

<b>DATE OF DETERMINATION</b>	14 March 2025
<b>DATE OF DECISION</b>	27 February 2025
<b>PANEL MEMBERS</b>	Annelise Tuor (Chair), Glennis James & Stephen O'Connor
<b>DECLARATIONS OF INTEREST</b>	None

### PLANNING PROPOSAL

PP-2022-4295 (RR-2023-12) – 407-511 King Georges Road, Beverly Hills (Site) - Georges River Council (Council)

The revised planning proposal seeks to amend the Georges River Local Environmental Plan (LEP) 2021:

- 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

### PANEL CONSIDERATION AND DECISION

On 11 December 2023, the Strategic Planning Panel of the Sydney South Planning Panel (Panel) considered the revised planning proposal and resolved on 22 December 2023, that while it had strategic merit, the revised planning proposal did not have site specific merit, in its current form. The Panel made specific recommendations on the changes and information required to achieve site specific merit (refer Record of Decision dated 22 December 2023). These changes included Height of Building (HOB) and Floor Space Ratio (FSR) standards to more closely align with those proposed under 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 March 2023, specifically (c) and (d) c. i-iv (the Principles). The Panel's resolution also included that the FSR be further tested to ensure that it can be accommodated within the proposed maximum HOB and that updated reports be provided, including flooding and any hazards from the existing Moomba to Sydney ethane pipeline (Pipeline).

On 25 and 27 February 2025, the Panel met with the Department of Planning, Housing and Infrastructure (Department) for Pre-Gateway briefings to consider the Urban Design review of development controls for the site. The Department's Briefing Report did not provide an assessment of other information submitted by the Proponent to address the Panel's 22 December 2023 resolution, including hazard risk assessments and affordable housing.

The Department's Urban Design Branch (UDB) in conjunction with the Planning Proposal Authority (PPA) Team have tested various heights and FSRs in accordance with the recommendations seeking assurance the FSR can be accommodated within the proposed maximum HOB.

The UDB testing showed that a FSR of 3.5:1 could not be accommodated within the maximum building height controls set by the Panel (12m, 24.1m and 31.4m). Within these HOBs, an average blanket FSR of 2.7:1 could be achieved ('Scenario A'). UDB testing also showed higher FSRs, including

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a higher blanket average (2.92:1) could be achieved within an increased height of 34m to 44m, with less site coverage ('Scenario B').

The Panel also considered a report prepared by Council officers, which was considered by Council on 25 February 2025, on its updated Master Plan (Georges River Council – Environment and Planning Committee Meeting – Monday, 10 February 2025), which included further hazard risk assessments of flooding, including a flood hazard study (FIRA), dated November 2024, and a Pipeline hazard study. Council resolved to endorse the updated Master Plan for exhibition. The key changes to the Draft Master Plan that was previously considered by Council include:

- Reduction in the draft Master Plan area - The Master Plan areas are reduced compared to the previously exhibited Master Plan to focus on the areas adjoining King Georges Road and acknowledge flooding risk and Pipeline risk.
- Reduced area for residential uplift due to the Pipeline risk - The updated Master Plan identifies the area of the planning proposal Site north of Edgbaston Road (409, 411-419 King Georges Road) as unsuitable for residential development due to the Pipeline hazard risk. It proposes to rezone this land from E1 Local Centre to E2 Commercial Centre to restrict residential development and retain the HOB and FSR standards of 15m and 2.1:1 and 1.5:1.
- Reduced area for residential uplift due to flooding risk - The updated Master Plan identifies part of the planning proposal Site between Edgbaston Road and Rudduck Lane (423-463 King Georges Road) where increased density should be avoided due to flooding risk. The report recommended that height and FSR should remain at 15m and 2:1.
- Reduce required non-residential FSR from 0.75:1 to 0.5:1.

The Panel also noted that Stage 2 of the Low to Mid-Rise Housing Policy (LMR Policy) took effect on 28 February 2025. This permits residential flat buildings (RFB) on the R4 zoned land on western side of Dumbleton Lane that is within 400m of Beverly Hills Station with a HOB of 22m and FSR of 2.2:1. For shop top housing within this area, the HOB is 24m and FSR is 2.2:1.

Having considered the additional information outlined above, the Panel generally supported the heights and FSRs in 'Scenario A'. The Panel considered that the heights in 'Scenario B' would result in an urban form on the western side of King Georges Road that would be incongruous with the urban form envisaged for other parts of the Beverly Hills Town Centre under the updated Master Plan and the LMR Policy. The Panel noted that the impacts on the whole of the centre of providing greater density on the Western side have not been considered.

The Panel also decided that, given the increase in height permitted under the LMR Policy, there was no longer the need to require a lower height along Dumbleton Lane, and that appropriate amenity to the Lane and the adjoining R4 Residential zone could be achieved through the application of the Apartment Design Guide (ADG) and Site Specific Development Control Plan (DCP) controls.

The UDB 'Scenario A' also suggested an additional through site link/laneway to the south of Ruddock Lane (Lot 16 DP 3315) to reduce building mass, address overland flow and provide greater opportunity for solar access etc. Council's updated Master Plan also seeks to provide additional through site link/laneway. The Panel supports this approach, however, it is unclear how this is to be achieved and whether it is required to be public/private, at ground level, open to the sky or can it be a break in the upper levels of a development. This matter is to be clarified in the Site Specific DCP.

The Panel accepted the conclusion of Council's hazard risk assessments for flooding and the Pipeline, and the resultant changes in the updated Master Plan to 409-463 King Georges Road. The Panel's 22 December 2023 Record of Decision specifically required hazard risk assessments to be undertaken by the Proponent, however the studies undertaken on behalf of the Proponent do not align with the conclusions reached in the studies commissioned by Council. The Panel notes that the studies

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commissioned by Council identified a significantly higher hazard than the hazards identified in the studies provided by the Proponent and in the absence of further investigations the Panel has taken a cautious approach and decided that any change to the HOB and FSR standards for 409-463 King Georges Road at this stage, should be excluded from the planning proposal. For this part of King Georges Road to be included, an independent assessment of the studies prepared by the Proponent and Council, which reconciles these different conclusions, would be required. Any independent assessment would need to be provided in a timely manner to not further delay a planning proposal for 465-511 King Georges Road.

Furthermore, the Panel agrees that the proposed reduction in the requirement for non-residential FSR to 0.5:1 in Council's updated Master Plan is sufficient to facilitate the commercial role of the centre.

The Panel notes that prior to the planning proposal being submitted for a Gateway determination, the Panel will need to be briefed on the information submitted in response to its previous Rezoning Review recommendations from 22 December 2023 and any additional information to support changes to the planning proposal.

In response to the consideration of the above matters, the Panel's recommendations have been amended as follows:

#### **465-511 King Georges Road**

- i. Residential Flat Building (RFB) be an additional permitted use (APU) at the rear of the properties adjoining the eastern side of Dumbleton Lane between Rudduck Lane and Stoney Creek Road. The APU should extend for 26m from Dumbleton Lane. The remainder of these properties 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. a maximum height of building (HOB) for:
    - 465-505 King Georges Road of 24.1m; and
    - the corner 'gateway' lot, 507-511 King Georges Road, of 31.4m;Documentation supporting the planning proposal shall include the assumptions for flood planning levels, floor to floor heights and rooftop services/lift motor room etc that demonstrate the built form is achievable within these heights. Minor adjustments to the maximum HOB may be required.
  - b. a maximum floor space ratio (FSR) for:
    - 465-505 King Georges Road of 2.7:1, including a Non-Residential FSR of 0.5:1; and
    - the corner 'gateway' lot, 507-511 King Georges Road, of 3.41:1, including a Non-Residential FSR of 0.5:1.
  - c. that the maximum HOB and FSR can only be achieved if:
    - land to be developed has a minimum width to King Georges Road of 20m;
    - the width of Dumbleton Lane is increased by 3m to provide vehicular access and activate parts of the Lane with non-residential uses at ground level; and
    - development is consistent with the requirements identified in the studies and further information required in the Panel's recommendations from 22 December 2023.

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- iii. All documentation is to be updated to reflect the above requirements. This documentation is to be prepared in accordance with the LEP Making Guidelines.
- iv. A Site Specific DCP must be prepared by the Proponent, in consultation with Council, 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.

#### **409-463 King Georges Road**

Based on the current information, particularly the hazard risks identified in Council's studies of flooding and the Pipeline, the Panel does not support 409-463 King Georges Road being included in the planning proposal. However, if an independent review of the Proponent's and the Council's hazard studies for flooding and the Pipeline is undertaken which demonstrates that risks can be mitigated and an appropriate urban form achieved, the inclusion of 409-463 King Georges Road can be considered provided there is no delay to the Gateway determination for 465-511 King Georges Road.

If 409-463 King Georges Road is to be included, it must be demonstrated that 409, 411-419 King Georges Road is suitable for residential development due to the Pipeline hazard, that both this land and 421-463 King Georges Road are suitable for increased HOB and FSR due to the flooding hazard, and that an appropriate urban form can be achieved in response to these constraints up to the following maximums:

a1. a maximum height of building (HOB) for:

- 423-463 King Georges Road of 24.1m; and
- the corner 'gateway' lot, 407-421 King Georges Road, of 31.4m;

b1. a maximum floor space ratio (FSR) for:

- 423-463 King Georges Road of 2.7:1, including a Non-Residential FSR of 0.5:1; and
- the corner 'gateway' lot, 407-421 King Georges Road, of 3.45:1, including a Non-Residential FSR of 0.5:1.

The inclusion of 409-463 King Georges Road would also be subject to the relevant requirements in i. - iv. above. Future open space, which can be used by the public at 439 King Georges Road and the drainage lot at 443-445 King Georges Road, should also be investigated if this land is to be included in the Planning Proposal.

The PPA Team is to obtain confirmation from the Proponent that it intends to proceed with a revised planning proposal, which incorporates the Panel's recommendation with respect to HOB and FSR stated above, within 2 weeks.

The revised Planning Proposal is to be submitted to the Panel by 30 June 2025 with an assessment by the Department as to whether the Proposal has met the Panel's recommendations. The Panel will reconvene following the receipt of the revised Planning Proposal and Department's assessment to determine if it is suitable for submission for a Gateway determination.

The Panel's decision was unanimous.

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## REASONS FOR THE DECISION


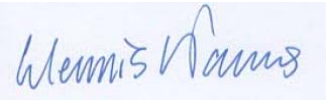

The Panel discussed the Department's Pre-Gateway Determination Briefing Report and its associated documents with the Department's Urban Design Branch and Planning Proposal Authority Team extensively.

The Panel noted the change in circumstances since its December 2023 decision, namely:

- The further work commissioned by Council regarding the hazards associated with flooding and the Pipeline;
- Council's updated Master Plan, including exclusions of areas within the planning proposal Site from increased HOB and FSR and for residential development, as well as a reduction in requirement for non-residential FSR;
- The UDB's work on the height and FSR relationship across the Site; and
- The Low and Mid-Rise Housing Policy.

The Panel's previous reasons for its decision, in December 2023, to proceed with the planning proposal remain valid. However, a considerable period of time has elapsed since the Panel's resolution and a number of matters remain outstanding. In considering the changed circumstances and additional information, particularly Council's hazard risks assessment, the Panel has recommended further changes to the planning proposal, as set out in its resolution above.

The Panel still considers that a planning proposal for part of the western side of King Georges Road could proceed ahead of the updated Master Plan, but only if it demonstrates that it would result in a consistent urban form for the Beverly Hills Town Centre and that hazard risk can be addressed and demand for services and infrastructure etc for the centre have been assessed and can be delivered in a timely fashion.

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SCHEDULE 1		
1	PP REF – ADDRESS - LGA	PP-2022-4295 (RR-2023-12) – 407-511 King Georges Road, Beverly Hills (Site) - Georges River Council
2	LEP TO BE AMENDED	Georges River Local Environmental Plan 2011
3	PROPOSED INSTRUMENT	<p>The revised planning proposal seeks to:</p> <ul style="list-style-type: none"> <li>• Amend the maximum FSR map to facilitate a site FSR of 3.5:1.</li> <li>• Amend the maximum HOB map to facilitate building heights of up to 24.1m – 31.4m (7-9 storeys) along King Georges Road and 12m (3 storeys) along Dumbleton Lane</li> <li>• Addition of an Additional Permitted Use (APU) to allow for Residential Flat Buildings to be permitted on a portion of the site, adjacent to Dumbleton Lane.</li> </ul>
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Department of Planning, Housing and Infrastructure Pre-Gateway Determination Briefing Report including the revised planning proposal and supporting documents, 12 February 2025;</li> <li>• Slide presentation from DPHI, 25 February 2025.</li> </ul>
5	BRIEFINGS BY THE PANEL	<ul style="list-style-type: none"> <li>• <b>Briefing with Department of Planning, Housing and Infrastructure (DPHI):</b> 9:00am – 10:30am, 25 February 2025 <ul style="list-style-type: none"> <li>○ Panel members in attendance: Annelise Tuor (Chair), Glennis James &amp; Stephen O'Connor</li> <li>○ DPHI staff in attendance: David Burge, Parisa Pakzad, Louise McMahon, Doug Cunningham, Renee Ezzy, Kate McKinnon, Adam Williams &amp; Taylah Fenning</li> <li>○ Key issues discussed: <ul style="list-style-type: none"> <li>• Urban design principles and development controls</li> <li>• Council's master plan progress</li> <li>• The DPHI Low and Mid-Rise Housing Policy reforms</li> <li>• Hazards affecting the site</li> </ul> </li> </ul> </li> <li>• <b>Panel Discussion:</b> 12:00pm – 12:36pm, 27 February 2025 <ul style="list-style-type: none"> <li>○ Panel members in attendance: Annelise Tuor (Chair), Glennis James &amp; Stephen O'Connor</li> <li>○ DPHI staff in attendance: Louise McMahon, Doug Cunningham, Renee Ezzy, Kate McKinnon, Adam Williams &amp; Taylah Fenning</li> </ul> </li> </ul>