

ATTACHMENT 1 – Rezoning Review Assessment

Background

A history of the Planning Proposal and draft Beverly Hills Local Centre Master Plan is summarised in **Table 1** below:

Table 1 – History of the Planning Proposal and Draft Beverly Hills Local Centre Master Plan

Date	Action
23 April 2019	Council resolved to endorse Phase 1 of the draft Beverly Hills Local Centre Master Plan (which contains the subject site) involving the development of a vision for the future of the Centre through community engagement and an analysis of the opportunities and constraints to development in the study area. Council also resolved to proceed with Phase 2 to prepare a Master Plan.
25 May 2020	Council resolved to endorse the draft Beverly Hills Local Centre Master Plan for public exhibition.
July-September 2020	Draft Master Plan placed on public exhibition.
26 July 2021	Council considered a report on the outcome of the public exhibition of the draft Master Plan and resolved to defer consideration of the Master Plan to a Councillor workshop.
28 November 2022	Council considered a report presenting options for an amended Master Plan to be prepared and resolved to defer consideration to a Councillor workshop.
16 January 2023	Planning Proposal for 407-511 King Georges Road, Beverly Hills lodged with Council seeking to: <ul style="list-style-type: none"> • Increase the maximum building height control for the site from 15m to part 44m and part 50m; and • Increase the floor space ratio control for the site from 1.5:1 and 2:1 to part 4:1 and 5.5:1.

Date	Action
	The Planning Proposal seeks to facilitate a part 12 and part 14 storey mixed use commercial and residential development.
2 March 2023	Council notified the proponent in writing that the Planning Proposal cannot be supported as it does not meet strategic and site-specific merit tests.
24 April 2023	Council resolved to not proceed with the exhibited Master Plan and to endorse certain principles and elements to guide the preparation of a new Master Plan for Beverly Hills Local Centre, including amended studies (traffic, public domain, affordable housing, risk).
30 May 2023	The proponent lodged a rezoning review for the Planning Proposal which is consistent with the Planning Proposal submitted to Council.

Rezoning Review

In accordance with the rezoning review process, Council officers have assessed the Planning Proposal which is provided below. The assessment includes comments from Council's technical staff, including urban design, traffic, stormwater and executive planner on planning agreements. Comments have also been received from TfNSW and consultants Gyde who prepared the exhibited draft Beverly Hills Local Centre Master Plan.

Having consideration of the assessment criteria outlined in the Department of Planning and Environment's 'LEP Making Guideline' (September 2022), the Planning Proposal is not considered to demonstrate strategic and site-specific merit as outlined below. Accordingly, Council cannot support the Planning Proposal.

Strategic Merit

The Planning Proposal does not demonstrate strategic merit as it is inconsistent with the Greater Sydney Region Plan, South District Plan, Council's Local Strategic Planning Statement (LSPS), Local Housing Strategy, Commercial Centres Strategy Stage 1, and draft Beverly Hills Local Centre Master Plan (exhibited and 24 April 2023 Council resolution).



Regional Plans

The Planning Proposal does not give effect to the objectives and actions of the **Greater Sydney Region Plan: A Metropolis of Three Cities**.

Although the Planning Proposal provides additional housing in close proximity to Beverly Hills station and may aid in the renewal of the Town Centre, supporting its role as a night-time, dining and entertainment precinct, it does not meet some of the key objectives of the Plan:

- Objective 6: Services and infrastructure meet communities' changing needs
- Objective 12: Great places that bring people together
- Objective 22: Investment and business activity in centres
- Objective 31: Public open space is accessible, protected and enhanced

The Plan also states: *Urban renewal needs to begin with a plan to deliver new, improved and accessible open spaces that will meet the needs of the growing community, particularly where density increases. High density development (over 60 dwellings per hectare) should be located within 200 metres of quality open space, and all dwellings should be within 400 metres of open space.*

The Planning Proposal:

- Will result in a significant increase in the local population and demand for local infrastructure and community facilities. The Planning Proposal seeks to increase the FSR and building heights for the subject land and states it will facilitate development for approximately 726-777 new dwellings and 14,015m² of retail/dining/evening entertainment floor space. Council's GRC Local Infrastructure Contributions Plan (2021) did not account for the proposed development and associated increase in population. As such, the Contributions Plan does not include all of the facilities and services that would be required to address and support the proposed development.
- Is not accompanied by an ADG compliant scheme addressing the requirements of the ADG and SEPP 65.
- Has not addressed the provision of additional employment opportunities. The Georges River LEP 2021 includes a minimum non-residential FSR of 0.5:1 for E1 zoned land within the Beverly Hills Local Centre. Council resolved on 24 April 2023 that the B2 (now E1) zone have a non-residential FSR of 0.75:1 in Beverly Hills. It was noted by the consultants who prepared the draft exhibited Master Plan that a non-residential FSR of 0.75:1 would stem the loss of non-residential floorspace as sites are redeveloped under the Master Plan and ensure Beverly Hills has capacity to meet the 2036 projections for



employment floorspace demand in the Commercial Centres Strategy. It is not clear from the Planning Proposal whether an increase in the non-residential FSR from 0.5:1 to 0.75:1 is proposed.

- Acknowledges the need for open space in the Beverly Hills Local Centre; and cites the need for open space through various regional, district and Council strategies, however, only relies on the conversion of the existing stormwater culvert on the site into open space, which is unacceptable. This site (Nos.443-445 King Georges Road - including the stormwater culvert) has an active DA approval (DA2019/0114) for a tourist and visitor accommodation development comprising of 61 hotel rooms with a ground floor café. The consent is active until 20 May 2026. It is likely that the approved development will be constructed before any future planning proposal for the area is finalised, thereby eliminating the only potential public open space proposed by the concept scheme.
- Has not addressed Council's Open Space, Recreation and Community Facilities Strategy 2019-2036 which highlights the lack of open space in and around the Beverly Hills Local Centre. Specifically, the subject site does not have access to public open space within 200m (a benchmark set out by the South District Plan). The proposal to introduce an additional 726-777 dwellings will further exacerbate the pressure on existing open space and the provision of additional open space to meet the demands of high density living.

District Plans

The Planning Proposal is inconsistent with the objectives and actions relating to open space in the **South District Plan**.

Objective 31 of Planning Priority S16 Delivering high quality open space specifies, *Public open space is accessible, protected and enhanced*. Action 71 specifies *Maximise the use of existing open space and protect, enhance and expand public open space by:*

...

- b. investigating opportunities to provide new open space so that all residential areas are within 400 metres of open space and all high density residential areas (over 60 dwellings per hectare) are within 200 metres of open space*
- c. requiring large urban renewal initiatives to demonstrate how the quantity of, or access to high quality and diverse local open space is maintained or improved*



d. *planning new neighbourhoods with a sufficient quantity and quality of new open space*

...

The proposed residential density of 726-777 dwellings on the subject site leads to an extremely high density residential area – 450 dwellings per hectare. Accordingly, the Planning Proposal should provide adequate open space for the resulting residential population.

As mentioned previously, Council's Open Space, Recreation and Community Facilities Strategy 2019-2036 highlights the lack of open space in and around the Beverly Hills Local Centre. The proposal to introduce an additional 726-777 dwellings will further exacerbate the pressure on existing open space and the provision of additional open space to meet the demands of high density living.

The Planning Proposal relies on Section 7.11 and S7.12 of the *Environmental Planning and Assessment Act 1979* to fund public open space acquisition and the conversion of the existing stormwater culvert on the site into open space. This is unacceptable as the site proposed for open space contains two stormwater drains that merge into a stormwater culvert and has an active development consent for a tourist and visitor accommodation until May 2026.

Council's GRC Local Infrastructure Contributions Plan (2021) did not account for the proposed development and associated increase in population. As such, the Contributions Plan does not include all of the facilities and services that would be required to address and support the proposed development.

Community Strategic Plan 2022-2032

The Planning Proposal report is not consistent with the Pillars, relevant goals and strategies of Council's Community Strategic Plan (CSP). In particular, attention is drawn to Pillar 4 - Our Built Environment and the following:

Goal 4.2 Affordable and quality housing options are available.

- *4.2.2 Ensure quality design and sustainability principles underpin the provision of all housing*

Goal 4.4 Everyone has access to quality parks and open space and active and passive recreation facilities

- *4.4.2 Plan and provide active and passive recreation including skate parks, aquatic facilities and off-road biking opportunities.*

The Planning Proposal:

- does not provide evidence that the development is underpinned by sustainability principles and quality design. The Planning Proposal is not



accompanied by an ADG compliant scheme addressing the requirements of the ADG and SEPP 65.

- does not provide for active and passive open space. Beverly Hills has been identified in Council's Open Space, Recreation and Community Facilities Strategy 2019- 2036 as lacking access to open space. Specifically, the subject site does not have access to public open space within 200m (a benchmark set out by the South District Plan). The proposal to introduce an additional 726-777 dwellings will further exacerbate the pressure on existing open space and provision of additional open space to meet the demands of high density living.

The CSP also highlights the need to encourage the night-time economy to support the growth of local jobs and local businesses. As stated previously in this assessment, the Planning Proposal has not addressed the provision of additional employment opportunities. The Georges River LEP 2021 includes a minimum non-residential FSR of 0.5:1 for E1 Local Centre zoned land within the Beverly Hills Local Centre. Council resolved on 24 April 2023 that the B2 (now E1) zone have a non-residential FSR of 0.75:1 in Beverly Hills. It is not clear from the Planning Proposal whether an increase in the non-residential FSR from 0.5:1 to 0.75:1 is proposed.

Georges River Local Strategic Planning Statement (LSPS)

The Planning Proposal is inconsistent with Council's LSPS that was endorsed by the then Greater Sydney Commission (GSC) on 4 March 2022 as the Planning Proposal report does not provide justification for some of the key points in the criteria to guide growth within the Georges River LGA. For example, the Planning Proposal has not addressed:

- *Growth is supported by green open space, social and physical infrastructure*
- *All centres have a role in jobs and housing growth*

The LSPS and its priorities support Beverly Hills to grow safe night-time entertainment, dining and other recreational opportunities and the preparation of a Master Plan.

The relevant LSPS actions are:

- *A6. Collaborate with the NSW Government for safe crossings over King Georges Road, especially at Beverly Hills.*
- *A77. Prepare a Master plan and Implementation Plan for the Beverly Hills Town Centre to revitalise the commercial centre and improve the amenity and quality of the built environment.*
- *A78. Undertake a night-time economy study to identify and measure night-*



time activities in appropriate centres for greater activation.

- A103. *When increasing residential density through rezoning, innovative solutions will be required for public open space to be provided in accordance with the South District Plan's standard.*

The LSPS also states: *It is forecasted that between 2016-2036 employment generated within the LGA's centres is to increase by around 13,000 jobs. It is important that our centres accommodate this growth by remaining economically viable and by providing an additional 25% of employment floor space. Council will seek to facilitate this additional floor space not only through development controls, but also through the growth of the commercial centres, including Beverly Hills.*

The Planning Proposal:

- Is not consistent with the heights and FSRs established by the draft exhibited Beverly Hills Local Centre Master Plan and 24 April 2023 Council resolution containing the principles and elements to guide the preparation of a new Master Plan for Beverly Hills Local Centre.
- Has not addressed how Beverly Hills will be supported to grow safe daytime and night-time entertainment, dining and other recreational opportunities. The LSPS envisions its centres – including the Beverly Hills Local Centre - as a thriving economic centre, both day and night.
- Has not addressed the provision of additional employment opportunities. The Georges River LEP 2021 includes a minimum non-residential FSR of 0.5:1 for E1 zoned land within the Beverly Hills Local Centre. Council resolved on 24 April 2023 that the B2 (now E1) zone have a non-residential FSR of 0.75:1 in Beverly Hills. It is not clear from the Planning Proposal whether an increase in the non-residential FSR from 0.5:1 to 0.75:1 is proposed.
- Acknowledges the need for open space in the Beverly Hills Local Centre; and cites the need for open space through various regional, district and Council strategies, however, only relies on the conversion of the existing stormwater culvert on the site into open space, which is unacceptable. This site (Nos.443-445 King Georges Road - including the stormwater culvert) has an active DA approval (DA2019/0114) for a tourist and visitor accommodation development comprising of 61 hotel rooms with a ground floor café. The consent is active until 20 May 2026. It is likely that the approved development will be constructed before any future planning proposal for the area is finalised, thereby eliminating the only potential public open space proposed by the concept scheme.
- Has not addressed Council's Open Space, Recreation and Community Facilities Strategy 2019-2036 which highlights the lack of open space in and around the Beverly Hills Local Centre. Specifically, the subject site does not have access to



public open space within 200m (a benchmark set out by the South District Plan). The proposal to introduce an additional 726-777 dwellings will further exacerbate the pressure on existing open space and the provision of additional open space to meet the demands of high density living.

Commercial Centres Strategy – Part 1

Council adopted the Commercial Centres Strategy (Part 1 Centres Analysis) 2020 (CCS) in February 2020.

The site is the *subject of the current Beverly Hills Master Plan process which recommends future land use zones, building heights and FSRs that will facilitate urban renewal and revitalisation of the area. Planning Priority P14 specifies Hurstville, Beverly Hills and Kogarah are supported to grow safe night-time entertainment, dining and other recreational opportunities.* However, there is no detail in the Planning Proposal to support night-time entertainment, dining and other recreational opportunities.

To enable retail growth and fostering a sense of community identity, the CCS recommends:

the permissibility of markets and artisan food and drink industries in appropriate centres, in particular Hurstville, Kogarah, Beverly Hills and Riverwood to activate streets and grow the night-time economy.

Although the Planning Proposal notes that it will contribute to the work required to identify and measure night-time activities, there is no evidence to demonstrate this will be undertaken, other than the provision of retail/commercial floorspace on the ground level.

Other than Events Cinema, Beverly Hills lacks an anchor tenant – particularly a reasonable size supermarket or similar food and grocery offering. The existing IGA is small and located off the main road in an old building.

Some of the Strategy's recommendations for Beverly Hills are:

- *Enable the permissibility of markets and artisan food and drink industry to activate streets and grow the night-time economy*
- *Introduce design excellence mechanisms to facilitate good design*

As noted, the Planning Proposal has not provided any evidence of the permissibility of markets and artisan food and drink industries to activate streets and grow the night-time economy, other than noting that this would be provided through an increase in retail floorspace and public domain improvements undertaken through s7.11 and 7.12 contributions.



Furthermore, the proposed design scheme that accompanies the Planning Proposal is not an ADG compliant scheme and results in a poor design outcome.

Another recommendation of the CCS was to increase the non-residential FSR for the centres within the LGA – with Beverly Hills recommended to be increased from 0.3:1 to 0.5:1. The CCS also indicates that B2 (now E1) zoned land within Beverly Hills Local Centre has a current non-residential FSR of 0.7:1 and requires 0.82:1 to meet the required 2036 demand for future employment floor space. This means at a minimum, the subject site is required to provide 15,371m² of employment floor space to meet baseline demands.

It is determined that the subject site currently provides 13,251m² of employment floor space based on the employment floor space audit conducted by JLL as part of the Georges River Employment Lands Study (2017). Given there has been no new development within the subject site which alters the amount of employment floor space within the Local Centre, this figure is considered to be true and remains relevant.

The Planning Proposal seeks to provide approximately 14,015m² of employment floor space which is not considered sufficient in meeting local job targets.

The Georges River LEP 2021 includes a minimum non-residential FSR of 0.5:1 for E1 zoned land within the Beverly Hills Local Centre. Council resolved on 24 April 2023 that the B2 (now E1) zone have a non-residential FSR of 0.75:1 in Beverly Hills. It was noted by the consultants who prepared the draft exhibited Master Plan that a non-residential FSR of 0.75:1 would stem the loss of non-residential floorspace as sites are redeveloped under the Master Plan and ensure Beverly Hills has capacity to meet the 2036 projections for employment floorspace demand in the Commercial Centres Strategy.

It is not clear from the Planning Proposal whether an increase in the non-residential FSR from 0.5:1 to 0.75:1 is proposed.

Any future iterations of the Planning Proposal must include an improvement in the amount of employment floor space proposed to service the additional increase in population which will be generated by the proposal and its 777 new dwellings.

Draft Beverly Hills Local Centre Master Plan

Beverly Hills is one of the centres identified by the Local Strategic Planning Statement (LSPS) 2040 to be investigated for potential centres expansion to provide additional jobs or housing opportunities.

The Beverly Hills Local Centre Master Plan is also identified under Stage 3: Jobs



and Activation (2023) of the endorsed Georges River LEP program.

In 2017, Council recognised the need to revitalise the Beverly Hills Local Centre and improve the quality of life for residents, workers and visitors. Accordingly, Council decided to prepare a master plan for the Beverly Hills Local Centre to provide a clear vision and an urban design framework to guide future development and include key infrastructure and public domain improvements for inclusion in a contributions plan or any future planning agreements.

The Master Plan is split into two phases. Phase 1 commenced in April 2018 with the development of a vision for the future of the Local Centre through comprehensive community and stakeholder engagement and an analysis of the opportunities and constraints to development in the study area.

Phase 2 commenced in July 2019, with the preparation of the draft Master Plan that was developed based on Phase 1 outcomes, detailed site investigations, consultation with the community and Councillor workshops.

The subject site is located within the study area of the Beverly Hills Local Centre Master Plan.

On 25 May 2020, Council considered a report recommending the exhibition of the draft Beverly Hills Local Centre Master Plan and resolved to endorse it for the purposes of public exhibition. The draft Master Plan was placed on public exhibition from 28 July 2020 to 28 September 2020.

On 28 November 2022, Council resolved that the Beverly Hills Local Centre Master Plan be deferred to a workshop for all Councillors to seek further clarifications and express their opinions regarding all matters in the report. A workshop was held with Councillors in March 2023.

At its meeting on 24 April 2023, Council resolved to not proceed with the exhibited Master Plan and to prepare a new Master Plan for the Beverly Hills Local Centre based on the principals and elements outlined below:

Principles to guide the preparation of the Master Plan for the Beverly Hills Local Centre resolved by Council are:

- The Master Plan guides future development on both sides of King Georges Road.
- The expansion of the business zone on the eastern side of King Georges Road to create opportunities for the growth of the Local Centre to support the local community.



- The exploration of the western side of King Georges Road having greater maximum building heights than the eastern side of the road.
- The investigation of the inclusion of affordable housing within the Local Centre.
- That built form transition provisions between the business zone and adjoining low scale residential zones are incorporated into the Master Plan and future development controls.
- That non-residential floor space within future developments ensures capacity to meet the 2036 projections for employment floor space.
- That the Master Plan addresses the risk associated with the Moomba to Sydney High Pressure Gas Pipeline on future development.
- The provision of a plaza and additional green spaces within the Local Centre.

Elements (relevant to the Planning Proposal) to guide the development of the Master Plan for the Beverly Hills Local Centre on the western side of King Georges Road resolved by Council are:

- The maximum building height is 21m (base height), 24.1m (sites requiring 3m road widening and minimum 20m frontage), 31.4m (gateway sites), and 27.2m (Cinema site).
- The maximum floor space ratio is 3:1 (base FSR), 3.5:1 (sites requiring 3m road widening and minimum 20m frontage and gateway sites), and 4:1 (Cinema site).
- The widening of Dumbleton Lane by 3m.
- The provision of green space on King Georges Road (purchase of land).
The provision of a pedestrian air bridge over King Georges Road.

A copy of the report and Council resolution of 24 April 2023 is contained in **Attachment 4**.

Refer to **Figure 1** showing the 24 April Council resolution on the Master Plan for the western side of King Georges Road.

The controls proposed in the 24 April Council resolution for a new Master Plan for the western side of King Georges Road are the same as those proposed in the exhibited Master Plan.

Table 2 below shows a comparison of the Planning Proposal against the exhibited Master Plan and the 24 April 2023 Council resolution principles for a new Master Plan.

For comparison, **Figure 2** shows the proposed heights and **Figure 3** shows the proposed FSR under the Planning Proposal.



Table 2 – Comparison of the Planning Proposal against the Draft Beverly Hills Local Centre Master Plan

Control	Exhibited Master Plan 2020 and 24 April 2023 Council Resolution on the Master Plan	Planning Proposal
Height	<p><u>Mid-block Sites:</u> 21m and 24.1m (7 storeys with bonus 3.1m to enable 3m lane widening)</p> <p><u>Corner Sites:</u> 28m and 31.1m (9 storeys with bonus 3.1m to enable 3m lane widening)</p> <p><u>Cinema Site:</u> 21m and 27.2m (8 storeys with bonus 6.2m to enable the retention of the 'cinema' land use on the site)</p>	<p>44m and 50m</p> <p>Corner sites: 50m (14 storeys) Remaining sites: 44m (12 Storeys)</p> <p>Only proposes 2m widening</p>
FSR	<p><u>Mid-block Sites:</u> 3:1 and 3.5:1 (with bonus 0.5:1)</p> <p><u>Corner Sites:</u> 3:1 and 3.5:1 (with bonus 0.5:1)</p> <p><u>Cinema Site:</u> 3:1 and 4:1 (with bonus 1:1 FSR or 2,000sqm whichever is the lesser)</p>	<p>4:1 and 5.5:1</p> <p>Corner and Cinema sites: 5.5:1 Remaining sites: 4:1</p>



Figure 1: 24 April Council resolution on the Master Plan for the western side of King Georges Road

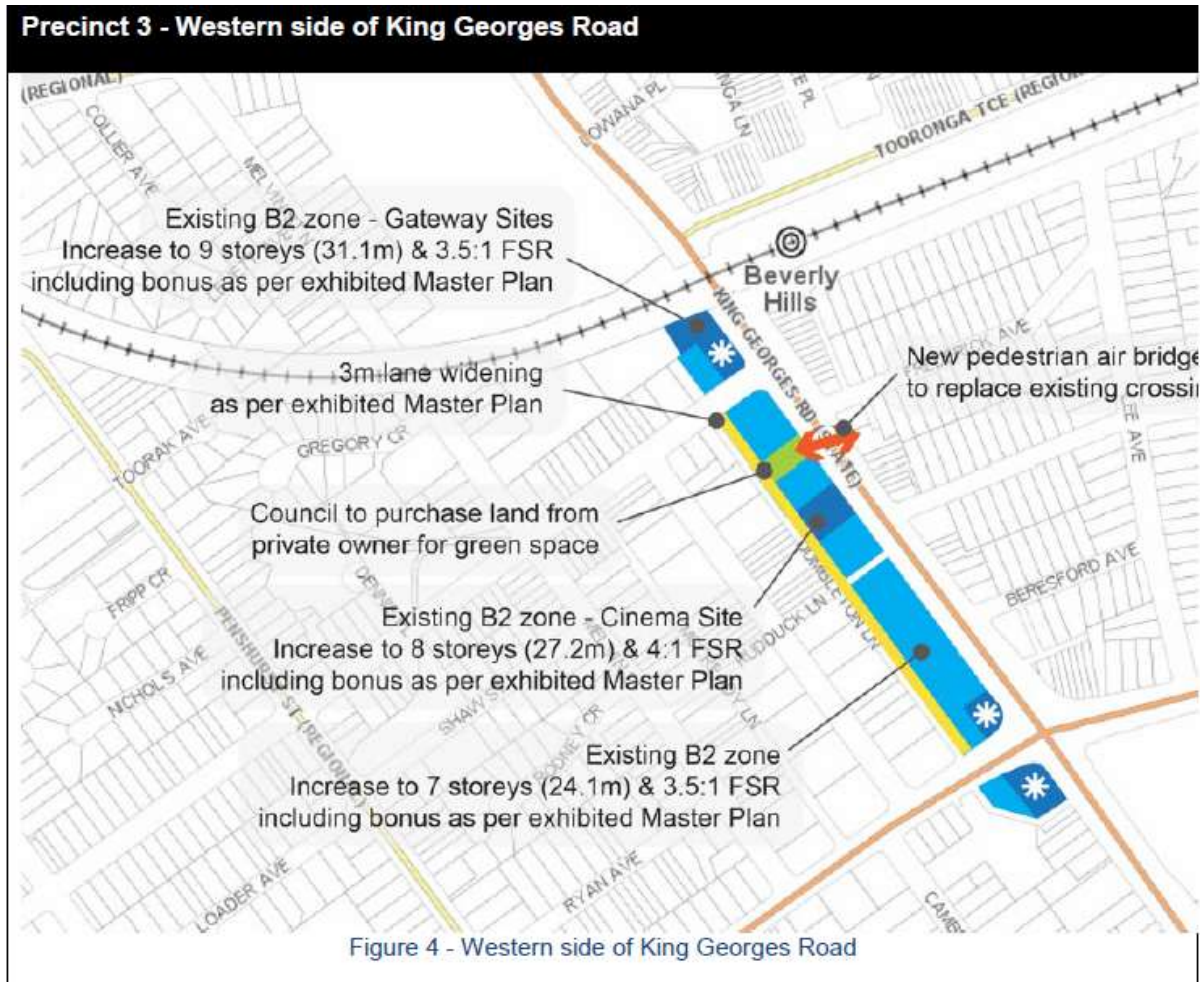


Figure 2: Proposed heights under the Planning Proposal



Figure 3: Proposed FSR under the Planning Proposal



It is noted that the draft Beverly Hills Local Centre Master Plan sets out the maximum uplift to the centre with generous height and floor space bonuses to enable a 3m widening of Dumbleton Lane and the re-establishment of a cinema as part of the renewal process. However, the Planning Proposal significantly exceeds the density and scale established by the draft Beverly Hills Local Centre Master Plan with proposed built forms of up to 50m (equates to 14 storeys).

The provision of a 3 storey built form at the rear of the subject site is supported and should be retained in future iterations of the concept scheme to ensure adequate transition is provided to the adjacent R4-zoned areas and to respect the human scale of Dumbleton Lane.

Development feasibility has been provided as the sole justification for exceeding the development standards proposed by the draft Beverly Hills Local Centre Master Plan. As noted by the Planning Proposal report, the feasibility study commissioned by the proponent nominates FSRs of 3.2:1 to 4.6:1 as being feasible and reflective of commercial market realities.

It is evident that the draft Master Plan proposes a built form outcome and development density which are deemed to be feasible and reflective of commercial market realities, i.e. the bonus provided to enable a 3m road widening of Dumbleton Lane will result in a FSR of 3.5:1.

Accordingly, there is insufficient strategic and site-specific merit for any planning proposal to exceed the development standards as proposed by the draft Beverly Hills Local Centre Master Plan. The Planning Proposal does not provide adequate justification for exceeding the development standards proposed by the draft Master Plan. Any future planning proposal must be amended to demonstrate consistency with the built form and density outcomes envisaged by the draft Master Plan.

Note: The Mortdale RSL Rezoning Review is considered to be a comparable precedent as it also sought to rezone a site which is the subject of a current draft master plan. The decision of the South Sydney Planning Panel dated 1 November 2022 determined that proceeding with the planning proposal would result in an ad hoc planning approach and the Mortdale RSL Planning Proposal did not possess strategic or site-specific merit.



Site-Specific Merit

Urban Design – Council comments

Council's Urban Designer has reviewed the Planning Proposal and provided the comments below advising additional information is required to confirm the Planning Proposal complies with the ADG and with the Master Plan in relation to lane widening, provision of open space, and the use of 443-445 King Georges Road for open space.

- **Unrealistic vision of King Georges Road as an 'urban boulevard'**

The Beverly Hills Local Centre is focused along King Georges Road, which is a busy State/arterial road with heavy volumes of traffic, including freight vehicles. Due to the dominance of vehicles and the associated amenity impacts of noise and air pollution, King Georges Road is not an ideal pedestrian environment. TfNSW has not indicated any plans to alter the vehicle-focused nature of King Georges Road, which means the vision of embellishing King Georges Road as a pedestrian-focused 'urban boulevard' is unrealistic and should be reconsidered in any future concept schemes.

To address the poor pedestrian amenity along King Georges Road, the draft Beverly Hills Local Centre Master Plan proposes the conversion of Dumbleton Lane into a shared zone with a strong emphasis on the pedestrian experience with active transport prioritised above motor vehicles in the user hierarchy.

Any future planning proposal must retain the active laneway to redirect a portion of the Local Centre's pedestrian activity away from King Georges Road. This is further addressed in the heading below.

- **Lane widening at Dumbleton Lane**

The draft Beverly Hills Local Centre Master Plan identifies the need for Dumbleton Lane (known as West Lane in the draft Master Plan) to be widened by 3m to enable the conversion of the existing lane into a 9m wide shared zone, featuring:

- A 6m laneway comprising of a footpath, on-street parking, one-way carriageway, and
- A 3m shared space with tree planting and space for outdoor dining.

The 3m wide shared space along Dumbleton Lane is to be provided by way of land dedication to Council as new development occurs along King Georges Road (refer to Figure 49 of the draft Beverly Hills Local Centre Master Plan).



It is envisaged that the lane will be transformed into a landscaped shared zone catering for pedestrians and cyclists as well as providing necessary vehicle and service access to developments along King Georges Road.

The Planning Proposal includes a lane widening of 2m at the rear of the subject site. This must be increased to 3m in line with the vision of the draft Master Plan.

Additionally, it is unclear whether the widening of Dumbleton Lane will be provided as a land dedication to Council or as a setback space in private ownership. In the typical sections shown on page 28 of the Urban Design Report, the basement is shown to be built to the rear boundary and encroaching into the 2m provided for the lane widening.

Any future planning proposal must also address the mechanism for delivering the widening of Dumbleton Lane.

- **Deficiency in public open space**

As discussed above, the proposal to introduce an additional 726-777 dwellings will further exacerbate the pressure on providing additional open space to meet the demands of high density living.

- **Exclusion of No.443-445 King Georges Road**

The Planning Proposal report nominates No.443-445 King Georges Road as the indicative location where public open space can be provided to service the proposed uplift. This is affirmed by the Built Form Plan provided on page 19 of the Urban Design Report which identifies no built form structures on these allotments.

However, it appears that the lots at No.443-445 are excluded from this Planning Proposal as illustrated by the outline of the 'subject site' within Section 4 of the Planning Proposal report (pages 23-27) and the Potential Planning Controls on page 25 of the Urban Design Report.

It is unclear whether the existing E1 zoning and development standards of 15m HOB and 2:1 FSR will be retained at No.443-445, or whether these lots will be rezoned to RE1 Public Open Space as part of a future planning proposal since no uplifts have been proposed for these lots as part of this Planning Proposal.

Nonetheless, as discussed above, significant concerns are raised regarding the indicative allocation of No.443-445 as a future public open space to support the increase in residential density as proposed by the concept scheme. These lots are privately owned in a consolidated ownership. Should the subject Planning Proposal proceed in its current form, it is reasonable to assume that the strategic



merit of the concept scheme relies on Council to rezone, acquire and embellish this property for the purpose of public open space so the additional high density dwellings can have access to a park within 200m. This is contrary to the claim of the Planning Proposal report stating there will be no issues associated with compulsory acquisition.

Furthermore, No.443-445 has an active DA approval (DA2019/0114) for a tourist and visitor accommodation development comprising of 61 hotel rooms with a ground floor café. The consent is active until 20 May 2026. It is likely that the approved development will be constructed before any future planning proposal for the area is finalised, thereby eliminating the only potential public open space proposed by the concept scheme.

Any future planning proposal must remove all references to No.443-445 as being identified as public open space and must provide alternative locations for the provision of public open space to address the existing deficiency.

- **ADG-compliant concept scheme**

The provision of a 3 storey built form at the rear of the subject site is supported and should be retained in future iterations of the concept scheme to ensure adequate transition is provided to the adjacent R4-zoned areas and to respect the human scale of Dumbleton Lane.

It is acknowledged that the package of documentation submitted is intended to support a Planning Proposal Application. However, Council cannot support a planning proposal with the knowledge that the proposed scheme will result in a non-compliance with the ADG and existing LEP clauses at the DA stage. For example, the proposed density (i.e. the total number of apartments) must ensure the minimum requirement of 60% of all apartments as being naturally cross ventilated can be achieved.

Additionally, any built form above the podium must provide a minimum 12m building separation to maximise the provision of dual-aspect apartments. The typical mid-block street elevation provided on page 27 of the Urban Design Report shows a minimum side setback of 6m in total (3m on each side). This must be increased to a minimum of 12m in total to allow habitable rooms to be orientated to the northerly aspect.

An amended planning proposal submission must be accompanied by an ADG compliant concept scheme, especially in terms of building separation, deep soil landscaping, solar access and cross ventilation, as compliance with these criteria will result in changes to the building envelope and footprint which leads to changes to the GFA yield and the FSR sought.



Urban Design – Peer Review

The Planning Proposal report and Urban Design Report accompanying the Planning Proposal have been peer reviewed by consultants Gyde who was involved in the preparation of the draft Beverly Hills Local Centre Master Plan on behalf of Council. Gyde has provided the following comments:

- **Urban typology assumptions**

Many of the reference examples relied upon in the Case Study Analysis in the Olsson Urban Design Report (sections 2.1-2.4) lack consideration for the urban typology and town centre locality.

The precedent studies selected for the comparative study appear to focus on similarities in terms of the land zoning (B2, R4 and Commercial core) and connectivity rather than urban structure, centre status or zoning pattern (including relationship to surrounding low density areas).

Many examples are not considered relevant or desirable precedents for town centre/main street typologies (i.e. lack of street wall and pedestrian interface emphasis) consistent with the outcomes sought by the Master Plan document.

An updated comparative study of suitable built form and streetscape examples should focus on comparable town centres (in terms of centre hierarchy, residential context and zone interface condition, main street typology). The aims and priorities nominated in local strategic plans such as the Local Strategic Planning Statement should also inform a case study of relevant built form and streetscape typologies.

- **Massing Strategy and Urban Profile**

Exhibited Master Plan:

The massing strategy presented in the vision document envisages scale and built form emphasis bookending the northern and southern end of the commercial zone along King Georges Road, with a predominant 2 storey streetwall response along the primary retail areas frontage.

The envelope massing is expressed as a low scale streetwall element terminating in an increased scale at either end. The arrangement delivers a cohesive response along the western edge of the main street and a framework with sufficient capacity to integrate existing development which may, or may not, redevelop in the short to mid-term.

The proportions of the proposed massing (in the Olsson study) rely on an increased streetwall height, presenting proportions to the street that are in contrast to the existing development scale and grain. This reduces capacity to ensure long term



flexibility for the western side of Kings George Road and to integrate existing fabric until future redevelopment occurs in line with the Master Plan vision.

The exhibited Master Plan anticipates a gradual increase in building heights upon arrival along Morgan Street (east to west). Buildings heights are sought to gradually increase from 11m (approx. 3 storeys) to 28m (approx. 8 storeys plus incentivised heights) with maximum scale emphasis located near the northern entry to the precinct core. The corner emphasis announces the northern 'gateway' and the station.

Building heights up to 21m are proposed along the northern side of the railway, gradually reducing further north responding to the local topography. Along the western edge of King George Road, the exhibited Master Plan seeks to celebrate the main street entry points with continuous forms, whereas the upper streetwall component is recessive where the perimeter forms front the western side of the street. The outcome is enhanced by the stepped upper alignment, adding to the presence and containment provided by the corner forms.

Planning Proposal (Olsson) Urban Design Report:

The Planning Proposal seeks substantially increased maximum heights up to 50m at the north western entry to the mixed use precinct, delivering an abrupt increase in development scale contrary to the outcomes sought by the precinct Master Plan.

The Planning Proposal fails to include an alternative vision for the sites fronting the eastern side of King Georges Road or neighbouring residential areas, eroding the transitional urban profile/skyline envisaged for the northern precinct edge.

The Urban Design Report does not include comparative analysis or testing to justify the alternative urban form/skyline outcomes. Nor does it provide an alternative vision for the urban form outcomes along the eastern side of King Georges Road and their capacity to respond sympathetically to surrounding areas.

The Planning Proposal relies on an increased development scale, which is distributed more evenly along the western main street edge, increasing the proposed maximum heights from approximately 6 storeys to 12 storeys.

The outcome is a visually dominant height spine fronting the western side of King Georges Road, detracting from the balanced streetscape scale (eastern vs western side), and eroding the 'bell curve' skyline profile sought by the exhibited Master Plan framework.



- **Built form transition**

Exhibited Master Plan:

Based on the subdivision pattern, the geometry of the E1 zone interface varies between the eastern and western zone boundary. Unlike the eastern zone boundary, the western E1 zone boundary (of Precinct 5) is a linear alignment which, in combination with the local topography, amplifies the need for a well-considered and sensitive edge response to the residential interface to reduce visual bulk.

The Master Plan vision seeks to achieve strong built form containment and human scale proportions along the eastern block edge (King Georges Road interface) and the retail edge. The outcome is achieved through perimeter forms along the western side of King Georges Road.

Within the western portion of the blocks, the footprints are smaller with reduced scale to facilitate perceived transition in terms of scale and grain responding to the residential areas within the R3 Medium Density Residential zone to the west of the proponent's site.

Planning Proposal (Olsson) Urban Design Report:

Due to the scale and proportions presented to the eastern block edge, the Planning Proposal master plan scheme fails to achieve the desired human scale edge to complement the character and amenity outcomes for the pedestrian environment along King Georges Road.

While the scale presented to the western block edge is sympathetic to the development scale within the R3 zone, the continuous perimeter forms fail to respond to the grain of the residential area (frontage width, building length etc) and fails to incorporate adequate deep soil and landscape opportunities to complement the character along the western side of the lane. The Planning Proposal package does not include analysis demonstrating how the continuous perimeter forms along the eastern laneway edge will impact on the spatial character and amenity of the laneway - noting the length of the continuous built form edge proposed.

Concerns are raised that the response is too 'urban' in character and out of scale for a non-strategic centre, which is more pronounced given the desire to retain and respect the character of neighbouring R3 residential areas to the west, which are unlikely to change in scale and character in the short to mid-term. We also note that the eastern side of King Georges Road is unlikely to accommodate a scale equivalent to the scale proposed by the Planning Proposal. This would result in two permanently incongruous streetwall edges to King Georges Road.



- **Character responses**

Exhibited Master Plan:

The Master Plan vision seeks to ensure the revitalisation of Beverly Hills will continue to enhance and respond to the local character. High density residential to occur in a manner that retains and reinforces the garden character of existing residential streetscapes and reinforce the commercial spine of Beverly Hills.

Planning Proposal (Olsson) Urban Design Report:

As discussed in previous comments, the increased streetwall scale and grain responses provided to the western interfaces fails to respond sympathetically to surrounding existing development pattern and grain. The alternative massing erodes the landscape presence to the laneway which is an important character element in residential neighbourhoods.

The exhibited Master Plan massing established a rhythm of built forms separated by courtyards/open space nodes to facilitate built form relief and landscape/deep soil opportunities to the laneway interface. The Planning Proposal provides open space nodes as mid-block landscaping above structure whereby landscape amenity is 'privatised' to benefit future occupants rather than the public domain edge. The location of open space appears to be driven by requirements for building separation rather than by solar access and built form screening to public site edges. The strategy results in a development which is generally more urban in character along the western block edge than the exhibited scheme – despite the reduced scale.

The visual prominence of the continuous 12-14 storey tower forms would be visually exposed along its western interface, detracting from the residential neighbourhood character to the west of these proposed buildings. The poor outcome is likely to be amplified by the local topography.

No investigations of visual bulk exposure / view line analysis was provided as part of the Planning Proposal to support the significant increase in scale and to consider the visual impact of the building scale and form proposed.

- **Streetwall proportions and setbacks**

Exhibited Master Plan:

The precinct Master Plan incorporates a 2 storey streetwall for the majority of the King Georges Road interface with 4-5 upper levels setback 4m from the primary streetwall alignment.



The 4m setback ensures the secondary streetwall reads as recessive with sufficient depth within the setback zone to accommodate a balcony and perimeter planters above the podium. The upper level setback was also intended to set dwellings back from King Georges Road as well as to accentuate the human scale its edge.

Planning Proposal (Olsson) Urban Design Report:

Contrary to the outcomes sought by the exhibited Master Plan, the proposal provides a 1m secondary setback above the 2nd storey with a further 3m setback above 8 storeys.

The proposed streetwall arrangement is a poor outcome. The limited setback above 2nd floor means the podium streetwall has lost the clarity intended in Council's Master Plan. The secondary streetwall has been moved closer to the street, detracting from the human scale street response sought by the town centre vision and placing the majority of dwellings closer to the road.

The Planning Proposal effectively increases the perceived streetwall scale from 2 to 8 storeys along the western street edge. The arrangement fails to address aims to recognise and enhance the existing character of the local area and erodes the balanced streetscape proportions sought by the Master Plan vision (eastern/western side of the street).

- **Streetwall breaks**

Exhibited Master Plan:

The exhibited Master Plan vision includes three (3) major breaks in the secondary streetwall ranging from 12-27m in width. The breaks in the secondary streetwall establish a rhythm to deliver visual relief as to surrounding streets and nearby residential areas as 'solar/daylight corridors' to improve precinct amenity.

Planning Proposal (Olsson) Urban Design Report:

The proposal provides several breaks in the secondary streetwall but according to the typical mid-block streetscape elevations (page 17), some breaks are only 6m in width. Given the scale of the streetwall, the width of the breaks is considered inadequate to sufficiently mitigate visual prominence to the street.

For residential / shop top housing uses, 6m building separation would result in blank wall exposure to achieve non-habitable to non-habitable relationships to meet Apartment Design Guide (ADG) design guidance under 3F and 4H of the ADG.



- **Amenity and amenity impact**

Based on the overshadowing analysis and typical block plans, it is unclear whether the west facing units will achieve sufficient direct sunlight during the afternoon to meet Design Criteria under Part 4A of the ADG. Any shadow cast by existing development along the western side of the laneway is not included in the shadow analysis.

Pedestrian precinct amenity will be adversely impacted by the increased streetwall scale and the proximity of tower forms (resulting from insufficient setback above the podium levels).

The Master Plan was predicated on the assumption that the residential area west of Dumbleton Lane is unlikely to redevelop in the short to mid-term due to the relatively recent development of the residential flat building in this area and the constraints of strata title in relation to land amalgamation. As such no change is proposed in this area and the scale of change that would be required to unlock these constraints was considered inappropriate for a local centre of this nature. Some existing residential buildings include living rooms and/or balconies that are orientated to the lane.

The Planning Proposal fails to demonstrate that reasonable levels of solar access and amenity is preserved to adjoining lots. The overshadowing diagrams supporting the scheme indicate the properties would be largely shaded until 12:00pm, so unless existing units have windows orientated north, they would be impacted by additional overshadowing.

To support the scale of development proposed, it would be reasonable for the proposal to more thoroughly considered and demonstrate that the intended built form outcomes achieve adequate solar access to living spaces and the principal usable space - Communal Open Space (COS) as required by the design criteria set out under Objective 3D-1 of the ADG.

Gyde considers that the distribution of bulk and scale sought by the study will lead to poor urban design and streetscape outcomes. Specifically, the Planning Proposal will facilitate an urban form on the subject site that will:

- Fail to integrate with the desired future scale of the precinct and what is considered to be a desired and appropriate scale for a centre of this nature.
- Present a visually dominant height spine fronting the western side of King Georges Road, detracting from the balanced streetscape scale (eastern vs western side) and eroding the 'bell curve' skyline profile sought by the exhibited Master Plan framework.



- Result in two permanently incongruous streetwall edges along King Georges Road given the excessive height which is unrealistic and out of character for a centre of this nature and where an equivalent scale is highly unlikely to be delivered on the eastern side of King Georges Road.
- Detract from the residential neighbourhood character west of Dumbleton Lane through the visual prominence on a continuous 12-14 storey tower form which is likely to be amplified by the local topography.
- Overwhelm the streetscape and detract from human scale at the street edge by increasing the perceived streetwall scale from 2 to 8 storeys along the western street edge and erode the balanced streetscape proportions on the eastern and western side of King Georges Road.
- Result in a street wall that is excessive in scale that fails to integrate with the existing lower scaled buildings along the eastern side of the King Georges Road until such time that they are redeveloped.
- Result in insufficient building breaks and the exposure of blank walls where breaks are proposed.

Heritage

The subject site comprises multiple contiguous allotments, all situated on the western side of King Georges Road, bound by the East Hills Railway line to the north and Stoney Creek Road to the south.

None of the individual allotments within the study area are identified as listed items of heritage significance, nor situated within a Heritage Conservation Area. The site is however, within the vicinity (adjoins to the north) of the State heritage listed item - 'Beverly Hills Railway Station Group.'

Most of the buildings on the subject site are evident of the typical commercial streetscapes of suburban Sydney of the mid- 20th century and are generally austere in detail, being typical and unremarkable examples of their respective architectural style and class, except the building at No. 423 King Georges Road.

The building at No. 423 King Georges Road, known as 'Hepburn Court', is a more prominent two-storey face brick building. As a corner allotment, this building is attributed to the late Inter-War period and has an interesting presentation and prominent relationship to the street. It retains strong characteristics attributed to the architectural style and period and has potential heritage significance.

A Heritage Impact Statement (HIS) has been submitted with the Planning Proposal, providing a concise assessment of the anticipated heritage impacts associated with the Planning Proposal. The HIS states that as there are no physical works proposed under this Planning Proposal, there is no potential for heritage impact to be generated.



While it is accepted that there are no physical works proposed as part of this Planning Proposal, consideration must be given to the anticipated heritage impacts, that is, the likely impacts associated with the anticipated future built forms by the creation of development controls which anticipate a higher density and built form uptake.

The extant built forms within the subject site appear to post-date the construction of the Beverly Hills Railway Station, likely the result of the expansion of the township following the arrival of the railway. In this manner, the extant building stock do not directly contribute to the significance of the railway station group and as the railway station itself sits within a cutting, there is in some respects, a visual disconnect between the platform and station building and the streetscape of King Georges Road.

However, the Planning Proposal seeks to establish new building height controls that will permit a significantly taller built form, increasing from the existing single and double storey built forms to a potential 12 storeys, with a maximum of 14 storeys to the 'gateway sites', effectively being the two bookends to the subject site.

The anticipated built forms up to a maximum of 14 storeys at the northern end, has the high potential to visually dominate the backdrop and setting to the Beverly Hills Railway Station group, significantly diminishing the existing 'open sky' outlook from the railway station.

The HIS should consider the potential significance of 'Hepburn Court' at No. 423 King Georges Road and the Planning Proposal amended to minimise the adverse visual impact on the setting of the heritage listed Beverly Hills Railway Station group. A transitional height towards the northern end should be provided, ensuring any future built forms respond to the sensitivity of the railway station precinct and pulling the height and bulk away so that it does not visually dominate when viewed from the railway station precinct (i.e. standing on the platforms). Additional setbacks to the podium level at the northern end of the site would further assist in achieving the required transitional zone.

Traffic

The traffic impact assessment prepared by Stantec submitted with the Planning Proposal concludes that it is anticipated that the potential net increase in traffic generation generated by the site under the proposed planning controls from that estimated for the existing planning controls is expected to be manageable.

Council's Traffic Engineer

Council's Traffic Engineer has reviewed the proposal and provided the comments below disputing the conclusion of the proponent's traffic impact assessment.



- **Traffic Generation**

Further traffic modelling is required to determine the impact on surrounding local and State roads at the worst case scenario. A detailed traffic and parking analysis of the proposal will need to be carried out to determine the impact the proposal has at full development on nearby roads, intersections and on street parking availability. The study will need to include the redevelopment of the Edgbaston Road car park.

The introduction of the commuter carpark in Beverly Hills (Edgbaston Road) is posed to increase vehicle volumes on many local streets west of King Georges Road, including along Stoney Creek Road, Edgbaston Road, and Melvin Street South. The proposed uplift in residential apartments yielding an estimated increase in 192 vehicles in the AM Peak and 275 vehicles in the PM Peak will dramatically increase traffic congestion at various intersections. It is recommended that further assessments and traffic modelling are conducted in conjunction with the proposed commuter carpark to determine the impact and level of service that may arise to the intersection of King Georges Road/ Stoney Creek Road and King Georges Road/ Edgbaston Road.

The following streets west of King Georges Road will require assessment.

- Edgbaston Road/ Hampden Street
- Edgbaston Rd/ Melvin Street S
- Edgbaston Rd/ McCready Lane
- Edgbaston Rd/ King Georges Road
- Stoney Creek Road/ Dumbleton Lane
- Stoney Creek Road/ Melvin Street S
- Stoney Creek Road/ McCready Lane
- Stoney Creek Road/ King Georges Road

There are also concerns raised with motorists attempting to gain access to travel west bound along Stoney Creek Road. It is also recommended that further assessments be conducted at the intersection of Melvin Street S/ Stoney Creek Road and McCready Lane/ Stoney Creek Road to determine if 'No Right Turn' restrictions are warranted to improve road safety and all right turn movements are to be conducted from the signalised intersection on Penshurst Street.

- **Waste Collection**

It must also be noted that the increase in residential and commercial floor space will result in an increase in waste collection services along Dumbleton Lane and it is recommended that all future waste collection (12.5m long rigid vehicles) occur within the property to avoid potential lane blockages during waste collection days unless further assessment is made for potential road widening to allow two-way



access from Edgbaston Road to Stoney Creek Road. Swept path analysis to be provided at the DA stage.

- **Dumbleton Lane Widening Requirements**

As raised by Council's Urban Designer above, the Planning Proposal needs to indicate the provision of a 9m wide shared zone along Dumbleton Lane and address the mechanism for widening the lane.

- **Rudduck Lane**

Road Carriageway Widening

Rudduck Lane has a road reserve width of 6.1m and is a no through road with the carriageway terminating some 5m from King Georges Road. There is a no turning facility at the end of the carriageway, and it is therefore likely that vehicles will be reversing into or out of the lane. Reversing out of the lane is considered particularly hazardous due to reduced sightlines resulting from buildings and fences being constructed with zero setbacks at the intersection with Dumbleton Lane.

It is recommended that the Planning Proposal:

- Widen the Rudduck Lane road reserve and provide a cul-de-sac/ turn bowl at its King George Road end to cater for movements in the lane in a forward direction at all times.
- Provide footpaths of minimum width 1.5m on both sides due to it being a through site link between King Georges Road and Dumbleton Lane.
- Consider increasing the road reserve width even further to allow for parking on one or both sides.

The minimum widths of the road reserve in Rudduck Lane for the above options are as follows:

- 1.5m wide footpaths on both sides with no on street parking: 9m
- 1.5m wide footpaths and kerbside parking on one side: 11.1m
- 1.5m wide footpaths and kerbside parking on both sides: 13.2m

Additional widths would be necessary if it is considered the lane should be widened even further to achieve better public domain outcomes, such as providing increased landscaped areas and outside seating/alfresco dining. One of the stated aims of the proposal is to *"better address and activate laneways which complement adjacent residential neighbourhoods"*

- **Splay Corners - Dumbleton Lane**

Splay corners should be provided if appropriate at the Rudduck Lane/Dumbleton Lane intersection to improve driver sightlines and pedestrian movements.



- **King Georges Road - Public Domain**

Figure 4 below is an extract from page 20 of the *Urban Design Report V1.1* dated December 2022 prepared by *Olsson Architecture and Urban Projects* and the following comments are made regarding the 900mm wide “Planting Zone” proposed immediately behind the kerb on King Georges Road.

Figure 4: King Georges Road section from the Planning Proposal



The position of the planter box does not allow the adequate opening of car doors. Vehicles are permitted to park kerbside outside clearway hours and the planter box and other plantings in this position will interfere with access to and from the roadway and footpath area. It is assumed that parking on the roadway will continue to be permitted outside clearway hours as the intent of the Planning Proposal is to “promote the continuation and revitalisation of evening and night-time uses”, and making it difficult to access parked vehicles is undesirable.

The planter box and other landscaping will need to be positioned away from the kerbline to facilitate pedestrian movements. The planter box may need to be positioned 1.2m or more from the kerb to cater for wheelchair access. Relocating the planter box away from the kerb to maintain an adequate footpath width may



require the 2m wide “Outdoor Dining/Breakout setback” to be increased.

If the planter box is acting as a crash barrier, which it is considered it should be if alfresco dining is to occur on this frontage, then it will need to be designed and installed to achieve that purpose and comply with TfNSW requirements.

Due to the high traffic volumes on King Georges Road, including a high percentage of heavy vehicles, some footpath areas, particularly those at intersections, may need to be fitted with TfNSW approved crash barriers.

- **Edgbaston Road at King Georges Road - widening of road reserve**

With lands on both sides of Edgbaston Road between King Georges Road and Dumbleton Lane being included in the Planning Proposal, it is recommended that subject to the concurrence of TfNSW, consideration be given to widening that section of Edgbaston Road to improve traffic conditions.

Currently Edgbaston Road has two left only turn lanes and a no right turn onto King Georges Road. If the roadway was to be widened by some 3m to provide an additional eastbound lane, that lane could be a right turn lane for traffic to turn and travel to the south.

The addition of a right turn lane to King Georges Road would reduce the need to use Dumbleton Lane as a link to King Georges Road. Dumbleton Lane with its current one-way south restriction to Stoney Creek Road and close proximity to the intersection with King Georges Road results in it being difficult for drivers wanting to travel south on King Georges Road.

Eastbound drivers on Stoney Creek Road frequently queue back from the signals at King Georges Road well past the Dumbleton Lane intersection, making it very difficult for drivers to initially turn left onto Stoney Creek Road than have to cross multiple lanes on Stoney Creek in a short road distance of 50m to reach the dedicated, single right turn lane at King Georges Road. Widening Edgbaston Road to provide for a right turn lane and having Dumbleton Lane two way would afford drivers in the lane improved access to King Georges Road.

Providing a right turn lane in Edgbaston Road and reconfiguring the traffic signals at the Edgbaston Road/King Georges Road intersection could allow for pedestrian facilities to be installed at this point to cross King Georges Road.

At present there are no facilities to cross King Georges Road in the Edgbaston Road/Morgan Street/ Tooronga Terrace area to access businesses on the eastern side of King Georges Road and the railway station. The only location to cross King Georges Road is to travel some 100m to the south to the midblock crossing near the Event Cinemas. This crossing location, with it being in a



hollow/low point makes it particularly difficult for the disabled, including those in wheelchairs to cross King George Road and then have to travel uphill and cross two intersections before reaching the railway station.

- **Other Matters for Consideration**

Other matters for consideration raised by Council's traffic engineer include:

- The indicative basement and ground floor plans indicate that residential and commercial pedestrian access is permitted from Dumbleton Lane where there is currently no footpath. Further information is required on the property setback, footpath width, and location of new footpath/ shared path/ bicycle lane.
- In the instance that residents must access their respective residential lobby and access cannot be provided through other lobbies, further pedestrian safety requirements along Dumbleton Lane will be required where pedestrian priority is viewed over vehicles. Further information will be required on what initiatives may be incorporated at the Planning Proposal stage or noted to be implemented at the DA stage.
- A site-specific DCP should be developed to make adequate provision for off street parking, including motorcycle parking, for the retail and commercial components, such as restaurants, and to reduce further impact on the high demand street parking in nearby residential streets.
- The substantial proposed uplift of the Planning Proposal will dramatically increase the number of residents to the Beverly Hill precinct. With the proposal to implement '47 retail/ commercial bicycle spaces, 259 resident bicycle spaces and 78 residential visitor bicycle spaces', there will need to be further assessments conducted on cycling infrastructure to existing public transport, major shopping centres (IGA Beverly Hills, Woolworths Kingsgrove and Coles Roselands) and open space locations (Olds Park, Gifford Park, Penshurst Park and Edgbaston Reserve). The implementation of bicycle parking is redundant without the available connections. At this stage, the existing cycling network is generally under-developed without safe and convenient connections between the eastern and western sides of King Georges Road. The connectivity for cyclists from nearby areas needs to be improved to access the town centre in safe conditions.
- With improvements in the cycling network, bicycle parking facilities should also be provided in the public domain.
- Provide on street car share parking spaces.
- Consider additional pedestrian crossing facilities on King Georges Road, possibly via an air bridge with lifts.
- Provide improved street lighting in Dumbleton Lane and minimise light spill onto residential properties on the western side.

TfNSW



TfNSW has reviewed the Planning Proposal and raised the following key issues:

- Concerns with the strategic merit of the proposal as:
 - The Beverly Hills Local Centre Master Plan is still in draft form and has yet to be endorsed by Council.
 - The proponent is determining the feasibility of planning control changes and urban design outcomes in isolation of the other development sites in the town centre.
 - The cumulative traffic and transport impacts of future development uplift on the western side of the town centre arising from an increase in height and FSR controls has not been assessed with potential development on the eastern side.
 - An increase in development uplift on the western side also has the potential to trigger developer requests for increased height and FSR controls on the eastern side of the town centre.
 - Consideration of the western side on its own may result in partial delivery of traffic and transport infrastructure improvements.
- Preference is that Council finalise the draft Master Plan for the town centre and revise the supporting Traffic Impact Assessment.
- Does not support the deferment of detailed network traffic modelling at the Part 4 Development Application stage due to the issues of addressing cumulative traffic and transport impacts on the surrounding road network and the associated need for identifying a package of transport infrastructure measures, including timing and costs at this stage of the planning process.

General

- Increasing FSR and building heights on one side of King Georges Road is not ideal. An integrated approach to amending the planning controls in the town centre is warranted and would enable improved place outcomes.
- Proposed increases to the FSR (4:1 – 5.5:1) and building heights (44-50 metres) is not in keeping with the site's location, particularly given the width of the site. Furthermore, Beverly Hills is designated a local centre rather than a strategic centre in the South District Plan.
- The proposed 2m setback on King Georges Road should be an absolute minimum. The increased footpath width provided by the setback will enable it to be designated a shared path, providing an alternative to riding on King Georges Road which has high traffic volumes and heavy vehicle movements.

Through Site Links

- Additional through site links between Dumbleton Lane and King Georges Road are warranted to prevent community severance, particularly given the long block length between Edgbaston Road and Stoney Creek Road.



- Rudduck Lane pedestrian and cyclist access to King Georges Road – Figure 27 of the Planning Proposal report shows this access is proposed to be retained, which is supported.

Pedestrian Access and Amenity

Consideration should be given to:

- Pedestrianising Rudduck Lane between Dumbleton Lane and King Georges Road (i.e. permanently restricting motor vehicles) which would improve public domain and place outcomes.
- Converting Dumbleton Lane to a shared zone (with a 10km/h speed limit and formal priority for pedestrians) with two-way access permitted for cyclists in accordance with TfNSW Technical Directions.

Access to Beverly Hills station

- Access between Beverly Hills station and the site needs improvement, particularly for people with additional mobility needs and people with prams and bicycles.

Network & Safety

- Network modelling should be provided to assess the cumulative traffic impacts on the surrounding arterial and local road network and identify any transport infrastructure upgrades required at nearby intersections as a result of the Planning Proposal. Traffic modelling should consider a minimum of five years into the future.
- Dumbleton Lane will need to be widened/upgraded to accommodate the largest size vehicles expected to access the development.
- The proponent should also undertake a parking assessment for the subject proposal utilising the Guide to Traffic Generating Developments and/or TDT 2013/04a.
- Concern is raised with the proposed egress movement from Dumbleton Lane onto Stoney Creek Road. Due to the proximity of the traffic signals at King Georges Road/Stoney Creek Road intersection, vehicles may try to cross three lanes of traffic to get into the right turn bay. Consideration should be given to reversing the one-way arrangement to eliminate this movement.

For a copy of TfNSW's correspondence **see Attachment 2.**

Contamination

The Preliminary Site Investigation (PSI) accompanying the Planning Proposal concludes that a supplementary detailed historical search is required at the DA stage due to the age of the buildings and a history of potential site contamination.



The PSI recommends:

- A supplementary desktop study to address the data gap in historical land use.
- A Detailed Site Investigation (DSI) is undertaken with intrusive soil and groundwater sampling to determine the need for site remediation.
- A hazardous building materials (HBM) survey is undertaken.
- A post demolition validation assessment is carried out to assess potential soil contamination.

Flooding

The proposed development is located within a low lying section of King Georges Road and comprises a multi-storey development with likely basement parking. The development site is traversed by an open drainage channel owned by Sydney Water, which is a tributary of Wolli Creek. During heavy rainfall across the local catchment there is potential for floodwaters to overtop the sides of the drainage channel and inundate the adjoining land, which forms the proposed development site. Parts of the lots of the subject development site are identified as being affected by 5% AEP, 1% AEP and PMF events in the Overland Flow Flood Study prepared by Council for the Hurstville, Mortdale and Peakhurst Wards.

The Planning Proposal is accompanied by a preliminary flood study report prepared by Robert Bird Group (RBG) which shows that the proposed development will have a minor effect on the flooding risk of the surrounding areas.

Council's Stormwater Engineer has reviewed the proposal and determined that the preliminary flood study report is insufficient and does not identify and discuss existing and proposed flooding conditions, flood compatible building design requirements and measures for flood immunity as well as the implications of the proposed heights and layout.

A comparison of the existing flood levels revealed considerable differences in flood levels between RBG and those determined by WMA Water prepared for Council as follows:

1% AEP flood levels at Location F:

- RBG: RL 26.80
- WMA (for Council): RL 27.00
- **Flood level lowered by 200mm**

PMF Flood Levels at Location F:

- RBG: RL 28.706
- WMA (for Council): RL 27.50
- **Flood level increased by 1206mm**



Based on the above, RBG's computed flood levels are unacceptable for this site and they are required to justify the site-specific TUFLOW model result difference which could trigger from inappropriate boundary conditions, different laser levels, parameters/roughness/blockage factor/detailed surveyed levels not used in Council's WMA model. By way of understanding, when a cut version of any model is used then all relevant parameters for the earlier model should be retained for stability and the only variability should be upstream flow and downstream stage hydrographs, which could then be diligently selected so that model results do not produce different sets of levels beyond acceptable tolerance levels generally 30mm-75mm. A mass volume message should also be reviewed for arriving at different results.

The TUFLOW model must be a due diligent model addressing the key points above and enable the analysis/investigation of post development impact conditions considering **final building footprint, including sections and elevations** in and around major overland flow areas (flow through type arrangements for building footprints to be adopted in these areas) to demonstrate a no worsening flood situation in the vicinity along upstream and downstream areas. In this instance, close coordination between the flood modeler and architect and final sign off is absolutely essential as the required flood compatible building footprint will have implications on final building heights.

As a guide, the following minimum requirements are required:

- a) Habitable floor level RL 27.50
- b) Basement entry ramp level RL 27.50
- c) No alteration to existing ground levels in and around overland flow areas to prevent re-distributions of flood water
- d) Flood compatible landscaping design to be adopted within overland flow areas

A site-specific building footprint and layout including flow through type ground level areas in and around the major flood areas is required to be submitted with the Planning Proposal. This is to demonstrate through the submission of a detailed flood impact assessment report that the final building layout design does not result in worsening flood situation at post development stage.

The detailed flood impact assessment report is to:

- Clearly demonstrate that the Planning Proposal will not adversely affect any neighbouring property by increasing or concentrating flows and clearly identify flood affected lots which should be free of development to manage overland flow through the open channel and its adjoining floodplain. There is an existing



Sydney Water concrete channel of 4039mm x 1600mm running across the site, which is acting as a major overland flow structure and a tributary of Wolli Creek. The report must identify the number of flood free lots to accommodate the open channel and adjoining floodway areas, including setting of a proposed flood compatible building footprint line on either side of the floodway in order to demonstrate no worsening of the flood situation.

- Recommend floor levels, carparking levels and driveway access levels/profiles based on the above findings and demonstrate that the proposed development will not have its finished floor levels or basement inundated during the 1%AEP and PMF events with allowance of suitable freeboard. The basement ramp crest level is to be nominated as 1%AEP flood level plus 500mm freeboard.
- Consider the impact of obstructions across a flowpath within the model runs, such as building footprints, fences, median islands and roads. There are twin 2.29m wide x 1.71m high Reinforced Concrete Box Culverts (RCBC) that pass beneath King Georges Road. These obstructions are to be appropriately incorporated in the model. Smaller sized and nested grid size is to represent the flow behaviour in an urban environment, with consideration of narrow overland flowpaths, such as between buildings and permanent obstructions.
- Provide model input/output, readme and relevant files for Council review. A detailed site inspection by the flood 360deler is essential to undertake the flood impact assessment.

Stormwater

Council officers have consulted with Sydney Water on the proposal who have advised that records indicate that the following major Sydney Water stormwater assets are located within and adjacent to the development site, which may impact future developments on the site and the intended footprint the proponent may wish to achieve:

- 1,219mm x 1,219mm stormwater channel along Dumbleton Lane
- 4,039mm x 1,600mm (varies) stormwater channel through the property at No. 441-443 King Georges Road
- 4,724mm x 1,676mm and 3,200mm x 2,057mm stormwater channel along Edgbaston Road

Sydney Water advises that the proponent needs to consider Sydney Water guidelines for building over or adjacent to stormwater assets that outline the process and design requirements for such activities.



High Pressure Gas Pipeline

The entirety of the subject site is located within the Notification Zone of the Moomba to Sydney Ethane (MSE) Pipeline that runs through the northern portion of the Georges River Local Government Area.

Council appointed Arriscar to undertake a review of Northrop's report dated 14 December 2022. Arriscar has provided the following feedback:

1. The Planning Proposal seeks to approximately treble the current population, not only in the designated properties west of King Georges Road, but implicitly within the amended LEP area. This is significant.
2. Due to the proposed change in population, the impact needs to be considered more carefully and a risk assessment consistent with HIPAP 6 included with the Planning Proposal. Both aspects of this conclusion are supported by Planning Circular PS 21-029, to enable decision making by Council.
3. By increasing the exposed population, there will an increase in societal risk F-N curve), and it is not known if the risk assessed with a new future population in the amended LEP will comply with the F-N criteria.
4. There are also questions whether the qualitative risk criteria would be met, until a quantitative risk assessment is carried out and the results available for assessment.

An amended risk assessment report is required addressing 1 to 4 above for referral to APA.

For a copy of Arriscar's assessment see **Attachment 3**.

Voluntary Planning Agreement

The Planning Proposal triggers the application of Council's Planning Agreements Policy 2016 ('Policy') dated 10 August 2016.

There is no proposal or letter of offer to enter into a voluntary planning agreement (VPA) to provide public benefits in conjunction with the Planning Proposal.

The Planning Proposal report states that *"the Planning Proposal will provide development contributions under S7.11 and S7.12 of the Environmental Planning and Assessment Act 1979 to fund public open space acquisition, design improvements and community facilities such as:*

- *Converting the existing stormwater culvert on the site into open space.*
- *Embellishment works, such as improved footpath design and street furniture.*
- *East-west through-site links.*



- *Improvements to Dumbleton Lane.*
- *Partial pedestrianisation of Rudduck Lane.*
- *Improvements to the Edgbaston Road Carpark.*
- *Improved pedestrian connection to Beverly Hills railway.*
- *Improvements to pedestrian crossings on King Georges Road.*

Contributions can also be directed to the relevant schedule of works identified in the Georges River Council Local Infrastructure Contributions Plan 2021 (Section 7.11 and Section 7.12), such as:

- *Upgrading Beverly Hills Park*
- *Beverly Hills Streetscape Upgrade and Median Treatment*
- *Pedestrian improvements between Beverly Hills Station and Beverly Hills Park,*
- *Beverly Hills commuter/timed car park in Edgbaston Road*
- *Traffic modelling – Beverly Hills Town Centre”*

The Social and Community Assessment Report (December 2022) submitted with the Planning Proposal states that *“in addition to S7.11/7.12 contributions, Voluntary Planning Agreements may be used to provide public benefits such as community space, affordable housing etc. Consideration will be given to how and where this may occur, at DA stage.”*

The Planning Proposal will result in a significant increase in the local population and demand for local infrastructure and community facilities. The Planning Proposal seeks to increase the FSR and building heights for the subject land and states it will facilitate development for approximately 726-777 new dwellings and 14,015m² of retail/dining/evening entertainment floor space.

Council’s GRC Local Infrastructure Contributions Plan (2021) did not account for the proposed development and associated increase in population. As such, the Contributions Plan does not include all of the facilities and services that would be required to address and support the proposed development. Also, it is noted that some of the facilities listed above are not identified in Council’s Contributions Plan.

Due to the scale of development proposed, a VPA provides the only funding mechanism for Council to address the demands for local infrastructure and facilities arising from the Planning Proposal.

The VPA forms part of the strategic planning process and addresses the site-specific demands of the proposal.

Council’s Planning Agreements Policy 2016 (‘Policy’) provides Council’s policy and procedures relating to VPAs. The Policy states that Council may consider entering



into a VPA when a developer proposes an Instrument change to facilitate the carrying out of development or proposes a development application.

The Departments Practice Note on Planning Agreements sets out the key principles for VPAs. The Practice Note states that where a proposed development has not been anticipated and facilities to cater for this development have not been identified, a VPA can be prepared to specifically target the needs of the development.

Council respectfully requests that a VPA offer be provided in conjunction with the Planning Proposal to ensure the site-specific demands for infrastructure and facilities are addressed.

Recommendations to the Department and the Panel

The Planning Proposal cannot be supported in its current form as it lacks strategic and site-specific merit.

The proposal is not underpinned by a comprehensive strategic planning study for the locality and if implemented, will undermine the ability to achieve the objectives and actions of high level strategic planning policies relating to the site, including:

- Greater Sydney Region Plan – A Metropolis of Three Cities
- South District Plan
- Community Strategic Plan 2022-2023
- Commercial Centres Strategy – Part 1
- Georges River Local Strategic Planning Statement
- Draft exhibited Beverly Hills Local Centre Master Plan

The Planning Proposal does not provide adequate justification for exceeding the development standards proposed in the draft Beverly Hills Local Centre Master Plan, in both the exhibited version and principles in the 24 April 2023 Council resolution to guide a new Master Plan.

The Planning Proposal does not reflect the urban design outcomes of the draft exhibited Beverly Hills Local Centre Master Plan and will ultimately result in an excessively bulky and visually dominant built form with significant impacts to the public and private domain. Any future planning proposal must be amended to demonstrate consistency with the built form and density outcomes envisaged by the draft Beverly Hills Local Centre Master Plan (exhibited and 24 April 2023 Council endorsed principles).

The proposal will set an unacceptable precedent prior to the establishment of a finalised policy position for future development in the locality and undermine the future strategic planning work for the Beverly Hills Local Centre. The Planning Proposal is



not considered to have strategic and site-specific merit and should not proceed to a Gateway Determination.