

Rezoning Review Briefing Report – RR-2023-12

407-511 King Georges Road, Beverly Hills

Element	Description
Date of request	30 May 2023 (Adequate on 20 June 2023)
Department ref. no	RR-2023-12
LGA	Georges River
LEP to be amended	Georges River Local Environmental Plan 2021
Address	407-511 King Georges Road, Beverly Hills (the site)
Reason for review	<input checked="" type="checkbox"/> Council notified the proponent it will not support the proposed amendment <input type="checkbox"/> Council failed to indicate support for the proposal within 90 days
Has council nominated PPA role	Council does not nominate itself to be the Planning Proposal Authority (PPA).
Brief overview of the timeframe/progress of the planning proposal	<ul style="list-style-type: none">On 30 August 2022 a pre-lodgement meeting was held between the Department's Eastern and South District's team and Mecone regarding a proposal it was intending to lodge for land at 407-511 King Georges Road, Beverley Hills, on behalf of the Beverly Hills Landowners Association.On 16 December 2022, the planning proposal (PP-2022-4295) for the site was lodged with Georges River Council (Council) by Mecone Group Pty Ltd, on behalf of Beverly Hills Owners Association Incorporated (the proponent).On 2 March 2023 Council wrote to the proponent advising of its concerns and issues following completion of a preliminary assessment of the proposal.On 17 April 2023, Georges River Council provided written notification (via email) that it does not support the proposal. In this email, it was advised that the proposal would be referred to a Local Planning Panel meeting with Council's recommendation that the "<i>planning proposal is not supported in its present form</i>". The planning proposal has not been referred to the Local Planning Panel or Council.On 30 May 2023, the applicant lodged the subject rezoning review request with the Department. The package was reviewed by the Department and considered adequate on 20 June 2023. <p>A summary of the background of Council's draft Beverly Hills Master Plan dated April 2020 (draft Master Plan 2020) which applies to the site is included in Attachment Background.</p>

Element	Description
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Planning Proposal

Table 1 - Overview of planning proposal

Element	Description
Site Area	Approximately 16,073m ²
Site Description	<p>The site comprises 52 lots from 407 to 511 King Georges Road, Beverly Hills (refer to pp.15-16 of the attached Planning Proposal Report for legal description of land) (Attachment B) covering an area of around 16,073m².</p> <p>The site is bound by the T8 Airport and South railway line (to the north), Stoney Creek Road (to the south), King Georges Road (to the east), and Dumbleton Lane (to the west) (refer to Figure 1).</p> <p>The site is occupied by a range of one to three storey commercial and retail uses. A stormwater culvert traverses the northern portion of the site (in an east-west direction) at 443-445 King Georges Road, Beverly Hills.</p> <p>Land to the immediate:</p> <ul style="list-style-type: none">• north of the site comprises the Beverly Hills Railway Station and T8 Airport and South railway line; Beverly Hills High School and Beverly Hills Intensive English Centre; retail and commercial premises (along the eastern side of King Georges Road); as well as low density residential further north/north-eastward. A portion of the Moomba Sydney (Ethane) Pipeline also runs through the T8 Airport and South Railway line near the site (within 600 m).• south of the site is characterised by retail/commercial premises including a car dealership, as well as 1-2 storey residential dwellings.• east of the site is characterised by retail/commercial premises fronting King Georges Road, as well as lower density residential development further eastwards.• west of the site is characterised by low to medium density dwellings (ranging from single storey detached dwellings to three storey residential flat buildings) with development further westward characterised by detached one to two storey dwellings.

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Element	Description
Proposal summary	<p>The planning proposal seeks to amend the development provisions that apply to the subject land under the Georges River Local Environmental Plan 2021 (Georges River LEP 2021), to facilitate the site's redevelopment for mixed use commercial / residential purposes, by (Table 1):</p> <ul style="list-style-type: none">• increasing the height of building control from a maximum 15m to part 44m and part 50m (12 to 14 storeys).• increasing the FSR control from a maximum FSR of 1.5:1 and 2:1, to part 4:1 and part 5:1. <p>The planning proposal is supported by an Urban Design Study (Attachment A), which seeks to demonstrate the site's suitability for approximately:</p> <ul style="list-style-type: none">• 726 to 777 new dwellings (59,380m²);• 14,015m² retail/dining/evening entertainment floor space; and• 765 new jobs during construction and 291-503 permanent jobs in the local area. <p>The planning proposal and supporting documentation can be found in Attachment A.</p>
Relevant State and Local Planning Policies, Instruments	<ul style="list-style-type: none">• Greater Sydney Region Plan: A Metropolis of Three Cities (2018)• South District Plan (2018)• Georges River Local Strategic Planning Statement 2040• Georges River Local Environmental Plan 2021• Georges River Community Strategic Plan 2021• Georges River Local Housing Strategy (2020)• Georges River Commercial Centres Strategy (2020)• Georges River Local Infrastructure Contributions Plan 2021

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Element	Description
Relevant Local Plan	<ul style="list-style-type: none"> The draft Beverly Hills Town Centre Master Plan was prepared by Georges River Council in April 2020 (the draft Master Plan 2020). On 25 May 2020 Council endorsed the draft Master Plan 2020 for public exhibition. The draft Master Plan was publicly exhibited from 28 July to 28 September 2020. The draft Master Plan 2020 recommended the following amendments to the site: <ul style="list-style-type: none"> retain the existing B2 Local Centres zone (now E1 Local Centre zone); increase the maximum building height from 15m to part 21m (6 storeys) and part 28m (8 storeys); increase the maximum FSR from 2:1 to 3:1; and provide three new through site links, public open space and 3m widening of Dumbleton Lane. On 26 April 2022, Council resolved to defer the draft Master Plan 2020 to consider additional and/or updated studies. On 24 April 2023, Council resolved to not proceed with the draft Master Plan 2020 and endorsed new principles to guide the preparation of the masterplan. <p>A summary of the background of the draft Masterplan 2020 is included in Attachment Background.</p>

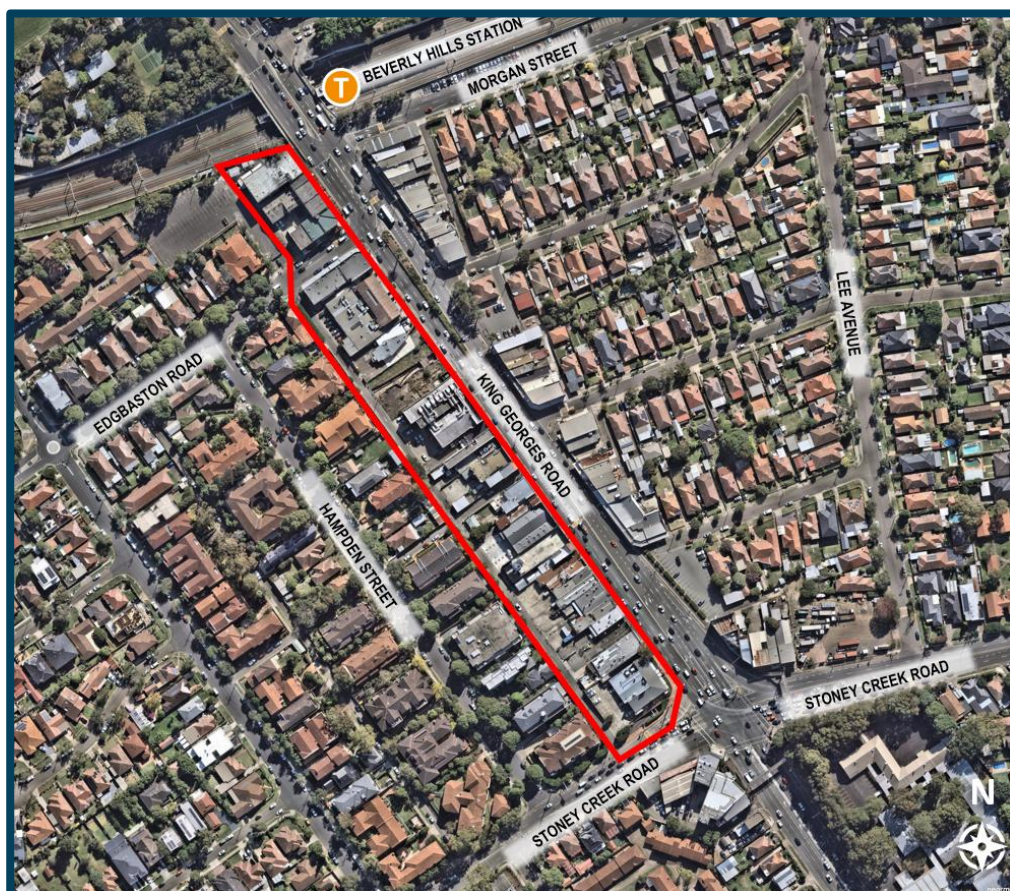


Figure 1 - The site highlighted red (Source: Nearmap, May 2023)

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Table 1 - Current and proposed controls under the Georges River LEP 2021

Control	Existing	Proposed
Zone	E1 Local Centre (Figure 2) (Key Permitted uses with consent : <i>Amusement centres; Boarding houses; Centre-based childcare facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Places of public worship; Public administration buildings; Recreation facilities (indoor); Respite day care centres; Service stations; Serviced apartments; Shop top housing; Veterinary hospitals</i>)	No change
Maximum Height of Buildings (HOB)	15m (Figure 3)	Part 44m and part 50m
Maximum Floor Space Ratio (FSR)	1.5:1 and 2:1 (Figure 4) (Note: <u>Clause 4.4B</u> 'Exceptions to floor space ratio—non-residential uses' of the GRLEP 2021 specifies that development consent must not be granted for development on the land identified as 'Area 3' unless the non-residential floor space ratio is at least 0.5:1)	Part 4:1 and part 5.5:1 (Note: Clause 4.4B still applies)
Number of dwellings	Not known	Between 726 to 777 new dwellings or 59,380m ² (if potential concept scheme is pursued)
Number of jobs	Existing job figures not disclosed in proposal or supporting documentation	765 during construction and between 291 to 503 ongoing jobs (if potential concept scheme is pursued)

The planning proposal contains an explanation of the provisions and how the objectives of the proposal will be achieved.

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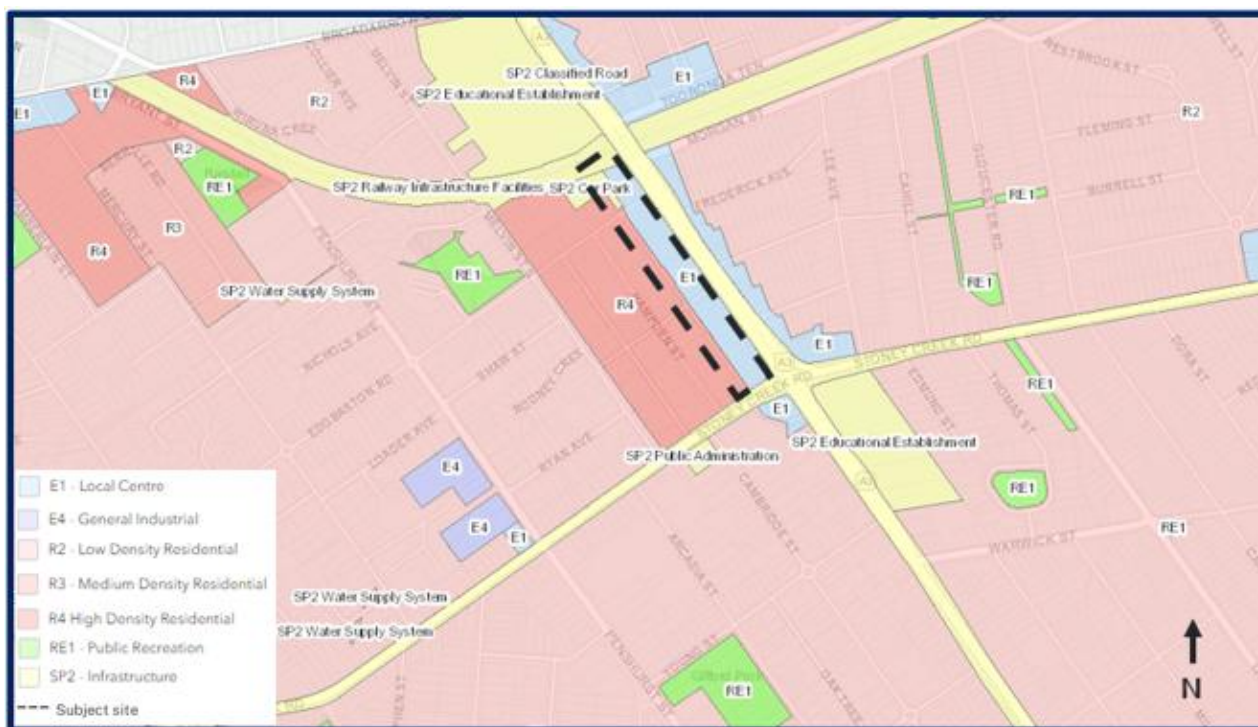


Figure 2 - Current zoning map (Source: Extract from Georges River LEP 2021 Land Zoning Map)



Figure 3 - Current height of buildings map (Source: Extract from Georges River LEP 2021 Height of Buildings Map)

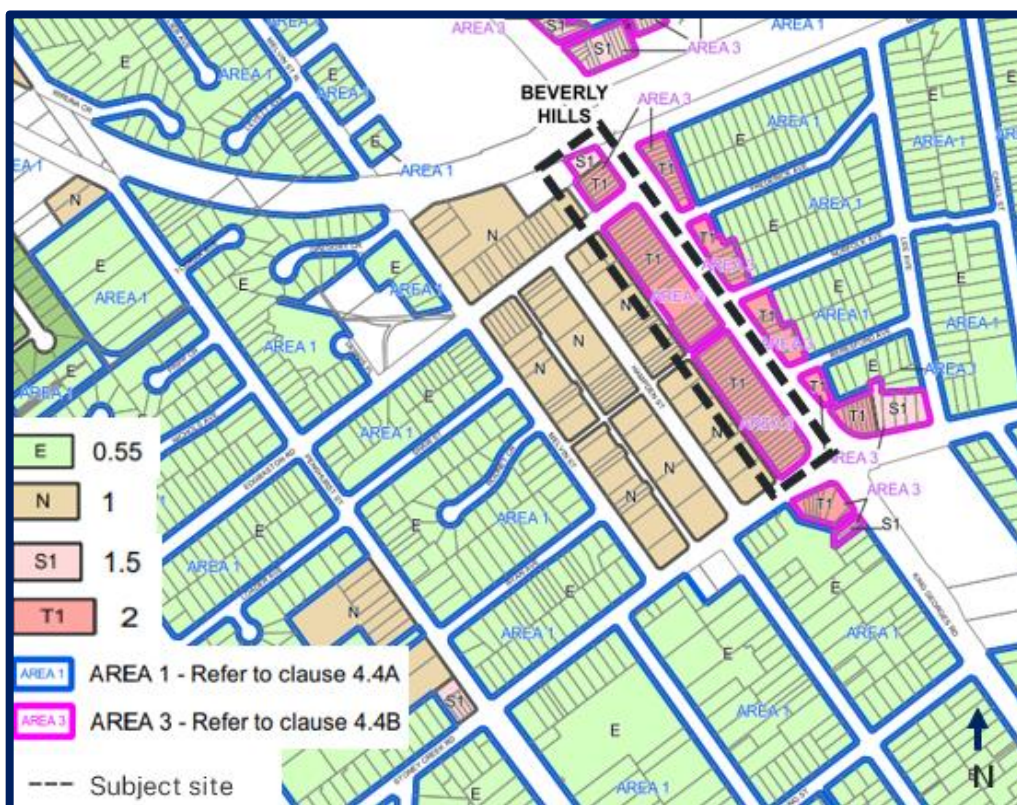


Figure 4 - Current floor space ratio map (Source: Extract from Georges River LEP 2021 Floor Space Ratio Map)

Key Issues

Issue: Strategic Merit

Council's View

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). Council is of the view that the proposal:

- does not meet the following objectives of the Region 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
- does not meet Objective 31 of the District Plan in that there is insufficient open space provided
- is inconsistent with Council's LSPS Actions:
 - 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.
- is inconsistent with Council's Draft Beverly Hills Local Centre Master Plan as shown in **Table 2** and **Figures 5 to 8** below:

Table 2 – Comparison of exhibited draft Master Plan 2020 and planning proposal

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>

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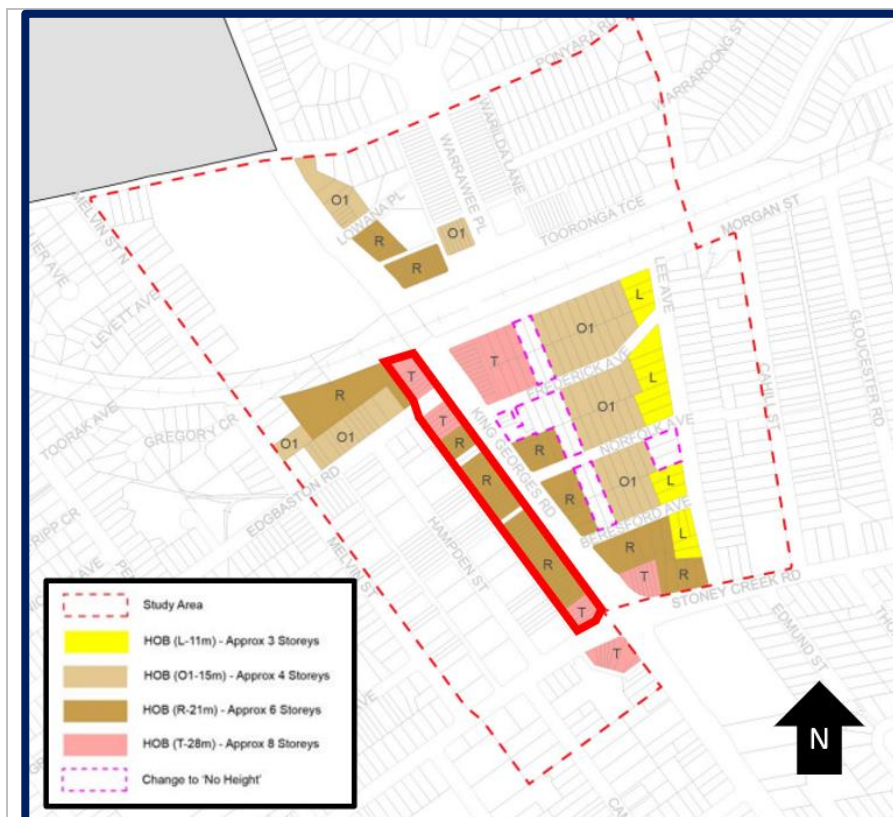


Figure 5 – Draft Master Plan 2020 proposed maximum building height map (Source: the draft Master Plan 2020)



Figure 6 – Proposed heights in the planning proposal (Source: Planning Proposal)

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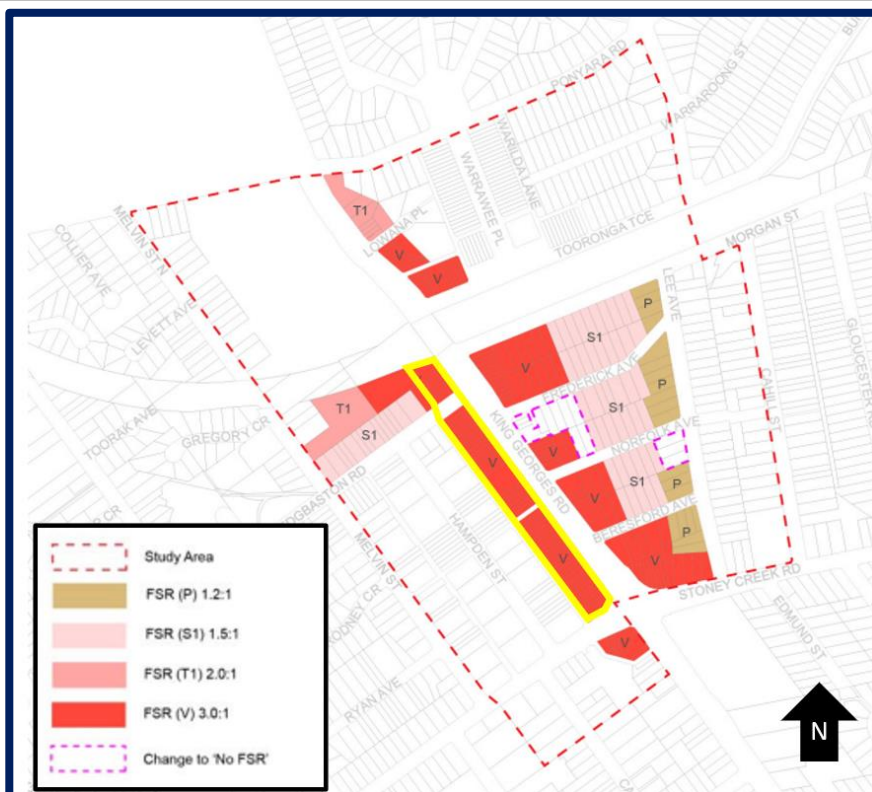


Figure 7 – Draft Master Plan 2020 proposed maximum FSR map (Source: The draft Master Plan 2020)

Note: area subject to rezoning review request highlighted yellow.



Figure 8 – Proposed FSR in the planning proposal (Source: Planning Proposal)

Proponent's View:

The Planning Proposal has strategic merit as it will

- Facilitate renewal of the Beverly Hills Town Centre through uplift of residential and employment floorspace, and associated economic benefits;
- Focus on housing delivery, to meet the area housing targets, near local services and transport with easy access to the CBD and Sydney Airport;
- Encourage job creation that will assist in meeting local job targets;
- Support the growth of safe night-time, dining and recreational opportunities in the Beverly Hills Town Centre;
- Provide scope for future development to achieve best practice sustainability measures in accordance with the aspirations of the local and regional strategic planning framework;
- Result in suitably scaled built form that responds to its context, and the desired future character and scale of the anticipated wider Town Centre redevelopment without compromising the amenity of surrounding residential properties.

Issue: Traffic and Parking

The Department, as part of a pre-lodgement meeting with the proponent on the 30 August 2022 recommended consultation be undertaken with Transport for NSW (TfNSW) and Council to determine their requirements for any future proposal.

Council's view (Attachment D)

Council's Traffic Engineer has reviewed the proposal and has disputed the conclusion of the proponent's Traffic Impact Assessment prepared by Stantec (dated 22 November 2022) and has requested:

- Further traffic modelling to determine the impact of the proposal on surrounding local and State roads at the worst-case scenario; and
- Detailed traffic and parking analysis to determine the impact the proposal at full development stage on nearby roads, intersections, and on street parking availability, including the redevelopment of the Edgbaston Road commuter car park by TfNSW.

TfNSW's view (Attachment D)

TfNSW has provided comments including:

- the cumulative traffic and transport impacts of future development on the west side of the town centre arising from an increase in height and FSR controls has not been assessed with potential development on the east side of the town centre to comprehensively identify traffic and transport impacts arising from redevelopment of the whole town centre.
- it does not support deferring detailed network traffic modelling to the detailed development application stage (as proposed by the planning proposal);
- consideration of the planning proposal site on the west side of the Beverly Hills town centre on its own may result in partial (and ultimately staged) delivery of traffic and transport infrastructure improvements;
- additional through site links between Dumbleton Lane and King Georges Road should be explored; and

- further 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.

Proponent's view

The modelling provided in the Traffic Impact Assessment (TIA) report includes consideration of the impacts caused by the implementation of the clearway and the M8 Motorway. The modelling used to inform traffic generation rates is based on TfNSW's *Guide to Traffic Generating Developments 2002* and *Technical Direction: Updated Traffic Surveys* (TDT 2013/04a) data. The report assesses the potential transport implications associated with the project, including consideration of the following:

- existing traffic conditions surrounding the site;
- the traffic generating characteristics of the proposal;
- suitability of the proposed access arrangements;
- internal road network layout and design; and
- the transport impact of the proposal on the surrounding road network.

The assessment has utilised indicative yield data based on a conservatively higher proportion of commercial GFA proposed for the site. Based on the assumption that the site will accommodate approximately 14,015m² of retail/commercial and 726-777 residential apartments.

The TIA concludes to say that:

- changes to clearway restrictions have provided an additional lane on King Georges Road for much of the day period. This additional traffic lane (as a result of the clearway restrictions) could potentially provide capacity for up to an additional 1,400 vehicles per hour mid-block;
- the opening of the M8 Motorway has returned some capacity on the surrounding road network by reducing demand for other east-west roads near the site, including Stoney Creek Road; and
- the proposal could potentially result in a net increase in traffic generation of up to 224 and 358 vehicle trips during the AM and PM peak hours when compared to the existing planning controls.

The proponent anticipates that the potential net increase in traffic generated under the proposed planning controls when compared to the existing controls is expected to be manageable, particularly when considering the road capacity returns afforded by the road infrastructure improvements over recent years. This specifically includes changes to clearway conditions and the opening of the M8 Motorway.

The proponent requests that additional studies and matters could be addressed in future development applications and that further consultation with TfNSW and Council's Traffic Engineers be undertaken during the exhibition of the planning proposal.

Issue: Public Benefits

Council's view

- The planning proposal has not addressed Council's *Planning Agreements Policy 2016* (10 August 2016). The proposal triggers the application of the Policy, however, no proposal or letter of offer to enter into a voluntary planning agreement (VPA) to provide public benefits has been provided with the Planning Proposal particularly as the proposal will result in a significant increase in the local population and demand for local infrastructure and community facilities.
- Council's 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 the facilities and services that would be required to address and support the proposed

development. Due to the scale of proposal, a VPA provides the only funding mechanism for Council to address the demands for local infrastructure and facilities arising from the proposal. (Note: Council resolved on 24 April 2023 to prepare an Affordable Housing Contributions Scheme for the Beverly Hills Town Centre as part of its new principles to guide the preparation of the Master Plan).

- The proposal will result in a significant increase in the local population and demand for local infrastructure and community facilities which the Planning Proposal has not addressed. The Planning Proposal is premature and should await the outcome of the master planning process currently underway by Council. (Note: On 24 April 2023, Council resolved to not proceed with the draft Master Plan 2020 and endorsed new principles to guide the preparation of the masterplan).
- The proponent's Social and Community Assessment Report notes that passive recreation and active recreation space is not close (being 250 m and 700 m from the site, respectively), particularly for the increasing older demographic that will move into the area. No suggestion has been made for any appropriate area within or in the vicinity of the site; other than converting the stormwater channel near the cinema. This is not supported as the site contains two stormwater drains that merge into a stormwater culvert and has an active development consent for tourist and visitor accommodation valid until May 2026.

Proponent's view

The proponent states that the following studies/matters can be addressed by future development applications:

- VPA/Contributions potentially for:
 - public open space; and/or
 - cycle infrastructure.

The planning proposal will be subject to 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.

Contributions can also be directed to the relevant schedule of works identified in the *Georges River Council Local Infrastructure Contributions Plan 2021* under 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 railway station and Beverly Hills Park; and
- Beverly Hills commuter/timed car park in Edgbaston Road.

Issue: Moomba Sydney (Ethane) Pipeline

A portion of the Moomba Sydney (Ethane) Pipeline (MSP) runs through the T8 Airport and South Railway line near the site (within 600 m). The Department, as part of a pre-lodgement meeting with the proponent on the 30 August 2022 advised of the need for any future planning proposal to have regard to the proximity of the site to the existing MSP and for consultation with:

- the APA Group (owners and operators of the MSP); and
- the Department's Hazards team to assess the potential impacts of the MSP and undertake a Land Use Safety Study (LUSS) in accordance with the department's Hazardous Industry Planning Advisory Paper (HIPAP).

The LUSS is the document prepared to demonstrate a proposal satisfies the NSW Land Use Safety Planning Framework (the Framework) administered by the NSW Department of Planning and Environment, including the relevant HIPAPs.

It is also noted that on 1 November 2021, the Department confirmed it was satisfied with the Land Use Safety Study (LUSS) prepared to support the draft Masterplan 2020 (**Attachment Background**).

Council's view

- The entirety of the site is located within the Notification Zone of the MSP that runs through the northern portion of the Georges River Local Government Area. The proponent's risk report prepared by Northrop is insufficient to determine whether the increased risk of locating more people in the area is acceptable.
- Council engaged Arriscar Pty Ltd to undertake an independent review of the planning proposal and to assess if the risk assessment appropriately identifies the impacts of the pipeline and any requirements for the planning proposal. The summarised findings of Arriscar's review (dated 16 February 2023) are:
 - the 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, which is significant;
 - due to the proposed change in population, the impact needs to be considered more carefully by Council and a risk assessment consistent with HIPAP 6 be prepared for the planning proposal. These conclusions are supported by Planning Circular PS 21-029;
 - by increasing the exposed population, there will be an increase in societal risk (F-N curve) and it is not known if the risk assessed with the new future population will comply with the F-N criteria; and
 - it is also not known if the qualitative risk criteria would be met until a quantitative risk assessment is carried out and the results available for assessment.

Proponent's view

- The proponent contacted the APA Group who advised that a Dial Before You Dig (DBYD) enquiry be submitted to ascertain the location of the pipeline relative to the site, and to include consideration of the subsequent advice provided. The APA provided an email on 7 September 2022 noting that they should be consulted once the work was progressed. The APA Group is included as a key stakeholder for consultation during exhibition.
- The LUSS will be highly dependent on final land use mix and building design, which have not been progressed at this point. Once the broader size, scale and mix of development is further resolved, preliminary building design will be undertaken to inform an LUSS and further consultation with DPE's Hazards team.
- The LUSS will consider the requirements of the relevant DPE Hazardous Industry Planning Advisory Papers (HIPAPs) to potentially inform design requirements for the site. Such work cannot be meaningfully addressed until preliminary designs are developed. It is therefore premature to progress further investigations at this stage of the process.

Issue: Built Form and Urban Design

Council's view

Council provided built form and urban design comments on the planning proposal as summarised below:

- To address the poor pedestrian amenity along King Georges Road, the draft Master Plan 2020 proposes the conversion of Dumbleton Lane into a shared zone with a strong emphasis on

pedestrian. Any planning proposal must retain the active laneway to redirect a portion of pedestrian activity away from King Georges Road.

- The draft Master Plan 2020 identifies the need for Dumbleton Lane widened by 3m to enable the conversion of the existing lane into a 9m wide shared zone. The proposal only provides 2m. It is also unclear if the widening of the lane will be a land dedication to Council or a setback area in private ownership.
- The proposal nominates 443-445 King Georges Road as the indicative location where public open space can be provided, however these lots appear to be excluded from the proposal as shown on the 'subject site' in Section 4 of the Planning Proposal Report (pages 23-27) and the Potential Planning Controls (page 25) of the proponent's Urban Design Study. It is unclear whether Council is expected to acquire and embellish the property.
- The 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 adjacent R4-zoned areas and to respect the human scale of Dumbleton Lane.
- The proposal must be accompanied by an ADG compliant concept scheme, particularly for building separation, deep soil landscaping, solar access, and cross ventilation, as compliance with these criteria has implications on building envelope, footprint, and the proposed GFA.

Peer review of Urban Design Study

Council engaged Gyde Consulting to undertake a peer review of the proponent's Urban Design Study which found that the distribution of bulk and scale sought by the study will lead to poor urban design and streetscape outcomes, and will facilitate an urban form on the site that will:

- fail to integrate with the desired future scale of the precinct and what is 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 (east vs west side) and eroding the 'bell curve' skyline profile sought by the exhibited draft Masterplan 2020 framework;
- result in two permanently incongruous street wall edges along King Georges Road given an equivalent scale is highly unlikely to be delivered on the east 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
- result in insufficient building breaks and the exposure of blank walls where breaks are proposed.

Proponent's view

Comparison with the Beverly Hills Town Centre Master Plan

The planning proposal has been developed with consideration of the principles and controls proposed under the draft Master Plan 2020. It shares many similarities with Council's masterplan work and seeks to progress the planning undertaken by Council in their planning for the Town Centre area (comparison provided in Table 6 of the Planning Proposal Report).

Urban Design Study

The planning proposal is supported by an Urban Design Study (including design testing) following extensive economic feasibility analysis (Appendix 4 and 6 of the Planning Proposal). The urban design Study demonstrates how the site may be developed within the parameters of the proposed LEP

amendments and in due course, the provisions of the Urban Design Study will be translated into a site-specific Development Control Plan (DCP).

The Urban Design Study provides for:

- redevelopment of approximately 12 blocks on the western side of King Georges Road;
- building heights of up to 12-14 storeys;
- a FSR of 4:1 for all sites on King Georges Road, and a FSR of 5.5:1 for corner sites and key commercial buildings, such as the Beverly Hills Hotel and the GU Cinema;
- mixed use buildings comprising:
 - commercial floor area;
 - retail ground level;
 - up to three levels of basement;
 - shop top housing;
 - inner landscaped courtyard areas; and
 - through-site links.
- minimises overshadowing and building bulk impacts to the lower-level residential areas to the west before stepping up to form an eight-storey street wall, with a two-storey podium expressed to King Georges Road. Articulated elements above will range from an additional four to six storeys;
- 2m front setback to widen the King Georges Road footpath, 3-6m side setbacks, and 2m rear setback to Dumbleton Lane; and
- a lower podium street wall height of 8m to ensure future building heights are at human scale, well-designed, and provide a walkable high-street character. The levels above the podium will range in height to ensure potential overshadowing impacts on properties to the west comply with relevant Apartment Design Guide criteria.

Overshadowing diagrams provided in the Urban Design Study indicate that shadow impacts to neighbouring sites comply with the ADG. The shadow impacts of each future detailed development application will be less than the cumulative overshadowing of all sites shown in the Urban Design Study.

Issue: Flooding

Council's view

- The proponent's Preliminary Flood Study prepared by Robert Bird Group (dated 12 July 2022) is inadequate and the computed flood levels are unacceptable for this site
- The development site is traversed by an open drainage channel owned by Sydney Water, which is a tributary of Wolli Creek. During heavy rainfall there is potential for floodwaters to spill over 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.
- A detailed flood impact assessment report should be prepared for the proposal that:
 - includes a site-specific building footprint and layout including flow through type ground level areas in and around the major flood areas; and
 - demonstrates that the final building layout design does not result in a worse flood situation at post development stage.

Proponent's view

The Preliminary Flood Study (PFS) was prepared in accordance with the provisions of the Floodplain Development Manual (2005). The findings of the study include:

- the model outputs have shown that the proposal will have minor effect on the flooding risk of surrounding areas, which is a result of the proposed building forms blocking the width of the existing overland flow path from Dumbleton Lane to King Georges Road; and
- it is recommended that the proposed built form be refined to feature open landscaped space between individual buildings to retain the existing overland flow path capacity and minimise the flood impact.

The proponent requests that the following studies/matters to be addressed by future development applications:

- flood planning levels; and
- the design requirements provided in the Preliminary Flooding Study.

Issue: Proximity of Site to Heritage Item

Council's view

- The proposed scheme does not address the impacts on the State heritage listed item - 'Beverly Hills Railway Station Group.' Council's heritage advisor has raised concerns that 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 proponent's Heritage Impact Statement has not considered the potential significance of 'Hepburn Court' at 423 King Georges Road which retains strong characteristics attributed to the architectural style and period and has potential heritage significance.

Proponent's view

The Heritage Impact Statement prepared by Urbis (dated 16 December 2022) states that the subject site does not contain listed heritage items and is not within a heritage conservation area, however, the heritage item listed as 'Beverly Hills Railway Station Group' is located on the northern boundary of the subject site.

The heritage impact assessment has found that the proposal and associated future development associated with the proposal would not result in any adverse impacts to the heritage item in the vicinity on the subject site as:

- the heritage item is highly obscured as it is located below King Georges Road and the planning proposal ground level;
- the proposal is significantly obscured from the heritage item with negligible visual relationship;
- there are no physical works proposed and therefore no potential for heritage impact to be generated by the proposal;
- the item's significance is associated with its aesthetic significance, association with the Great Depression unemployment relief projects and its representative significance as a station along the East Hills railway line. The significance of the item is not connected with the specific heights or FSR of buildings in the vicinity and is separated from the proposal by the six-lane roadway (King Georges Road) and its location set below the roadway; and

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- the Beverly Hills commuter car park consisting of a five-storey car parking structure just west of the subject site on Edgbaston Road, was approved by TfNSW in May 2022. This provides a precedent for building heights in proximity to the subject site and heritage item, as well as an indication of the intended scale of the Beverly Hills Town Centre.

Attachments

Attachment Background – Background to draft Beverly Hills Town Centre Master Plan 2020

Attachment A – Rezoning Review Request Package

Attachment B – Site location and context

Attachment C – Existing and proposed maps

Attachment D – Council comments (including TfNSW comments)

Alexander Galea

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10/8/2023

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