



IRF24/2645

Gateway Determination Report – PP-2024-1595

Parramatta Road Corridor Urban Transformation
Strategy (PRCUTS) – Stage 2

January 2025

Published by NSW Department of Planning, Housing and Infrastructure

dpie.nsw.gov.au

Title: Gateway Determination Report – PP-2024-1595

Subtitle: Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) – Stage 2

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Acknowledgment of Country

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

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Table 1 Reports and plans supporting the Planning Proposal

Relevant reports and plans
Attachment A Planning Proposal - Canada Bay Stage 2 PRCUTS
Attachment B PRCUTS - Planning and Design Guidelines
Attachment C Flood Risk Assessment
Attachment D Preliminary Site Investigation (Contamination)
Attachment E Stage 1 and Stage 2 Traffic and Transport Study
Attachment F Sustainable Precincts Strategy
Attachment G Burwood-Concord Precinct Masterplan
Attachment H Kings Bay Precinct Masterplan
Attachment I Heritage Assessment
Attachment J Feasibility Analysis
Attachment K Urban Canopy Assessment
Attachment L Public Domain Plan

Relevant reports and plans

Attachment M Stage 1 and Stage 2 Infrastructure Strategy

Attachment N Proposed Draft LEP maps

Attachment O DCP - Part K – Amendments to Burwood-Concord Precinct

Attachment P DCP - Part K – Amendments to Kings Bay Precinct

1 Planning Proposal

1.1 Overview

Table 2 Planning Proposal Details

LGA	Canada Bay
PPA	City of Canada Bay
NAME	Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) – Stage 2
NUMBER	PP-2024-1595
LEP TO BE AMENDED	Canada Bay Local Environmental Plan 2013 (Canada Bay LEP 2013)
ADDRESS	Land in the Kings Bay, Burwood-Concord and Homebush Precincts of the PRCUTS.
RECEIVED	18/07/2024
FILE NO.	IRF24/2645
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 objectives of the planning proposal are to:

- Implement planning controls for land in the Kings Bay and Burwood-Concord Precincts (including frame areas) of the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS), with refinements that are underpinned by local strategic planning.
- Create precincts that are safe, socially activated and community friendly.
- Create new centres that are socially and economically activated.
- Create well-designed and sustainable development that is supported by public domain and public benefits.
- Deliver infrastructure appropriate to the intensity of development reflected by the PRCUTS Infrastructure Schedule.

The objectives of this planning proposal are clear and adequate.

1.3 Background

1.3.1 Parramatta Road Corridor Urban Transformation Strategy (PRCUTS)

The Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) was released by the NSW Government in November 2016. It is a 30-year plan setting out the vision and framework to guide renewal in the eight (8) precincts that make up the Parramatta Road Corridor (see **Figure 1**).

The overall vision of the PRCUTS is to enable incremental redevelopment of the Parramatta Road Corridor that improves transport choices, provides better amenity, and balances housing and jobs growth.

The PRCUTS is supported by an Implementation Toolkit, which includes:

- Implementation Plan 2016-2023 to guide staging and sequencing.
- Planning and Design Guidelines setting out suggested land use and built form controls for the entire Parramatta Road Corridor and recommended planning controls for each Precinct.
- Infrastructure Schedule outlining priorities for local, regional and State infrastructure.
- Urban Amenity Improvement Plan setting out a \$198 million package of local works designed to improve the amenity of the Parramatta Road Corridor.

The planning proposal applies to land in the Burwood-Concord, Kings Bay and Homebush Precincts of PRCUTS.

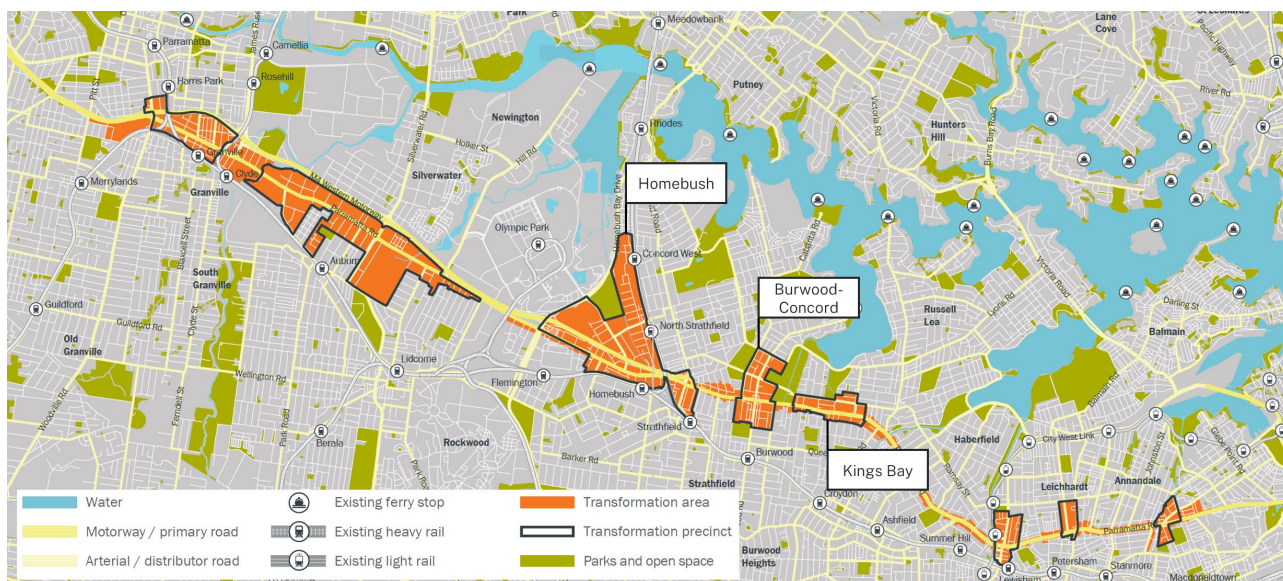


Figure 1 Parramatta Road Corridor (Source: PRCUTS)

1.3.2 Canada Bay Stage 1 PRCUTS Planning Proposal

A planning proposal to implement the recommendations of the PRCUTS in the 2016-2023 release areas identified in the Implementation Plan was finalised in December 2022. This included land in the King Bay Precinct, Burwood-Concord Precinct and the Homebush North Precinct.

The rezoning enabled approximately 4,050 new homes, including 2,945 homes in Stage 1 of the Kings Bay Precinct and 535 homes in Stage 1 of the Burwood-Concord Precinct. It also introduced various local provisions into the Canada Bay LEP 2013. This included new incentive building height and FSR controls in the Kings Bay and Burwood-Concord Precincts available to development that achieves minimum site area and setback requirements and delivers identified on-site infrastructure, including public open space, pedestrian links and service access ways.

1.3.3 Homebush Transport Orientated Development Rezoning Proposal

Homebush was identified as an accelerated precinct under the NSW Government's Transport Oriented Development (TOD) Program. The boundary of the Homebush Precinct is shown in **Figure 2**.



Figure 2 Homebush TOD Accelerated Precinct (Source: Department)

The Homebush Precinct comprises land in the suburbs of Homebush, Homebush West, Strathfield and North Strathfield. The Precinct is positioned between Homebush Station, North Strathfield Station and Strathfield Station.

The rezoning reviewed the planning controls in the Homebush Precinct and sought to implement the PRCUTS, with some additional changes to help facilitate new development on land closest to the Sydney Metro station at North Strathfield. The rezoning aims to maximise the number of residents and workers within an easy walk of key public transport infrastructure.

On 27 November 2024, the Department finalised the rezoning of the Homebush Precinct. The final rezoning package is available at [NSW Planning Portal - Homebush TOD Rezoning Proposal](#).

It was originally intended that parts of Homebush, Strathfield and North Strathfield would be included in Council's current planning proposal to implement the next stage of the PRCUTS. This was because the land made up part of the Homebush Precinct under the PRCUTS (see **Figure 2**). However, because the planning controls for the land were reviewed as part of the rezoning proposal for the Homebush TOD, it has been excluded from Council's planning proposal.

1.4 Site Description and Surrounding Area

1.4.1 Kings Bay Precinct

The Kings Bay Precinct is located along Parramatta Road, between the established centres of Burwood and Five Dock. Stage 2 of the Kings Bay Precinct (shown in red in **Figure 3**) consists of one area to the west (across Walker Street) and one area to the east (from Courland Street to Henley Marine Drive) of Stage 1 of the Kings Bay Precinct (shown in orange in **Figure 3**).

Land in Stage 2 of the Kings Bay Precinct is characterised by a mix of detached homes set back from Parramatta Road (fronting Taylor Street, Queens Road, Walker Street and Courland Street) and light industrial and commercial uses fronting Parramatta Road.

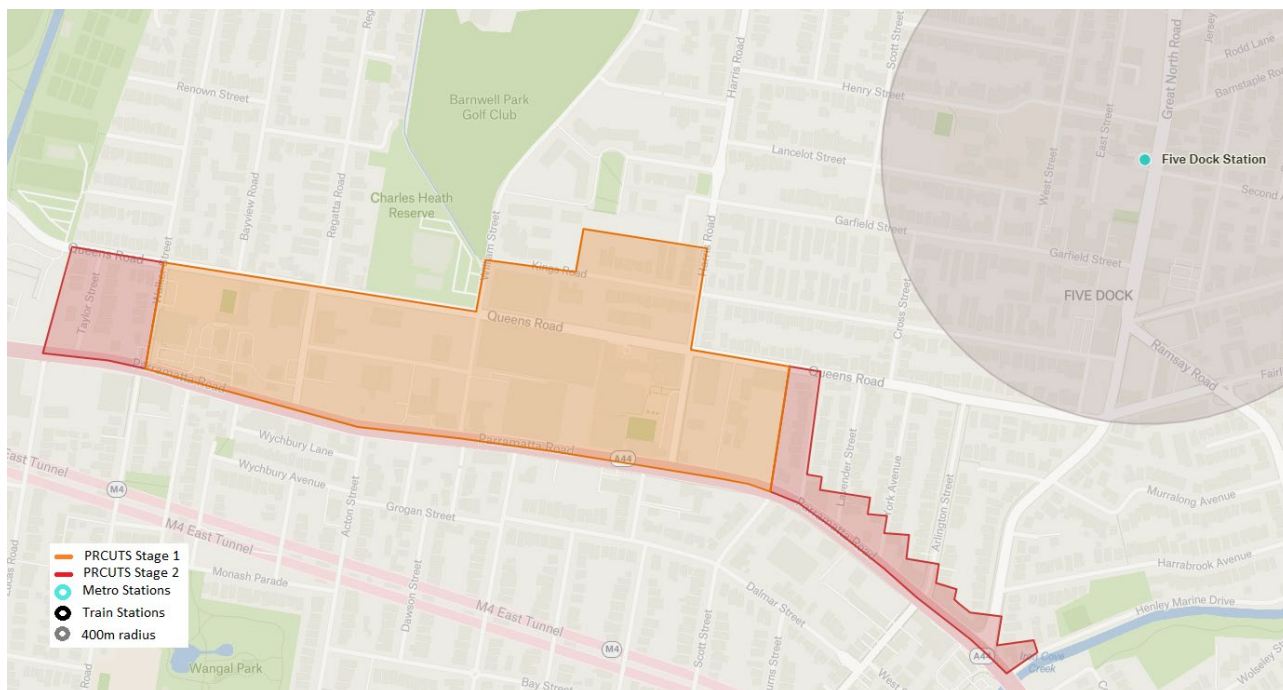


Figure 3 Stages 1 and 2 of the Kings Bay Precinct (Source: Department)

1.4.2 Burwood-Concord Precinct

The Burwood-Concord Precinct is located directly to the north of the existing Burwood town centre and Parramatta Road. Stage 2 of the Burwood-Concord Precinct (shown in red in **Figure 4**) consists of two areas to the north and west of Stage 1 of the Burwood-Concord Precinct and the future Sydney Metro station at Burwood North (shown in orange in **Figure 4**).

The northern part of Stage 2 of the Burwood-Concord Precinct is bound by Crane Street to the north, St Lukes Oval, St Lukes Park and Loftus Street to the east, Burton Street to the south and Broughton Street to the west.

The western part of Stage 2 of the Burwood-Concord Precinct is bound by detached homes to the north, Broughton Street to the east, Parramatta Road to the south, and the entrance/exit of the M4 Motorway to the west.

Land in Stage 2 of the Burwood-Concord Precinct is characterised by a mix of detached homes, townhouses, mid-rise apartment buildings, with some retail, commercial and light industrial uses (particularly along Parramatta Road). It also contains several schools, including Concord High School, Concord Primary School and St Mary's Catholic Primary School.

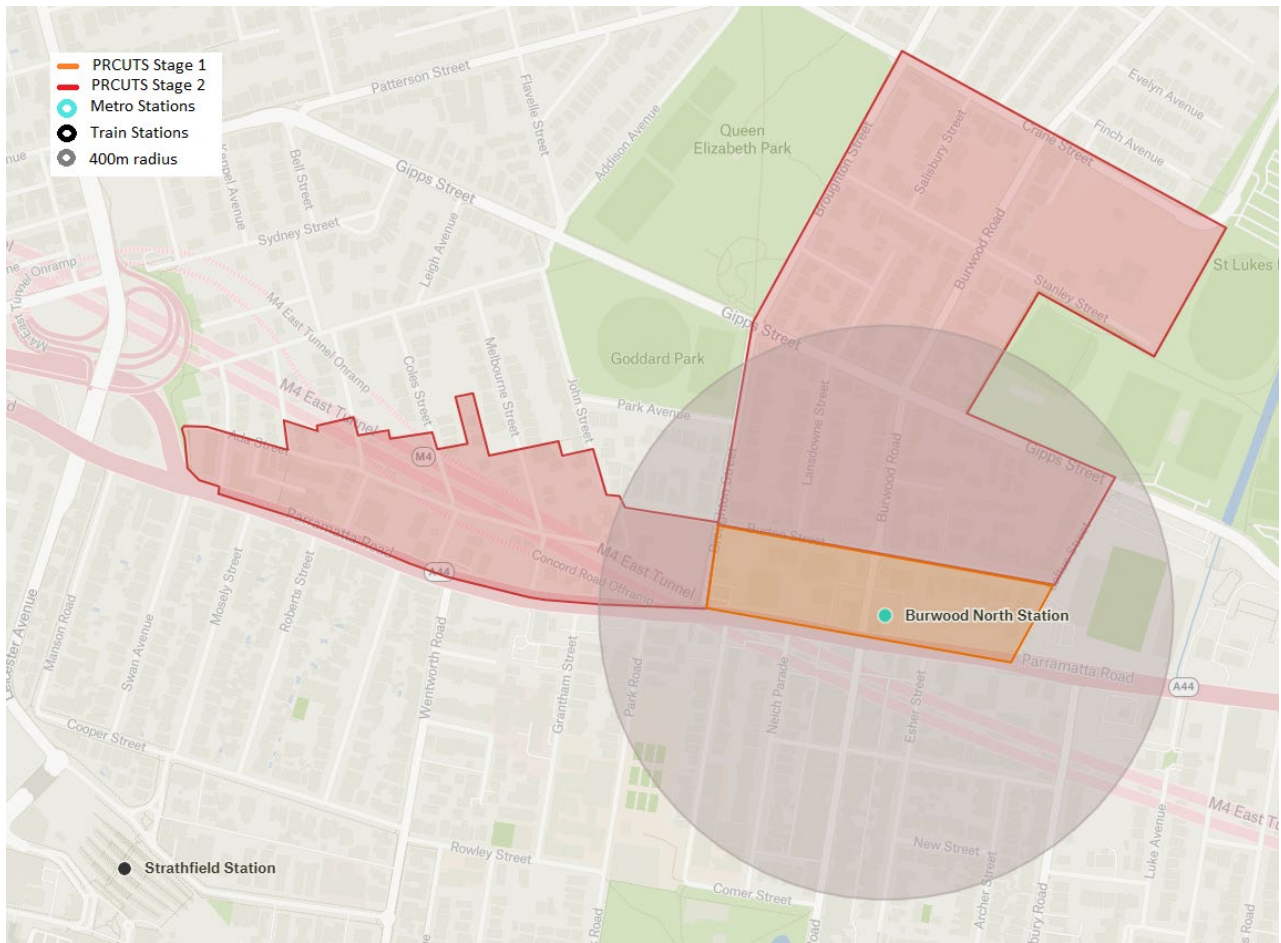


Figure 4 Stages 1 and 2 of the Burwood-Concord Precinct (Source: Department)

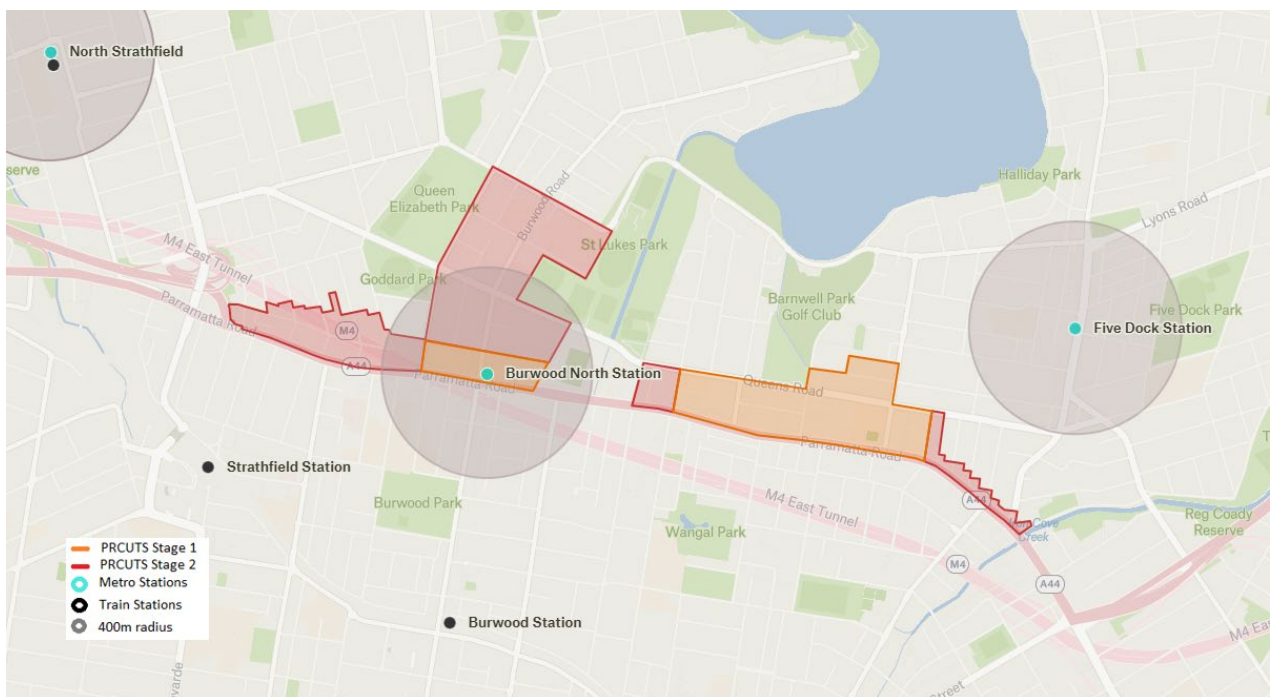


Figure 5 Stage 1 and 2 Canada Bay PRCUTS Area (Source: Department)

1.4.3 Homebush North Precinct

The Homebush North Precinct is located to the west of Concord West Station. It is bound by Concord Avenue in the north, the T9 Northern Railway Line to the east, Rothwell Avenue and Conway Avenue to the south and Powells Creek Reserve and Homebush Bay Drive to the west. Land to the south was rezoned as part of the Department's Homebush Accelerated Transport Oriented Development (TOD) outlined in **Section 1.3.3**.

The Homebush North Precinct is shown in **Figure 6**.

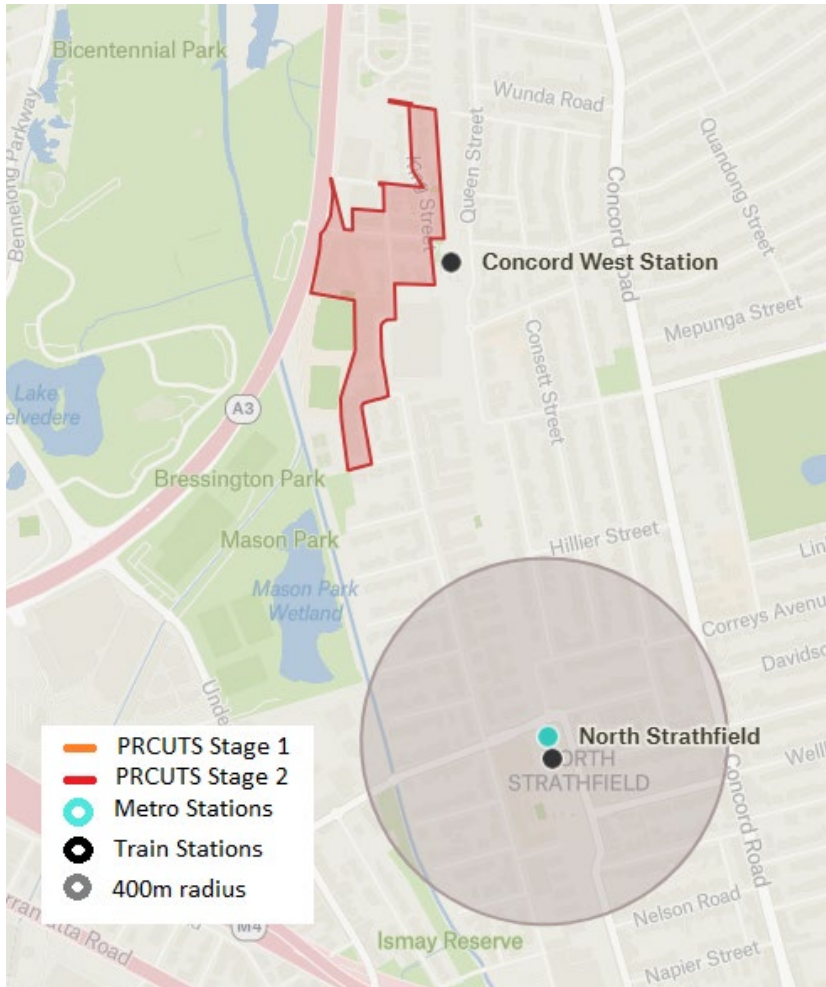


Figure 6 Homebush North Precinct (Source: Department)

1.5 Explanation of Provisions

The planning proposal (**Attachment A**) seeks to amend the Canada Bay LEP 2013 to implement the recommendations of the PRCUTS for Stage 2 of the Kings Bay and Burwood-Concord Precincts, with some refinements based on additional technical studies prepared by Council. The key amendments to the Canada Bay LEP 2013 are to:

- Introduce a new clause containing overarching objectives for development on land identified as 'Burwood-Concord Precinct', 'Homebush North Precinct' or 'Kings Bay Precinct' on the Key Sites Map.
- Rezone land to R3 Medium Density Residential.
- Amend maximum building height and floor space ratio (FSR) controls and introduce incentive building height and FSRs.

- Amend various local provisions and LEP maps relating to affordable housing contributions, design excellence, minimum site areas, building setbacks, car parking rates, sustainability, landscaping, the design of the public domain and the provision of local infrastructure, including roads, footpaths and service access.
- Introduce additional permitted uses and active frontage controls for land along Parramatta Road.
- Exclude some land in the northern part of the Burwood-Concord Precinct 'from the application of the proposed changes for low and mid-rise housing under the Housing SEPP'.

The planning proposal states the proposed amendments have been informed by the Planning and Design Guidelines supporting the PRCUTS and additional heritage and urban design analysis prepared for each Precinct. The proposed amendments are described in further detail below.

Changes to the Canada Bay DCP

The planning proposal is accompanied by amendments to the Canada Bay Development Control Plan (Canada Bay DCP). The proposed amendments to the Canada Bay DCP (referred to as the draft DCP) would provide detailed planning controls that would need to be considered during the preparation and assessment of future DAs in Stage 2 of the Kings Bay and Burwood-Concord Precincts.

1.5.1 Kings Bay Precinct

The planning proposal seeks to extend the Kings Bay Precinct to the east and west, with new mixed-use development along Parramatta Road and apartment buildings fronting Taylor Street, Walker Street, Queens Road and Courland Street. The planning proposal would facilitate approximately 671 new homes in Stage 2 of the Kings Bay Precinct.

The planning proposal also looks to provide additional local infrastructure and new areas of public domain, including new through-site pedestrian links, wider footpaths, and a 6m 'green edge' setback to Parramatta Road to allow for the widening of footpaths and room for trees.

To achieve these outcomes, amendments to the Canada Bay LEP 2013 are proposed. These amendments are outlined in **Table 3** and **Section 1.5.3**. **Figure 7** shows the indicative built form outcome for Stage 2 of the Kings Bay Precinct.

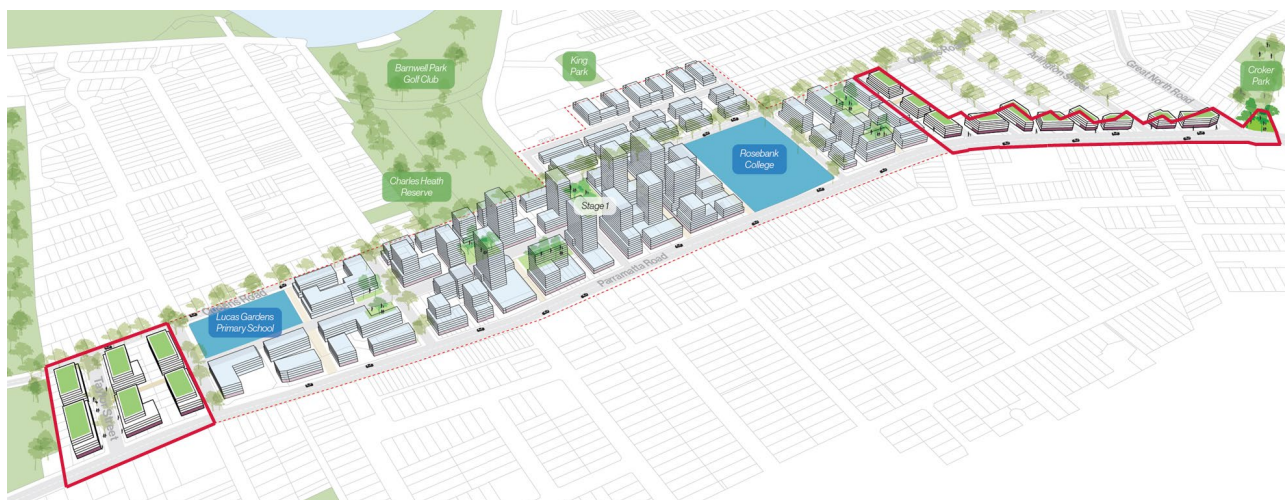


Figure 7 Indicative built form in the Kings Bay Precinct (Source: Master Plan Report)

Table 3 Current and proposed planning controls for Stage 2 of the Kings Bay Precinct

Control	Current	Proposed
Land Use Zoning	<ul style="list-style-type: none"> • R2 Low Density Residential • E3 Productivity Support 	<ul style="list-style-type: none"> • R3 Medium Density Residential
Height of Buildings	8.5m and 12m	2.5m to 12m
Incentive Height of Buildings	N/A	2.5m to 22m
FSR	0.5:1 and 1:1	-
Incentive FSR	N/A	1.4:1 to 2:1

1.5.2 Burwood-Concord Precinct

The planning proposal seeks to build on the mixed-use and residential character of the Burwood-Concord Precinct. This is to be achieved by enabling mixed-use development along Parramatta Road and a combination of terraces and apartment buildings along and to the north of Ada Street and Burton Street. The planning proposal would support the delivery of approximately 3,620 new homes in Stage 2 of the Burwood-Concord Precinct.

The planning proposal also looks to provide new areas of open space and local infrastructure, including new through-site pedestrian links, widened footpaths, a new street connecting Moreton Street and Loftus Street, and a 6m 'green edge' setback to Parramatta Road.

To achieve these outcomes, amendments to the Canada Bay LEP 2013 are proposed. These amendments are outlined in **Table 4**, **Table 5** and **Section 1.5.3**. **Figure 8** and **Figure 9** shows the indicative built form outcome for Stage 2 of the Burwood-Concord Precinct.

Table 4 Existing and proposed planning controls for the northern part of Stage 2 of the Burwood-Concord Precinct

Control	Current	Proposed
Land Use Zoning	<ul style="list-style-type: none"> • E1 Local Centre • R2 Low Density Residential • R3 Medium Density Residential 	<ul style="list-style-type: none"> • R3 Medium Density Residential
Height of Buildings	8.5m	8.5m
Incentive Height of Buildings	N/A	2.5m to 40m
FSR	0.5:1 and 1.5:1	0.5:1 and 1.5:1
Incentive FSR	N/A	0.7:1 to 2.4:1

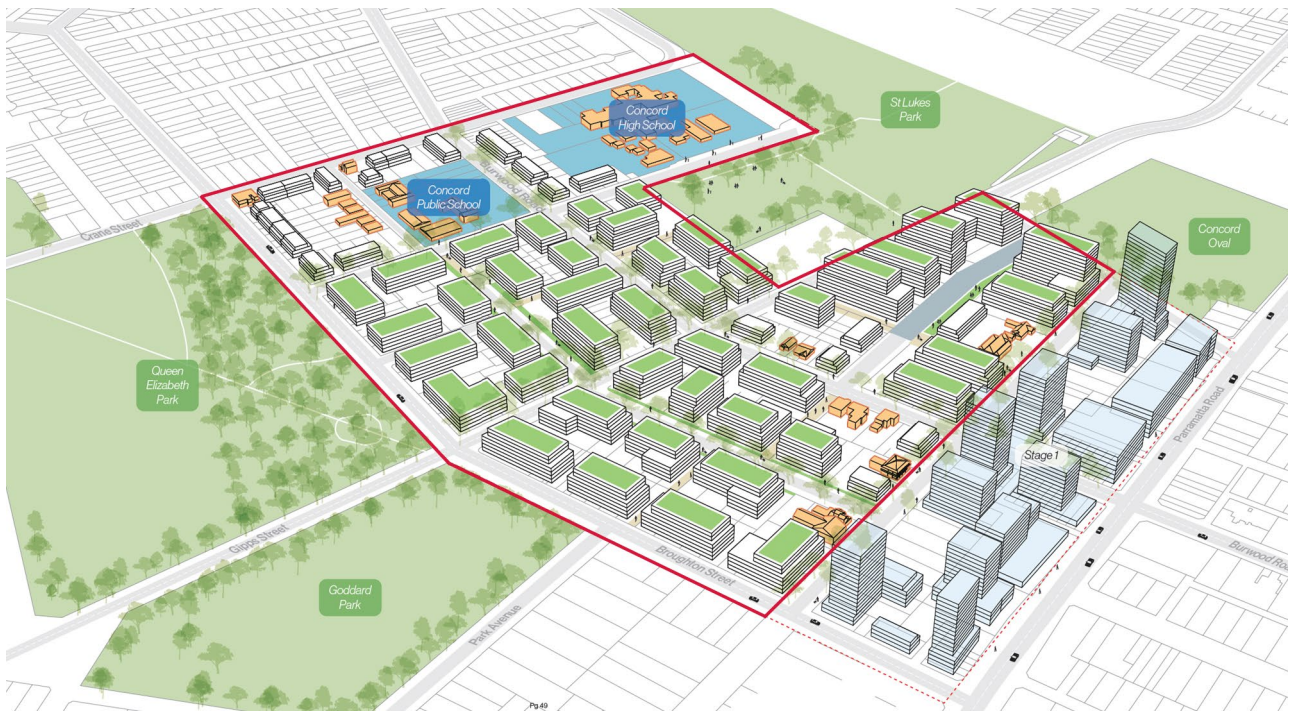


Figure 8 Indicative built form in the northern part of the Burwood-Concord Precinct (Source: Master Plan Report)

Table 5 Existing and proposed planning controls for the western part of Stage 2 of the Burwood-Concord Precinct

Control	Current	Proposed
Land Use Zoning	<ul style="list-style-type: none"> • R3 Medium Density Residential • E3 Productivity Support 	<ul style="list-style-type: none"> • R3 Medium Density Residential
Height of Buildings	8.5m and 12m	8.5m and 12m
Incentive Height of Buildings	N/A	2.5m to 22.5m
FSR	0.5:1 to 2:1	0.5:1 to 2:1
Incentive FSR	N/A	0.7:1 to 3.2:1



Figure 9 Indicative built form in the western part of the Burwood-Concord Precinct (Source: Master Plan Report)

1.5.3 Amendments to Local Provisions

The planning proposal seeks to amend various local provisions in the Canada Bay LEP 2013. The proposed amendments are outlined below.

Table 6 Proposed amendments to local provisions in the Canada Bay LEP 2013

Provision	Proposed Amendment
Clause 6.12 Affordable Housing	<p>Introduce a new affordable housing contribution area in clause 6.12 for 10-12 Gipps St, 3B-11, 4-10 Loftus St, 1-9 Burton St, Concord (Key Site 47). An affordable housing contribution rate of 5% is proposed for the 'Loftus Street Affordable Housing Contribution Area'.</p> <p>The proposed amendment to clause 6.12 would be supported by amendments to the Affordable Housing Contribution Scheme Map identifying the 'Loftus Street Affordable Housing Contribution Area'. The draft Affordable Housing Contribution Scheme Map is shown in Appendix A.</p>
Design Excellence Map	<p>Identify land in Stage 2 of the Kings Bay and Burwood-Concord Precincts on the Design Excellence Map. This would require future development to exhibit design excellence in accordance with the requirements of clause 6.14 of the Canada Bay LEP 2013.</p>
New clause in Part 8	<p>Introduce a new clause containing overarching objectives for Part 8. The planning proposal states that the intent of the objectives is to ensure assessments under Part 8 achieve:</p> <ol style="list-style-type: none"> Holistic development of the precincts. Development of amalgamated sites (Key Sites) in order to avoid creation of isolated sites and reduced overall development capacity of the precincts. Development supported by infrastructure proportionate to the residential and commercial uplift. Creation of liveable precincts by delivering new and upgraded public plazas, public open space, streets and laneways. <p>The objectives would apply to all land identified as 'Burwood-Concord Precinct', 'Homebush North Precinct' or 'Kings Bay Precinct' on the Key Sites Map. This includes land already rezoned in 2022 as part of the planning proposal prepared by</p>

Provision	Proposed Amendment
	<p>Council to implement the recommendations of the PRCUTS in the 2016-2023 release areas (Stage 1).</p> <p>The justification for adding objectives to Part 8 is insufficient. A Gateway condition is recommended requiring that the planning proposal be updated prior to public exhibition to provide a plain-English explanation of the proposed objectives and clear justification for their inclusion in Part 8 of the Canada Bay LEP 2013.</p>
<p>Clause 8.1</p> <p>Application of Part</p>	<p>The planning proposal states that it seeks to amend clause 8.1, which sets out the land to which Part 8 of the Canada Bay LEP 2013 applies. However, no detail of the proposed amendments to the clause has been included. A Gateway condition is recommended requiring that the planning proposal be updated prior to public exhibition to clarify the proposed amendments to clause 8.1.</p>
<p>Key Sites Map</p>	<p>Identify land in Stage 2 of the Kings Bay and Burwood-Concord Precincts on the Key Sites Map as part of the 'Kings Bay Precinct' and 'Burwood-Concord Precinct' respectively.</p> <p>This would apply various planning controls under Part 8 of the Canada Bay LEP 2013 to future development in these Precincts, including provisions relating to maximum car parking rates, sustainability, landscaping and the design of the public domain.</p> <p>The planning proposal also seeks to identify approximately 65 new areas in Stage 2 of the Kings Bay and Burwood-Concord Precincts on the Key Sites Map (to be known as Areas 36-101). This would support the proposed amendments to clauses 8.3, 8.4, 8.5, 8.6, 8.7 and 8.8. This is because each of these clauses relates to areas identified on the Key Sites Map.</p>
<p>Clause 8.3</p> <p>Additional Floor Space Ratio and Building Heights for Areas 1-35</p>	<p>Update the clause so that it references Areas 1-101 (replacing reference to Areas 1-35).</p> <p>Alongside supporting amendments to the Incentive Floor Space Ratio and Incentive Height of Buildings Map (see Appendix A), this would give effect to the proposed incentive building heights and FSRs for land in Stage 2 of the Kings Bay and Burwood-Concord Precincts.</p>
<p>Clause 8.4</p> <p>Minimum Site Area Requirements</p>	<p>Update the clause to include minimum site areas for sites in Stage 2 of the Kings Bay and Burwood-Concord Precincts (Areas 36-101). The proposed minimum site areas are shown in Appendix A of the planning proposal.</p>
<p>Clause 8.6</p> <p>Setback Requirements</p>	<p>Update the clause to require the following areas of public domain be provided where development on certain key sites seeks to rely on the incentive building heights and FSR available under clause 8.3:</p> <ul style="list-style-type: none"> • Areas 36-40, 43, 45, 85-92, 94, 96-97: 6m wide additional public domain along the Parramatta Road frontage. • Area 42: 3.4m wide additional public domain along Queens Road frontage. <p>The proposed wording of 'additional public domain' is inconsistent with the existing wording in clause 8.6, which refers to setbacks to specified roads. The inconsistency between the existing and proposed wording has not been adequately justified in the planning proposal and would unnecessarily complicate the operation of clause 8.6.</p> <p>A Gateway condition is therefore recommended requiring that the planning proposal be updated prior to public exhibition to ensure the setback requirements in clause 8.6 apply consistently between land that is currently subject to the clause and land that is subject to the planning proposal.</p>

Provision	Proposed Amendment
	<p>The planning proposal also seeks to amend clause 8.6 to require that the existing setback areas required by the clause 'are to be dedicated to Council for use as community benefit and in exchange for bonus height and FSR'. The proposed amendment would also affect land in Stage 1 of the Kings Bay and Burwood-Concord Precincts.</p> <p>The proposal to amend clause 8.6 to require the setback areas required by the clause to be dedicated to Council is not supported.</p> <p>This is because the requirement created in the LEP would be unenforceable on future development applications (DAs) as decisions of the NSW Land and Environment Court indicate that it is contrary to the EP&A Act 1979 to impose a condition of consent requiring the dedication of land (even if the land dedication was offered by the developer), unless the dedication is pursuant to a planning agreement, or the condition is authorised by a contributions plan prepared under section 7.11 of the EP&A Act, or potentially through a plan of subdivision for the dedication of roads under the <i>Roads Act 1993</i> (NSW).</p> <p>A Gateway condition is therefore recommended requiring that the planning proposal be updated prior to public exhibition to remove the proposed requirement to dedicate setback areas required under clause 8.6 to Council.</p>
<p>Clause 8.7</p> <p>Pedestrian Link and Road Requirements</p>	<p>Update the clause to require the following pedestrian links and roads to be delivered where development on certain key sites seeks to rely on the incentive building heights and FSR available under clause 8.3:</p> <ul style="list-style-type: none"> • Area 47: 19.3m wide road that connects the road on Area 50 to Loftus Street. • Area 50: <ul style="list-style-type: none"> – 19.3m wide road that connects the road on Area 47 to Moreton Street – 6m wide pedestrian link along western boundary that connects the road to Gipps Street – 6m wide pedestrian link along western boundary that connects the road to Area 49. • Area 98: 12m wide pedestrian link that connects the pedestrian link on Area 99 to Burton Street. • Area 99: 10.3m wide pedestrian link that adjoins Lot 8 DP 25630 and connects John Street to the pedestrian link on Area 98.
<p>Clause 8.8</p> <p>Service Access Way Requirements</p>	<p>Update the clause to require the following service access ways to be delivered where development on certain key sites seeks to rely on the incentive building heights and FSRs available under clause 8.3:</p> <ul style="list-style-type: none"> • Area 93: 5m x 5m truck turning splay at the north-west corner. • Area 95: <ul style="list-style-type: none"> – 3.2m widening of Ada Lane way along the southern boundary and 9m wide along eastern boundary that connects to Ada Street – 5m x 5m truck turning splay at the northeast corner. • Area 96: 5m x 5m truck turning splay at the northeast corner.
<p>Clause 8.9</p> <p>Additional Floor Space for BASIX Buildings</p>	<p>The planning proposal states that it seeks to amend clause 8.9, which relates to FSR bonuses for buildings that exceed the sustainability commitments for energy and water under the Building Sustainability Index (BASIX). However, no detail of the proposed amendment to the clause has been included.</p>

Provision	Proposed Amendment
	A Gateway condition is recommended requiring that the planning proposal be updated prior to public exhibition to clarify the proposed amendments to clause 8.9.
Item 22, Schedule 1 Additional Permitted Uses	Update Item 22 to include reference to the Burwood-Concord Precinct. Alongside supporting amendments to the Additional Permitted Uses Map (Appendix A), this would make development for the purposes of commercial premises and light industries an additional permitted use on the ground floor of residential flat buildings along Parramatta Road in both the Kings Bay and Burwood-Concord Precincts.

1.5.4 Exclusions to the Low and Mid-Rise Housing Reforms

The planning proposal states it is seeking to exclude land bound by Crane Street, St Lukes Oval, Stanley Street and Broughton Street (see **Figure 10**) 'from application of the proposed changes for low and mid-rise housing under the Housing SEPP'. This land contains Concord Public School and Concord High School and is referred to by Council in the planning proposal as the 'Schools Precinct'.

The low and mid-rise housing reforms aim to allow a greater variety of homes to be built in well-located areas across the Sydney, the Hunter, the Central Coast and Illawarra regions. The first stage of the reforms, which commenced on 1 July 2024, permits dual occupancies and semi-detached dwellings on all land zoned R2 Low Density Residential. The second stage of the reforms will support the delivery of townhouses, terraces and low and mid-rise apartment buildings near transport hubs and town centres. Find further information on the [low and mid-rise housing reforms on the Department's website](#).

It is unclear which part of the low and mid-rise housing reforms Council are proposing to exclude from applying in the 'Schools Precinct'. The planning proposal also does not provide adequate justification for why the low and mid-rise housing reforms should not apply to the 'Schools Precinct', or how they would be excluded by an amendment to the Canada Bay LEP 2013.

A Gateway condition is therefore recommended requiring the planning proposal to be updated prior to public exhibition to remove the proposal to exclude the low and mid-rise housing reforms from applying in the 'Schools Precinct'.



Figure 10 'Schools Precinct' (Source: Department)

1.6 Mapping

The planning proposal includes mapping showing the proposed changes to the following maps in the Canada Bay LEP 2013:

- Land Zoning Map
- Floor Space Ratio Map
- Incentive Floor Space Ratio Map
- Height of Buildings Map
- Incentive Height of Buildings Map
- Active Street Frontages Map
- Key Sites Map
- Design Excellence Map
- Affordable Housing Contribution Scheme Map
- Additional Permitted Uses Map.

Some of the text and property boundaries in the draft Land Zoning Map and FSR Map are unclear. Sheet 003 of the draft Height of Buildings Map has not been provided.

A Gateway condition is recommended requiring that the planning proposal be updated prior to public exhibition:

- So that the text and property boundaries on the draft Land Zoning Map and FSR Map are legible.
- To include Sheet 003 of the draft Height of Buildings Map in draft LEP maps.

The draft LEP maps are suitable for community consultation, subject to amendments to comply with the recommended Gateway condition.

The draft maps are provided at **Appendix A**.

2 Need for the Planning Proposal

The planning proposal seeks to amend the Canada Bay LEP 2013 to implement the PRCUTS for land in Stage 2 of the Kings Bay Precinct and Burwood-Concord Precinct.

The planning proposal also seeks to align the planning controls for this land with the Eastern City District Plan (District Plan), Canada Bay Local Strategic Planning Statement (LSPS), Canada Bay Local Housing Strategy (LHS) and the Canada Bay Affordable Housing Contributions Scheme.

The planning proposal has been informed by the recommendations and supporting guidelines of the PRCUTS and is supported by the following technical studies:

- Master plans to inform proposed planning controls for each Precinct
- Public Domain Plan based on the PRCUTS Infrastructure Schedule
- Sustainable Precincts Strategy
- Flood Risk Assessment
- Traffic and Transport Study and Action Plan
- Preliminary Site Investigation
- Heritage Advice
- Feasibility Analysis.

3 Strategic Assessment

3.1 Region Plan

The Greater Sydney Region Plan – A Metropolis of Three Cities (the Region Plan), released by the NSW Government in 2018, sets out the strategic planning vision for Greater Sydney.

The Region Plan aligns land use, transport and infrastructure planning to reshape Greater Sydney as a metropolis of three connected cities: the Western Parkland City, the Central River City, and the Eastern Harbour City. The Canada Bay LGA is in the Eastern Harbour City.

Under section 3.8 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) a planning proposal is to give effect to the relevant District Plan. By giving effect to the District Plan, the proposal is also consistent with the Regional Plan. Consistency with the District Plan is addressed in **Section 3.2** below.

3.2 District Plan

The Canada Bay LGA is in the Eastern City District. The then Greater Sydney Commission released the District Plan for the Eastern City District in March 2018. It contains the planning priorities and associated actions for implementing the Region Plan in the Eastern City District.

The planning proposal addresses the priorities of the District Plan. The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the EP&A Act. **Table 7** assesses the planning proposal against the relevant priorities and actions of the District Plan.

Table 7 Assessment against the District Plan

Planning Priority	Justification
Infrastructure & Collaboration	
Planning for a city supported by infrastructure (Priority E1)	<p>The planning proposal would help align growth with infrastructure, by enabling the delivery of new homes and employment floor space near infrastructure, including existing areas of public open space and the future Sydney Metro station at Burwood North.</p> <p>The planning proposal proposed amendments to the Canada Bay LEP 2013 that would encourage new development to deliver some of the local infrastructure needed to support growth, including new streets, pedestrian links and service access ways. This is discussed in Section 4.3.</p>
Liveability	
Providing services and social infrastructure to meet people's changing needs (Planning Priority E3)	<p>The planning proposal is supported by an Infrastructure Strategy (Attachment M) which details how local infrastructure needed to support growth in the Kings Bay and Burwood-Concord Precincts would be delivered. Local infrastructure in the Precincts would be funded and delivered through a combination of:</p> <ul style="list-style-type: none"> On-site provision as part of the redevelopment of Key Sites in accordance with the proposed amendments to the Canada Bay LEP 2013 (see Section 1.5.3). Local infrastructure contributions made in accordance with the City of Canada Bay Local Infrastructure Contributions Plan.
Providing housing supply, choice and affordability with access to jobs, services and public transport (Priority E5)	<p>The planning proposal would add to housing supply, choice and affordability by enabling approximately 4,290 new homes to be built close to infrastructure, jobs, services and public transport, including the future Sydney Metro station at Burwood North.</p>
Creating and renewing great places and local centres, and respecting the District's heritage (Priority E6)	<p>The planning proposal would add to the character and amenity of the Kings Bay and Burwood Concord Precincts by enabling the delivery of a greater mix of well-located homes and jobs, areas of public domain and open space, as well as streets and through-site links that make it easier for people to get around. The proposed building heights and FSRs have been designed to minimise potential impacts on items of heritage significance in the Precinct. This is discussed in further detailed in Section 4.1.2, the Heritage Statement (Attachment I), and the master plans prepared for each Precinct (Attachment G and Attachment H).</p>
Productivity	
Delivering integrated land use and transport	<p>The planning proposal would help integrate land use and transport planning by supporting the delivery of new homes and employment floor space close to</p>

Planning Priority	Justification
planning and a 30-minute city (Priority E10)	existing and planned infrastructure, including the future Sydney Metro station at Burwood North.
Retaining and managing industrial and urban services land (Priority E12)	The strategies and actions for industrial land in the District Plan do not apply to land in the PRCUTS.
Sustainability	
Increasing urban tree canopy cover and delivering Green Grid connections (Priority E17)	The planning proposal would enable the delivery of new areas of public domain and open space that provide opportunities to increase landscaping, deep soil, and canopy coverage. The planning proposal is supported by an Urban Tree Canopy Assessment (Attachment K) that shows that the redevelopment of land in Stage 2 of the Kings Bay and Burwood-Concord Precinct could achieve a canopy coverage of between 25-28%. Planning controls to encourage landscaping, deep soil and canopy coverage are included in the draft DCP (Attachment O and Attachment P).
Delivering high quality open space (Priority E18)	The planning proposal would improve access to high quality open space by enabling the delivery of: <ul style="list-style-type: none"> • New homes in an area close to several existing parks, including Croker Park, St Lukes Park, St Lukes Oval, Queen Elizabeth Park, Goddard Park and Rothwell Park. • New streets and pedestrian links that make it easier for people to move around and through the Precincts.
Reducing carbon emissions and managing energy, water and waste efficiently (Priority E19)	The planning proposal would help reduce carbon emissions and encourage the efficient use of energy and water by expanding existing floor space incentives in the Canada Bay LEP 2013 for buildings that exceed the sustainability commitments for energy and water under BASIX to land in Stage 2 of the Kings Bay and Burwood-Concord Precincts.
Adapting to the impacts of urban and natural hazards and climate change (Priority E20)	The planning proposal is supported by a Flood Risk Assessment (FRA) which concluded that redevelopment of land in Stage 2 of the Kings Bay and Burwood-Concord Precincts is generally appropriate from a flood risk perspective, subject to the adoption of the recommendations of the FRA. Flooding is discussed in further detail in Section 3.5 .

3.3 Local Plans

The planning proposal's consistency with relevant local plans and endorsed strategies is considered in **Table 8** below.

Table 8 Local Strategic Planning Assessment

Local Strategies	Justification
Local Strategic	Council's endorsed LSPS sets out a 20-year vision for the land use planning within the Canada Bay LGA, as well as the planning priorities and actions that are needed to achieve

Local Strategies	Justification
Planning Statement	<p>Council's vision. It gives effect to the District Plan at a local level and is informed by strategies prepared by Council, including the Community Strategic Plan.</p> <p>The planning proposal is consistent with some actions of the LSPS as it will:</p> <ul style="list-style-type: none"> • Help align growth with supporting infrastructure, by enabling new homes and jobs near the future Sydney Metro station at Burwood North (Action 1.2). • Add to the overall supply and diversity of housing in the LGA by providing capacity for approximately 4,291 new homes, including a mix of apartments and townhouses (Action 5.6). • Make it easier for people to get around by walking and cycling by enabling the delivery of new and enhanced pedestrian links, including along Parramatta Road (Action 14.3). • Add to the amenity and character of the area by enabling new development capable of providing additional tree canopy coverage in accordance with the requirements of the Canada Bay DCP (Action 16.5). <p>Action 5.1: Implement the Parramatta Road Corridor Strategy in accordance with the 2016-2023 Implementation Plan</p> <p>The planning proposal is considered inconsistent with the PRCUTS. This is discussed in Section 3.5 below.</p> <p>Action 5.5: Require a minimum of 5% of the Gross Floor Area of new development to be dedicated as affordable housing (in the PRCUTS Precincts)</p> <p>Council's Affordable Housing Contributions Scheme was adopted in August 2020. It currently requires 4% of residential GFA on land in Stage 1 of Kings Bay and Burwood-Concord Precincts be provided as affordable housing (or an equivalent monetary contribution). The 4% rate was based on feasibility testing which found that the 5% affordable housing contribution rate recommended in the LSPS would not be feasible.</p> <p>Council undertook additional feasibility analysis as part of the preparation of this planning proposal. The feasibility analysis (Attachment J) tested the amount of affordable housing that could be feasibly provided on 10 representative sites in Stage 2 of the Kings Bay and Burwood-Concord Precincts. The feasibility analysis found that a 1% affordable housing contribution rate would be feasible on Key Site 44 and a 5% affordable housing contribution rate would be feasible on Key Site 47.</p> <p>The planning proposal seeks to require an affordable housing contribution rate of 5% for Key Site 47, but does not propose an affordable housing contribution rate for Key Site 44 or any other land in Stage 2 of the Kings Bay and Burwood-Concord Precincts.</p> <p>The planning proposal does not explain why an affordable housing contribution rate has not been proposed for Key Site 44, or similar sites in the Precincts. A Gateway condition is recommended requiring that the planning proposal be updated prior to public exhibition to clarify why no affordable housing contribution rate is proposed for Key Site 44 (or other similar sites in the Precincts).</p> <p>The inconsistency of the proposed affordable housing contribution rates with Action 5.5 of the LSPS (with the exception of Key Site 44) is considered justified. This is because they have been informed by detailed feasibility analysis.</p>
Our Future 2036	<p>Our Future 2036 is Council's overarching Community Strategic Plan, setting out Council's vision for the LGA. The planning proposal is consistent with the Community Strategic Plan</p>

Local Strategies	Justification
(Community Strategic Plan)	because it would enable the delivery of well-located homes and jobs, areas of public domain and open space, and through-site links that that improve the amenity and character of the Kings Bay and Burwood-Concord Precincts.
Local Housing Strategy	<p>The planning proposal is generally consistent with Council's Local Housing Strategy because it will:</p> <ul style="list-style-type: none"> • Enable new homes to be built in an area identified for growth as part of the PRCUTS (Priority 1). • Add to the overall supply and diversity of housing in Kings Bay and Burwood-Concord Precincts by providing capacity for approximately 4,291 new homes, including a mix of apartments and townhouses (Priority 2). <p>The planning proposal does not achieve the aspirational target in the Local Housing Strategy of 5% of new residential GFA being provided as affordable housing (or an equivalent monetary contribution). However, as discussed above, the proposed affordable housing contribution rates have been justified by additional feasibility analysis (Attachment J).</p>

3.4 Local Planning Panel Recommendation

The Canada Bay Local Planning Panel (LPP) considered the planning proposal on 8 May 2024. It recommended the planning proposal be supported. The Canada Bay LPP's advice and Council's response as outlined in the Council report is summarised in **Table 9** below.

Table 9 Council officer's response to the recommendations of the Canada Bay LPP

Recommendation	Summary of Council Response
The planning proposal should be checked to ensure the proposed FSRs correlate with the proposed height limits. The Panel also suggests further justification be provided where the proposed FSR is lower than PRCUTS.	<p>Council's report noted that the recommended FSRs have been derived from the master plans prepared on behalf of Council.</p> <p>The Council endorsed planning proposal was updated to include additional explanation for why on some sites the FSRs recommended in the PRCUTS are not able to be achieved.</p>
For the land use zoning, consider mechanisms that may allow greater employment-generating uses than typically included in an R3 Medium Density Residential zone, and the ongoing potential of the creation of existing use rights along Parramatta Road.	<p>The Council report indicated agreement with the LPP's advice and noted that the planning proposal would make development for the purposes of commercial premises and light industries an additional permitted use on the ground floor of residential flat buildings along Parramatta Road in both the Kings Bay and Burwood-Concord Precincts.</p> <p>The report noted the appropriateness of proposed uses would be considered further as part of the assessment of future DAs.</p>

Recommendation	Summary of Council Response
<p>For the required site amalgamations, some sites are very large (5,000-11,000m²) and some contain several buildings. The size of these sites may warrant review over time, if they hinder practical delivery.</p>	<p>The LPP's advice was noted and the report suggested a review of site amalgamation requirements will occur following public exhibition, taking into consideration submissions received. The report also noted that development in the Precincts would be monitored.</p>
<p>Further consider providing open space at 1C Henley Marine Drive (and generally), given likely developer contributions, or other potential mechanisms to deliver local open space for the growth in population. In this regard, a future review of the Contributions Plan would be warranted.</p>	<p>The LPP's advice was noted and the report acknowledged that the PRCUTS recommends the land be rezoned to RE1 Public Recreation.</p> <p>Council noted that rezoning the land to RE1 Public Recreation would place a commitment on Council to purchase the land. They also noted that the mechanism used to deliver open space elsewhere in the Precincts cannot be used for 1C Henley Marine Drive because no increase to the maximum building heights or FSR is proposed.</p> <p>The report notes a commitment to consult with TfNSW during the public exhibition period on the future use of the site for public recreation.</p>
<p>Given the length and complexity of the documents supporting the planning proposal and to assist in community understanding, include a section in the planning proposal which summarises the findings of each of the studies undertaken.</p>	<p>The LPP's advice was supported, and the planning proposal updated before it was endorsed by Council to summarise the findings of each supporting study.</p>
<p>Provide greater clarity in the planning proposal on the approach, rate and mechanism to deliver affordable housing and consider all opportunities to deliver affordable housing.</p>	<p>The LPP's advice was supported, and the planning proposal updated before it was endorsed by Council to clarify the results of the feasibility analysis and the proposed affordable housing contribution rates.</p>
<p>Consider the relocation of the pedestrian through site links to span property boundaries rather than be dedicated by only one property, where this may provide greater certainty or flexibility in provision of such links. This could provide a public benefit more efficiently and activate the links earlier</p>	<p>The LPP's advice was noted and the report notes intent to review the location of the laneways following public exhibition as part of consideration of submissions received.</p>
<p>Sustainability measures should consider electric vehicle charging, and waste recycling and reuse of materials where possible and inclusion of any other innovative ESD initiatives that may not be outlined in the DCP or current policies.</p>	<p>The LPP's advice was supported, and the report noted the current DCP includes provisions for electric vehicle charging, waste recycling and the reuse of materials. The planning proposal was noted to expand FSR incentives for buildings that exceed energy and water commitments under BASIX. For these reasons, no changes were made to the planning proposal in response to the LPP's advice.</p>

Recommendation	Summary of Council Response
Review the proposed LEP height limit maps for specific sites in light of the proposed variable heights proposed within each site as shown in the Urban Design Masterplan. Potential greater alignment of the desired heights as shown in the Masterplan/draft DCP and the draft LEP HOB maps should be considered.	The LPP's advice was supported, and the report noted that the building heights would be reviewed as part of consideration of submissions made during the public exhibition of the planning proposal. Council noted that the public exhibition process would provide the community with an opportunity to review the proposed building heights.
Review, where necessary, block designs and proposed street wall and podium heights (which currently vary) to maintain consistency, ease of built form integration and connectivity.	The LPP's advice was supported, and the report indicated that the street wall and podium heights would be reviewed following public exhibition as part of consideration of submissions received.
That specific objectives of the relevant development standards as they apply to PRCUTS be drafted to particularly ensure the desired urban design and environmental outcomes are explicit.	The LPP's advice was agreed, and the planning proposal updated before it was endorsed by Council to include draft objectives for Part 8 of the Canada Bay LEP 2013 that relate to PRCUTS.
If possible, the objectives of each development standard that will apply should be PRCUTS-specific.	The LPP's advice informed an update to the planning proposal before it was endorsed by Council to ensure the draft objectives are specific to land covered by the PRCUTS.
Include any further information regarding State-planned infrastructure, including investment in schools, hospitals, public transport and road upgrades.	Council's report noted that School Infrastructure NSW, NSW Health, Transport for NSW and Sydney Metro would be consulted during public exhibition.

3.5 Section 9.1 Ministerial Directions

Table 10 provides an assessment of the planning proposal's consistency with the relevant section 9.1 Directions issued by the Minister for Planning and Public Spaces.

Table 10 Assessment against relevant section 9.1 Directions

Directions	Consistency	Reasons for Consistency or Inconsistency
Focus Area 1: Planning Systems		
1.1 Implementation of Regional Plans	Consistent	The planning proposal is broadly consistent with the Region Plan and District Plan (see Section 3.1 and Section 3.2).
1.4 Site Specific Provisions	Unresolved	<p>The Direction seeks to discourage unnecessarily restrictive site-specific planning controls in LEPs.</p> <p>The planning proposal seeks to amend several existing site-specific provisions in the Canada Bay LEP 2013 that were introduced as part of the planning proposal to implement the recommendations of the PRCUTS in the 2016-2023 release areas (see Section 3.5.1).</p>

Directions	Consistency	Reasons for Consistency or Inconsistency
		<p>The proposed site-specific provisions are discussed in Section 1.5.3, but include requirements relating to site area, setbacks and public domain areas, the delivery of local infrastructure, as well as making development for the purposes of commercial premises and light industries an additional permitted use on the ground floor of residential flat buildings along Parramatta Road in both the Kings Bay and Burwood-Concord Precincts.</p> <p>While the Department is generally satisfied that inconsistency with the Direction is minor and justified, the planning proposal has not provided sufficient justification for applying minimum site area requirements for the redevelopment of key sites in Stage 2 of the Kings Bay and Burwood-Concord Precinct (that are seeking to take advantage of the incentive building heights and FSRs), particularly on land where the provision of setbacks or delivery of local infrastructure would not be required under clauses 8.5, 8.6, 8.7 and 8.8.</p> <p>A Gateway condition is recommended requiring that the planning proposal be updated prior to public exhibition to justify the proposed minimum site area requirements for the redevelopment of key sites in Stage 2 of the Kings Bay and Burwood-Concord Precincts.</p>

Focus Area 1: Planning Systems – Place-based

1.5 Parramatta Road Corridor Urban Transformation Strategy	Unresolved	The planning proposal's consistency with the Direction is addressed in Section 3.5.1 and Appendix B below.
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Focus Area 3: Biodiversity and Conservation

3.2 Heritage Conservation	Consistent	<p>The Directions seeks to conserve items, areas, objects and places of environmental and Aboriginal heritage significance.</p> <p>The planning proposal will not amend any heritage listings or alter the application of existing provisions in the Canada Bay LEP 2013 that require heritage conservation to be considered in the assessment of any future DAs (particularly clause 5.10). The planning proposal is supported by a supporting Heritage Assessment (Attachment I).</p> <p>The Department is satisfied that the existing provisions in the Canada Bay LEP 2013, together with the proposed provisions in the planning proposal and draft DCP, can help facilitate the conservation of items, objects, areas and places of environmental and Aboriginal heritage significance. The planning proposal is therefore consistent with the Direction.</p> <p>An assessment of the potential heritage impacts of the planning proposal is provided in Section 4.1.</p>
3.10 Water Catchment Protection	Unresolved	The Direction seeks to protect, maintain and enhance the environmental quality of certain regulated water catchments. The Direction applies because the planning proposal applies to land within

Directions	Consistency	Reasons for Consistency or Inconsistency
		<p>the Sydney Harbour Catchment under the Biodiversity and Conservation SEPP.</p> <p>The planning proposal does not include sufficient information to determine whether it is consistent with the Direction. A Gateway condition is recommended requiring that the planning proposal be updated prior to public exhibition to address consistency with the Direction.</p>

Focus Area 4: Resilience and Hazards

4.1 Flooding	Unresolved	<p>The Direction seeks to ensure that the development of flood prone land is consistent with government plans and policies and that provisions in planning proposals that apply to flood prone land are commensurate with flood behaviour and consider the potential on-site and off-site flood impacts.</p> <p>The Direction applies because some of the land subject to the planning proposal is identified as flood prone in the floodplain risk management plans prepared for the Exile Bay, St Lukes, Kings Bay and Dobroyd Canal catchments.</p> <p>A Flood Risk Assessment (FRA) has been prepared to support the planning proposal. It assesses existing flood behaviour in the Kings Bay and Burwood-Concord Precincts across a range of flood events, models and assesses the potential impacts on flood behaviour of development enabled by the planning proposal, and reviews and recommends necessary flood mitigation measures. The FRA also assesses the consistency of the planning proposal with the Direction.</p> <p>The flood risk in each part of the Kings Bay and Burwood-Concord Precincts is outlined below.</p> <p><u>Eastern part of Kings Bay Precinct</u></p> <p>The FRA concludes that development in this part of the Kings Bay Precinct is expected to only have minor flood impacts in the 1% annual exceedance probability (AEP) flood event. The only notable change would be a minor increase in the obstruction of a shallow water layer that moves across the surface due to the building at the Parramatta/Great North Road intersection. Changes in building footprints near the intersection of Parramatta Road and Great North Road are expected to have a minor and localised impact upstream on one adjacent property on Great North Road. The FRA concludes that the localised nature of the impact indicates that it is likely to be able to be readily resolved during the design and assessment of the building at the corner of Parramatta Road and Great North Road. Similar flooding impacts were observed in the 5% AEP and the probable maximum flood (PMF) flood events.</p> <p><u>Great North Road / Henley Marine Drive</u></p> <p>The FRA found that Henley Marine Drive has a significant sensitivity to rainfall increase and some sensitivity to sea level rise. The rainfall increase can result in up to a 0.4m increase in the level of flooding in the 1% AEP flood event and a 0.2 m increase in the flood level with</p>
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Directions	Consistency	Reasons for Consistency or Inconsistency
		<p>sea level rise. The flood hazard category for Henley Marine Drive ranges between H1 and H3 during the 1% and 5% AEP flood events (due to the inundation of the Dobroyd Canal) and between H1 and H5 during the PMF flood event.</p> <p><u>Western part of Kings Bay Precinct</u></p> <p>The FRA concludes that development in this part of the Precinct would have no flood impacts. This is because the changes to building footprints are located upstream of areas of very shallow overland flow and would therefore have no bearing on flow behaviour.</p> <p><u>Northern part of Burwood-Concord Precinct</u></p> <p>The FRA concludes that development in this part of the Precinct would have no significant flood impacts. This is because the area has only shallow flow through it (moving east and north-east).</p> <p>There would be some localised impacts downstream of the Precinct in part of St Lukes Park during the 1% AEP flood event. However, these impacts are expected to be only 0.02m and able to be readily resolved as part of the design and assessment of buildings in the area. Similar impacts are observed in the 5% AEP and PMF flood events.</p> <p><u>Western part of Burwood Concord Precinct</u></p> <p>The FRA found that development in this part of the Precinct could have significant flood impacts in the 1% AEP flood event.</p> <p>There are two primary areas of concern. The first is two properties at the edge of intersection of Phillip Street and Parramatta Road, where changes to building footprints could increase flood levels by 0.02m.</p> <p>The second is a larger area between Coles Street and Melbourne Street, where changes to building footprints could increase flood levels by 0.02-0.05m.</p> <p>The FRA concludes that the potential flood impacts in the western part of the Burwood-Concord Precinct require mitigation. However, it found that relatively minor changes and works would be able to achieve a significant reduction in flood impacts. These include:</p> <ul style="list-style-type: none"> • A slight reduction in the building footprint on the east side of Coles Street. • Adding A new 450mm diameter stormwater pipe along Parramatta Road and Coles Street, connecting to existing drainage at the intersection of Coles Street and Ada Street. • An adjustment to the proposed ground level at 25 Ada Street. <p><u>Consistency with Direction</u></p> <p>The FRA acknowledges that the planning proposal is inconsistent with the terms of the Direction because it would permit a significant increase in the development and/or dwelling density of land in the flood planning area (FPA).</p> <p>However, the FRA concludes that development in accordance with the master plans is generally suitable from a flood risk perspective and</p>

Directions	Consistency	Reasons for Consistency or Inconsistency
		<p>would generally have minor or negligible impacts on flood behaviour. The exception is the western part of the Burwood-Concord Precinct, where the FRA finds that flood risk can be readily mitigated by changes to building footprints, stormwater upgrades along Parramatta Road and Coles Street and adjusting the ground level at 25 Ada Street, Concord. It also found that evacuation is not a significant risk factor and new buildings in the Precincts can be designed to be safely occupied during a flood event (as part of a shelter-in-place emergency management strategy), with the ground floor of buildings in most locations above the level of the PMF.</p> <p>The FRA recommends that the FPA identified in the Canada Bay DCP be updated to include all land categorised as having a 'medium' or 'high' flood risk in the Kings Bay and Burwood-Concord Precincts. Council has updated the DCP in accordance with the recommendations of the FRA (see Attachment C). This would require future development on this land to be supported by a detailed flood impact demonstrating no increase in flood risk and designed to prevent ingress of floodwaters by ensuring that entrances are above the flood planning level (FPL).</p> <p>However, the planning proposal and supporting FRA do not include sufficient information on the proposed emergency management strategy or the effectiveness of management measures required to minimise the impact and risk of flooding to the existing and future community. It is therefore not possible to determine whether the planning proposal is consistent with sub-clause (3)(e) and (g) of the Direction.</p> <p>The FRA has also not assessed the planning proposal against the most recent version of the Direction, or considered the requirements of the Direction dealing with land between the FPA and PMF to which 'Special Flood Considerations' apply.</p> <p>A Gateway condition is therefore recommended requiring that the planning proposal and supporting FRA be updated prior to public exhibition to:</p> <ul style="list-style-type: none"> • Address the requirements of the Direction regarding Special Flood Considerations. • Provide an assessment against the most recent version of the Direction. • Provide further information on the proposed emergency management strategy and the effectiveness of management measures required to minimise the impact and risk of flooding to the existing and future community. Consideration should be given to the NSW Flood Risk Management Manual and the <i>Flood Impact and Risk Assessment – Flood Risk Management Guide</i> LU01. <p>A condition has also been included in the Gateway determination requiring that Council consult with the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) and the NSW State Emergency Service (NSW SES).</p>

Directions	Consistency	Reasons for Consistency or Inconsistency
		Consistency with the Direction remains unresolved until the planning proposal is updated and consultation with DCCEEW and NSW SES has occurred.
4.4 Remediation of Contaminated Land	Consistent	<p>The Direction seeks to reduce the risk of harm to human health and the environment from contaminated land. The Direction applies because some sites have been used for industrial purposes which could cause contamination and the planning proposal seeks to rezone land to R3 Medium Density Residential, which would permit more sensitive land uses.</p> <p>The planning proposal is supported by a Preliminary Site Investigation (PSI) (Attachment D) which found there to be low potential for significant or widespread contamination across the majority of the Precincts. The PSI found there to be a moderate to high risk of contamination on sites used for industrial or commercial purposes. This is because of the potential for contamination caused by on-site storage and use of fuels and/or chemicals, including underground petroleum storage tanks.</p> <p>The PSI concluded that 'potential contamination issues relate to common potentially contaminating land use activities which can be readily dealt with during the DA stage'. The Department also notes that Chapter 4 of <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> (the Resilience and Hazards SEPP) contains provisions that ensure that the land is suitably remediated before development occurs.</p>
4.5 Acid Sulfate Soils	Inconsistent, but minor and justified	<p>The Direction requires that planning proposals for land identified as having a probability of containing acid sulfate soils be supported by an acid sulfate soils study.</p> <p>The Direction applies because parts of the Precinct are identified as having a probability of containing acid sulfate soils (predominately Class 2, with some Class 5 on part of Concord High School.</p> <p>While an acid sulfate soils study has not been prepared, inconsistency with the Direction is considered minor and justified given:</p> <ul style="list-style-type: none"> • The extent of development in the area and the associated difficulties of carrying out further testing. • All future DAs will be required to consider the presence of acid sulfate soils in accordance with clause 6.1 of the Canada Bay LEP 2013.

Focus Area 5: Transport and Infrastructure

5.1 Integrating Land Use and Transport	Consistent	The objective of the Direction is to ensure that development encourages walking, cycling and the use of public transport, reduces dependence on cars, and allows the efficient movement of freight. The planning proposal is consistent with the Direction because it would support the delivery of:
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Directions	Consistency	Reasons for Consistency or Inconsistency
		<ul style="list-style-type: none"> • New homes and employment floor space close to the future Sydney Metro station at Burwood North and Five Dock, as well as rapid bus services along Parramatta Road. This would help reduce dependence on cars. • Employment floor space capable of accommodating uses that help meet the needs of the community, such as shops and local services (e.g. hairdressers). • Development that provides new through-site links and roads that make it easier for people to walk and cycle through and around the Precinct (see Section 4.3). <p>The planning proposal is also consistent with the <i>Parramatta Road Corridor Traffic and Transport Study and Action Plan</i> (the Precinct Traffic and Transport Study) (Attachment E), which identifies traffic interventions to support the operation of the local road network and Parramatta Road. This will help ensure development enabled by the planning proposal does not impede the efficient movement of freight, consistent with the objectives of the Direction. Consistency with the Precinct Traffic and Transport Study is discussed in further detail in Section 4.3 below.</p>
5.2 Reserving Land for Public Purposes	Consistent	<p>The objective of this direction is to ensure a planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Secretary of the Department of Planning, Housing and Infrastructure (or their delegate).</p> <p>The planning proposal is consistent with the Direction because it does not seek to create, alter or reduce any existing zonings or reservations for public purposes.</p> <p>Dedication of Setback Areas</p> <p>However, the Department notes that the planning proposal seeks to amend clause 8.6 of the Canada Bay LEP 2013 to require that the existing setback areas required by the clause 'are to be dedicated to Council for use as community benefit and in exchange for bonus height and FSR'. This is discussed in Section 1.5.3 above which requires an amended approach.</p> <p>1C Henley Marine Drive, Five Dock</p> <p>The Planning and Design Guidelines recommend that the land at 1C Henley Marine Drive, Five Dock (which is owned by TfNSW) be rezoned from E3 Productivity Support to RE1 Public Recreation and developed as a public park.</p> <p>The planning proposal states that Council does not have the financial means to acquire the land. The planning proposal therefore does not seek to rezone the land to RE1 Public Recreation. Instead, it seeks to retain the existing E3 Productivity Support zoning and reduce the maximum building height from 12m to 2.5m.</p>

Directions	Consistency	Reasons for Consistency or Inconsistency
		<p>The existing and proposed planning controls for 1C Henley Marine Drive are discussed in further detail in Section 9.1.2.2 below.</p> <p>A Gateway condition is recommended requiring that prior to public exhibition Council consult with TfNSW on the future use and proposed planning controls for 1C Henley Marine Drive.</p>

Focus Area 6: Housing

6.1 Residential Zones	Inconsistent, further justification required	<p>The Direction aims to encourage a variety and choice of housing types, make efficient use of existing infrastructure and services, ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential development on the environment and resource lands.</p> <p>The Direction requires that planning proposals not contain provisions that would reduce the permissible residential density of land (sub-clause (2)(b)).</p> <p>The proposal to reduce the maximum building height for 1C Henley Marine, Five Dock from 12m to 2.5m is inconsistent with the Direction. This is because residential uses like residential flat buildings and shop top housing are permissible with consent on land zoned E3 Productivity Support. Reducing the maximum building height would reduce the residential density of the land, contrary to sub-clause 2(b) of the Direction.</p> <p>The planning proposal does not acknowledge the partial inconsistency with the Direction. A Gateway condition is recommended requiring that the planning proposal be updated prior to public exhibition to address and justify inconsistency with the Direction.</p> <p>The planning proposal is otherwise consistent with the Direction because it would support the delivery of approximately 4,290 on land that is well-served by infrastructure.</p>
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Focus Area 7: Industry and Employment

7.1 Employment Zones	Inconsistent, further justification required	<p>The Direction aims to encourage employment growth in suitable locations, support the viability of identified centres, and protect industrial and employment lands.</p> <p>Of relevance to the planning proposal, the Direction requires that planning proposals:</p> <ul style="list-style-type: none"> • Give effect to the objectives of the Direction (sub-clause (1)(a)). • Retain areas and locations of employment zones (sub-clause (1)(b)). • Not reduce the total potential floor space for employment uses and related public services in (sub-clause (1)(c)).
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Directions	Consistency	Reasons for Consistency or Inconsistency
		<p>The proposal to rezone land along Crane Street and Parramatta Road from E1 Local Centre and E3 Productivity Support respectively to R3 Medium Density Residential is inconsistent with the Direction.</p> <p>The planning proposal has not provided sufficient justification for rezoning this land to R3 Medium Density Residential. It has also not justified the inconsistency in accordance with specific terms of the Direction.</p> <p>A Gateway condition is therefore recommended requiring that the planning proposal be updated prior to public exhibition to include further information justifying the inconsistency with the Direction.</p>

3.5.1 Direction 1.5 Parramatta Road Corridor Urban Transformation Strategy

A direction issued by the Minister for Planning and Public Spaces under section 9.1(2) of the EP&A Act (section 9.1 Direction) requires planning proposals for land in the Parramatta Road Corridor to be consistent with the PRCUTS.

The then Minister for Planning and Public Spaces amended the section 9.1 in August 2021. These amendments and the supporting *Parramatta Road Corridor Transformation Implementation Update 2021* (Implementation Update 2021) seek to recognise changes in the planning policy and infrastructure context of the PRCUTS since its release in 2016.

As discussed in **Section 1.3.1**, the PRCUTS and supporting Implementation provide recommendations regarding land use zoning, building heights and densities, setbacks, staging, car parking, affordable housing contributions, sustainability and necessary infrastructure upgrades. The recommendations of the PRCUTS are intended to guide the preparation of planning proposals and DCPs for land in the Parramatta Road Corridor.

The planning proposal states that it has been informed by the PRCUTS and supporting Implementation Toolkit, but with some refinements informed by additional local strategic planning undertaken by Council. This includes the preparation of detailed masterplans for the Kings Bay and Burwood-Concord Precincts, as well as further heritage, sustainability, flooding and feasibility analysis.

Overall, the planning proposal is generally consistent with the vision, principles and objectives of the PRCUTS, Implementation Toolkit and Implementation Update 2021. Key variations to PRCUTS include:

- Rezoning land along Parramatta Road to R3 Medium Density Residential (rather than retaining the existing E3 Productivity Support zoning).
- Not rezoning 1 Parramatta Road and 1C Henley Marine Drive, Five Dock to RE1 Public Recreation.
- Inclusion of 1 Lavender Street, Five Dock in the Kings Bay Precinct.
- Areas where the proposed base and incentive building heights and FSRs are lower or higher than recommended by PRCUTS
- No affordable housing contribution rate across most of Stage 2 of the Kings Bay and Burwood-Concord Precincts (except for Key Site 47).

Consistency with the PRCUTS is assessed in detailed in Part 3 of the planning proposal. The Department's assessment of the planning proposal's consistency with the section 9.1 Direction for

PRCUTS is provided in **Table 11** below. This is supported by the Department's detailed assessment of the planning proposal's consistency with the Planning and Design Guidelines in **Appendix B**.

Table 11 Consistency with the section 9.1 Direction for PRCUTS

Requirement	Current
(a) Consistency with Objectives of the Direction	<p>The planning proposal is consistent with the objectives of the Direction because it would:</p> <ul style="list-style-type: none"> Facilitate development that is generally consistent with the PRCUTS, Implementation Tool Kit, and Implementation Update 2021. Provide for a mix of new homes and jobs that help meet the needs of the community. Contribute to the renewal of the Parramatta Road Corridor while ensuring that the site is supported by necessary infrastructure, including new streets, pedestrian links and service access ways.
(b) Consistency with PRCUTS Strategic Actions	<p>The planning proposal is generally consistent with relevant principles and strategic actions in the PRCUTS:</p> <ul style="list-style-type: none"> Add to the overall supply and diversity of housing in the Homebush Precinct by providing capacity for approximately 4,290 new homes, including a mix of apartments and townhouses (Principle 1). Help deliver '15-minute neighbourhoods' by supporting the delivery of new homes close to the future Sydney Metro station at Burwood North and non-residential uses that meet the needs of the local community (Principle 4). Enable the delivery of new streets, pedestrian links and service access ways as part of the redevelopment of key sites in the Precincts (Principle 5). Implement building setbacks consistent with the Planning and Design Guidelines (Principle 5). Encourage more sustainable development with floor space incentives for buildings that exceed the sustainability commitments for energy and water under BASIX (Principle 6). <p><u>Affordable Housing (Principle 1)</u></p> <p>One of the strategic actions in the PRCUTS is to provide a minimum of 5% of new housing as affordable housing, or 'in-line with Government policy of the day'.</p> <p>The planning proposal seeks to require an affordable housing contribution rate of 5% for Key Site 47, but does not propose an affordable housing contribution rate for Key Site 44 or any other land in Stage 2 of the Kings Bay and Burwood-Concord Precincts.</p> <p>While the proposed affordable housing contribution rates are below that recommended by PRCUTS, they are in-line with the Region Plan and District Plan, which set an affordable rental housing target of between 5-10%, <i>subject to viability</i>.</p>
(c) Consistency with Planning and Design Guidelines	<p>The Planning and Design Guidelines are intended to guide future development along the Parramatta Road Corridor by setting principles and controls that should be considered when the PRCUTS is being implemented through rezonings.</p>

Requirement	Current
	<p>The planning proposal is generally consistent with the Corridor-wide Guidelines in Section 3 and the Built Form Guidelines in Section 4 of the Planning and Design Guidelines.</p> <p>Section 7 of the Planning and Design Guidelines identifies place-based principles and controls for the different precincts that make up the Parramatta Road Corridor. These are known as the Precinct Guidelines. In parts of the Kings Bay and Burwood-Concord Precincts the proposed land use zoning, building heights and FSRs vary from the Precinct Guidelines. Appendix B provides a detailed assessment of the planning proposal's consistency with the Planning and Design Guidelines.</p> <p>The Department is not satisfied that all of the proposed variations would enable a better outcome than the Planning and Design Guidelines. Where this is the case, Gateway conditions are recommended requiring that the planning proposal be updated prior to public exhibition to justify the proposed variations in accordance with the terms of the Direction. Consistency with the Direction remains unresolved until the planning proposal is updated.</p>
(d) Consistency with Implementation Plan 2016-2023 and Implementation Update 2021	<p>The Implementation Plan 2016-2023 provides the framework to deliver the first stage of PRCUTS. It identified land in Stage 2 of the Kings Bay and Burwood-Concord Precincts as a longer-term release area, where development would occur after 2023.</p> <p>While this initial implementation phase has now passed, the Department notes that the planning proposal is generally consistent with the key actions in the Implementation Plan 2016-2023. However, the planning proposal has not specifically addressed the requirements of the Out of Sequence Checklist in the Implementation Plan 2016-2023. A Gateway condition is recommended requiring that the planning proposal be updated prior to public exhibition to address consistency with the Out of Sequence Checklist in the Implementation Plan 2016-2023.</p> <p>The planning proposal is generally consistent with the new and amended actions in the Implementation Update 2021, including the necessary road improvements and upgrades identified in the precinct-wide traffic study prepared on behalf of the City of Canada Bay, Strathfield Council and Burwood Council. This is discussed in further detail in Section 4.3.</p>
(e) Servicing	<p>The planning proposal is supported by an Infrastructure Strategy (Attachment M) which builds on the PRCUTS Infrastructure Schedule and identifies how local infrastructure needed to support growth in the Kings Bay and Burwood-Concord Precincts would be delivered.</p> <p>Local infrastructure in the Precincts would be funded and delivered through a combination of:</p> <ul style="list-style-type: none"> • On-site provision as part of the redevelopment of identified key sites, in accordance with the proposed amendments to various local provisions in Part 8 in the Canada Bay LEP 2013 (see Section 1.5.3). • Local infrastructure contributions made in accordance with the City of Canada Bay Local Infrastructure Contributions Plan. <p>It is noted that the Housing and Productivity Contribution for State infrastructure will apply to the future redevelopment of the Precincts.</p> <p>The Department is satisfied that this can ensure that the land is adequately serviced, consistent with the Implementation Plan 2016-2023 and Implementation Update 2021.</p>

Requirement	Current
(f) Consistency with District Plan	The planning proposal's consistency with the District Plan is addressed in Section 3.2 .

3.6 State Environmental Planning Policies

The planning proposal is consistent with all relevant State Environmental Planning Policies (SEPPs) as discussed in **Table 12** below.

Table 12 Consistency with applicable SEPPs

SEPP	Consistency	Reasons for Consistency or Inconsistency
SEPP (Biodiversity and Conservation) 2021	Consistent	The site is mapped as being within the Sydney Harbour Catchment under the Biodiversity and Conservation SEPP. The planning proposal is consistent with the SEPP and will not affect the operation of provisions relating to the Sydney Harbour Catchment. Any future DAs would need to consider the requirements of the SEPP.
SEPP (Housing) 2021	Inconsistent	<p>The masterplan submitted with the planning proposal demonstrates that future development enabled by the planning proposal would be generally capable of complying with the Apartment Design Guide and requirements of the SEPP. This is discussed in further detail in Section 4.1. Future DAs for the redevelopment of the site will be considered against the Apartment Design Guide and the requirements of the SEPP.</p> <p>Proposed Exclusions to the Housing SEPP</p> <p>As discussed in Section 1.5.4, the planning proposal states that it is seeking to exclude land bound by Crane Street, St Lukes Oval, Stanley Street and Broughton Street (known as the 'Schools Precinct') 'from application of the proposed changes for low and mid-rise housing under the Housing SEPP'.</p> <p>It is unclear which part of the low and mid-rise housing reforms Council is proposing to exclude from applying in the 'Schools Precinct'. The planning proposal also does not provide adequate justification for why the low and mid-rise housing reforms should not apply to the 'Schools Precinct', or how they would be excluded by an amendment to the Canada Bay LEP 2013.</p> <p>A Gateway condition is therefore recommended requiring the planning proposal to be updated prior to public exhibition to remove the proposal to exclude the low and mid-rise housing reforms from applying in the 'Schools Precinct'.</p>
SEPP (Resilience and Hazards) 2021	Consistent	The planning proposal is consistent with the SEPP and would not affect the operation of provisions relating to the remediation of land under Chapter 4. Any future DAs will need to consider the requirements of the SEPP. Contamination and remediation are discussed in further detail in Section 3.5 .

SEPP	Consistency	Reasons for Consistency or Inconsistency
SEPP (Sustainable Buildings) 2021	Consistent	The SEPP seeks to encourage the design and construction of more sustainable buildings across NSW. The planning proposal is supported by a Sustainable Precinct Strategy (Attachment F) that confirms that future development will be capable of meeting and exceeding the requirements of the Sustainable Building SEPP. The planning proposal does not contain any provisions that would impede the operation of the SEPP.
SEPP (Transport and Infrastructure) 2021	Consistent	<p>The SEPP aims to facilitate the effective delivery of infrastructure across NSW. The planning proposal does not include provisions that would impede the operation of the SEPP. Future DAs for the redevelopment of sites in the Precincts may need to be referred to Transport for NSW and/or Sydney Metro, given their scale and potential to generate traffic, their proximity to the rail corridor and infrastructure for the Sydney Metro West project, and their proximity to classified roads including Parramatta Road, Gipps Street, Queens Road and the M4 Western Motorway. Future development would also need to demonstrate compliance with provisions in the SEPP.</p> <p>The potential traffic and transport impacts of the planning proposal are discussed in Section 4.3.</p>

4 Site-Specific Assessment

4.1 Environmental

4.1.1 Building Heights and Density

The planning proposal is supported by draft master plans for Stage 2 of the Kings Bay and Burwood-Concord Precincts (**Attachment G** and **Attachment H**) which demonstrate the potential built form and public domain outcomes that could be enabled by the proposed amendments to the Canada Bay LEP 2013.

The draft master plans are generally in accordance with the PRCUTS and supporting Planning and Design Guidelines. However, the planning proposal states that some variations to the recommended building heights and densities are proposed to:

- Ensure future development can comply with the Apartment Design Guide.
- Align with known site amalgamations in the Precincts.
- Respond to the future Sydney Metro station at Burwood North and the NSW Government's low and mid-rise housing reforms (see **Section 1.5.4**).
- Accommodate and incentivise the delivery of local infrastructure, including new pedestrian links and roads.
- Deliver a more refined built form and respond to interfaces with adjoining residential areas, schools, areas of public open space, heritage items and heritage conservation areas (HCAs).

The planning proposal also notes that not all sites are able achieve the maximum building heights and FSRs recommended in the Planning and Design Guidelines. It states that:

- Where the maximum building height was achievable, but not the maximum FSR, the maximum building height was reduced.
- Where the maximum FSR was achievable, but not the maximum building height, the maximum FSR was reduced.

The planning proposal goes on to state that capping maximum building heights and FSRs:

‘[...] is required to prevent the development capacity of PRCUTS from being exceeded, which would require additional evidence-based strategic and site specific justification to that provided by PRCUTS. It would also require additional community and public infrastructure to be provided beyond what was envisaged by PRCUTS’.

This has meant that in some areas the proposed incentive building heights and FSRs are lower than what was recommended in the Planning and Design Guidelines. In other areas the proposed incentive building heights and FSRs are higher than what was recommended in the Planning and Design Guidelines.

The proposed variations to the building heights and FSRs recommended in the Planning and Design Guidelines are considered in detail in **Appendix B**. In some cases, the proposed variations have not been appropriately justified and Gateway conditions requiring further analysis and justification have been recommended.

While overall the planning proposal would enable more homes than envisaged by PRCUTS, NSW is in the midst of a housing crisis. Not enough new homes have been built to accommodate population growth, which has made the prices and rents of existing homes increasingly unaffordable. The NSW Government acknowledges the need to address the housing crisis by supporting the delivery of more homes and is working towards its commitment under the National Housing Accord (signed in May 2024) to deliver 377,000 new well-located homes across the State by 2029.

The Department also notes that since the PRCUTS was released in 2016, the Sydney Metro West project has commenced. The project will deliver a new 24-kilometre metro line connecting Greater Parramatta and the Sydney CBD. It includes new Sydney Metro stations at Burwood North, North Strathfield and Five Dock. When complete, it will make it easier for people living in the Kings Bay and Burwood-Concord Precincts to move around, access jobs and services, and connect with other places across Greater Sydney. Work on the project is underway and the target opening date is 2032.

Given the need for additional housing and the proximity of the Precincts to the future Sydney Metro stations at Burwood North and Five Dock, there is an opportunity to plan for more homes than what currently proposed by Council. Doing so would help enable the delivery of more much-needed housing and more fully take advantage of the opportunity provided by the Sydney Metro West project to plan for new homes with good access to jobs and services.

A Gateway condition is therefore recommended requiring Council to work with the Department (supported by the Government Architect NSW) to review the proposed densities for the land subject to the planning proposal and update the planning proposal to support the delivery of more homes near the future Sydney Metro stations at Burwood North and Five Dock.

As part of this work, consideration should be given to whether increasing densities would allow Council to apply an affordable housing contribution requirement to more sites.

4.1.1.1 Overshadowing and Solar Access

The proposed changes to the building heights and FSRs are supported by more detailed planning controls in the draft DCP. These controls provide guidance on building design and layout, including building heights (in storeys) and ground floor and upper-level setbacks. They will help ensure

future buildings are carefully designed to provide an appropriate interface with the street, areas of public open space and neighbouring properties.

The planning proposal is supported by shadow diagrams illustrating the shadows cast by the built form shown in the draft master plans prepared for the Precincts. The diagrams measure shadows cast during midwinter, which is the time of year when overshadowing is at its greatest. The shadow diagrams show:

- Buildings in the northern part of the Burwood-Concord Precinct would create some additional overshadowing of road reserves (particularly Moreton Street and Lansdowne Street), Concord Oval, Goddard Park, St Lukes Park, as well as land in Stage 1 of the Burwood-Concord Precinct.
- Shadows cast by buildings in the western parts of the Kings Bay and Burwood-Concord Precincts would have minimal impact on surrounding residences, with most shadows falling on road reserves, particularly Parramatta Road.
- While shadows cast by buildings in the eastern part of the Kings Bay Precinct would largely fall on Parramatta Road, there would be some additional overshadowing of properties on the eastern side of Courland Street in the afternoon (beginning at around 1pm).

While some overshadowing is expected, the Department is satisfied that the shadow diagrams confirm that future development in accordance with the proposed building heights and FSRs could be designed to minimise overshadowing. Solar access diagrams in the draft master plans also demonstrate that future residential buildings in the Precincts can receive sunlight in accordance with the minimum requirements of the Apartment Design Guide.

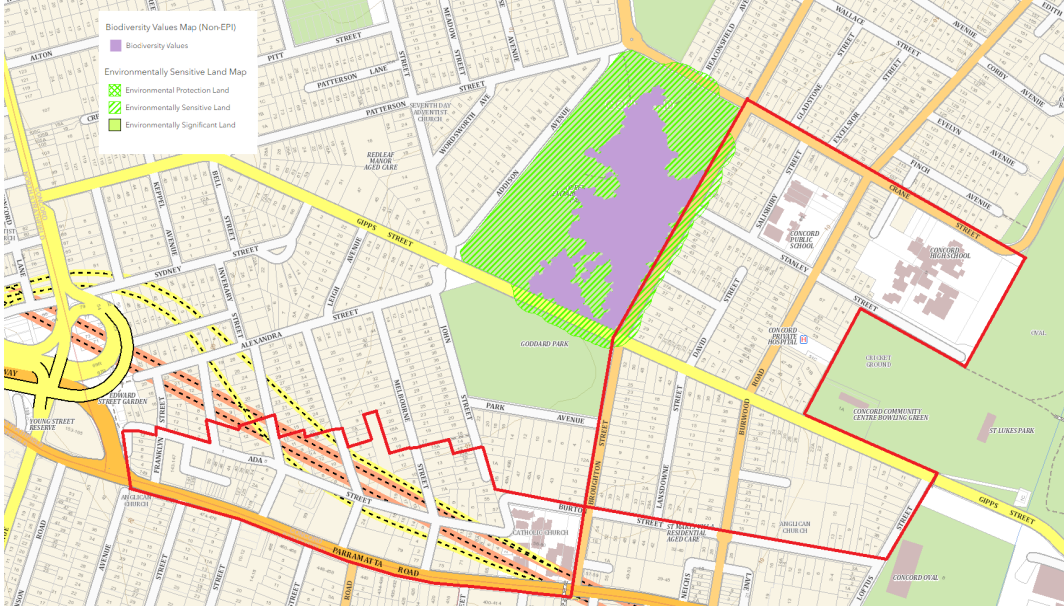
The draft DCP also includes more detailed planning controls, such as building setbacks and heights (in storeys), which would help ensure future buildings are designed to minimise overshadowing of neighbouring properties. Overshadowing and solar access would be considered in detail as part of the preparation and assessment of any future DAs in the Precincts.

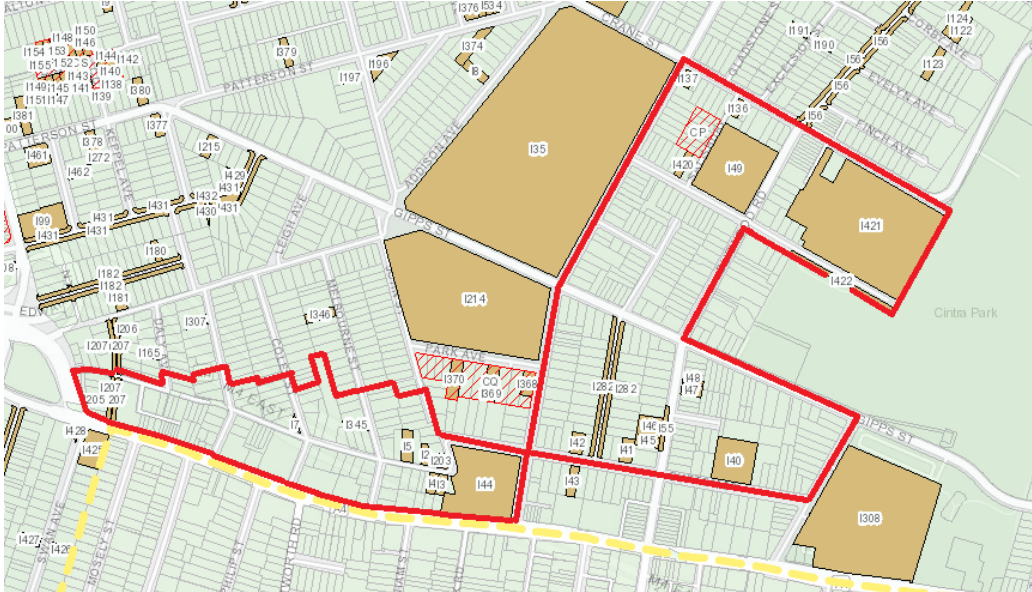
4.1.2 Other Issues

The Department's consideration of other potential environmental impacts is provided in **Table 13** below.

Table 13 Consideration of Other Environmental Issues

Impact	Assessment
Biodiversity and Threatened Species	<p>Queen Elizabeth Park, which adjoins the northern part of Stage 2 of the Burwood-Concord Precinct, contains remnants of Sydney Turpentine-Ironbark Forest. Sydney Turpentine-Ironbark Forest is listed as an endangered ecological community under the <i>Biodiversity Conservation Act 2016</i> (NSW) and critically endangered under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth).</p> <p>Queen Elizabeth Park is identified on Council's Biodiversity Values Map. Queen Elizabeth Park and part of the Precinct are also identified as 'environmentally sensitive land' on the Environmentally Sensitive Land Map in the Canada Bay LEP 2013. Extracts of both maps are shown in Figure 11.</p> <p>The planning proposal does not adequately consider the likelihood of adversely affecting the Sydney Turpentine-Ironbark Forest or any other critical habitat or threatened species, populations or ecological communities, or their habitats.</p> <p>A Gateway condition is recommended requiring that the planning proposal be updated prior to public exhibition to consider the likelihood of adversely affecting critical habitat or threatened species, populations or ecological communities, or their habitats.</p>

Impact	Assessment
	<p>To ensure potential impacts on biodiversity and threatened species are properly considered, a Gateway condition is also recommended requiring that Council consult with the Biodiversity, Conservation and Science Group at the NSW Department of Climate Change, Energy, the Environment and Water.</p>  <p>Figure 11 Extract of Biodiversity Values Map and Environmentally Sensitive Land Map</p>
Heritage	<p>Stage 2 of the Burwood-Concord Precinct contains several local heritage items and one Heritage Conservation Area (HCA) (Figure 12). They include corner shops, street trees, sandstone kerbing, more than a dozen houses, as well as St Luke's Anglican Church (Item No. I40), Concord Primary School (Item No. I49), Concord High School (Item No. I421) and St Mary's Church and School (Item No. I44). The Precinct also adjoins Queen Elizabeth Park (Item No. I35) Goddard Park (Item No. I214) and the Park Avenue HCA ('#CQ'). The full list of local heritage items and HCAs is provided at Attachment I.</p> <p>Stage 2 of the Kings Bay Precinct does not contain any local heritage items or HCAs. However, there are two local heritage items near the eastern part of the Precinct. These include:</p> <ul style="list-style-type: none"> • Pair of semi-detached houses at 1A-5 York Avenue, Five Dock (Item No I522). • Corner shop and residence at 30 Lavender Street, Five Dock (Item No I283). <p>The planning proposal is supported by specialist heritage advice (Attachment I) on how to manage and mitigate potential impacts of new development on the heritage significance of local heritage items and HCAs in and near the Precincts.</p> <p>A key recommendation of the heritage advice is that new development next to heritage items should provide a transition zone of 2-3 storeys along the shared boundary with the heritage item. The advice also recommends:</p> <ul style="list-style-type: none"> • That new development near St Luke's Anglican Church, Concord (Item No. I40) minimise impacts to the church building and landscape setting, including its grounds and significant trees.

Impact	Assessment
	<ul style="list-style-type: none"> New development in the eastern part of Stage 2 of the Kings Bay Precinct provide a buffer to the pair of semi-detached houses at 1A-5 York Avenue, Five Dock (Item No I522) and no setback to York Avenue. <p>The planning proposal states that the recommendations of the heritage advice have been adopted in the draft master plans for Stage 2 of the Kings Bay and Burwood-Concord Precincts. In particular, the draft master plans now show a 2-3 storey podium for apartment buildings and/or terrace housing adjoining heritage items in Stage 2 of the Kings Bay.</p> <p>The Heritage Assessment also recommends consideration be given to reducing potential heritage impacts through the design, massing, articulation and materiality of future buildings. The Department is satisfied that these matters can be addressed through planning controls in the draft DCP prepared by Council (Attachment O and Attachment P), which would need to be considered during the preparation and assessment of future DAs.</p>  <p>Figure 12 Heritage Map - Burwood-Concord Precinct</p>

4.2 Social and Economic

Table 14 assesses the potential social and economic effects of the planning proposal.

Table 14 Social and Economic Impact Assessment

Impact	Assessment
Social	<p>The planning proposal would result in a positive social impact through:</p> <ul style="list-style-type: none"> Enabling the delivery of new areas of public domain and open space, as well as through-site links that improve accessibility in the Kings Bay and Burwood-Concord Precincts. Helping to address the shortage of housing by enabling the delivery of new homes close to infrastructure, jobs, services and public transport, including the future Sydney Metro stations at Burwood North and Five Dock.

Impact	Assessment
	<ul style="list-style-type: none"> Allowing for new development that contributes to the amenity and character of Kings Bay and Burwood-Concord Precincts, including shops, cafes and other non-residential uses that help meet the day-to-day needs of the community.
Economic	<p>The proposed changes to the planning controls for land in Stage 2 of the Kings Bay and Burwood-Concord Precincts aim to support new jobs and provide local services that help meet the day-to-day needs of the local community.</p> <p>This is to be achieved by requiring active street frontages on the ground floor of buildings along Parramatta Road. Active street frontages encourage the presence and movement of people and could include uses such as childcare facilities, educational establishments, entertainment facilities, medical centres, function centres and commercial premises. This would be supported by the proposal to make development for the purposes of commercial premises and light industries an additional permitted use on the ground floor of residential flat buildings along Parramatta Road in both the Kings Bay Precinct and Burwood-Concord Precincts (see Section 1.5.3).</p> <p>Loss of Employment Floor Space</p> <p>By rezoning land along Parramatta Road (from E3 Productivity Support) and Crane Street (from E1 Local Centre) to R3 Medium Density Residential and land along the planning proposal would reduce the total potential floor space for employment uses in the Kings Bay and Burwood-Concord Precincts.</p> <p>This is because fewer employment generating uses are permissible with consent on land zoned R3 Medium Density Residential and the proposed additional permitted uses would be limited to the ground floor of buildings along Parramatta Road.</p> <p>As discussed in Section 3.5, the planning proposal has not provided sufficient justification for rezoning employment land to R3 Medium Density Residential. A Gateway condition is recommended requiring that the planning proposal be updated prior to public exhibition to provide additional justification for the proposal to rezone employment land along Parramatta Road and Crane Street to R3 Medium Density Residential.</p>

4.3 Infrastructure

The Department's assessment of the potential impacts of the planning proposal on existing infrastructure is provided in **Table 15**.

Table 15 Infrastructure Assessment

Infrastructure	Assessment
Traffic, Transport and Car Parking	<p>Traffic and Transport</p> <p>The planning proposal is supported by the <i>Parramatta Road Corridor Traffic and Transport Study and Action Plan</i> (the Precinct Traffic and Transport Study) prepared on behalf of the City of Canada Bay, Strathfield Council and Burwood Council (Attachment E).</p> <p>The study modelled the traffic and transport impacts of the new homes and employment floor space forecast in the PRCUTS and used assumptions approved by Transport for NSW.</p>

Infrastructure	Assessment
	<p>Council has updated the traffic modelling to reflect the number of homes proposed for Stage 2 of the Kings Bay and Burwood-Concord Precincts. To help mitigate the impacts of growth on the road network, the Precinct Traffic and Transport Study recommends:</p> <ul style="list-style-type: none"> • Upgrading the intersection of Queens Road and Arlington Street. • A new roundabout at the intersection of Ada Street and Melbourne Street. • Banning right-turns from Broughton Street into Gipps Street, Gipps Street into Loftus Street, and Burton Street into Burwood Street. • New bypasses at Gipps Street/Leigh Avenue, Queens Road/Taylor Street, Queens Road/Bayview Road, Queens Road/Regatta Road. • A new approach lane on the northern half of William Street. <p>The Department notes that the planning proposal would help enable new homes close to services and public transport infrastructure, including the future Sydney Metro station at Burwood North. This would in turn help reduce reliance on cars for short trips and encourage walking, cycling and the use of public transport.</p> <p>The Department recommends that Council also consider opportunities to improve local accessibility and street amenity through the preparation and implementation of precinct-wide Local Area Traffic Management (LATM) Plans.</p> <p>To help ensure that potential effects on the existing and future transport network are appropriately considered as part of the planning proposal, a Gateway condition is recommended requiring that Council consult with Transport for NSW and Sydney Metro.</p> <p>Car Parking</p> <p>The planning proposal seeks to identify land in Stage 2 of the Kings Bay and Burwood-Concord Precincts on the Key Sites Map of the Canada Bay LEP 2013. This would apply the maximum car parking rates under clause 8.11 to the site and be consistent with the approach taken for other land that has been rezoned in the Precincts.</p> <p>The Department is satisfied that the proposed car parking rates for the Precincts are consistent with the PRCUTS and will reduce car dependency and encourage walking, cycling and the use of public transport. Further assessment of traffic and car parking will occur as part of future DAs.</p>
Utilities	<p>The planning proposal is not supported by an assessment of the availability and capacity of existing utility infrastructure, including water, sewerage, electricity and gas.</p> <p>As the planning proposal would increase demand for utilities, the Department recommends that Council consult with relevant utility providers, including Sydney Water, Ausgrid, Jemena. This forms a condition of the Gateway determination.</p> <p>Any necessary upgrades or augmentations to utility infrastructure can be considered further as part of any future DAs.</p>

5 Consultation

5.1 Community

The planning proposal is categorised as complex under the LEP Plan Making Guideline (August 2023). Accordingly, a public exhibition period of 30 working days is recommended. This forms a condition of the Gateway determination.

5.2 Government Agencies and Public Authorities

It is recommended that the following government agencies and public authorities be consulted on the planning proposal and given 30 working days to comment:

- Transport for NSW.
- Sydney Metro.
- NSW Department of Education.
- The Biodiversity, Conservation and Science Group at the NSW Department of Climate Change, Energy, the Environment and Water.
- NSW State Emergency Service.
- Relevant utility providers, including Sydney Water, Ausgrid and Jemena.
- Adjoining councils, including Inner West Council, Strathfield Council and Burwood Council.
- NSW Land and Housing Corporation.

6 Timeframe

The LEP Plan Making Guideline (August 2023) establishes maximum benchmark timeframes for different categories of planning proposals. The planning proposal is categorised as ‘complex’.

Council proposes completing the LEP by April 2025. However, Council’s timeframe for completing the LEP does not consider when the planning proposal was submitted or allow sufficient time for responding to the conditions of the Gateway determination or the drafting of the LEP with Parliamentary Counsel’s Office.

Therefore, while the Department supports Council’s intention to expedite the planning proposal, a recommended LEP completion date of 12 December 2025 is included in the Gateway determination.

7 Local Plan-Making Authority

Council has requested that it be delegated the functions of the local plan-making authority (LPMA).

It is recommended that Council not be authorised to be the LPMA given the nature of the planning proposal, the number of unresolved matters, and the need for the Department to coordinate the implementation of the PRCUTS.

8 Assessment Summary

As discussed in **Section 4.1.1**, while the significant work undertaken by Council to date is acknowledged, the Department believes there is an opportunity to plan for more homes in Stage 2 of the Kings Bay and Burwood-Concord Precincts than what currently proposed by Council. Doing so would help enable the delivery of more much-needed housing and help make the most of the

opportunity provided by the Sydney Metro West project to plan for new homes with good access to jobs and services.

Subject to a review of the proposed densities, the planning proposal is supported to proceed with conditions for the following reasons:

- It would enable new development that contributes to the character and amenity of the Kings Bay and Burwood-Concord Precincts and help make the most of significant investment in improving the amenity of Parramatta Road and new Sydney Metro stations at Burwood North and Five Dock.
- It would add to the affordability, supply and diversity of housing in the LGA.
- It would help ensure growth is supported by local infrastructure, including new streets and pedestrian links that make it easier for people to move around and through the Precincts.
- It is generally consistent with the PRCUTS and supporting Implementation Toolkit. Gateway conditions have been recommended where further justification is required to support variations to the PRCUTS and supporting Implementation Toolkit.
- It is generally consistent with the District Plan and Council's LSPS, Community Strategic Plan and Local Housing Strategy. Minor inconsistencies with these plans and strategies have been appropriately justified.
- It is generally consistent with relevant SEPPs. Consistency with the Housing SEPP can be resolved subject to Council updating the planning proposal in accordance with the conditions of the Gateway determination.
- Inconsistency with section 9.1 Direction 4.5 Acid Sulfate Soils is justified in accordance with the terms of the Direction.
- Outstanding inconsistencies with other applicable section 9.1 Directions can be resolved subject to further justification and consultation in accordance with the conditions of the Gateway determination.
- An amendment to the Canada Bay LEP 2013 is the best means of achieving the objectives and intended outcomes of the planning proposal.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Direction 4.5 Acid Sulfate Soils are minor and justified.
- Note that the consistency with the following section 9.1 is unresolved and will require justification: 1.4 Site Specific Provisions; 1.5 Parramatta Road Corridor Urban Transformation Strategy; 3.10 Water Catchment Protection; 4.1 Flooding; 6.1 Residential Zones; and 7.1 Employment Zones.

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

1. The planning proposal is to be updated to:
 - Review the proposed densities for the land subject to the planning proposal (in consultation with the Department) and update the planning proposal to support the delivery of more homes near the future Sydney Metro stations at Burwood North and Five Dock. As part of this work, consideration should be given to whether increasing

densities would allow Council to apply an affordable housing contribution requirement to more sites.

- Provide detailed site-specific justification for incentive building heights and FSRs that are below those recommended in the Planning and Design Guidelines or currently allowed under the Canada Bay LEP 2013.
- Clarify whether it is proposed to rezone land along Crane Street from E1 Local Centre to R3 Medium Density Residential.
- Provide additional justification for the proposal to rezone land along Parramatta Road and Crane Street (if proposed) to R3 Medium Density Residential. The additional justification should address the requirements of both section 9.1 Direction 1.5 Parramatta Road Corridor Urban Transformation Strategy and 7.1 Employment Zones.
- Address the requirements of section 9.1 Direction 4.1 Flooding and update the supporting Flood Risk Assessment to:
 - Address the requirements of the Direction regarding Special Flood Considerations.
 - Provide an assessment against the most recent version of the Direction.
 - Provide further information on the proposed emergency management strategy and the effectiveness of management measures required to minimise the impact and risk of flooding to the existing and future community. Consideration should be given to the *NSW Flood Risk Management Manual* and the *Flood Impact and Risk Assessment – Flood Risk Management Guide LU01*.
- Provide further information addressing the planning proposal's consistency with the following section 9.1 Directions: 1.4 Site Specific Provisions; 1.5 Parramatta Road Corridor Urban Transformation Strategy; 3.10 Water Catchment Protection; 6.1 Residential Zones; and 7.1 Employment Zones.
- Consider the likelihood of adversely affecting critical habitat or threatened species, populations or ecological communities, or their habitats. This includes remnants of Sydney Turpentine-Ironbark Forest in Queen Elizabeth Park.
- Provide additional justification for applying minimum site area requirements for the redevelopment of key sites (that are seeking to take advantage of the incentive building heights and FSRs), particularly on land where the provision of setbacks or delivery of local infrastructure would not be required under clauses 8.5, 8.6, 8.7 and 8.8.
- Provide a plain-English explanation and clear justification for the proposed objectives for Part 8 of the Canada Bay LEP 2013.
- Clarify the proposed amendments to clause 8.1 and 8.9.
- Ensure the setback requirements in clause 8.6 apply consistently between land that is currently subject to the clause and land that is subject to the planning proposal.
- Remove the proposal to require setback areas provided under clause 8.6 to be dedicated to Council.
- Remove the proposal to exclude the low and mid-rise housing reforms from applying in the 'Schools Precinct'.
- Make the text and boundaries legible on the draft Land Zoning Map and FSR Map.
- Include Sheet 003 of the draft Height of Buildings Map.
- Clarify why no affordable housing contribution rate is proposed for Key Site 44 (or other similar sites in the Precincts).

- Remove the incentive building heights shown for 1C Henley Marine Drive and 1 Parramatta Road, Five Dock on the draft Incentive Height of Building Map.
 - Clarify the proposed base an incentive FSRs for land north of Ada Street, Concord.
 - Clarify the proposed land use zoning for 1 Parramatta Road and 1C Henley Marine Drive, Five Dock.
 - Address consistency with the Out of Sequence Checklist in the Implementation Plan 2016-2023.
2. Prior to community consultation, consultation is required with Transport for NSW regarding the future use and planning controls for land at 1 Parramatta Road and 1C Henley Marine Drive, Five Dock.
 3. Prior to community consultation, the planning proposal is to be revised to address conditions 1 and 2 and forwarded to the Minister for review and approval.
 4. Consultation is required with the following public authorities:
 - Transport for NSW.
 - Sydney Metro.
 - NSW Department of Education.
 - The Biodiversity, Conservation and Science Group at the NSW Department of Climate Change, Energy, the Environment and Water.
 - NSW State Emergency Service.
 - Relevant utility providers, including Sydney Water, Ausgrid and Jemena.
 - Adjoining councils, including Inner West Council, Strathfield Council and Burwood Council.
 - NSW Land and Housing Corporation.
 5. The planning proposal should be made available for community consultation for a minimum of 30 working days.

It is recommended that Council not be authorised to be the LPMA given the nature of the planning proposal, the number of unresolved matters, and the need for the Department to help coordinate amendments to the Eastern Harbour City SEPP.

The recommended completion date for the LEP is on or before 12 December 2025.



11 December 2024

Eleanor Robertson

Manager, North, East and Central Coast



23 January 2025

Jazmin van Veen
Director, North, East and Central Coast

Assessment Officers

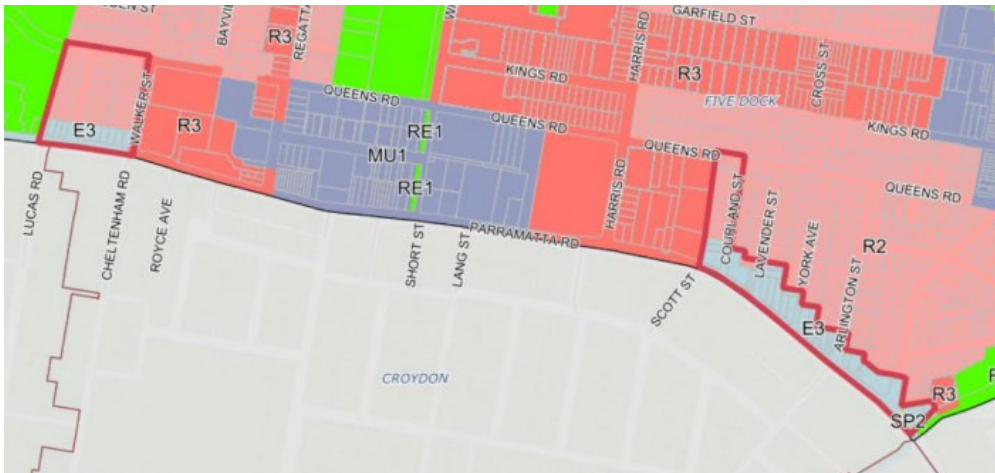
Jordan Clarkson
Planning Officer, North, East and Central
Coast
9407 2131

Tom Atkinson
Senior Planning Officer, North, East and Central
Coast
9373 2816

Appendix A: Mapping

Kings Bay Precinct

Land Zoning Map



Current Land Zoning Map



Proposed Land Zoning Map

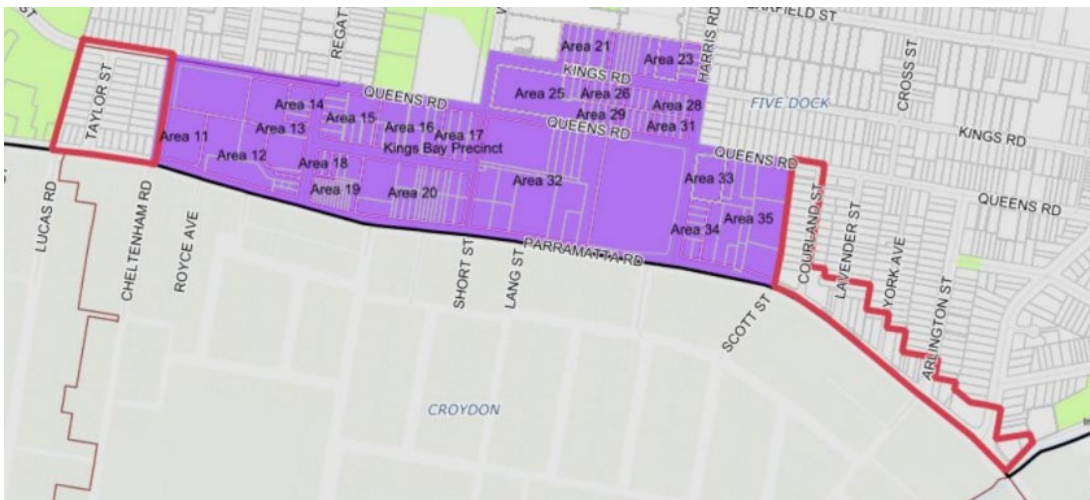
Height of Buildings Map



Current Height of Building Map

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Key Site Map

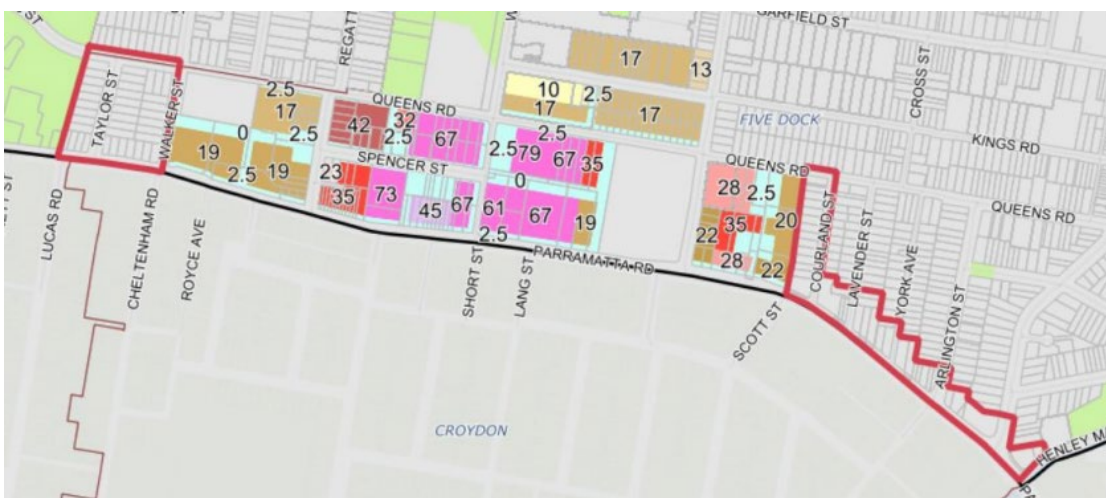


Current Key Sites Map



Proposed Key Sites Map

Incentive Height of Buildings Map

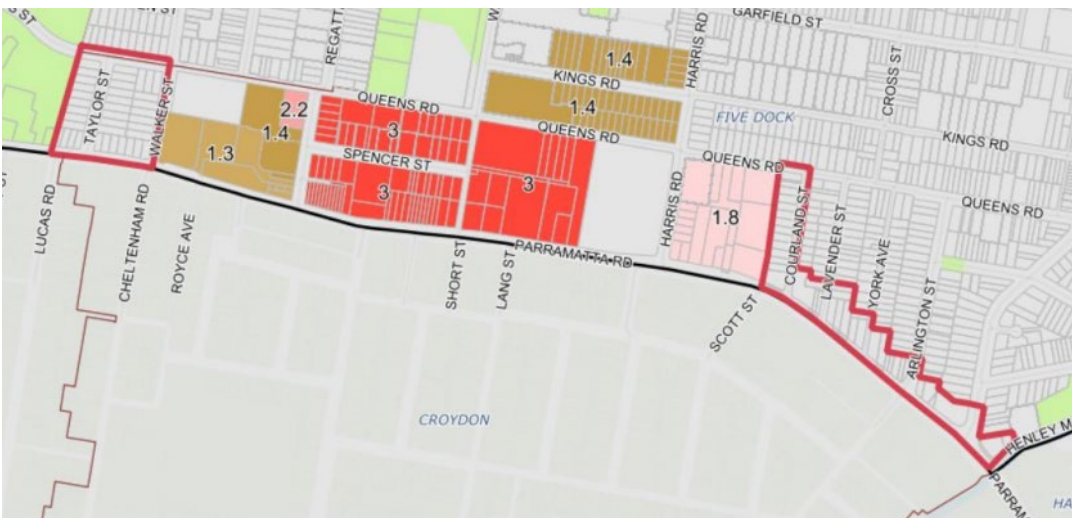


Current Incentive Height of Buildings Map



Proposed Incentive Height of Buildings Map

Incentive Floor Space Ratio Map



Current Incentive Floor Space Ratio Map



Proposed Incentive Floor Space Ratio Map

Active Street Frontage Map

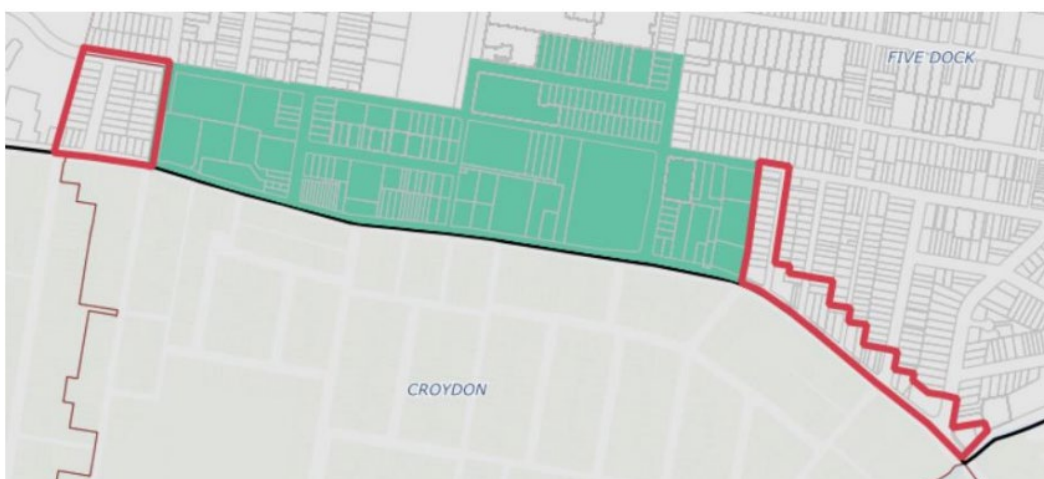


Current Active Street Frontage Map



Proposed Active Street Frontage Map

Design Excellence Map



Current Design Excellence Map



Proposed Design Excellence Map

Additional Permitted Uses Map



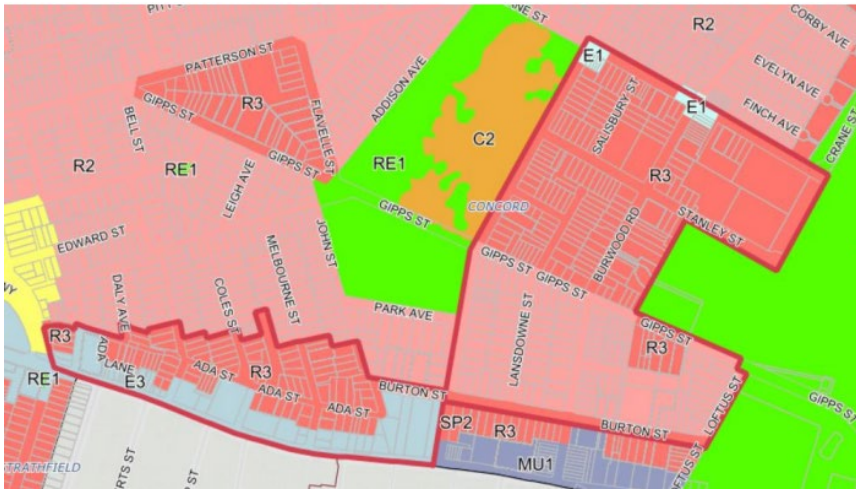
Current Additional Permitted Uses Map



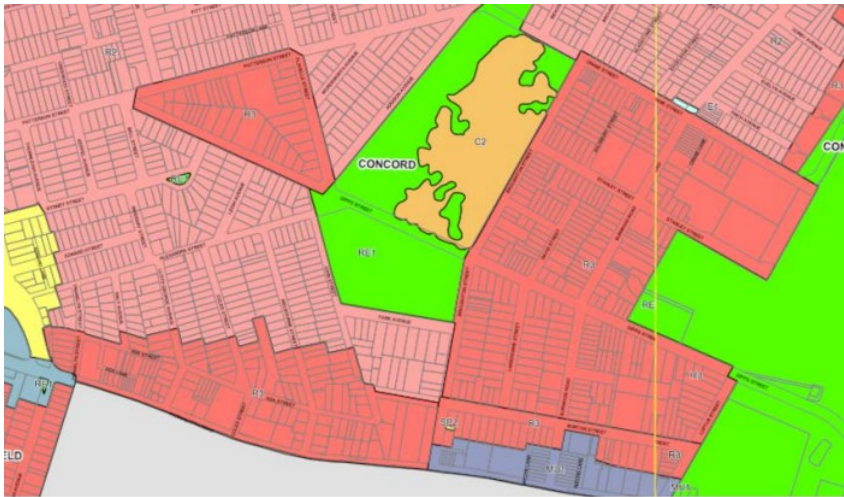
Proposed Additional Permitted Uses Map

Burwood-Concord Precinct

Land Zoning Map



Current Land Zoning Map



Proposed Land Zoning Map

Floor Space Ratio Map



Current Floor Space Ratio Map



Proposed Floor Space Ratio Map

Key Sites Map



Current Key Sites Map



Proposed Key Sites Map

Incentive Floor Space Ratio Map



Current Incentive Floor Space Ratio Map

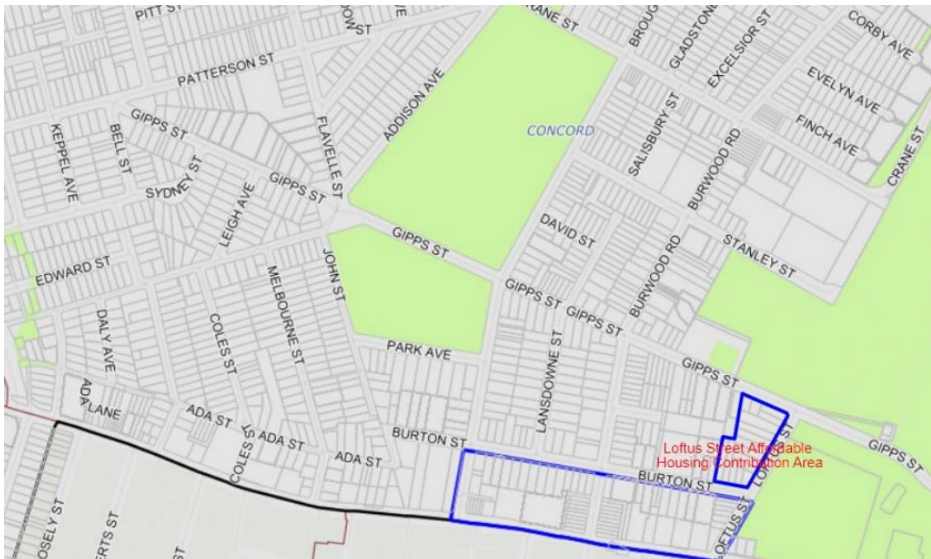


Proposed Incentive Floor Space Ratio Map

Affordable Housing Contribution Scheme Map



Current Affordable Housing Contributions Scheme Map



Proposed Affordable Housing Contributions Scheme Map

Active Street Frontages



Current Active Street Frontages Map



Proposed Active Street Frontages Map

Design Excellence



Current Design Excellence Map



Proposed Design Excellence Map

Additional Permitted Uses map



Current Additional Permitted Uses Map



Proposed Additional Permitted Uses Map

Appendix B: Consistency with PRCUTS

An assessment of the planning proposal against the principles and strategic actions of the PRCUTS and the section 9.1 Direction for PRCUTS is provided at **Section 3.5.1**.

As discussed in **Section 3.5.1**, the planning proposal includes some variations to the PRCUTS and supporting Planning and Design Guidelines. Council's justification for the proposed variations is outlined on pages 23 to 35 of the planning proposal. The Department's assessment of the proposed variations is set out below.

Gateway conditions are recommended where additional clarification and justification for the proposed variations is required.

9.1.1 Adjustment to the Boundary of the Kings Bay Precinct

The planning proposal seeks to include 1 Lavender Street, Five Dock in the boundary of the Kings Bay Precinct. The planning proposal states that the inclusion of the site would help increase the development potential of both the site and the adjacent lot bound by Courland Street, Parramatta Road and Lavender Street, which is currently constrained by the 'dog-leg' configuration.

The variation is considered minor and acceptable.

9.1.2 Land Use Zoning

9.1.2.1 Burwood-Concord Precinct

Northern part of the of the Burwood-Concord Precinct

The planning proposal seeks to rezone the blocks between Broughton Street, Loftus Street, Burton Street and Gibbs Street from R2 Low Density Residential to R3 Medium Density Residential. This is consistent with the Planning and Design Guidelines.

The draft Land Zoning Map also shows:

- Land on the south-eastern corner of Burwood Road and Crane Street, Concord from E1 Local Centre to R3 Medium Density Residential.
- Land on the south-eastern corner of Broughton Street and Crane Street, Concord from E1 Local Centre to R3 Medium Density Residential.

The rezoning of land along Crane Street from E1 Local Centre to R3 Medium Density Residential is not discussed or justified in the planning proposal. It is inconsistent with the Planning and Design Guidelines, which recommend that these sites continue to be zoned E1 Local Centre (previously B1 Neighbourhood Centre).

A Gateway condition is recommended requiring that the planning proposal be updated prior to public exhibition to confirm whether it is proposed to rezone land along Crane Street from E1 Local Centre to R3 Medium Density Residential and justify any inconsistency with the Planning and Design Guidelines.

Western part of the of the Burwood-Concord Precinct

The planning proposal seeks to rezone all land in the western part of the Burwood-Concord Precinct from E3 Productivity Support to R3 Medium Density Residential.

This is inconsistent with the Planning and Design Guidelines which recommend that this land be zoned MU1 Mixed Use (previously B4 Mixed Use), except for some land to the west of Franklyn Street, which it recommends be zoned part E3 Productivity Support (previously B6 Enterprise Corridor) and part R3 Medium Density Residential. It is noted that additional permitted uses have been proposed to allow development for the purposes of commercial premises and light industries

as an additional permitted use on the ground floor of residential flat buildings along Parramatta Road.

As discussed in **Section 3.5**, the planning proposal has not sufficiently justified the proposal to rezone land along Parramatta Road to R3 Medium Density Residential, rather than MU1 Mixed Use (as recommended in the Planning and Design Guidelines). A Gateway condition is recommended requiring that the planning proposal be updated prior to public exhibition to provide additional justification for the proposal to rezone land along Parramatta Road to R3 Medium Density Residential.

9.1.2.2 Kings Bay Precinct

The planning proposal seeks to rezone land in Stage 2 of the Kings Bay Precinct from a combination of R2 Low Density Residential and E3 Productivity Support to R3 Medium Density Residential, except for 1C Henley Marine Drive, Five Dock, which is proposed remain E3 Productivity Support.

This is partially inconsistent with the Planning and Design Guidelines which recommend that:

- Land along Parramatta Road, east of Courland Street, be zoned E3 Productivity Support (previously B6 Enterprise Corridor).
- 1 Parramatta Road and 1C Henley Marine Drive, Five Dock be zoned RE1 Public Recreation.

Land along Parramatta Road, east of Courland Street

As discussed in **Section 3.5**, the planning proposal has not sufficiently justified the proposal to rezone land along Parramatta Road (east of Courland Street) to R3 Medium Density Residential, rather than zoned E3 Productivity Support. A Gateway condition has been recommended requiring that the planning proposal be updated prior to public exhibition to provide additional justification for the proposal to rezone land along Parramatta Road (east of Courland Street) to R3 Medium Density Residential.

Parramatta Road and 1C Henley Marine Drive, Five Dock

The planning proposal does not discuss any changes to the land use zoning of 1 Parramatta Road, Five Dock (Lot 32 in DP 1298605), which is currently zoned SP2 Infrastructure (Classified Road).

With regards to 1C Henley Marine Drive, Five Dock, the planning proposal states that Council would not have the financial means to acquire the land if it were to be rezoned RE1 Public Recreation. The planning proposal therefore does not seek to rezone the land to RE1 Public Recreation. Instead, it seeks to retain the existing E3 Productivity Support zoning and reduce the maximum building height from 12m to 2.5m.

A Gateway condition is recommended requiring that Council consult with TfNSW, who own both sites, on the future use and proposed planning controls for 1 Parramatta Road and 1C Henley Marine Drive, Five Dock.

While the planning proposal does not discuss any changes to land use zoning of 1 Parramatta Road or 1C Henley Marine Drive, Five Dock, the draft Land Zoning Map shows both sites being rezoned to R3 Medium Density.

A Gateway condition is recommended requiring that the planning proposal be updated prior to public exhibition to clarify the proposed land use zoning for 1 Parramatta Road and 1C Henley Marine Drive, Five Dock.

9.1.3 Building Heights and Density

9.1.3.1 Burwood-Concord Precinct

Northern part of the of the Burwood-Concord Precinct

Blocks bound by Broughton Street, Gipps Street, Burwood Road and Burton Street (west of Burwood Road) (incl. Key Site 54-66)

The Planning and Design Guidelines recommend a maximum FSR of 1.4:1 and a maximum building height of 17m.

The planning proposal seeks to:

- Introduce maximum incentive FSRs of between 1.6:1 and 2.5:1 and a maximum incentive building height of 21.5m.
- Increase the base FSR of some lots fronting Burton Street, between Lansdowne Street and Burwood Road from 0.5:1 to 0.7:1.

No change to the base or incentive FSR or HOB is proposed for 29A Burton Street, Concord and various heritage items on the western side of Burwood Road (22 – 26 Burwood Road, Concord) and northern side of Burton Street (25, 31 and 33 Burton Street, Concord). This is inconsistent with the Planning and Design Guidelines.

The planning proposal and supporting Burwood-Concord Precinct Master Plan Report (**Attachment G**) do not provide sufficient justification as to why the building heights and FSRs recommended in the Planning and Design Guidelines cannot be achieved. A Gateway condition is recommended requiring that the planning proposal be updated prior to public exhibition to provide detailed justification for building heights and FSRs that are below those recommended in the Planning and Design Guidelines.

Block bound by Loftus Street, Burton Street, Burwood Road and Gipps Street (east of Burwood Road) (incl. Key Site 47-53)

The Planning and Design Guidelines generally recommend a maximum FSR of between 1.4:1 and 2.4:1 and maximum building heights between 17m and 40m.

The exception is St Luke's Anglican Church and Presbytery at 19 Burton Street, Concord, where the following is recommended:

- A maximum FSR of part 0.5:1 and part 1.4:1 (on the strip of land adjoining 21 Burton Street).
- A maximum building height of part 8.5m and part 17m (on the strip of land adjoining 21 Burton Street).

No change to the maximum building heights is proposed for lots to the north of Moreton Street (3-7 Moreton Street) and fronting Burwood Street (31-33 and 37-41 Burwood Road, Concord) where the only change proposed is to the base FSR (from 0.5:1 to 0.7:1). The maximum building heights and FSR would remain below what was recommended in the Planning and Design Guidelines (maximum building heights of 17m and maximum FSR of 1.4:1).

The planning proposal and supporting Burwood-Concord Precinct Master Plan Report (**Attachment G**) do not provide sufficient justification as to why the building heights and FSRs recommended in the Planning and Design Guidelines cannot be achieved. A Gateway condition is recommended requiring that the planning proposal be updated prior to public exhibition to provide detailed justification for building heights and FSRs that are below those recommended in the Planning and Design Guidelines.

No change to the base or incentive maximum building heights or FSR is proposed for 33-35 Burwood Road, which are both local heritage items under the Canada Bay LEP 2013.

The proposed maximum incentive FSRs for key sites in the block are generally between 0.2:1 and 0.8:1 greater than those recommended in the Planning and Design Guidelines. The proposed maximum incentive building heights for key sites in the block are generally between 0.5m and 4.5m greater than those recommended in the Planning and Design Guidelines. The exception is Key Site 50, where the maximum incentive building height (40m) is 16-23m greater than recommended in the Planning and Design Guidelines.

The planning proposal states that the proposed incentive building heights and FSRs respond to the recommendations of the Burwood-Concord Precinct Master Plan Report (**Attachment G**) and Feasibility Analysis (**Attachment J**), which has considered the cost of amalgamating lots and providing new infrastructure, as well as the NSW Government's proposed reforms to encourage more low and mid-rise housing in well-located areas (see **Section 1.5.4**). The Department notes that the incentive building heights and FSRs would also help support the delivery of more homes close to the future Sydney Metro station at Burwood North. The variation to the Planning and Design Guidelines is considered justified.

East of Burwood Road, between Stanley Street and Gipps Street (incl. Key Site 67-69)

The Planning and Design Guidelines recommend a maximum FSR of 1.4:1 and a maximum building height of 17m. The planning proposal seeks to introduce a maximum incentive FSR of between 1.4:1 and 2:1 and maximum incentive building heights of between 15.5m (for lots fronting Stanley Street) and 21.5m.

The variation to the Planning and Design Guidelines is considered a justified response to the findings of the Burwood-Concord Precinct Master Plan Report (**Attachment G**), Feasibility Analysis (**Attachment J**), the NSW Government's proposed reforms to encourage more low and mid-rise housing in well-located areas, as well as proximity of the land to the future Sydney Metro station at Burwood North.

The blocks bound by Stanley Street, Broughton Street, Gipps Street and Burwood Road (incl. Key Site 70-84)

The Planning and Design Guidelines recommend a maximum building height of 8.5m and a maximum FSR of 0.5:1.

The planning proposal seeks to introduce incentive FSRs of between 1.3:1 and 2.2:1 and incentive maximum building heights of between 15.5m and 21.5m.

The proposed incentive building heights and FSRs are higher than recommended in the Planning and Design Guidelines. The planning proposal states that the proposed incentive building heights and FSRs respond to the recommendations of the Burwood-Concord Precinct Master Plan Report (**Attachment G**) and Feasibility Analysis (**Attachment J**), which has considered the cost of amalgamating lots and providing new infrastructure, as well as the NSW Government's proposed reforms to encourage more low and mid-rise housing in well-located areas (see **Section 1.5.4**). The Department notes that the incentive building heights and FSRs would also support the delivery of more housing close to the future Sydney Metro station at Burwood North.

The variation to the Planning and Design Guidelines is considered justified.

North of Stanley Street

The Planning and Design Guidelines recommend a maximum building height of 8.5m and a maximum FSR of 0.5:1 for land other than Concord Public School and Concord High School, except for land to be retained as E1 Local Centre, where an FSR of 1.5:1 (existing) is recommended.

The planning proposal seeks to introduce an incentive FSR of 0.7:1 for sites north of Stanley Street other than:

- 17 Stanley Street, Concord

- Heritage items and/or land in an HCA (**Figure 11**)
- Land currently zoned E1 Local Centre.

The planning proposal states that the proposed incentive FSR is intended to encourage the delivery of terrace housing in this part of the Burwood-Concord Precinct.

No change is proposed to the maximum building height (currently 8.5m).

The variation to the Planning and Design Guidelines is considered minor and acceptable.

Western part of the of the Burwood-Concord Precinct

Land north of Ada Street

The Planning and Design Guidelines recommend a maximum building height of 21m and a maximum FSR of 1.4:1 for the sites to the west of Melbourne Street. For the lots between Forster/John Street and Melbourne Street a maximum building height of 12m and a maximum FSR of 1:1 is recommended.

The planning proposal seeks to introduce:

- A maximum incentive building height of 15m and a maximum incentive FSR of 1.2:1 for land at 6-16 Coles Street, Concord.
- A maximum incentive building height of 15m and a maximum incentive FSR of 1.3:1 for 23 & 23A Ada Street & 1A-3 Coles Street, Concord.

For all other land, an FSR of 0.7:1 is proposed. No change to the maximum building height (8.5m) is proposed. The proposed FSR of 0.7:1 is shown on both the draft FSR Map and the draft Incentive FSR Map. A Gateway condition is recommended requiring that the planning proposal be updated prior to public exhibition to clarify whether 0.7:1 is proposed as a base or incentive FSR.

The proposed incentive building heights and FSRs are generally lower than those recommended by the Planning Design Guidelines. The planning proposal and supporting Burwood-Concord Precinct Master Plan Report (**Attachment G**) do not provide sufficient justification as to why the building heights and FSRs recommended in the Planning and Design Guidelines cannot be achieved. A Gateway condition is recommended requiring that the planning proposal be updated prior to public exhibition to provide detailed justification for building heights and FSRs that are below those recommended in the Planning and Design Guidelines.

Land south of Ada Street and Burton Street

For the blocks to the west of Melbourne Street a maximum building height of 24m and a maximum FSR of 2.3:1 is recommended by the Planning and Design Guidelines, except for 2-6 Franklyn Street, where an FSR of 1.5:1 and maximum building height of 12m is recommended.

For the block to the east of Melbourne Street the Planning and Design Guidelines recommend:

- No change to the maximum building height (12m) and FSR (1:1) for St Mary's Catholic Church and Primary School, except for 2 Ada Street, where a maximum building height of 21m and a maximum FSR of 2.4:1 is recommended.
- A maximum building height of 21m and a maximum FSR of 2.4:1 for the remainder of the block.

The planning proposal seeks to introduce:

- Maximum incentive building heights of between 9m and 22.5m and maximum incentive FSRs of between 0.7:1 and 3.2:1 for the blocks west of Melbourne Street.

- Maximum incentive building heights of part 17m and part 22.5m and maximum incentive FSRs of part 1.1:1 and part 1.8:1 for the block east of Melbourne Street (excluding heritage items and St Mary's Catholic Church and Primary School).

The proposed incentive building heights and FSRs are generally lower than those recommended by the Planning Design Guidelines. For some sites the incentive building heights and FSRs are also lower than the existing building heights and FSRs (e.g. Key Site 89, 90 and 94).

The planning proposal and supporting Burwood-Concord Precinct Master Plan Report (**Attachment G**) do not provide sufficient justification as to why the building heights and FSRs recommended in the Planning and Design Guidelines cannot be achieved, or why for some sites the incentive building heights and FSRs are lower than the existing building heights and FSRs. A Gateway condition is recommended requiring that the planning proposal be updated prior to public exhibition to provide detailed justification for building heights and FSRs that are below those recommended in the Planning and Design Guidelines or currently allowed under the Canada Bay LEP 2013.

9.1.3.2 Kings Bay Precinct

The Planning and Design Guidelines recommend a maximum FSR of 1.4:1 for all land in Stage 2 of the Kings Bay Precinct, other than 1C Henley Marine Drive and 1 Parramatta Road, Five Dock. The planning controls for 1C Henley Marine Drive and 1 Parramatta Road, Five Dock are discussed below.

A maximum building height of 17m is recommended for blocks to the west of Walker Street and the lots on the western side of Courland Street. A maximum building height of 12m is recommended for blocks to the east of Courland Street, other than 1C Henley Marine Drive and 1 Parramatta Road, Five Dock.

The planning proposal seeks to introduce:

- Maximum incentive building heights of between 21m and 22m and maximum incentive FSRs of between 1.8:1 and 2:1 for land to the west of Walker Street.
- Maximum incentive building heights between 16m and 19m and maximum incentive FSRs of between 1.4:1 and 1.8:1 for land along and to the east of Courland Street.

The proposed incentive building heights and FSRs are higher than recommended in the Planning and Design Guidelines. The planning proposal states that the proposed incentive building heights and FSRs respond to the recommendations of the Kings Bay Precinct Master Plan Report (**Attachment H**) and Feasibility Analysis (**Attachment J**), which has considered:

- The interface with lower density residential areas and nearby heritage items.
- The cost of amalgamating lots and providing new infrastructure.
- The NSW Government's proposed reforms to encourage more low and mid-rise housing in well-located areas (see **Section 1.5.4**).

The Department also notes that the incentive building heights and FSR would support the delivery of more homes close to the future Sydney Metro stations at Burwood North and Five Dock.

The variation to the Planning and Design Guidelines is considered justified.

1 Parramatta Road and 1C Henley Marine Drive, Five Dock

The Planning and Design Guidelines recommend no maximum building height or FSR for 1C Henley Marine Drive and 1 Parramatta Road, Five Dock.

The planning proposal does not seek to amend the existing FSR (1:1) of 1C Henley Marine Drive, but it does propose to lower the maximum building height for the land from 12.5m to 2.5m. The

proposed maximum building height (of 2.5m) is shown on both the draft Height of Building Map and the draft Incentive Height of Building Map.

The planning proposal does not discuss changes to the maximum building height and FSR of 1 Parramatta Road (currently 12m and 1:1). However, a maximum building height of 2.5m is shown on both the draft Height of Building Map and the draft Incentive Height of Building Map

It is unclear why an incentive maximum building height is proposed for both sites if Council's intention is for the land not to be redeveloped. A Gateway condition is therefore recommended requiring that the planning proposal be updated to remove the incentive building heights shown for 1C Henley Marine Drive and 1 Parramatta Road, Five Dock on the draft Incentive Height of Building Map.

As discussed in **Section 3.5**, a Gateway condition is also recommended requiring that Council consult with Transport for NSW on the future use and proposed planning controls for 1C Henley Marine Drive and 1 Parramatta Road, Five Dock.

9.1.4 Affordable Housing

The planning proposal's consistency with the affordable housing target recommended by the PRCUTS is addressed in **Section 3.5.1**.