



**REZONING REVIEW
RECORD OF DECISION**

STRATEGIC PLANNING PANEL of the
SYDNEY SOUTH PLANNING PANEL

DATE OF DETERMINATION	22 December 2023
DATE OF DECISION	11 December 2023
PANEL MEMBERS	Annelise Tuor (Chair), Glennis James and Stephen O'Connor
APOLOGIES	None
DECLARATIONS OF INTEREST	Mayor Nick Katris and Councillors Stratikopoulos and Borg had a conflict of interest as they voted at Council's 24 April 2023 meeting to endorse principles to guide the preparation of a new Master Plan for Beverly Hills Town Centre. The principles for the Western side of King Georges Road includes the site of the planning proposal and provide development controls and planning outcomes.

REZONING REVIEW

RR-2023-12 at 407-511 King Georges Road, Beverly Hills (Site) (as described in Schedule 1)

Reason for Review:

- The council has notified the proponent, in writing, that the request to prepare a planning proposal has not been supported
- The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

PANEL CONSIDERATION AND DECISION

The Panel considered the material listed at item 4 and the matters raised and/or observed at the site inspection and briefings listed at item 5 in Schedule 1.

Based on this review, the Panel recommends that the proposed instrument, subject to amendment:

- should** be submitted for a Gateway determination because the proposal to increase residential density has demonstrated strategic merit and subject to revisions specified below, demonstrates site specific merit
- should not** be submitted for a Gateway determination because the proposal has:
 - not demonstrated strategic merit
 - demonstrated strategic merit but not site specific merit

The decision was unanimous.

REASONS FOR THE DECISION

The Panel agreed that an increase in residential density would have Strategic Merit given that:

- The town centre is located in close proximity to the Beverley Hills Railway Station;
- Increasing residential density is consistent with applicable strategic planning documents, as they relate to the general objectives for housing. These include the Greater Sydney Region Plan, 2018; Sydney South District Plan, 2018; and the Georges River Local Strategic Planning Statement, 2040 (LSPS); and
- Delivering housing supply is a priority issue for Sydney for all levels of Government.

The Panel considered that the proposed uplift in the proponent's revised Planning Proposal does not demonstrate site-specific merit. However, subject to the specified revisions below, the Panel considers that a Planning Proposal will have site specific merit and can proceed for a Gateway determination.

The Panel recognises that there have been considerable delays in finalising planning controls for the Beverly Hills Town Centre, but notes the exhibited draft Master Plan has considered the future development potential of Beverly Hills Town Centre, as a whole. A planning proposal for the western side of King Georges Road could proceed ahead of the new revised Master Plan but only if it demonstrates that it would result in a consistent urban form for the Beverly Hills Town Centre and that the impacts, demand for services etc for the centre are appropriate.

The Panel has therefore resolved that prior to Gateway, the Planning Proposal should be revised to be generally consistent with the Georges River Council's draft Beverly Hills Town Centre Master Plan, 2020 (draft Master Plan), as amended by the Principles in Council's resolution dated 24 April 2023, specifically (c) and (d) c. i-iv (the Principles) (Attached to this Record of Decision).

In reaching this decision, the Panel notes that Council's master planning for the town centre has identified:

- a need for revitalisation of the town centre;
- an increase in residential and commercial density for the Site is appropriate;
- a need for the provision of open space to service existing and future populations for the Site and the adjoining town centre;
- the built form should provide an appropriate transition with the adjoining residential areas and existing development on both sides of King Georges Road;
- future development should provide acceptable amenity and comply with the Apartment Design Guide requirements;
- environmental constraints such as flooding, the existing pipeline and traffic should be addressed;
- a demand for infrastructure, services and facilities would result from the uplift in densities; and
- the demand for affordable housing in the area.

Panel recommendations

The Panel recommends that prior to submitting the Planning Proposal for a Gateway determination, the Planning Proposal will need to be revised as follows:

- i. Residential Flat Building (RFB) be an additional permitted use (APU) at the rear of the Site adjoining Dumbleton Lane. The APU should extend for 26m from Dumbleton Lane. The remainder of the Site will only permit dwellings as shop top housing, which is currently a permissible use in the E1 Local Centre Zone.
- ii. Add a Site specific clause, or other mechanism, which provides:
 - a maximum height of building (HOB) for:
 - 423-505 King Georges Road of part 12m (for 26m from Dumbleton Lane) and part 24.1m for remainder of these lots; and
 - the corner 'gateway' lots, being 407-421 and 507-511 King Georges Road, of part 12m (for 14m from the western boundary) and part 31.4m for the remainder of these lots;
 - a maximum floor space ratio (FSR) of 3.5:1, including a Non-Residential FSR of 0.75:1. The Department is to further test the FSR to ensure that it can be accommodated within the proposed maximum HOB;
 - that the maximum HOB and FSR can only be achieved if:
 - land to be developed within the Site has a minimum width to King Georges Road of 20m;
 - the width of Dumbleton Lane is increased by 3m, within the Site, to provide vehicular access and activate parts of the Lane with non-residential uses at ground level; and

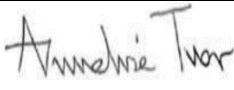
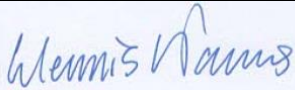

- development of the Site is consistent with the requirements identified in items iii-vi, below.
- iii. Investigate and identify an appropriate mechanism and subsequent zoning, HOB and FSR standards for future open space that can be used by the public at 439 King Georges Road. In addition, investigate the feasibility of the drainage infrastructure at 443 King Georges Road being upgraded as open space;
- iv. Prepare an affordable housing viability report and clarify housing affordability rates, including floor space and number of units and method of management, to achieve the delivery of affordable housing within the site consistent with the government's strategic housing policy. The Greater Sydney Region Plan and Sydney South District Plan have affordable housing targets in the range of 5-10% of new residential floor space subject to viability;
- v. Provide updated reports on flooding, traffic and any hazards from the existing pipeline to support the request for a Gateway determination; and
- vi. All documentation is to be updated to reflect the above requirements. This documentation is to be prepared in accordance with the LEP Making Guidelines.

A Site specific development control plan (DCP) should be prepared and exhibited with the Planning Proposal. In addition, Council should prepare an appropriate amendment to its s7.11 Contribution Plan to address the potential increase in demand for local infrastructure, services and/or facilities, generated by future development of the Site.

The revised Planning Proposal, including supporting reports and studies, is to be submitted to the Panel by the end of February 2024. The Panel will reconvene following the receipt of the revised Planning Proposal to assess and determine whether the Proposal has met the Panel's recommendations and is suitable for submission for a Gateway determination.

Georges River Council has previously declined to progress the planning proposal. In accordance with Section 3.32(1) of the *Environmental Planning and Assessment Act 1979*, the Planning Panel, as delegate of the Minister for Planning, has determined to appoint itself as the Planning Proposal Authority (PPA) for this Planning Proposal.

Should the proponent fail to pay the PPA fee by the designated date, then the Panel will no longer proceed with the Planning Proposal and the making of a local environmental plan amendment.

PANEL MEMBERS	
 Annelise Tuor (Chair)	 Glennis James
 Stephen O'Connor	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	RR-2023-12 at 407-511 King Georges Road, Beverly Hills
2	LEP TO BE AMENDED	Georges River Local Environmental Plan (LEP) 2021
3	PROPOSED INSTRUMENT	The revised planning proposal seeks to: <ul style="list-style-type: none"> • increase the height of building (HOB) from 15m to part 28m, part 33m and part 39m (8, 9, & 11 storeys); and • increase the Floor Space Ratio (FSR) from 1.5:1 and 2:1, to part 3:1, part 3.5:1 and part 5:1
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Rezoning review request documentation • Department of Planning and Environment (Department) Rezoning Review Briefing Report, 10 August 2023 • Department Memo to Sydney South Planning Panel, 29 November 2023 – Council’s request to reconsider location of open space and Proponent’s updated planning proposal, 29 November 2023 • Mecone letter to Panel, 22 November 2023
5	BRIEFINGS AND SITE INSPECTION BY THE PANEL	<ul style="list-style-type: none"> • Briefing with Department of Planning and Environment (DPE): 9:00am – 9:30am, 11 December 2023 <ul style="list-style-type: none"> ○ Panel members in attendance: Annelise Tuor (Chair), Glennis James & Stephen O’Connor ○ DPE staff in attendance: Amanda Harvey, Laura Locke, Alexander Galea, Paula Bizimis, Doug Cunningham, Lisa Kennedy & Taylah Fenning ○ Key issues discussed: <ul style="list-style-type: none"> • Lodged Planning Proposal • Revisions to Planning Proposal to address the Panel’s requirements – height, floor space ratio (FSR), traffic & width of Dumbleton Lane • Preparation of a Voluntary Planning Agreement (VPA) • Proposed open space requirements of Council • Briefing with Georges River Council and Mecone Group and landholders (Proponent): 9:31am – 11.06am, 11 December 2023 <ul style="list-style-type: none"> ○ Panel members in attendance: Annelise Tuor (Chair), Glennis James & Stephen O’Connor ○ DPE staff in attendance: Amanda Harvey, Laura Locke, Alexander Galea, Paula Bizimis, Doug Cunningham, Lisa Kennedy & Adam Williams ○ Council representatives in attendance: Meryl Bishop, Catherine McMahon, Lisa Ho, Stephanie Lum, Henry Huynh, Sonny Embleton & Helen Deegan ○ Proponent representatives in attendance: Ian Cady, Gemma Bassett, Russel Olsson, Lesli Berger, Will Nemesh, Jordan Chilcott, Colin Rahim & Anthony Boskovitz ○ Key issues discussed by proponent: <ul style="list-style-type: none"> • Proposed changes to height, FSR, width of Dumbleton Lane, open space requirement & affordable housing • Mechanism for achieving the widening of Dumbleton Lane

- Commercial activities along Dumbleton Lane
- Overshadowing of adjoining sites to west and south
- Community benefits & preparation of a VPA
- Council's proposed open space requirements north of drainage easement
- Site specific Development Control Plan (DCP)
- Key issues discussed by Council:
 - Limited time to provide a response to the proponent's changes to the Planning Proposal
 - Proposed changes to height, FSR, width of Dumbleton Lane, open space requirement, affordable housing, flooding, gas pipeline & need for a public benefit
 - Site specific Development Control Plan (DCP)
 - Beverly Hills Town Centre master planning
 - Commercial activities along Dumbleton Lane & transition of building heights
 - Affordable housing & Council's development of a policy
 - Council's proposed open space requirements of north of drainage easement & management of drainage culvert
- **Panel Discussion: 11.16am – 12.07pm, 11 December 2023**
 - Panel members in attendance: Annelise Tuor (Chair), Glennis James & Stephen O'Connor
 - DPE staff in attendance: Amanda Harvey, Laura Locke, Alexander Galea, Paula Bizimis, Doug Cunningham, Lisa Kennedy & Taylah Fenning
- **Site inspection with Department of Planning and Environment (DPE): 10:00am – 10:51am, 22 August 2023**
 - Panel members in attendance: Annelise Tuor (Chair), Glennis James & Stephen O'Connor
 - DPE staff in attendance: Amanda Harvey, Laura Locke, Alexander Galea, Lisa Kennedy & Adam Williams
 - Key issues discussed:
 - Planning Proposal overview
 - Strategic planning framework including Council's draft Beverly Hills Town Centre Masterplan – built form, heights, open space
 - Heritage building
 - stormwater drain lot – integration with proposal, flood risk mapping, DA consent for hotel on lot
 - rear laneway, laneway through site, open space
 - traffic, pedestrian access, integration across King Georges Road
- **Briefing with Department of Planning and Environment (DPE): 1:00pm – 1:46pm, 22 August 2023**
 - Panel members in attendance: Annelise Tuor (Chair), Glennis James & Stephen O'Connor
 - DPE staff in attendance: Amanda Harvey, Laura Locke, Alexander Galea, Paula Bizimis, Doug Cunningham, Lisa Kennedy & Adam Williams
 - Key issues discussed:
 - Planning Proposal overview

- Strategic planning framework including Council’s draft Beverly Hills Town Centre Masterplan – built form, heights, open space
- stormwater drain lot – integration with proposal, DA consent for hotel on lot
- traffic – modelling, noise, proposed laneway extensions
- provision of infrastructure - public benefits, proposed & required
- flood – modelling, risk management
- **Briefing with Georges River Council: 1:47pm - 2:46pm, 22 August 2023**
 - Panel members in attendance: Annelise Tuor (Chair), Glennis James & Stephen O’Connor
 - DPE staff in attendance: Amanda Harvey, Laura Locke, Alexander Galea, Paula Bizimis, Doug Cunningham, Lisa Kennedy & Adam Williams
 - Council representatives in attendance: Lisa Ho, Meryl Bishop, Stephanie Lum, Henry Huynh, Geoffrey Garnsey, Nerida Stores, Firoz Ahmed, Sonny Embleton & Helen Deegan
 - Key issues discussed:
 - Strategic planning framework
 - Council’s draft Beverly Hills Town Centre Masterplan – history, status, proposed building controls for the site. Following issues:
 - Urban design issues – built form, heights, transition, compliance with Apartment Design Guide, solar access
 - Traffic - further modelling work required
 - Flooding - require specific flood modelling and flood risk assessment for the site.
 - Stormwater drain lot – private ownership with Sydney Water drainage easement
 - Open space – looking for opportunities for green space
 - Existing cinema – contributes to night-time economy, looking for incentives for it to continue
 - Commercial uses & economic reports
 - Infrastructure and public benefits, opportunity via special contributions plan
 - Site specific DCP
 - Status of Council’s open space strategy and affordable housing policy
- **Briefing with Mecone Group and landholders (Proponent): 2:48pm – 3:42pm, 22 August 2023**
 - Panel members in attendance: Annelise Tuor (Chair), Glennis James & Stephen O’Connor
 - DPE staff in attendance: Amanda Harvey, Laura Locke, Alexander Galea, Paula Bizimis, Doug Cunningham, Lisa Kennedy & Adam Williams
 - Proponent representatives in attendance: Ian Cady, Gemma Bassett, Russel Olsson, Lesli Berger, Will Nemesh, Jordan Chilcott, Colin Rahim, Joe Abdullah & Danny Diab
 - Key issues discussed:
 - Strategic planning framework
 - Updated economic analysis and feasibility studies

		<ul style="list-style-type: none">● stormwater drain lot - integration with proposal● Infrastructure, open space and public benefit● Proposed built form, heights, over shadowing● Site specific DCP to be developed post Gateway● Affordable housing - could consider but would be subject to a feasibility analysis● Widening of laneway to meet Council requirements● Transport infrastructure● Flooding● Panel Discussion: 3:49pm – 4:22pm, 22 August 2023<ul style="list-style-type: none">○ Panel members in attendance: Annelise Tuor (Chair), Glennis James & Stephen O'Connor○ DPE staff in attendance: Amanda Harvey, Laura Locke, Alexander Galea, Paula Bizimis, Doug Cunningham, Lisa Kennedy & Adam Williams
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ENV007-23 Beverly Hills Town Centre Master Plan - A Way Forward
(Report by Manager Strategic Planning)

RESOLVED: Councillor Landsberry and Councillor Wang

- (a) That Council not proceed with the exhibited Master Plan for the Beverly Hills Local Centre.
- (b) That Council notes the submissions on the previously exhibited Beverly Hills Local Centre Master Plan.
- (c) That Council endorse the following principles to guide the preparation of the Master Plan for Beverly Hills Local Centre:
 - a. The Master Plan guides future development on both sides of King Georges Road.
 - b. 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.
 - c. The exploration of the western side of King Georges Road having greater maximum building heights than the eastern side of the road.
 - d. The investigation of the inclusion of affordable housing within the Local Centre.
 - e. 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.
 - f. That non-residential floor space within future developments ensures capacity to meet the 2036 projections for employment floor space.
 - g. That the Master Plan addresses the risk associated with the Moomba to Sydney High Pressure Gas Pipeline on future development
 - h. The provision of a plaza and additional green spaces within the Local Centre.
- (d) That Council endorse the following elements to guide the development of the Master Plan for the Beverly Hills Local Centre:
 - a. For the northern side of the Railway Line:
 - i. No changes to the zone or development controls
 - ii. Public domain upgrades in Warrawee Place
 - iii. New pedestrian bridge over the railway line
 - b. For the eastern side of King Georges Road:
 - i. Expand the B2 zone
 - ii. Interface/setback controls are identified to address the built form transition between the B2 and R2 zone
 - iii. Car park at 23 Frederick Avenue and 506 King Georges Road is converted to a plaza with angled parking
 - iv. The maximum building heights is 21m (base height) to 28m (gateway sites)
 - v. The maximum floor space ratio is 2.5:1 (base FSR) to 3:1 (gateway sites)
 - c. For the western side of King Georges Road:
 - i. The maximum building heights is 21m (base height), 24.1m (sites requiring 3m

- road widening and min 20m frontage), 31.4m (gateway sites), and 27.2m (Cinema site)
 - ii. The maximum floor space ratio is 3:1 (base FSR), 3.5:1 (sites requiring 3m road widening and min 20m frontage and gateway sites), and 4:1 (Cinema site)
 - iii. The widening of Dumbleton Lane by 3m
 - iv. The provision of green space on King Georges Road (purchase of land)
 - v. The provision of a pedestrian air bridge over King Georges Road.
- d. Melvin Street and Edgbaston Road:
- i. Retention of the R4 High Density Residential Zone
 - ii. Any future controls (FSR + height) result in limited residential intensification and restricted range of sensitive uses.
 - iii. The maximum building heights ranges from 15m to 21m
 - iv. The maximum floor space ratio ranges from 1.5:1 to 2:1
- e. That the non-residential floor space ratio in the B2 Zone be 0.75:1
- f. That affordable housing is investigated to be provided on the western and eastern side of King Georges Road.
- (e) That Council prepare the Master Plan based on the principles and elements in (c) and (d) above.
- (f) That Council prepare and exhibit an amended Traffic, Transport and Parking Study which assesses TfNSW's concerns, the potential impacts of land use uplift on the existing network and to develop mitigation strategies in order to accommodate the expected growth under the Draft Master Plan.
- (g) The Council prepare and exhibit an amended Public Domain Plan to accompany the draft Master Plan.
- (h) That Council prepare a draft Affordable Housing Contributions Scheme for the Beverly Hills Town Centre Master Plan, which includes testing the viability of sites to provide affordable housing contribution.
- (i) That Council requires further risk modelling in regard to the Moomba to Sydney High Pressure Gas Pipeline to be undertaken to determine the level of risk and whether the affected sites change under the Draft Master Plan.
- (j) That Council endorse Beverly Hills Town Centre Master Plan as detailed in this report for public exhibition for 60 days to allow the residents sufficient time to review the draft Master Plan and provide their submissions.
- (k) That Council conduct in person community consultation during the exhibition period, as well as including the provision of one-on-one telephone and meeting services by Council's town planners for community members who wish to discuss any aspects of the draft plan.
- (l) That a further report be prepared and submitted to Council at the conclusion of the exhibition period recommending a preferred approach for the Beverly Hills Town Centre based on the submissions received and the findings of the Traffic, Transport and Parking Study.
- (m) That the Council is to note that budget of over \$200,000 is required to action this resolution and no funds are allocated (to date) in the draft Budget for FY23/24 for Beverly Hills Master Plan.

- (n) That the General Manager, due to the urgency of needing to progress the development of the master plan for the Beverley Hill Centre resulting in part to the planning proposal for 407-511 King Georges Road Beverly Hills and the significant impact this will have on the amenity and infrastructure of the area and the possible loss of significant development contribution funds, is to convene a meeting between the Director of Environment and Planning and the Director of Finance and Governance for the purpose of discussing the possibility of transferring \$200,000 from Council's interest investment surplus in order to fund the consultancy work required for this Master Plan.
- (o) That Council endorse consideration of a housing investigation area in the next review of the Local Strategic Planning Statement, undertaken in 2025, in the area bound by B2 zoned land, Cahill St, Morgan St and Stoney Creek Road.

Record of Voting:

For the Motion: The Mayor, Councillor Nick Katris, Deputy Mayor, Councillor Kathryn Landsberry, Councillor Elise Borg, Councillor Sam Elmir, Councillor Veronica Ficarra, Councillor Christina Jamieson, Councillor Lou Konjarski, Councillor Nancy Liu, Councillor Peter Mahoney, Councillor Natalie Mort, Councillor Nick Smerdely, Councillor Sam Stratikopoulos, Councillor Colleen Symington and Councillor Benjamin Wang.

It was noted that the Motion was carried unanimously.

CCL025-23 Report of the Finance and Governance Committee held on 11 April 2023 (Report by Executive Services Officer)

RESOLVED: Councillor Borg and Councillor Jamieson

That the Finance and Governance Committee recommendations for Items FIN012-23 to FIN016-23, as detailed below, be adopted by Council.

FIN012-23 Investment Report as at 28 February 2023 (Report by Acting Senior Financial Accountant - Reporting)

That the Investment Report as at 28 February 2023 be received and noted by Council.

FIN013-23 Audit, Risk and Improvement Committee - Minutes of meeting held on 9 December 2022 (Report by Chief Audit Executive)

That the confirmed Minutes of the Audit Risk and Improvement Committee meeting held on 9 December be received and noted by Council.

FIN014-23 2022/23 Half Yearly Progress Report for Quarter Ending 31 December 2022. (Report by Manager Office of the General Manager)

- (a) That Council receive and note the Half Yearly Progress Report July 2022 - December 2022.
- (b) That Council endorse the Delivery Program and Operational Plan items recommended for cancellation, being placed on hold, or altered as detailed in Attachment 1.