

ITEM 9.3	1 KING STREET, CONCORD WEST - PROPONENT PLANNING PROPOSAL
Reporting Manager	Acting Senior Strategic Planner Manager Strategic Planning
Attachments:	<ol style="list-style-type: none">1. Attachment A - Planning Proposal Report PP2023-0003 (<i>Provided in Attachment Booklet</i>)2. Attachment B - Visual Impact Assessment PP2023-0003 (<i>Provided in Attachment Booklet</i>)3. Attachment C - Social Impact6 & Needs Assessment PP2023-0003 (<i>Provided in Attachment Booklet</i>)4. Attachment D - Economic Impact Assessment PP2023-0003 (<i>Provided in Attachment Booklet</i>)5. Attachment E - Arch & Design Concept Plans PP2023-0003 (<i>Provided in Attachment Booklet</i>)6. Attachment F - Urban Design Report PP2023-0003 (<i>Provided in Attachment Booklet</i>)7. Attachment G - Design for Country Scoping Report PP2023-0003 (<i>Provided in Attachment Booklet</i>)8. Attachment H - Aboriginal Heritage Due Dill PP2023-0003 (<i>Provided in Attachment Booklet</i>)9. Attachment I - Transport Study Report PP2023-0003 (<i>Provided in Attachment Booklet</i>)10. Attachment J - Civil Design Report PP2023-0003 (<i>Provided in Attachment Booklet</i>)11. Attachment K - George Street Re-grading Civil Design PP2023-0003 (<i>Provided in Attachment Booklet</i>)12. Attachment L - Intersection Upgrade - Cost Estimate PP2023-0003 (<i>Provided in Attachment Booklet</i>)13. Attachment M - Infrastructure Management Plan PP2023-0003 (<i>Provided in Attachment Booklet</i>)14. Attachment N - Market Potential Assessment PP2023-0003 (<i>Provided in Attachment Booklet</i>)15. Attachment O - Heritage Impact Statement PP2023-0003 (<i>Provided in Attachment Booklet</i>)16. Attachment P - Biodiversity Assessment PP2023-0003 (<i>Provided in Attachment Booklet</i>)17. Attachment Q - Preliminary Site Investigation PP2023-0003 (<i>Provided in Attachment Booklet</i>)18. Attachment R - Acoustic Statement PP2023-0003 (<i>Provided in Attachment Booklet</i>)19. Attachment S - Sustainability Statement PP2023-0003 (<i>Provided in Attachment Booklet</i>)20. Attachment T - Letter of Offer & Contributions Plan-Schedule PP2023-0003 (<i>Provided in Attachment Booklet</i>)21. Attachment U - Urban Design Peer Review plus Addendum PP2023-0003 (<i>Provided in Attachment Booklet</i>)22. Attachment V - Transport Study and SIDRA mod PP2023-0003 (<i>Provided in Attachment Booklet</i>)23. Attachment W - Social and Economic Report Hill PDA PP2023-0003 (<i>Provided in Attachment Booklet</i>)24. Attachment X - Recommended Draft CBLEP Map Amendments PP2023-0003 (<i>Provided in Attachment Booklet</i>)

**25. Attachment Y - CB Local Planning Panel Advice PP2023-0003
(Provided in Attachment Booklet)**

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING

That:

1. Council endorse Planning Proposal – 1 King Street, Concord West, as shown at Attachment A to the subject report, for submission to the Department of Planning and Environment with a request for Gateway Determination, subject to the following amendments:
 - a) Application of a R4 High Density Residential Zone consistent with the draft Land Zoning Map at Attachment X
 - b) The maximum Floor Space Ratio be reduced to 2.23:1, consistent with the draft Floor Space Ratio Map, provided at Attachment X
 - c) The maximum height of buildings be reduced, consistent with the draft Height of Buildings Map, provided at Attachment X
 - d) Application of Active Street Frontages, consistent with the draft Active Street Frontages Map, provided at Attachment X
 - e) Identification of reservation for local road widening, consistent with the draft Land Reservation Acquisition Map, provided at Attachment X
 - f) Inclusion of the land on the Key Sites Map at Attachment X
 - g) Inclusion of new clause that requires the total gross floor area of all buildings on the land, other than residential accommodation, to be a minimum of 3,500m² and a maximum of 5,000m².
 - h) The proposed 'Exception to height of buildings' clause, 'Balconies on certain residential buildings' clause and the proposed 'Additional Permitted Use' be removed.
 2. The following information be provided prior to the Planning Proposal being submitted to the Department of Planning and Environment for a Gateway Determination:
 - a) a 'Better Outcomes Study' that clearly demonstrates better outcomes are delivered than identified in the *Parramatta Road Corridor Urban Transformation Strategy* and the *Parramatta Road Corridor Implementation Plan* as required by Local Planning Direction 1.5;
 - b) an Arborist Report that identifies the Safe Useful Life Expectancy (SULE) Rating of all existing trees and confirms the significance of trees to be retained, trees to be removed and strategies to ensure the health of retained and new trees;
 - c) an updated Economic Impact Assessment that addresses the inconsistency with Local Planning Direction 7.1 Employment Zones;
 - d) an updated Flood Assessment that demonstrates consistency with Local Planning Direction 4.1 Flooding and considers the preferred mitigation strategy for George Street; and
 - e) an updated Traffic Report that addresses the Peer Review prepared by Stantec on behalf of Council, provided at Attachment V and assesses the proposed upgrade to the intersection of George and Pomeroy Streets.
 3. The following information be provided prior to public exhibition:
 - a) a Detailed Environmental Site Investigation (DESI)
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- b) a preliminary assessment carried out in accordance with the ASSMAC Acid Sulphate Soil Manual
4. Council prepare a draft Development Control Plan for the site.
 5. Council prepare a draft amendment to the Canada Bay Local Infrastructure Contribution Plan to include the upgrade to the intersection of George Street and Pomeroy Street.
 6. Authority be delegated to the General Manager to negotiate a draft planning agreement.
 7. Authority be delegated to the General Manager to make any minor variations to the Planning Proposal to correct any drafting errors or ensure it is consistent with the Planning Proposal following the receipt of a Gateway Determination.
 8. The updated Planning Proposal – 1 King Street, Concord West, the draft Development Control Plan, draft Local Infrastructure Contribution Plan and draft Planning Agreement be endorsed for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination.
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PURPOSE

To provide Council with the outcome of the assessment of a Planning Proposal relating to 1 King Street, Concord West and seek Council endorsement to submit the Planning Proposal to the Department of Planning and Environment (DPE) seeking a Gateway Determination.

EXECUTIVE SUMMARY

Council has received a Proponent-initiated Planning Proposal for land within the Homebush North Precinct of the *Parramatta Road Corridor Urban Transformation Strategy* (PRCUTS).

The Proponent, Concord West Property Pty Ltd, landowner of 1 King Street, Concord West, is a joint venture between Billbergia and Metric Invest. The Planning Proposal is seeking to redevelop the site through an amendment to *Canada Bay Local Environmental Plan 2013* to:

- rezone the land from Zone E4 General Industrial to Zone R3 Medium Density Residential with an additional permitted use for commercial uses;
- increase the maximum building height from 8.5m to a maximum of 47m (12 storeys), including various building heights across a total of 10 buildings ranging from 6 to 12 storeys;
- increase the maximum Floor Space Ratio from 1.0:1 to 2.65:1 (approximately 83,050m² gross floor area, including 75,461m² of residential with 716 dwellings and 7,589m² of commercial space;
- include the site on the CBLEP Design Excellence Map; and
- introduce new local clauses that enable development on the site to exceed the maximum permitted building height and exclude Gross Floor Area under certain conditions.

The proponent also made an offer to enter into a planning agreement. The letter of offer includes a commitment to:

- the design, funding and construction of road upgrades to the intersection of George Street and Pomeroy Street, North Strathfield, including land acquisition;
- a monetary contribution towards stormwater drainage upgrades to George Street; and
- the design, funding and construction of the proposed King Street extension to George Street.

An assessment of the Planning Proposal has been undertaken, including consideration of economic, traffic/transport, flooding and urban design matters within the context of relevant state and local government strategies.

The Site is not located within a Strategic Centre and the recent departure of the Westpac Call Centre from the site represents a change in circumstances that have informed the proposed rezoning. The Planning Proposal is an opportunity to provide a mixed-used development located close to public transport that contributes to the desired future character of the locality.

The critical issue for the Planning Proposal is inconsistency with the *Parramatta Road Corridor Urban Transformation Strategy*, the scale and density proposed and the availability of infrastructure to support the proposed development, particularly the upgrade of the George and Pomeroy Street intersection.

This report recommends that the Planning Proposal be approved for submission to the Department of Planning and Environment (DPE) seeking a Gateway Determination, subject to a range of amendments, including a reduction to the proposed maximum density and building height. Further information is also required to enable the proposal to proceed to DPE prior to public exhibition.

It is also recommended that Council Officers work with the landowner to draft a planning agreement prior to the submission of the Planning Proposal to DPE.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 3: Vibrant Urban Living

Goal VUL 4: Ensure the built environment respect the unique neighbourhood character and responds deftly to evolving community needs

This report also relates to the *Eastern City District Plan*, the *Parramatta Road Corridor Urban Transformation Strategy*, and the *City of Canada Bay Local Strategic Planning Statement*.

BACKGROUND/DISCUSSION

Site details

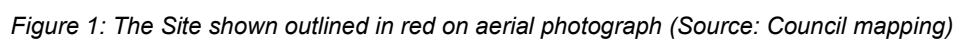
The property known as 1 King Street, Concord West (the Site) is approximately 31,390m² in area (approximately 3.14ha) and is irregular in shape.

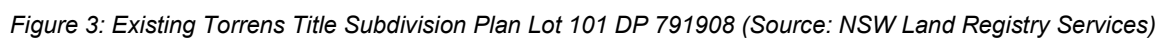
George Street runs along the western site boundary and the T9 Northern Rail Line runs along the eastern boundary. The Site is accessed off George Street to the west and King Street, which terminates at the north-eastern corner of the Site. Concord West train station is located to the immediate north-east.

The Site is occupied by a large 1.6ha office building built in 1987 that was previously occupied by Westpac as its call centre. The Site also includes a multi-storey carpark ancillary to the primary building, a childcare centre still in use, and a tennis court.

The Site is situated on a relatively narrow strip of land located between the railway line, Homebush Bay Drive (A3) and Powells Creek. Only one point of vehicular access is provided to this 'peninsula' area, which is located approximately 800m to the south of the site at the intersection of George and Pomeroy Street.

A property, known as 88 George Street, North Strathfield is impacted by the proposed upgrade to the George and Pomeroy Streets intersection (See Figure 2 below).





Adjoining development

The area surrounding the Site is in transition and is characterised by a variety of uses that include residential, mixed use and urban services.

To the east of the Site is the T9 Northern Line and Concord West train station. To the east of the Site on the other side of the railway line, there are a mix of low rise multi-dwelling housing and detached dwellings. Much of the Site is visible from Queen Street, which is parallel to the railway line.

To the west of the Site, along George Street are currently industrial uses that back onto Powells Creek, however this is expected to change as these sites have recently been rezoned to R3 Medium Density Residential.

Land to the south of the Site, on the eastern side of George Street, is zoned R3 Medium Density Residential, with a substation and four to seven storey apartment buildings, some of which have ground floor retail. Land to the south of the site, on the western side of George Street, is zoned R2 Low Density Residential and is predominantly single storey detached houses.

To the north of the Site, the land is predominantly zoned R3 Medium Density Residential, however this has only recently occurred and so currently the dominant built form is single storey detached houses.

Current Planning Controls

The key planning controls that apply to the Site in the *Canada Bay Local Environmental Plan 2013* (see Figures 5, 6 and 7 below), include:

- a) E4 General Industrial, which allows for a range of industrial and warehouse uses;
- b) a maximum building height of 8.5 metres; and
- c) a maximum floor space ratio (FSR) of 1.0:1.

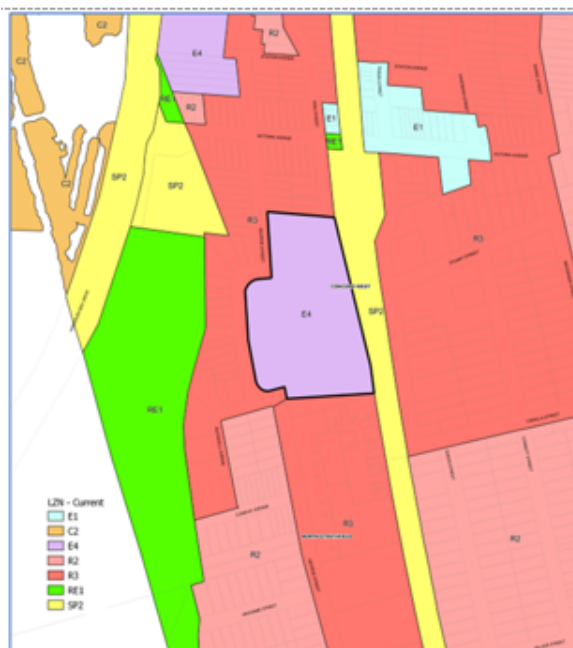


Figure 5: Extract from Current CBLEP Land Use Zone Map (Source: Council mapping)



Figure 6: Extract from Current CBLEP Height of Buildings Map (Source: Council mapping)

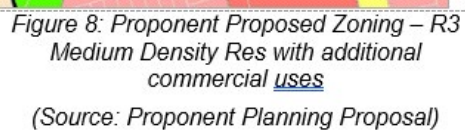


Figure 7: Extract from Current CBLEP Floor Space Ratio Map (Source: Council mapping)

PLANNING PROPOSAL

The Planning Proposal seeks to amend the *Canada Bay Local Environmental Plan 2013* to:

- a) rezone the land from Zone E4 General Industrial to Zone R3 Medium Density Residential;
- b) amend Schedule 1 to include 'Commercial premises' and 'Shop top housing' as Additional Permitted Uses;
- c) increase the maximum building height from 8.5m to a maximum of 47m (12 storeys);
- d) increase the maximum Floor Space Ratio from 1.0:1 to 2.65:1
- e) include the site on the Design Excellence Map;
- f) introduce new clauses into the Canada Bay LEP to permit:
 - i. exceptions to the maximum building height for roof top plant or equipment, lift overruns and associated structures; and
 - ii. enclosed balconies to be excluded from the calculation of Gross Floor Area where they are adversely affected by rail noise or vibration and meet other criteria.



Illustrative masterplan

The concept for the proposed development of the site is to facilitate a new neighbourhood that includes a mix of retail, commercial and residential uses. The key elements of the development include:

- 10 buildings, ranging from 4 to 12 storeys accommodating approximately 716 dwellings. Taller buildings are located towards the railway line and the centre of the site, with lower buildings at the perimeter,
- new loop road through the site connecting King Street and George Street,
- a total of approximately 83,050m² of gross floor area which equates to a Floor Space Ratio of 2.65:1. The Gross Floor Area comprises approximately:
 - 75,461m² residential floor area
 - 7,589m² non-residential floor area
- a north-south through-site link of approximately 2,500m² to provide pedestrian and cycle access through the site,
- an east-west through site link, connecting the new loop road with George Street.



Figure 11: Proponent's Masterplan Sketch Plan (Source: Group GSA)



Figure 12: Proponent's Masterplan Vision 3D Sketch (Source: Group GSA)



Figure 13: Indicative Ground Floor Plans (Source: Group GSA)

Independent peer review

To assist with the assessment of the planning proposal, Council commissioned independent peer reviews in relation to:

- Urban Design by Studio GL, at Attachment U
- Traffic by Stantec, at Attachment V

These reviews have informed the assessment and recommendations within this report.

STRATEGIC ALIGNMENT

Planning Proposals are required to be assessed for *strategic merit* against plans and strategies prepared by the NSW and local government. Relevant strategies and Local Planning Directions are addressed below.

Greater Sydney Metropolitan Plan – A Metropolis of Three Cities and the Eastern City District Plan

The *Greater Sydney Region Plan* (Region Plan) and *Eastern City District Plan* (District Plan) prepared by the former Greater Cities Commission shape strategic planning and infrastructure across metropolitan Sydney and align planning at the broad regional scale, down to the local area.

The *Region* and *District Plan* recognise the importance of the *Parramatta Road Corridor Urban Transformation Strategy* (PRCUTS) in providing for a diversity of jobs and housing supported by infrastructure and amenity. In recognising the importance of the Strategy and the extensive process undertaken to deliver it, land within the PRCUTS Precincts is not subject to the industrial land 'maintain and protect' strategies and actions of the District Plan.

The Region and District Plans identify opportunity for urban renewal around transport and strategic centres where links for walking and cycling promote a healthy lifestyle. Concord West is not a strategic centre, however is located in close proximity to a heavy rail station.

The Planning Proposal aims to deliver a Transit Oriented Development (TOD) by facilitating an increase in density in a location with good access to public transport. In this way, the proposal is consistent with priorities in relation to providing housing supply in a location near to transport.

The Planning Proposal is inconsistent with priorities in the Region and City Plans relating to affordable housing and tree canopy:

- *Affordable Housing* - The provision of affordable housing is a requirement of the Region Plan, the District Plan, the PRCUTS, the *Canada Bay Local Strategic Planning Statement* (LSPS) and the *Canada Bay Local Housing Strategy*.

PRCUTS states that a minimum of 5% of new housing is to be provided as Affordable Housing or in-line with the Government policy of the day. The Region Plan, District Plan and LSPS require between 5-10% affordable housing, subject to feasibility.

The *Canada Bay Local Environmental Plan 2013* currently imposes a requirement for a minimum of 4% of approved Gross Floor Area (or an equivalent monetary contribution) to be provided for the purpose of affordable housing on the Site. This requirement is reflected in the adopted Canada Bay Affordable Housing Contribution Scheme (AHCS).

The Planning Proposal states *'The Proponent agrees that affordable housing is an important consideration. In the circumstances where the proposal to design and deliver the road upgrade is, on balance, considered a preferred response'*.

The proposal has been reviewed in relation to feasibility and there is limited margin for the development to provide additional affordable housing in addition to other state and local contributions. For this reason, it is not recommended that additional affordable housing be required. The requirement for 4% affordable housing will continue to apply to the site.

- *Tree Canopy* – Discussion in relation to tree canopy is provided under the heading 'Landscaping and Tree Canopy'.

Parramatta Road Corridor Urban Transformation Strategy November 2016 (PRCUTS)

PRCUTS is the NSW Government's 30-year plan for the Parramatta Road Corridor that aims *'to renew Parramatta Road and adjacent communities through investment in homes, jobs, transport, open spaces and public amenity'*.

The Strategy is afforded statutory force by a Local Planning Direction under section 9.1 of the *Environmental Planning and Assessment Act 1979*. The *Parramatta Road Corridor Urban Transformation Strategy Implementation Update 2021 July 2021* supplements PRCUTS 2016 with updated actions.

The *PRCUTS Planning and Design Guidelines* recommend the following zoning and development standards for the Site:

- *B7 Business Park*
- *Maximum height of 8.5m (two stories)*
- *Maximum Floor Space Ratio of 1.0:1*

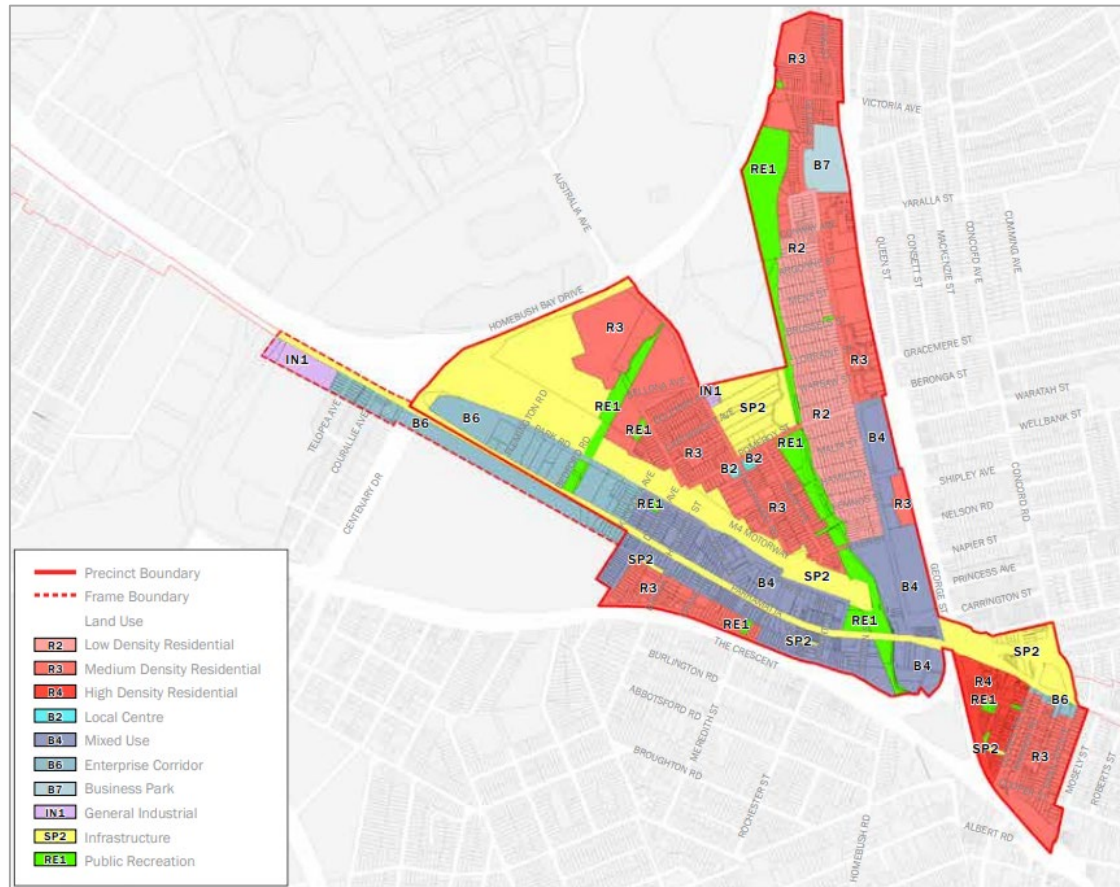


Figure 14: PRCUTS Recommended Land Use Zone (Source: PRCUTS Planning and Design Guide)

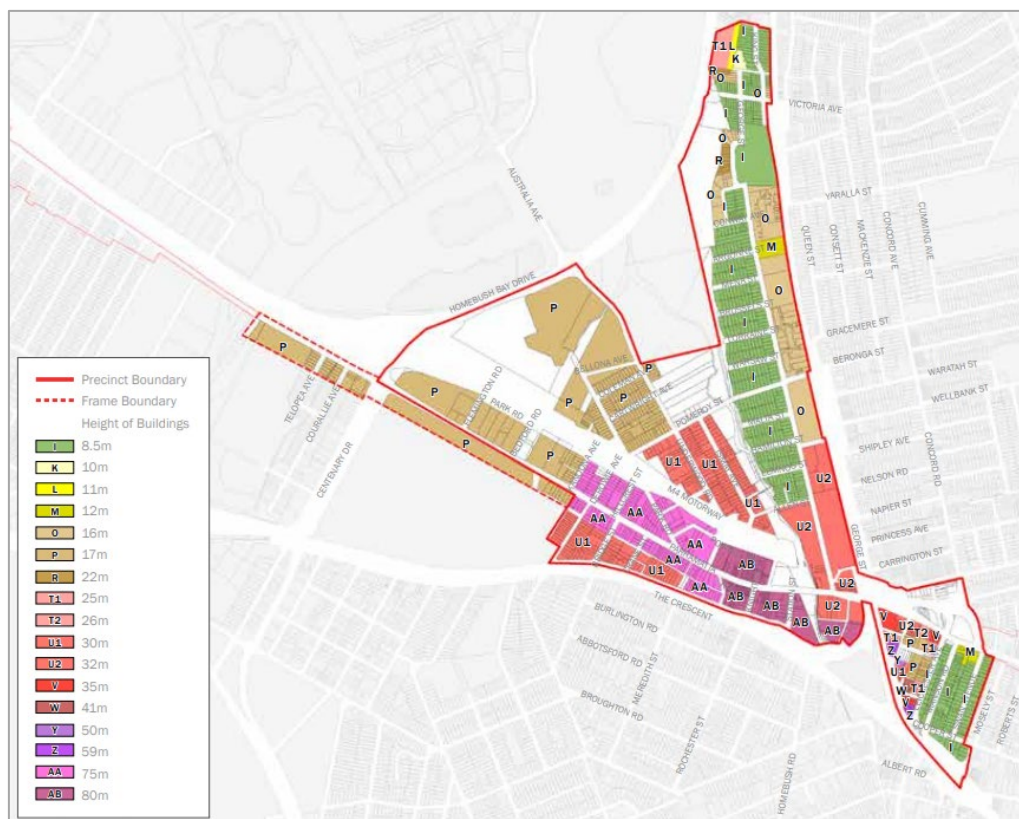


Figure 15: PRCUTS Recommended Height of Buildings (Source: PRCUTS Planning and Design Guide)

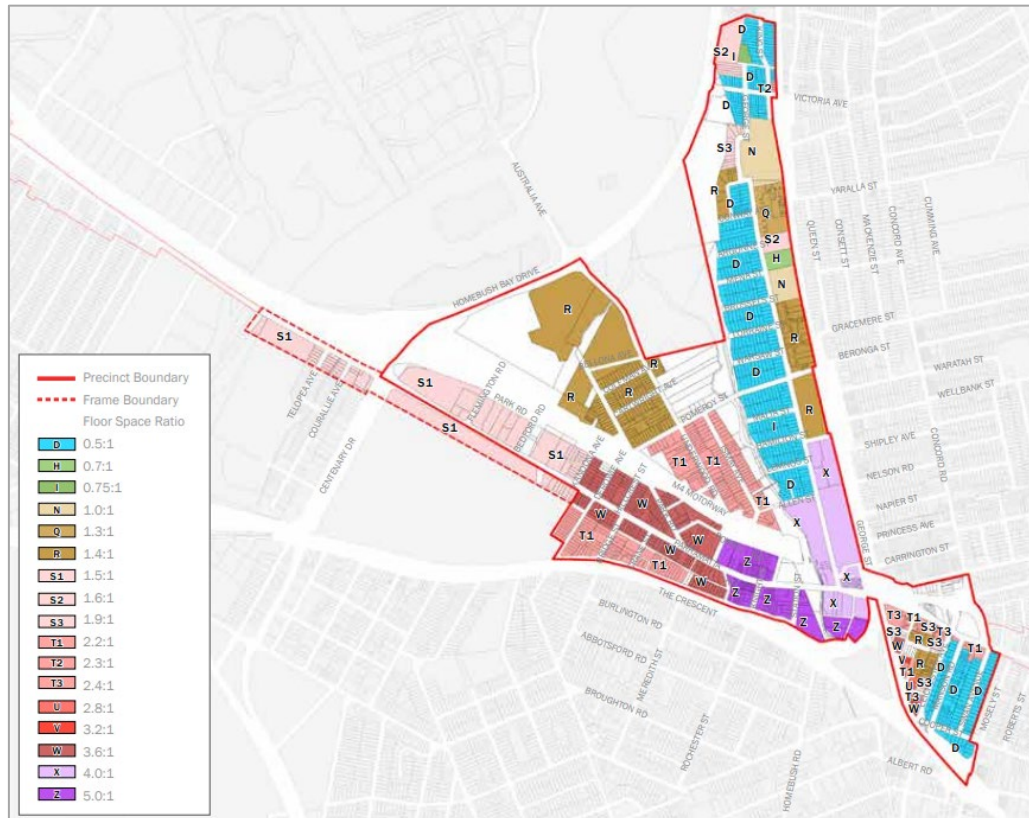


Figure 16: PRCUTS Recommended Floor Space Ratio – 1:1 (Source: PRCUTS Planning and Design Guideline)

The 9.1 Local Planning Direction states that a planning proposal for the site should be consistent with PRCUTS unless a study is prepared to the satisfaction of the Planning Secretary *‘that clearly demonstrates better outcomes are delivered than identified in the Parramatta Road Corridor Urban Transformation Strategy and Parramatta Road Corridor Implementation Plan 2016-2023 having regard to the vision and objectives.’*

The Planning Proposal addresses the vision and objectives of PRCUTS and has submitted a Social Impact Assessment and an Economic Impact Assessment (at Attachment C), however these documents do not satisfy the requirement for a Study.

The documents argue and justify the inconsistency with PRCUTS as the proposal will deliver new homes in a location close to public transport supported by an upgrade to a local intersection.

The site is a large landholding that is located within immediate proximity to a heavy rail station and it is acknowledged that the Planning Proposal has the potential to align with various transport and housing objectives within the Region and City Plans. The site also has access to nearby high amenity open space and recreation facilities and can facilitate new linkages for active transport.

To satisfy the requirements of the Direction, a study, known as a ‘Better Outcomes Study’ will need to be prepared that specifically demonstrates how the proposal will deliver a better outcome than PRCUTS. At present, elements of the proposal will not deliver a better outcome than PRCUTS in relation to:

- provision of 5% affordable housing;
- density and building heights that do not respond to the desired future character of the area;
- departures to the PRCUTS Planning and Design Guidelines, including maximum car parking rates and maximum tower floor plates.

Canada Bay Local Strategic Planning Statement

The *Canada Bay Local Strategic Planning Statement (LSPS)* is the primary land use planning document for the Local Government Area (LGA).

The LSPS and associated *Canada Bay Local Housing Strategy*, found that Council is able to meet its 5-year and 10-year housing targets by implementing the densities envisaged by PRCUTS and Rhodes Planned Precinct in addition to infill development within existing development capacity.

Whilst the rezoning of the site is not necessary to meet local housing targets, the proposal will enable additional housing to be provided in a location with convenient access to public transport.

Action 5.1 of the LSPS states that the rezoning of land within the Parramatta Corridor will be implemented generally in accordance with PRCUTS. However, Action 6.5 relates specifically to 1 King Street, Concord West and states:

Prior to land use change occurring on the site known as 1-7 King Street, Concord West, the Concord West Socio Economic Study is to be updated by Council to respond to:

- *the Eastern City District Plan;*
- *the Parramatta Road Corridor Urban*
- *Transformation Strategy;*
- *any outcomes arising from the Burwood, Strathfield, Homebush Planned Precinct;*
- *any commitment by the NSW Government in relation to a metro station in North Strathfield; and*
- *any other matter of material importance.*

The Study is to provide a recommendation on the preferred land use outcome for the site having regard to the above plans, strategies and considerations.

Hill PDA prepared an update to the *Social and Economic Study* for the Site (at Attachment W), on behalf of Council, in November 2021. At the time of the preparation of the Study, the site contributed approximately 16,600sqm of the 237,700sqm of office floor space in the Canada Bay LGA, as quantified in the *Canada Bay Local Employment and Productivity Strategy*. Employees on the site formed approximately 3.3 per cent of all workers in the Canada Bay LGA and Hill PDA estimated that approximately 1,320 jobs were accommodated on the site, comprising 1,310 jobs at the Westpac Service Centre and 12 jobs at the childcare centre. It was estimated that the former land use potentially contributed \$88.7 million Industry Value Added (IVA) each year, which is the contribution made to the local economy or Gross Domestic Product.

The Study recommended that planning instruments be updated to acknowledge the office premises on the site by rezoning the land to B7 Business Park or through the introduction of an additional permitted use for "Office Premises".

Residential or mixed-use options were not recommended due to the lack of alignment with adopted strategies and the potential for local and economic impacts. The economic contribution of the site was generally tied to the continuation of Westpac's operations, and it was acknowledged that residential outcomes may offer flexibility to provide community benefits where local impacts are mitigated.

Since the preparation of the Study, Westpac has relocated their operations to the Parramatta CBD. It is appropriate to consider this change in circumstance when reviewing the Planning Proposal.

Historically, the site was part of a precinct of industrial land adjoining the railway line in Concord West and North Strathfield. With the exception of flood prone land, these industrial sites have been rezoned to permit residential development.

In recent times (since the COVID 19 pandemic), two structural trends have emerged:

- Entrenchment of Work from Home and hybrid working practices for many office-based jobs, resulting in an aggregate/overall reduction in the demand for office floor space.
- Higher expectations for office quality and location, with businesses and employees alike preferencing good quality space that offers high value amenity and buildings that are sustainable.

Secondary grade office stock in secondary, isolated locations is increasingly becoming economically redundant. While the building may be capable of further use, the collapse in market demand makes them economically obsolete. Given the structural change to market demand, it is considered that the Site is not sustainable as office premises in the long term.

Whilst the continued loss of employment land will have a negative economic impact, a rezoning to permit mixed use/residential uses will enable housing to be provided in a location that is close to public transport.

The LSPS also includes requirements in relation to affordable housing, tree canopy, sustainability and urban design. Further discussion is provided in relation to these matters under the relevant heading.

Local Planning Directions

The Planning Proposal is required to be consistent with Local Planning Directions issued under Section 9.1 of the *Environmental Planning & Assessment Act 1979*.

Local Planning Direction 1.5 Parramatta Road Corridor Urban Transformation Strategy

Refer to discussion above under the heading '*Parramatta Road Corridor Urban Transformation Strategy November 2016 (PRCUTS)*'.

Local Planning Direction 4.1 Flooding

Local Planning Direction 4.1 requires the development of flood prone land to be consistent with the NSW Government's Flood Prone Land Policy and the principles of the *Flood Risk Management Manual 2023*.

The *Powells Creek Flood Study*, prepared by WMA Water on behalf of Council identifies the subject site as being within a Flood Planning Area. The existing site is not affected by flooding in the 1% Annual Exceedance Probability (AEP) but is affected by the Probable Maximum Flood (PMF) event.

The 'George Street Sag', which is located at a low point, where George Street forms an 'S' bend opposite to 176-184 George Street, Concord West is within the Flood Planning Area. A mitigation strategy has been prepared for the George Street sag point, which reduces depths of flooding for the 1% AEP event. The Strategy will require the road to be raised by approximately 2.0 metres to enable stormwater to be discharge through a proposed easement over 176-184 George Street, Concord West into Powell's Creek.

The site at 1 King Street, Concord West is located on the high side of George Street and is able to respond to the mitigation strategy proposed.

Council proposes to progress the preparation of a detailed design for the mitigation works to the George Street Sag given the impending development at 176-184 George Street and a possible development on the subject site.

Prior to the Planning Proposal being submitted to the Department of Planning and Environment for a Gateway Determination, the flood assessment prepared on behalf of the applicant should be updated to consider the preferred mitigation strategy for George Street and demonstrate consistency with the 9.1 Direction for Flooding.

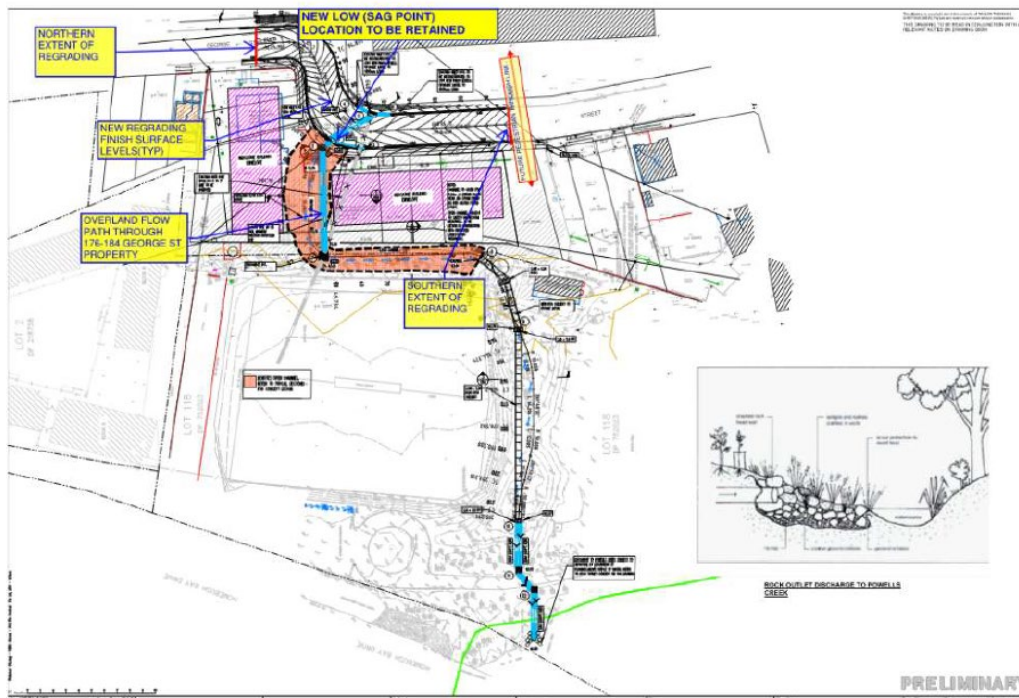


Figure 17: Preferred flood mitigation strategy – George Street (Source: Proponent)

Local Planning Direction 4.4 Remediation of Contaminated Land

This Direction seeks to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.

The Planning Proposal includes a Preliminary Site Investigation report prepared by Reditus Consulting Pty Ltd (Project No. 22038 Version 2), dated 18 October 2022. The report has identified the site is located on former industrial land, which appears to have been potentially remediated sometime around 1996 and considers that 'there is a moderate risk of contamination at the site, in particular due to the presence of underground petroleum storage tanks identified onsite'. The report concludes by recommending 'Completion of a Detailed Environmental Site Investigation (DESI) to properly characterise the nature and extent of potential contamination of soil, groundwater, and soil gas at the site'.

It is recommended that a DESI be prepared prior to the Planning Proposal proceeding to public exhibition.

Local Planning Direction 4.5 Acid Sulfate Soils

The Direction applies where a planning proposal seeks an intensification of land uses on land identified as having a probability of containing acid sulfate soils, unless it is accompanied by an acid sulfate soils study that has assessed the appropriateness of the change of land use.

The subject Planning Proposal is seeking to intensify the use of land that has been identified as Class 5 Acid Sulfate Soils and includes excavation up to two floor levels below natural ground, with the lowest level of the site being RL ADH 4.0.

The Planning Proposal includes a Preliminary Site Investigation report prepared by Reditus Consulting Pty Ltd (Project No. 22038 Version 2), dated 18 October 2022. The report identifies that 'land adjacent to the site in a westerly direction is classified as class 2 on the ASS risk map. As such, further investigation will likely be required into the potential for acid sulfate soils (PASS) to be present or impacted by the proposed redevelopment, given basement parking is to be included'. Should the subject Planning Proposal proceed to a Gateway Determination, an appropriate study will need to be prepared.

Local Planning Direction 7.1 Employment Zones

The objectives of Local Planning Direction 7.1 are to:

- a) encourage employment growth in suitable locations,
- b) protect employment land in employment zones, and
- c) support the viability of identified centre.

Local Planning Direction 7.1 requires Planning Proposals to retain the areas and locations of Employment zones and ensure that the total potential floor space area for employment uses is not reduced. The Planning Proposal is inconsistent with this Direction as it does not retain the Site for employment uses, reduces the total potential floor space area for employment uses and removes the existing Zone E4 General Industrial (and proposed Business Park zone) by converting the Site to a residential zone.

A Planning Proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary that the proposal is justified by a study which gives consideration to the objective of the direction.

The Planning Proposal is supported by an Economic Impact Assessment prepared by Ethos Urban. The Assessment does not assess the economic impact of the loss of employment uses on the site on the local and regional economy, but rather assesses the impact of the proposed development. In particular, the Assessment reviews the market demand for the project and the economic and ancillary benefits of facilitating a mixed-use outcome on the Site.

The Economic Impact Assessment as drafted does not give consideration to the objectives of Direction 7.1. Prior to the Planning Proposal proceeding to a Gateway Determination, the Economic Impact Assessment must be updated to give consideration to the objectives of the Direction.

SITE SPECIFIC MERIT

Land Use Zoning

The Proponent seeks to rezone the Site from E4 General Industrial to R3 Medium Density Residential, with 'commercial premises' and 'shop top housing' as additional permitted uses.

Whilst rezoning the Site to R3 Medium Density Residential appears similar to that of the surrounding context, it does not accurately reflect the scale and density proposed in the Planning Proposal. Six of the ten buildings proposed are at least 10 storeys high, which the *Apartment Design Guide* identifies as 'tower apartments'. The proposed building heights and density are consistent with an R4 High Density Residential Zone.

There are a range of land uses identified as 'permitted with consent' under the high-density zone, that reflect the proposed uses identified in the Planning Proposal. These include childcare facilities, community facilities, residential flat buildings, shop top housing and neighbourhood shops. The Canada Bay LEP already permits commercial premises as an additional permitted use on the ground floor of residential flat buildings in the R4 High Density zone.

It is recommended that the Site be rezoned to R4 High Density Residential (Attachment X) and the proposed additional permitted use for 'commercial premises' and shop top housing' be removed from the Planning Proposal.

Building heights

The Planning Proposal seeks to change the maximum building heights in the LEP from 8.5m to a range of maximum building heights ranging from 26m to 47m (see Figure 24 below).

Much of the area surrounding the Site has a maximum building height of 8.5m. This includes properties immediately to the north of the Site and properties to the south-west of the Site. The area to the south of the Site has a maximum building height of 16m.

Of the ten buildings, the highest maximum building heights proposed are located on the eastern boundary adjoining the railway line and closest to the train station (47m), and centrally located within the site (45m and 46m). Height is centralised around this tallest building stepping down towards the

northern boundary (38m), the western boundary (26m) and southern boundary (33m). The lowest maximum building heights proposed are at 26m for the buildings along the western boundary of the Site. These buildings are located on the opposite side of George Street to an area which has maximum building heights of 16m and 22m.

The majority of Concord West is relatively low density and the current strategic planning for the area indicates that this context is likely to remain. The Homebush North Precinct was recently rezoned in accordance with a masterplan that was consistent with PRCUTS. The master plan represents the strategic vision for the area and comprises buildings with heights ranging from two to six storeys.

While this site presents a rare opportunity to create an 'urban village' close to a train station, future development still needs to be responsive to the physical and strategic context of the site.

The scale and density shown by the 3D modelling illustrates a design that includes 'tower apartments' and is out of context with the existing and desired future character of the local area. The *Apartment Design Guide* outlines that 'tower apartments' are better suited in central business districts, dense urban areas or where other towers exist in the surrounding context. One building, close to the train station, may be able to accommodate extra height and create a strong vertical landmark as this would help to create interest and help to identify the location of the train station. However, this should be one landmark building and not a typology or height replicated elsewhere on the Site.

Given the location, a combination of courtyard apartments (between 3 and 6 storeys in height) and perimeter block apartments (4 to 9 storeys in height) would be more appropriate to the context.

The recommended building heights are shown in Figure 25 below and at Attachment X.



Figure 18 – George Street & Victoria Avenue Proposed View (Source: Ethos Urban with red outline by Studio GL)



Figure 19 – Queen Street & Victoria Avenue Proposed View (Source: Ethos Urban with red outline by Studio GL)



Figure 20 – 17 Stuart Street Proposed View (Source: Ethos Urban with red outline by Studio GL)



Figure 21 – 207 Queen Street Proposed View (Source: Ethos Urban with red outline by Studio GL)

Calculation of building heights

The Planning Proposal seeks to amend the maximum height of building standard to permit building heights that are significantly higher than shown in the supporting indicative master plan. This is problematic as the scale of development shown in the indicative masterplan is less than what could

occur should the LEP be amended as per the Planning Proposal. This could result in the extent of overshadowing being greater than shown in the shadow analysis, and the scale of future development being greater than shown in the visual impact assessment, which are based on the indicative masterplan not the LEP heights.

The architectural plans and 3D model provided in support of the Planning Proposal also indicate that large basement car parks are proposed. Given the site falls by approximately 9.5m from the south-east to the north-west, this results in basement structure rising above natural ground levels in excess of 2m in some locations.

Building	Planning Proposal Maximum building heights (m)	Planning Proposal illustrative master plan building heights (m)	Variance (m)
A	38	28.8	-9.2
B1	47	40.1	-6.9
B2	43	35.1	-7.9
B3	43	35.1	-7.9
B4	33	25.8	-7.2
C	46	35	-11
D1	45	35	-10
D2	45	35	-10
E	26	18.6	-7.4
F	26	18.6	-7.4

Figure 22: Numerical comparison between Proponent's PP to amend CBLEP maximum HOB and heights indicated on the Proponent's PP illustrative masterplan

Exception to height of buildings clause

The Planning Proposal seek to introduce a new clause into the Canada Bay LEP that would permit development on the Site to exceed the maximum building heights specified in the LEP by 3.0m for roof-top structures and architectural roof features.

The *Canada Bay Local Environmental Plan 2013* already includes a local clause that permits architectural roof features to exceed maximum building heights. It is considered unnecessary to insert a further local clause into the Canada Bay LEP specifically for the subject site to enable roof top structures above the maximum height limit when the standard instrument definition of building height assumes the inclusion of such structures. It is recommended that the proposed clause be removed from the Planning Proposal.

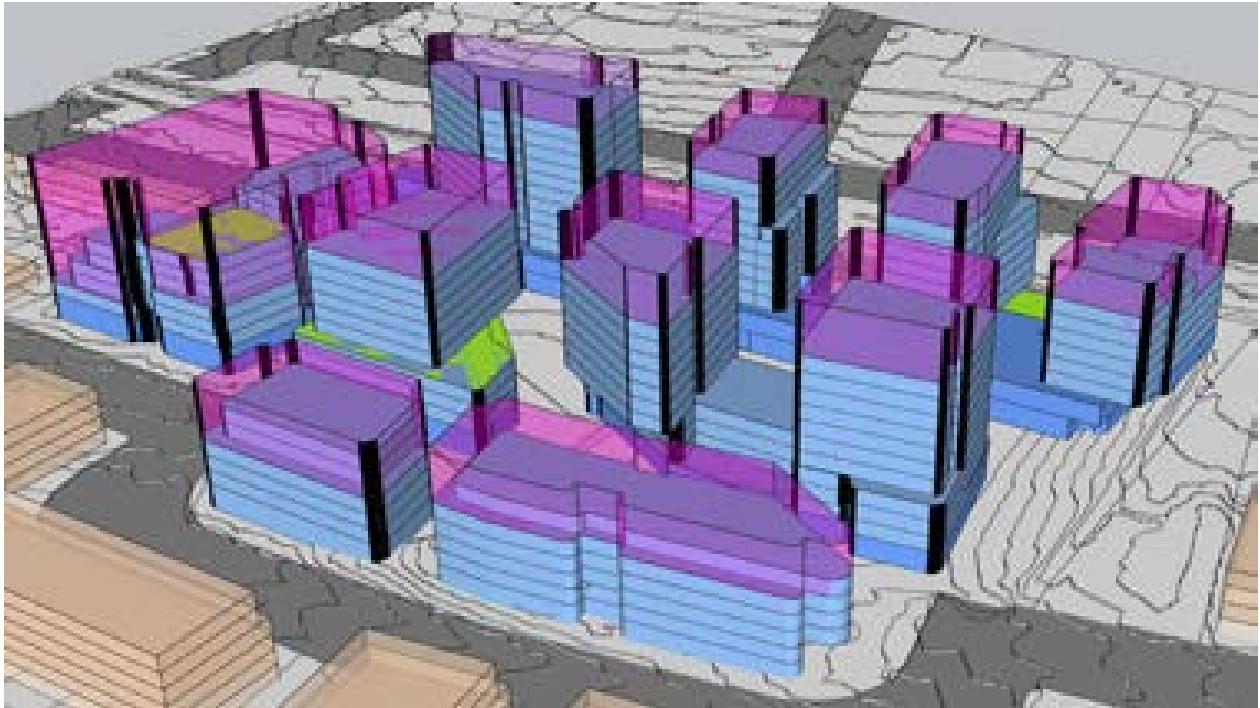


Figure 23: 3D visual comparison between the height of buildings shown in the illustrative masterplan (in blue) compared to the max HOB proposed in the Planning Proposal (shown in purple) (Source: Studio GL)



Figure 24: Proponent Planning Proposal Maximum Height of Buildings Map (Source: Group GSA)



Figure 25: Recommended Maximum Height of Building Map (Source: Council mapping)

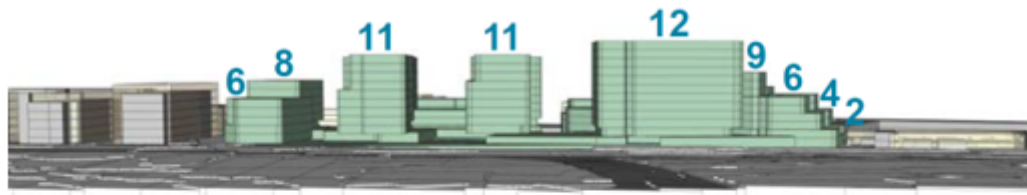


Figure 26: Eastern View: Planning Proposal building envelopes with proposed height in storeys
(Source: Studio GL)

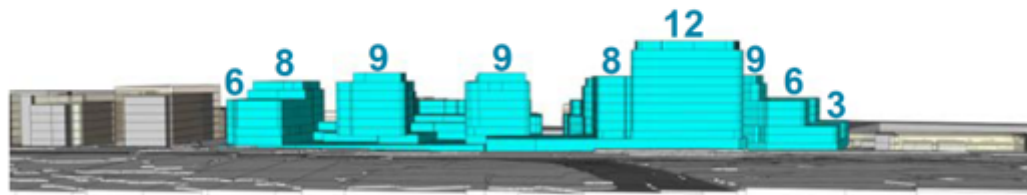


Figure 27: Eastern View: Recommended building envelopes with height in storeys (Source: Studio GL)

Density and Floor Space Ratio (FSR)

The Planning Proposal seeks to increase the permissible FSR from 1.0:1 of employment density to 2.65:1 (or 2.68:1 when enclosed balconies are included as Gross Floor Area) of residential density with some non-residential uses. The Planning Proposal would result in approximately 716 dwellings on a site area of 31,390m², which equates to a density of 228 dwellings per hectare.

Building depth

The illustrative masterplan shows ten building envelopes with depths ranging from approximately 19 to 31 metres in contrast to the maximum of 18m recommended by the *Apartment Design Guide*.

When establishing density controls, the depth of building floorplates should be considered as they have a direct relationship with the total floor area achieved. Deep floor plates, while generating a higher Gross Floor Area, can compromise the ability of the detailed building design to achieve a satisfactory level of natural lighting, ventilation and amenity. Relying on small cut-outs on the edges of the building at the planning proposal stage to justify increased building depths forces any future design to be similarly compromised. It is recommended that building envelope depths are adjusted to be closer to the maximum 18m measurement recommended by the *Apartment Design Guide*.

Tower floor plates

Five of the proposed tower buildings (9 storeys or higher) have large floorplates over 750m² in size, which is contrary to the requirements of PRCUTS. Unless the proposal demonstrates a better outcome than PRCUTS, it is not consistent with the Local Planning Direction and is not supported.

Non-residential floor space

The planning proposal states that approximately 7,589m² of non-residential floor area is to be provided on the site.

The proposed non-residential uses located within the large one and two storey podiums under Buildings B1, B2, B3 and B4 include a supermarket, a medical centre and childcare. The supermarket and the medical centre receive no natural light or ventilation and the childcare centre faces the railway line with approximately 50% of its open space located under 11 storey buildings and is heavily overshadowed. This outcome is not ideal and there is little flexibility as few other uses, except for perhaps a gym, are attracted to spaces with little or no access to light and ventilation. This suggests that the proposed non-residential density is too high.

The Market Potential Assessment, prepared by Location IQ (at Appendix N) on behalf of the applicant only recommends that 4,400m² of total centre floor space is provided on site. Whilst this figure does not include community or coworking spaces, including these areas would only increase the total non-residential floor space to approximately 6,000m².

Exclusion of enclosed balconies from Gross Floor Area

The Planning Proposal seeks to introduce a new clause into the Canada Bay LEP that would exclude the Gross Floor Area of any existing or proposed wintergarden if the consent authority is satisfied in relation to a number of factors, including that the balcony is likely to be adversely affected by rail noise or vibration.

It is not recommended that enclosed balconies are excluded from the Gross Floor Area as this could result in designs that maximise balconies facing the railway line (as they wouldn't count towards the overall FSR). The design of balconies can be explored further at the development application stage and as part of design excellence processes.

FSR Recommendation

The proposed density is a result of building envelopes which are much taller than surrounding development, with large floorplates, little articulation and limited upper-level setbacks. The tree canopy coverage and deep soil provision is inadequate and, overall, there is limited amenity. The proposed density is too high for the Site and locality and will not reflect or support the desired future character of the area.

Council's independent urban design consultant has recommended a range of changes to the submitted illustrative masterplan that modifies building heights and alters the building envelopes in accordance with the *Apartment Design Guide*. The revised scheme achieves a Gross FSR of 2.23:1. For comparison, the Ashmore Precinct in Erskineville has a Gross FSR of between 1.0:1 and 1.25, Harold Park a Gross FSR of 1.15:1 and the recently rezoned Bushells site, a Gross FSR of 1.25:1.

To ensure floor area is not transferred from less constrained areas into more sensitive interface areas, a minimum/maximum amount of non-residential floor space should be specified in the LEP and FSRs provided on a block-by-block basis.

It is recommended that:

- a local clause be included within the Planning Proposal that requires non-residential Gross Floor Area to comprise a minimum of 3,500m² and a maximum of 5,000m².
- deletion of proposed clause regarding the exclusion of enclosed balconies from Gross Floor Area.
- a maximum FSR of 2.23:1 be progressed for the Site with FSR standards being imposed on a block by block basis as illustrated in Figure 29 and at Attachment X.



Figure 28: Recommended built form, inclusive of changes to building height (Source: Studio GL)

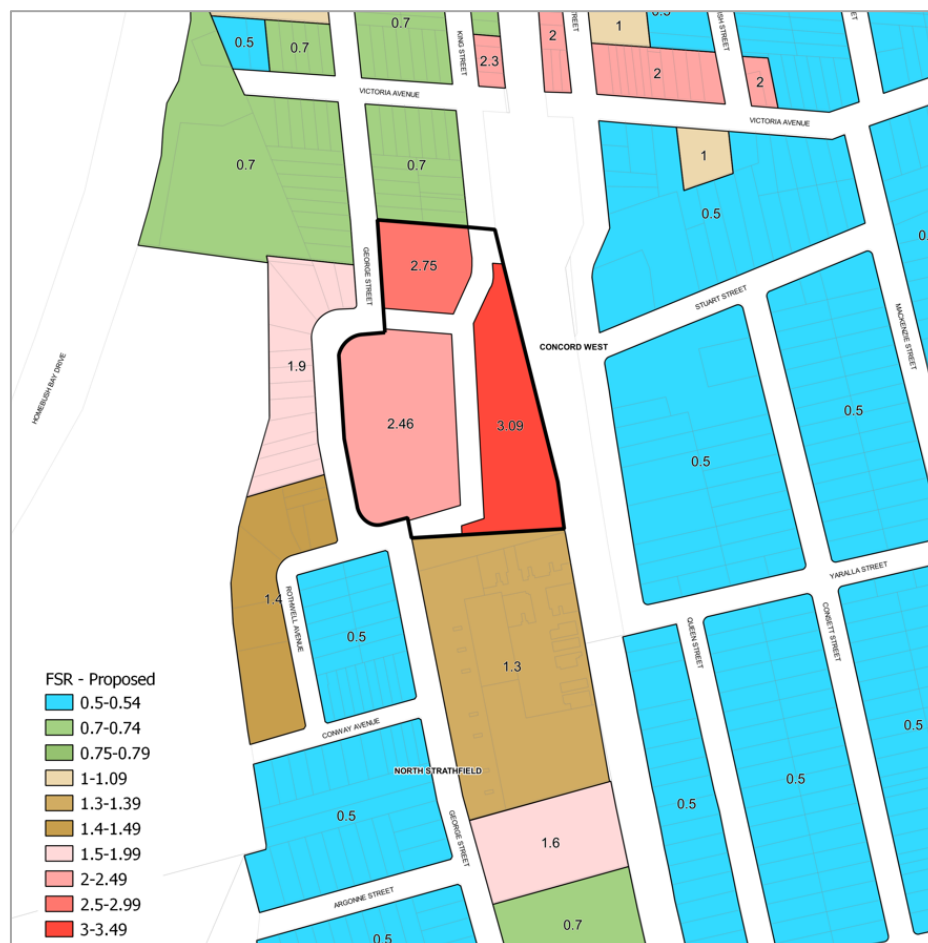


Figure 29: Recommended Floor Space Ratio (Source: Council mapping)

Overshadowing

The Planning Proposal includes shadow diagrams indicating that the proposal will overshadow the open space and other buildings within the Site during the winter solstice. Revisions to the scale of future development will reduce the extent of overshadowing and the shadow diagrams will be required to be updated to align with the recommended building heights.

Urban Structure

The indicative masterplan proposes new pedestrian, bicycle and vehicular connections into and across the Site through:

- servicing vehicular traffic through extension of King Street to connect to George Street in two locations;
- proposing a new east west pedestrian link that aligns with a future desired pedestrian link to Powells Creek Reserve through properties to the west of George Street;
- alignment of a proposed two way off road cycleway on the eastern side of George Street through the Site, avoiding the need to deflect the cycleway to follow the alignment of George Street;
- clustering of retail uses close to the station and focused around a civic plaza.

The Planning Proposal will deliver a legible and effective urban structure that rationalises the alignment of George Street, extends King Street and improves vehicular, pedestrian and bicycle access.

Relocating the cycleway will create challenges at the two new intersections, as it will require the integration of an off-road cycleway with the proposed roundabouts, which typically prioritise vehicular movements.

The applicant has indicated that future development would be subject to Community Title subdivision, which necessitates a need to ensure that easements are provided to facilitate public access through the Site. This outcome should be included in any negotiated Planning Agreement.

Should the Planning Proposal proceed to a Gateway Determination, it is recommended that it be updated to introduce an amendment to the Active Street Frontages map (at Attachment X), so as to realise active facades around the proposed plaza space.

Setbacks

The indicative masterplan proposes the following ground level boundary setbacks:

- North – 11.0m to 12.0m
- East – 0m
- South – 6.0m
- West – 6.0m

A very large two storey podium has been proposed next to the railway line under blocks B1, B2, B3 and B4 on the eastern boundary. It is recommended that this podium be set back from the eastern boundary to provide a deep soil zone in any Development Control Plan prepared for the Site.

The proposed internal setbacks meet the minimum separation requirements contained within the *Apartment Design Guide*. However, the upper levels of buildings C, D1 and D2 should be setback a minimum 3m beyond podiums to create an improved interface with the adjoining streets or open space. It is also recommended that the uppermost storey of tower elements that are 8 storeys or higher have a 1.5m articulation zone for the topmost floor.

Economic Impact

A total of 7,589m² of non-residential uses have been identified for this Planning Proposal. This is comprised of between 2,000m² – 3,000m² retail floorspace for a supermarket and associated specialities and other uses (i.e. community, medical centre, gym). The Proponent's Market Potential Assessment prepared by LocationIQ (at Appendix N) identifies the challenges of securing a

supermarket anchor tenant in this location and the need to secure non-retail uses such as a medical centre, gym and childcare operator. Given the challenges of attracting non-residential uses to this location, it is recommended that the maximum non-residential FSR is reduced to a minimum of 3,500m² and a maximum of 5,000m². This recommendation aligns with the recommendation to reduce non-residential floor space on urban design grounds.

Traffic

The Planning Proposal is supported by a Transport Study Report, prepared by PWC (Attachment I) on behalf of the Proponent.

The PWC report assumes that only 30% of residential trips from the site will be by car, with the remainder 70% being by public and active transport. For those travelling by car, the proposal is estimated to generate 106 inbound trips and 177 outbound trips in the AM period. In the PM period, the proposal is estimated to generate 183 inbound trips and 124 outbound trips.

The PWC report notes that:

- *Intersections within the immediate vicinity of the site currently perform at an acceptable level of service (LoS) with no significant levels of congestion and queuing being observed.*
- *Substantial levels of delay were observed at the intersection of George Street and Pomeroy Street, with eastbound and westbound queues extending to adjacent intersections at Beronga Street/Queen Street and Underwood Road. Downstream blockages from these intersections were also observed, reducing the effective green time, traffic discharge rates and overall intersection performance at George/Pomeroy Street.*

The intersection of George Street and Pomeroy Street currently operates with a Level of Service of 'D'. The modelling indicates that this Level of Service will decrease to 'F' in both the AM and PM peaks by 2027. Intersections with a Level of Service 'F' are unsatisfactory and are characterised by significant queuing and delays.

The above analysis is consistent with previous reports prepared on behalf of Council and the NSW Government that concluded that traffic beyond that generated by planned development would necessitate the upgrade of the intersection.

The Planning Proposal does propose to upgrade the intersection of George and Pomeroy Streets by providing additional capacity at the western and northern approaches, including:

- Additional dedicated right-turn and left turn bays at the western approach.
- At the northern approach, conversion of a departure lane to an approach lane for a dedicated right turn bay. The shared right and through is also converted to a continuous through lane.
- At the southern approach, conversion of movements to shared left turn and through movement at kerbside (continuous lane) and a right turning short bay at the median side.

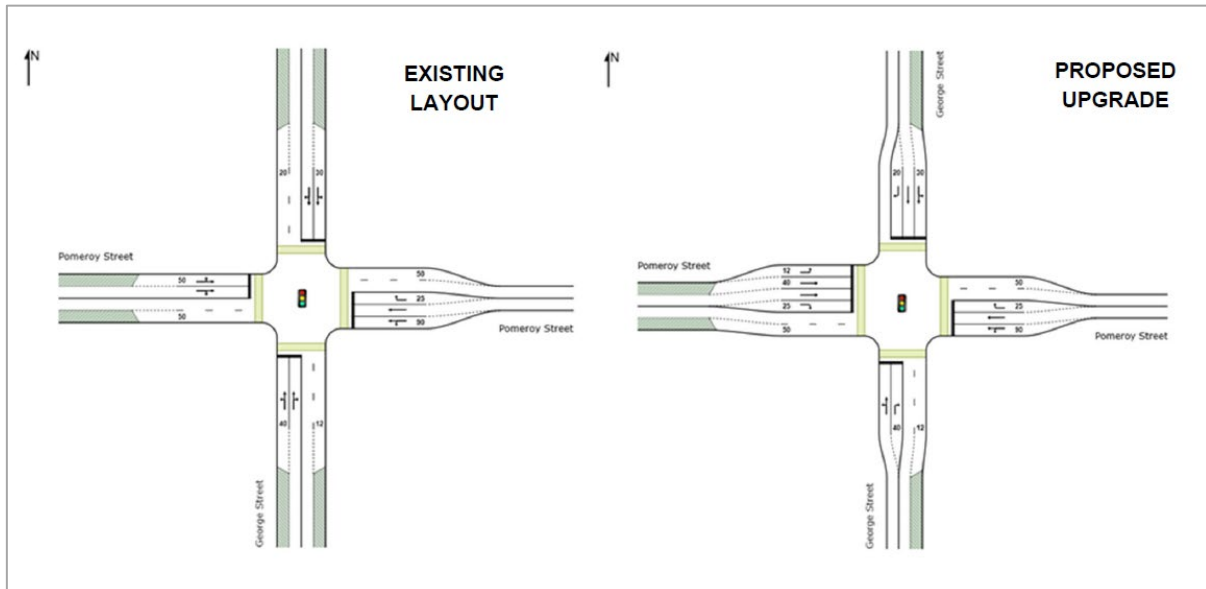


Figure 30: George/Pomeroy Street layout – existing and proposed upgrade (Source: PWC)

Based on modelling outputs, the upgraded intersection is anticipated to operate with a Level of Service of 'C', representing an improvement over existing conditions.

The upgrade of the intersection relies on the applicant having ownership or control of the land known as 88 George Street, North Strathfield (Lot 92 DP 651651) (see Figure 31 below). As this land is not within the ownership of the applicant, the upgrade is not able to be realised through the planning proposal or the associated 'letter of offer' to enter into a planning agreement.

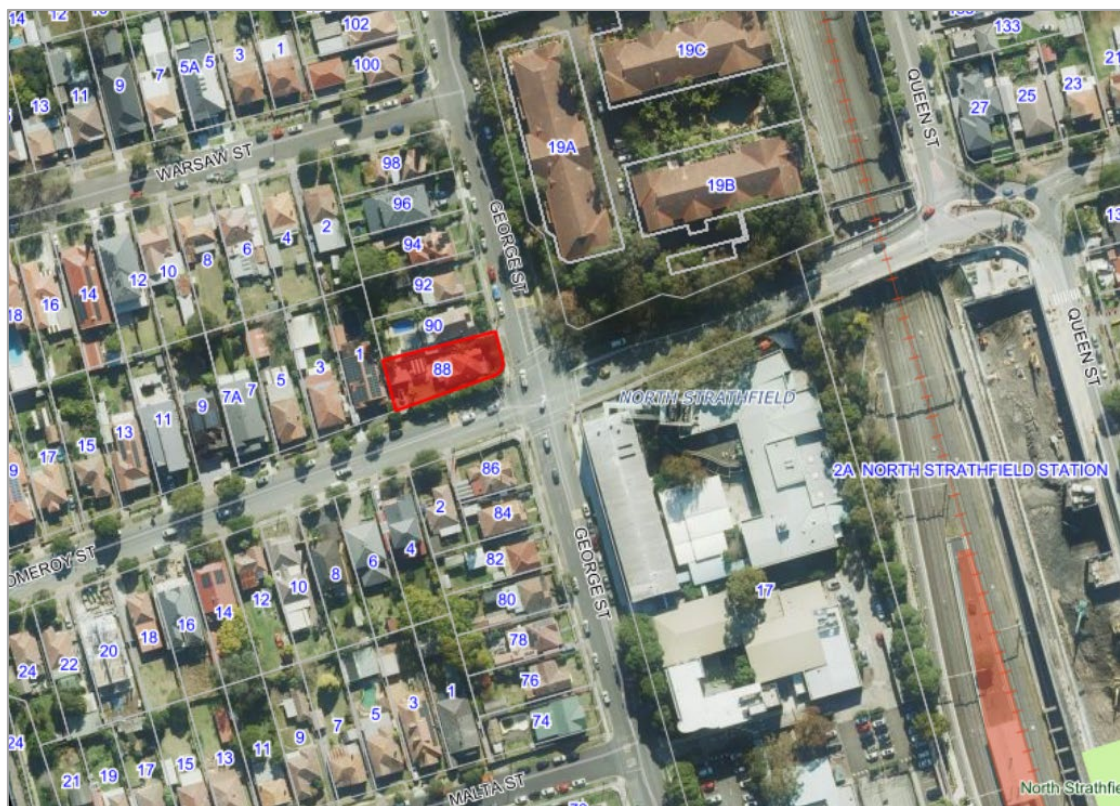


Figure 31: Aerial photograph identifying 88 George Street, North Strathfield (Source: Council mapping)

An alternative concept to upgrade the intersection has already been prepared by Council, predating the planning proposal. The main element of the upgrade is the provision of a left turn slip lane from George Street (north approach) to Pomeroy Street (east approach). Council is currently preparing a

Business Case which will inform the upgrade to the intersection. The works to the intersection are estimated to cost in the order of \$15M, with the majority of the cost being due to the relocation of services.

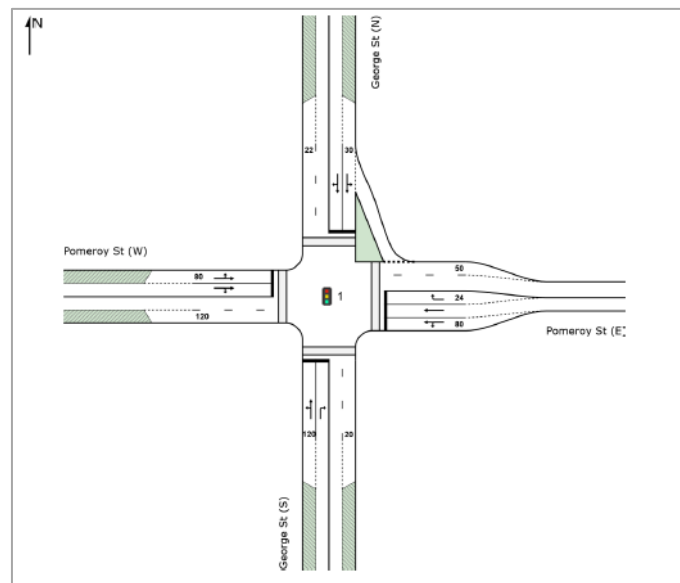


Figure 32: Alternative George/Pomeroy Intersection Design (Source: Council concept)

The above design requires land (30.5m²) to be acquired from the property to the immediate east of the intersection (known as Strathaven at 19-21 George Street, North Strathfield or SP 50454). Any such acquisition would need to be identified on the Land Reservation Acquisition Map under the *Canada Bay Local Environmental Plan 2013*.



Figure 33: Land Acquisition to deliver alternative Council George/Pomeroy intersection design (Source: Council mapping)

As the intersection upgrade is required to service the traffic generated by development arising from the planning proposal, it is recommended that the proposal does not proceed to a Gateway Determination until there is sufficient certainty that arrangements will be in place for the works to be funded. An update to the works schedule of the *Canada Bay Local Infrastructure Contribution Plan* is proposed to enable future development, the subject of the plan, to make a proportional contribution towards the intersection upgrade.

A peer review of the Transport Study and SIDRA Model prepared by PWC (at Appendix V) was also undertaken by Stantec on behalf of Council. The peer review made a number of findings in relation to the content of the Study and a requirement for additional information to be provided. The Transport Study should be updated to address the findings of the peer review and to provide additional information prior to the submission of the Planning Proposal to the Department of Planning and Environment for a Gateway Determination.

Parking

The site is subject to the maximum car parking rates outlined within the *PRCUTS Planning and Design Guideline*, being:

- Studio 0.3 spaces per dwelling
- 1 bedroom 0.5 spaces per dwelling
- 2 bedroom 0.9 spaces per dwelling
- 3 bedroom 1.2 spaces per dwelling
- Visitor 0.1 space per dwelling

The above rates are included in the *Canada Bay Local Environmental Plan 2013* and apply to all other land within the Homebush precinct.

The PWC Traffic Study recommends that consideration be given increasing parking rates on the basis that residents who own vehicles in high density neighbourhoods, don't necessarily use their vehicles in peak periods. An increase to car parking rates is inconsistent with the vision, principles and objectives of PRCUTS and would not deliver a 'better outcome' as required by the 9.1 Local Planning Direction.

It is recommended that the land be identified on the Key Sites Map under the *Canada Bay Local Environmental Plan 2013* to enable the maximum car parking rates specified in Clause 8.11 of the LEP to apply to the subject site.

Heritage

The Site does not contain any items of heritage significance, however two heritage items are located within the vicinity of the Site, being Powell's Creek Reserve (Item No. 467) and Concord West Railway Station Park (Item No. 395).

The Planning Proposal acknowledges that 'to align with the heritage context of the site, consideration should be given to the architectural design, massing, articulation and materiality of the future development of the site'.

However, the proposed planning standards and indicative concept propose buildings up to 47m in height which is more than twice the maximum height of any building in the surrounding context. The Planning Proposal could have adverse impacts on the visual curtilage of the heritage items, as it would provide for development of considerably larger scale than the surrounding locality.

The Heritage Impact Statement also identifies two mature trees in the north-western corner of the site as having 'some potential for heritage landscape values' and states an aboricultural report is required to understand their value.

It is recommended that the bulk and scale of future buildings facilitated by the Planning Proposal be reduced consistent with the recommendations within this report and for the two trees identified as having potential heritage landscape value, to be retained.

Landscaping and Tree Canopy

The City Plan and Council's LSPS require a tree canopy cover target of 25%. Concord West is also identified in the *Canada Bay Urban Canopy Strategy* as one of the LGA's climatically hottest suburbs.

At present, established trees along the western and eastern site boundaries provide canopy cover and a vegetated setback to the adjoining streets.

The illustrative masterplan indicates that 16.5% of the Site will comprise deep soil zones and provide a tree canopy cover of 29%. However, only 14% of trees will be located in deep soil zones with many over basements and some trees located on buildings.

The amount of deep soil proposed is in line with the *Apartment Design Guide* which recommends sites with an area of more than 1,500m² should aim to provide at least 15% of the site as deep soil. As the site is 20 times larger than 1,500m², the amount of deep soil proposed is low, as shown in Figure 34 below.



Figure 34: Proponent proposed deep soil (Source: Group GSA)

A deep soil zone should be provided on the eastern boundary, next to the railway line to provide a landscape zone of sufficient height to screen the buildings and mitigate the impact on views from the eastern side of the line along Queen Street. It is also recommended that the road connecting King Street to George Street be identified as a deep soil zone. This will maximise the potential for landscaping and increased tree canopy cover along the street and discourage additional infrastructure such as basements from being located under the road. Increasing deep soil zones as shown in Figure 35 will increase the percentage of deep soil on the site from 16.5% to 37% and increase the amount of trees located in deep soil zones from 14% canopy cover to 26% canopy cover.

Inclusion of the land on the Key Sites Map under the *Canada Bay Local Environmental Plan 2013*, will also invoke Clause 8.10 of the LEP requiring future development applications to incorporate design measures to reduce the urban heat island effect and improve the quality and amenity of the public domain. These requirements apply to all other land within the Parramatta Road Corridor and are necessary to demonstrate at least the same, if not a better outcome than PRCUTS as required by the Local Planning Direction.

As discussed under the heading 'Heritage', there are two mature trees that are identified as having potential heritage and landscape value that should be retained.

Prior to the planning proposal progressing to a Gateway Determination, an arboricultural report should be prepared that identifies trees to be retained, trees to be removed and provides strategies to ensure the health of new and retained trees.



Figure 35 – Recommended deep soil and tree canopy cover (Source Studio GL)

Sustainability

The Planning Proposal is accompanied by a Sustainability Statement prepared by Mott MacDonald. The Statement commits to the requirements of the BASIX SEPP, the Sustainability targets contained within PRCUTS, the achievement of Green Star Buildings and the provision of EV charging.

Identification of the Site on the Key Sites Map would enable future development to access Clause 8.9 of the Canada Bay LEP that allows buildings to exceed the maximum permissible FSR by 5% where BASIX commitments for energy and water are exceeded.

Opportunities to further improve sustainability could also include the retention of existing trees, a redesign to expand deep soil zones and ensure that 25% tree canopy (at ground level) is achieved.

Social Infrastructure

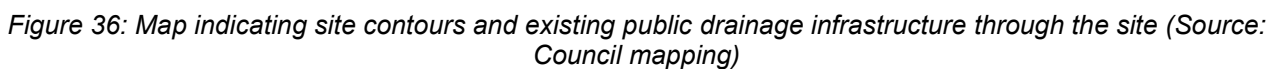
The proposal is accompanied by a Social Impact and Needs Assessment prepared by Ethos Urban (at Appendix C). The Assessment states that social needs on the Site are met through the delivery of:

- *A green connection to provide pedestrian and cycle access north-south through the site.*
- *a community centre (for use by residents only),*
- *non-residential uses on the ground plane that activate the public domain, and*
- *opportunity to facilitate a medical centre and childcare centre.*

There is limited community infrastructure proposed on the Site, with the exception of the new green linear connection. As discussed earlier in the report, this open space should be publicly accessible through an easement on title to ensure that this outcome is realised.

Stormwater Management

The Site includes existing public stormwater infrastructure running east-west across the middle of the land, as indicated in Figure 36 below. The indicative masterplan illustrates proposed basements and supermarket building impacting the existing public drainage infrastructure from the upstream catchment, which is not supported. Future development on the Site will need to be designed to limit impacts on drainage infrastructure, including the extent of excavation and the location of basements.



Section 7.4(1) of the *Environmental Planning and Assessment Act 1979* enables a proponent to provide a material public benefit by entering into an agreement with a public authority. A planning agreement is the legal instrument for securing public benefits.

- a) *the design, funding and construction of road upgrades to the intersection of George Street and Pomeroy Street, North Strathfield, including land acquisition. The cost of land acquisition and construction is estimated by the applicant to be \$9,191,236.*
- b) *a monetary contribution of \$808,764 towards stormwater drainage upgrades to George Street.*
- c) *the design, funding and construction of the proposed King Street extension to George Street.*

In any event, the applicant is unable to deliver the intersection upgrade outlined in the letter of offer as the required land to deliver the works is not in their ownership or control. In lieu of the developer having the ability to deliver their design for the intersection upgrade, an alternative design prepared by Council may be progressed.

Page 32


Works and services that are normally provided as a condition of development consent are not ascribed a value under a planning agreement. The design, funding and construction of the proposed King Street extension is necessary to facilitate the redevelopment of the site and is not viewed as a public benefit. However, as the applicant has indicated that the development will be subject to a Community Title Scheme, it would be appropriate for easements for public access to be provided over new roads and the proposed open space through a draft planning agreement.

The applicant has subsequently submitted a revised letter of offer which proposes only an easement for public access through the site.

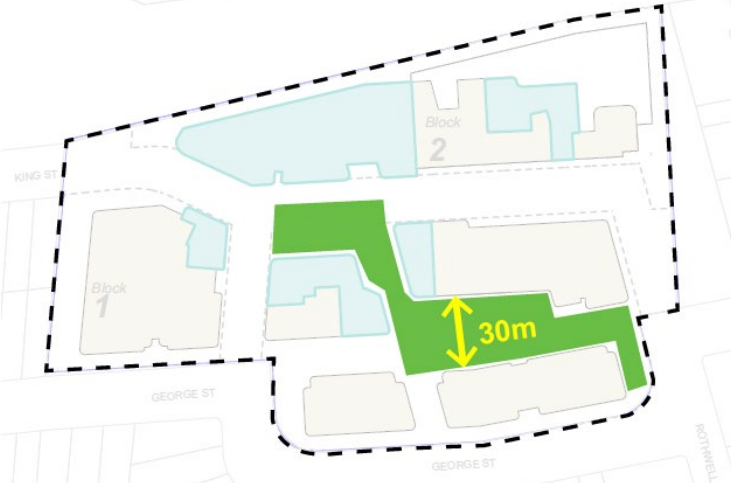
It is recommended that a draft Planning Agreement be negotiated prior to the proposal proceeding to the Department of Planning and Environment for a Gateway Determination.

CANADA BAY LOCAL PLANNING PANEL (CBLPP)

The Planning Proposal was referred to the Canada Bay Local Planning Panel (CBLPP) on 30 October 2023 in accordance with the Local Planning Panels Direction – Planning Proposals dated 27 September 2018. Advice from the CBLPP with a comment by Council Officers is provided in the table below. A copy of the report from the CBLPP is provided at Attachment Y.

Advice	Comment
The Panel generally supports the Council Officer recommendation in respect to built form outcomes, FSR, height, zoning and additional studies, with additional recommendations/amendments	Noted.
The height limit at George Street could be increased to 22m to accommodate a 6 storey built form.	<p>Not Agreed.</p> <p>Council's independent urban designer recommends retaining the current 20m maximum building height. A floor to floor height of 3.2m achieves a 6 storey building totalling 19.2m and clause 3(b) in Section 5.6 of the CBLEP permits lift overruns to exceed the maximum building height if they are considered "fully integrated into the design of the roof feature". This provides some flexibility for the height of rooftop building services. A 20m height limit would also ensure the site more closely resembles future development located on the lower lying western side of George Street which has a 22m maximum building height. The existing topography in this area of the site is approximately 3m higher than the western side of George Street and therefore a 20m height limit would achieve a more consistent level of street enclosure on both sides of the street (see Figure below).</p> 

Advice	Comment
The Panel considers that the amount of non-residential floorspace should be reduced further, having regard to the function and uses in the B1 Neighbourhood Centre zoned land at West Concord.	<p>Agreed.</p> <p>The recommendation has been updated to specify a maximum of 5,000sqm of non-residential Gross Floor Area.</p>
The Panel considers that the proposed design could be revised, including revision of form for building A, location of terraces and interfaces with the street.	<p>Agreed.</p> <p>The draft Development Control Plan will include guidelines to inform building envelopes and detailed building design.</p>
The Panel considers the site should include 5 per cent affordable housing in accordance with PRCUTS.	<p>Not Agreed.</p> <p>As outlined in the report, there is limited capacity for the development to provide 5% affordable housing. The report recommends that the existing requirement for 4% affordable housing to be provided on the Site be retained.</p>
<p>Tree canopy should be a minimum of 25% and include retention of healthy viable existing trees along boundaries, including the existing fig.</p> <p>A centrally located local public open space should be provided with deep soil, soft landscaping and playground.</p>	<p>Agreed.</p> <p>Additional deep soil zones are recommended. An Arborist Report will also be required prior to the Proposal proceeding to a Gateway Determination.</p> <p>Following receipt of advice from the Panel, Council's urban designer has recommended further refinements to enable a functional area of public open space to be provided on the Site.</p> <p>Typically, narrow and linear open spaces are not ideal in creating areas that encourage rest and play and instead function more as a movement corridor.</p> <p>Increasing the width of part of the linear open space (to 30m) would provide a more usable area that can accommodate additional uses such as children's play. The increased width of this open space is more appropriate for the scale of development proposed and will provide additional relief in the bulk and scale of the proposed built form. It also provides opportunities to increase the amount of communal open space at ground level to ensure that the majority of communal open space is not located on rooftop terraces.</p>

Advice	Comment
	
<p>Council should review how broader infrastructure requirements are funded proportionally, having regard to broader uplift likely to occur in the area and around the North Strathfield Metro Station.</p>	<p>Agreed.</p> <p>A draft amendment to the Canada Bay Local Infrastructure Contribution Plan is recommended to enable future development to contribute towards the upgrade of infrastructure.</p>

CONSULTATION

Should the proposal proceed to Gateway Determination, the Planning Proposal will be placed on public exhibition for a period of 28 days in accordance with the *Canada Bay Community Participation Plan*.

FINANCIAL CONSIDERATIONS

The Planning Proposal has highlighted the need for arrangements to be in place to fund an upgrade to the intersection of George Street and Pomeroy Street, North Strathfield. It is recommended that the Canada Bay Local Infrastructure Contribution Plan be revised to enable contributions collected under the Plan to be directed towards the works.

It is also recommended that a Voluntary Planning Agreement be negotiated to deliver public access over the proposed new roads and open space and any other public benefits.

LEGISLATIVE AND POLICY CONSIDERATIONS

The Planning Proposal has been reviewed against relevant legislation, including the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2021*.