

1.6 Background

The following background information is relevant to the planning proposal:

23 January 2018	The planning proposal for 176-184 George Street, Concord West, was received by Council. The proposal sought to rezone the site to R3 Medium Density Residential, increase the height controls to 16m (northern end) and 22m (southern end), and increase the FSR to 1.9:1.
20 March 2018	The planning proposal was considered at an Ordinary Meeting of Council. Council resolved that the proposal be submitted to the Department for Gateway determination subject to conditions, which included the preparation of draft flood planning controls and map and inclusion of supporting studies.
February 2018	A new Ministerial Direction was introduced requiring referral of all proposals prepared after 1 July 2018 to the Local Planning Panel for advice, prior to submission to the Department for Gateway determination.
26 July 2018	The proposal was considered by the Canada Bay Local Planning Panel, which made a number of recommendations and supported its submission the Department for Gateway determination.
19 March 2019	Council considered the LPP's advice and resolved to confirm its resolution of 20 March 2018 regarding the proposal.
26 June 2019	The proposal was submitted to the Department for Gateway determination.

24 February 2020	The Department wrote to Council advising that the proposal could not be progressed at the time as it was considered inadequate for assessment for a number of reasons, including the inconsistency of the incomplete precinct-wide traffic study with the corresponding Section 9.1 Ministerial Direction 1.5 Parramatta Road Corridor Urban Transformation Strategy.
July 2021	The Ministerial Direction 1.5 Parramatta Road Corridor Urban Transformation Strategy was updated allowing planning proposals in the 2016-2023 Release Area or for whole precincts, to progress to a Gateway determination notwithstanding the status of any precinct wide traffic study.
12 October 2021	Council submitted the planning proposal to the Department for Gateway Determination.
23 December 2021	The Department wrote to Council requesting that the proposal be withdrawn to reduce the duplication in process, as the proposal seeks to introduce controls for the site that are consistent with Council's PRCUTS release areas planning proposal (PP-2021-3619).
19 April 2022	The Council resolved not to withdraw the proposal and requested that the Department issue a Gateway determination for the proposal.
28 April 2022	Council wrote to the Department advising of Council's resolution of 19 April 2022 and requested that the Department issue a Gateway determination for the planning proposal for land at 176-184 George St, Concord West.

1.7 Active Planning proposal for PRCUTS – 2016 -2023 release areas

On 24 November 2021, the Department issued a Gateway determination for Canada Bay's PRCUTS – 2016 -2023 release areas (PP-2021-3619). The Gateway determination conditions set a 12-month timeframe for completion.

Canada Bay Council's PRCUTS release areas proposal includes amendments to land at 176-186 George Street, Concord West and is consistent with the intended outcome of the site specific 176-186 George Street proposal, which is the focus of this assessment report.

The PRCUTS release areas proposal would result in the same zoning, maximum building height and maximum floor space ratio as proposed for the site under this 176-186 George Street planning proposal.

The 176-186 George Street site is located within the Homebush North Precinct, which is one of the three PRCUTS release areas within the Canada Bay local government area that PP-2021-3619 relates to.

The PRCUTS release areas planning proposal was publicly exhibited between 15 February 2022 and 15 March 2022 and is currently under final consideration by Council.

2 Need for the planning proposal

A planning proposal is considered the best means to deliver the intended outcomes on the site.

The proposal has the potential to deliver an increased supply and choice of housing on a site that is well located in close proximity to the Rhodes strategic centre, existing road and rail infrastructure, retail, education and health facilities, open space and recreational areas.

The proposal states that it is underpinned by the PRCUTS, Concord West Precinct Master Plan (2014) and Concord West Socio-economic Study (2013).

However, it is noted that the subject site is also subject to Canada Bay Council's PRCUTS – 2016 - 2023 release areas planning proposal (PP-2021-3619), which seeks the same outcome for the site as sought by the subject proposal. The first stages under council's PRCUTS proposal includes the Kings Bay, Burwood-Concord and Homebush North precincts.

The PRCUTS planning proposal is currently in post-exhibition stage and the next step is for consideration at a council meeting. Should the PRCUTS proposal proceed and be finalised, there will be no need for the subject planning proposal, thereby unnecessarily duplicating the process.

3 Strategic assessment

3.1 District Plan

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

The site at 176-186 George Street, Concord West was previously assessed as part of Canada Bay's PRCUTS release areas planning proposal (PP-2021-3619), which concluded the planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the District Plan.

The Department is satisfied this planning proposal gives effect to the District Plan, in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.

3.2 Parramatta Road Urban Transformation Strategy 2016

The Parramatta Road Corridor Urban Transformation Strategy (PRCUTS), released by State government in November 2016, sets a long-term vision and framework to guide renewal and redevelopment along the Parramatta Road corridor. The PRCUTS is supported by Planning and Design Guidelines outlining recommended controls, an Infrastructure Schedule outlining local and state infrastructure upgrades, and an Implementation Guide to inform staging. The Strategy is given statutory weight through Section 9.1 Ministerial Direction 1.5 Parramatta Road Corridor Urban Transformation Strategy, which requires planning proposals to be consistent with the PRCUTS.

The site is located within the Homebush Precinct, which is identified as future location for *“higher density housing and a mix of different uses, supported by a network of green links and open spaces”* under the Strategy. The Homebush Precinct is one of the 2016-2023 release areas identified in the *Parramatta Road Urban Transformation Implementation Plan 2016-2023*.

This proposal is generally consistent with the PRCUTS as it seeks to implement the recommended planning controls for the subject site. The proposed controls are also consistent with Council's Concord West Master Plan, as outlined in **Table 7** below.

Table 7. Comparison of current and proposed controls

	Current controls	Concord West Masterplan	PRCUTS	The proposal
Zone	IN1 General Industrial	R3 Medium Density Residential	R3 Medium Density Residential	R3 Medium Density Residential
FSR	1:1	1.9:1	1.9:1	1.9:1
Height	12m	16m to 22m	16m to 22m	16m to 22m

3.3 Local

This planning proposal states that it is consistent with the strategic directions and objectives applicable in local plans and endorsed strategies.

The 176-186 George Street, Concord West site has been previously assessed as part of Canada Bay's PRCUTS release areas planning proposal against the Canada Bay Local Strategic Planning Statement (2020), Local Housing Strategy (2019), Social Infrastructure (Open Space and Recreation) Strategy and Action Plan (2019) and Urban Tree Canopy Strategy (2019).

The Department is satisfied this planning proposal is consistent with the strategic directions and objectives of all applicable in local plans and endorsed strategies.

3.4 Local planning panel (LPP) recommendation

- Council Meeting – 20 March 2018

At the Ordinary Council meeting on 20 March 2018 a resolution was passed:

1. *THAT the Planning Proposal 176-184 George Street, Concord West, prepared by TPG Town Planning and Urban Design for George Concord Pty Ltd, be submitted to the Department of Planning and Environment for a Gateway Determination (subject to the requirements outlined in Part B) with an addendum including:*
 - (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.
2. *THAT Council request delegation from the Department of Planning and Environment to manage the plan making process.*
3. *THAT authority be delegated to the General Manager to make any minor modifications to the Planning Proposal following receipt of a Gateway Determination.*
4. *THAT the Planning Proposal be approved for public authority consultation and public exhibition following receipt of a Gateway Determination.*
5. *THAT Council note that should the Planning Proposal proceed to exhibition, that following consideration of any submissions, the Planning Proposal will be reported back to Council.*
6. *THAT an amendment to the Special Precincts Development Control Plan be prepared for the subject site in accordance with the provisions of the draft Concord West Precinct Master Plan, and be placed on public exhibition.*

7. THAT a draft Canada Bay Section 7.11 Development Contributions Plan be prepared to incorporate infrastructure works for the Concord West public domain and required floodplain mitigation works to enable future development having regard to the Planning Proposal timeline.

8. THAT the draft Canada Bay Section 7.11 Development Contributions Plan be publicly exhibited with the Planning Proposal.

9. THAT a detailed design be prepared for flood mitigation at the 'George Street Sag', including improvements to both George Street and Powell's Creek Reserve.

10. THAT the proposed discharge outlet to Powell's creek be detailed and submitted to Department of Lands/NSW's Office of Water and Fisheries for their approval and acceptance during detailed design stage.

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.

- Local Planning Panel – 26 July 2018

At a Local Planning Panel meeting on 26 July 2018, a resolution was passed that:

1. The Panel notes the contents of the report on the agenda.
2. The Panel advises Council that it supports the Planning Proposal in principle noting that it fulfils the strategic intent of strategic plans in particular the Regional Plan, District Plan, the Parramatta Road Strategy and Council's Concord West Precinct Masterplan.
3. The Panel supports the submission of the Planning Proposal to the Department of Planning for gateway determination.
4. The Panel notes planning being undertaken by Sydney Metro for new stations in either Concord West or North Strathfield.
5. The Panel recommends to the Applicant that it would be prudent they prepare an updated Detailed Site Investigation for the site prior to exhibition of the Planning Proposal.
6. The Panel notes the flood study undertaken and if these works are completed as required that this would satisfactorily manage flooding issues for the site while noting that neighbouring sites would have similar or worse flooding issues to manage and therefore the Panel would recommend that;
 - (a) Council prepare a detailed design for the proposed mitigation works
 - (b) The proposed discharge outlet to Powells Creek be detailed and submitted to Department of Lands/NSW Office of Water and Fisheries for their approval and acceptance during detailed design stage.
 - (c) Council undertake consultation with Sydney Water, Office of Environmental Heritage as well as the Department of Education and Communities (with respect to changes or works required to the school oval).
7. That the Voluntary Planning agreement should be exhibited concurrently with the Planning Proposal.
8. The draft Development Contributions Plan and draft Development Control Plan be exhibited concurrently with the Planning Proposal.
9. The Panel recommends that the Applicant consider increasing the percentage of affordable housing so as to achieve 5% of total GFA.
10. The Panel supports Council's request for delegation from the Department of Planning and Environment to manage the plan making process.

11. The Panel is of the view that the upgrade of the George, Pomeroy and Beronga St intersection is important and urges further urgent negotiation between Council, the Department of Education and relevant transport agencies to ensure the works are completed in a timely manner.

- Ordinary Council Meeting – March 2019

At an Ordinary Council Meeting on 19 March 2019 Council considered the advice and recommendations of the LPP and resolved to confirm its previous resolution in 2018 regarding the proposal for land at 176-184 George Street, Concord West.

- The proposal was submitted to the Department for Gateway determination on 26 June 2019 however, was unable to be progressed at the time as it was considered inadequate for assessment.
- In October 2021, Council submitted the planning proposal to the Department for Gateway Determination following the updates to the PRCUTS Ministerial Direction permitting progression of proposals in the 2016-2036 release area or for whole precincts to Gateway determination regardless the status of any precinct wide traffic study.
- Council Meeting – April 2022

Council considered a letter from the Department requesting that the planning proposal be withdrawn, as it is seeking to avoid duplication in process as the proposal seeks to introduce controls for the site that are consistent with Council's PRCUTS planning proposal.

At this meeting a resolution was passed:

1. THAT Council resolve not to withdraw the landowner-initiated planning proposal for 176-184 George Street, Concord West (PP2018/0001).

2. THAT Council request the Department of Planning and Environment to issue a Gateway Determination for the planning proposal for 176-184 George Street, Concord West (PP2018/0001).

- On 28 April 2022 Council requested that a Gateway determination be issued for the planning proposal for land at 176-184 George St, Concord West.

3.5 Section 9.1 Ministerial Directions

The site at 176-184 George St, Concord West was previously tested for consistency with all relevant section 9.1 Directions by Canada Bay Council's PRCUTS release areas planning proposal.

The previous assessment conclude that Canada Bay's proposal is consistent with the PRCUTS and Eastern City District Plan and therefore any inconsistency with 9.1 Direction is justified or a Gateway condition was issued that required Canada Bay's planning proposal to be updated to address minor inconsistencies with remediation of contaminated land, precinct-wide traffic studies, flooding and state infrastructure requirements.

3.6 State environmental planning policies (SEPPs)

The previous assessment of Canada Bay Council's PRCUTS release areas planning proposal confirmed this planning proposal is consistent with all relevant SEPPs.

4 Site-specific assessment

4.1 Environmental

The previous assessment of Canada Bay's PRCUTS release areas proposal assessed all potential environmental impacts associated with this planning proposal. The assessment concluded the proposal is not considered to pose any risk to the existing biodiversity.

The Department is satisfied that the local development controls and Concord West Master Plan will be capable of providing an appropriate planning framework to guide the design and quality of the future built form and its relationship and transition to surrounding properties.

The Department also notes that any future development applications for residential apartments on the site will need to demonstrate compliance with the design criteria in SEPP 65 and the Apartment Design Guide, to ensure apartments achieve the highest amenity outcomes including solar access, natural ventilation, and access to communal open space.

4.2 Social and economic

The previous assessment of Canada Bay Council's PRCUTS release areas planning proposal assessed this planning proposal's potential to generate a variety of positive social and economic benefits.

The Department is satisfied this proposal supports social benefits through new and improved open space, local infrastructure upgrades and provisions which require design excellence and sustainability initiatives to be implemented in new developments.

4.3 Infrastructure

Local and State infrastructure delivery provisions were assessed through Canada Bay Council's PRCUTS release areas planning proposal, including local infrastructure identified in the PRCUTS infrastructure schedule and Council's Public Domain Plan (2015).

It is noted that development in the PRCUTS release areas will be subject to State or Regional Infrastructure Contributions, consistent with the Implementation Actions in the PRCUTS Implementation Update 2021.

5 Assessment summary

It is recommended that the planning proposal not be supported.

Whilst the planning proposal is strategically aligned with relevant State and local plans and the PRCUTS, the planning proposal is a duplication in process. It would achieve the same outcome for 176-186 George Street, Concord West as Canada Bay's PRCUTS – 2016 -2023 release areas planning proposal (PP-2021-3619). The first stages being the Kings Bay, Burwood-Concord and Homebush North precincts.

Progressions of the planning proposal is not supported because:

- the Department has issued a Gateway determination for a planning proposal that would achieve the same outcomes; and
- exhibiting a proposal providing for the same outcomes on the site as the Canada Bay Council's PRCUTS planning proposal would confuse the local community and Government agencies who have already been consulted. This would be inconsistent with the NSW Government's approach to provide for a simpler planning system to facilitate the delivery of jobs and homes.

Canada Bay's PRCUTS planning proposal was publicly exhibited between 15 February 2022 and 15 March 2022 and is currently under final consideration by Council. The planning proposal must be completed by November 2022.

6 Recommendation

It is recommended that the delegate of the Minister for Planning determines that the proposal should not proceed, for the reasons outlined in this report.

Whilst the planning proposal demonstrates general strategic alignment with relevant State and local plans, the planning proposal achieves the same outcomes as Council's PRCUTS planning proposal.



17 August 2022

Alexander Galea

Manager, Infrastructure Planning



17 August 2022

Katie Joyner

Director, Metro East and South



18 August 2022

Amanda Harvey

Executive Director, Metro East and South

Assessment officer

Wayne Williamson

Senior Planning Officer, Agile Planning and Programs