

Pre-Gateway Report – RR-2023-12 (PP-2022-4295)

Rezone land at 407-511 King Georges Road, Beverly Hills for mixed use commercial and residential development (560 dwellings)

1 Introduction

The purpose of this report is to update the Sydney South Planning Panel (Panel) on the status of the planning proposal at 407-511 King Georges Road, Beverly Hills (PP-2022-4295). The report makes a recommendation to the Panel to submit the proposal to the Department of Planning, Housing and Infrastructure (the Department) for Gateway Assessment.

On 22 December 2023, the Panel determined at a Rezoning Review that the proposal had strategic and site merit (**Attachment B**), however revisions were needed prior to submitting the proposal to the Department for Gateway Assessment. The Planning Proposal Authority (PPA) Team have tested the Panels recommended height and Floor Space Ratio (FSR) in accordance with the recommendations seeking assurance the FSR can be accommodated within the proposed maximum Height of Building (HOB). The outcomes of the testing undertaken are detailed within this report.

Table 1 – Overview of planning proposal

Element	Description
LGA	Georges River
LEP to be amended	Georges River Local Environment Plan (LEP) 2021
Address	407-511 King Georges Road, Beverly Hills
Reason for review	☒ Council notified the proponent it will not support the proposed amendment. ☐ Council failed to indicate support for the proposal within 90 days.
Brief overview of the timeframe/ progress of the planning proposal	16 December 2022 - Planning proposal was lodged with Council. 17 April 2023 - Georges River Council provided written notification that it does not support the proposal. 30 May 2023 - Rezoning review request lodged by proponent. 22 August 2023 – Panel meeting 1 – decision deferred subject to amendments. 11 December 2023 – Panel meeting 2 – the Panel recommended the planning proposal progress to Gateway subject to a number of revisions. 30 January 2024 - Panel appointed PPA. 10 May 2024 – Update planning proposal submitted. 16 May 2024 – Adequacy check identified some additional information required. 21 May 2024 – Updated planning proposal submitted (Attachment A). 22 May 2024 – Urban Design Branch (UDB) briefed to test Panel controls. 13 June 2024 – UDB testing completed.

Element	Description
	18 June – Proponent briefed on UDB testing of Panels controls. 26 June – Council briefed on UDB testing of Panels controls. 3 July 2024 – Supporting ADG and modelling provided by proponent. 3 July 2024 – Council modelling of draft Masterplan controls submitted. 10 October 2024 – UDB alternate Scenarios shared with Council and Proponent 22 October 2024 – Council response to UDB alternate scenarios received 30 October 2024 – Proponent response to UDB alternate scenarios received
Department contact:	Renee Ezzy, Senior Planning Officer

1.1 The site and local context

The subject site (**see Figure 1**) is located at to 407-511 King Georges Road, Beverly Hills and comprising 52 lots (**see Attachment Lots**) arranged side-by-side for a span of approximately 400m along the western side of King Georges. The site is bound by the T8 Airport & South Train Line (to the north), King Georges Road (to the east), Stoney Creek Road (to the south), and Dumbleton Lane (to the west). The site is currently occupied by a range of one- to three-storey buildings of 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. The site is zoned as E1 Local Centre.

Within 100m north of the site is Beverly Hills Railway Station and T8 Airport & South Train Line. Further north, across the T8 Airport & South Train Line, is Beverly Hills High School and Beverly Hills Intensive English Centre. A portion of the Moomba Sydney (Ethane) Pipeline also runs through the T8 Airport & South Train Line within 600m of the site (**see Figure 3**). Further to the north and north-east of site are areas of R2 Low Density Residential.

To the immediate east, across and along King Georges Road, are retail/commercial premises. Further east are lower density residential developments zoned as R2 Low Density Residential. The south end of the site is the intersection of King Georges Road and Stoney Creek Road. The area adjoining the south of the site is characterised by commercial premises, including a car dealership, and predominantly one- to two-storey residential dwellings zoned as R2 Low Density Residential.

Immediately to the west of the site for approximately 170m beyond Dumbleton Lane is an area zoned as of R4 High Density Residential with dwellings ranging from single storey detached dwellings to three-storey residential flat buildings. Further west are areas of R2 Low Density Residential characterised by detached one- to two-storey dwellings.

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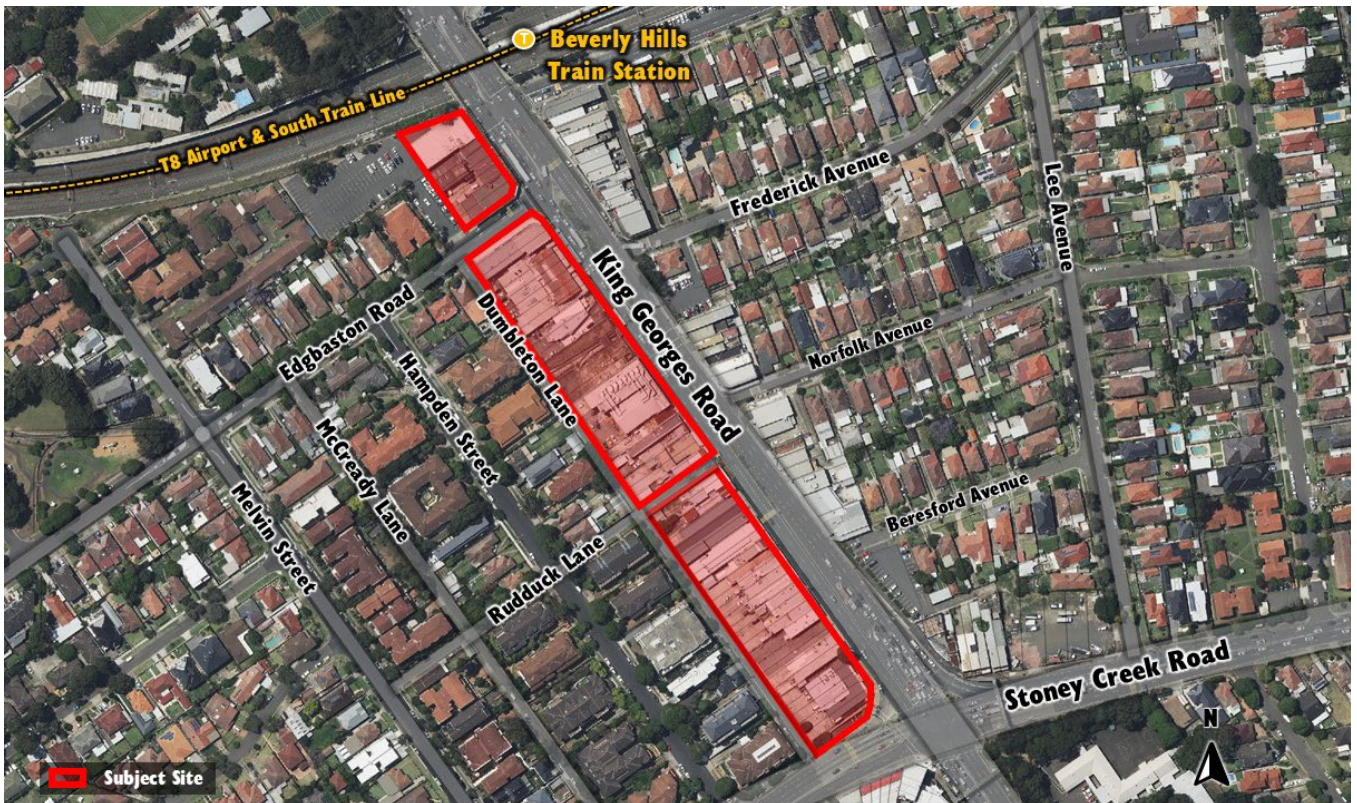


Figure 1 Subject site (source: SIX Maps, January 2025)

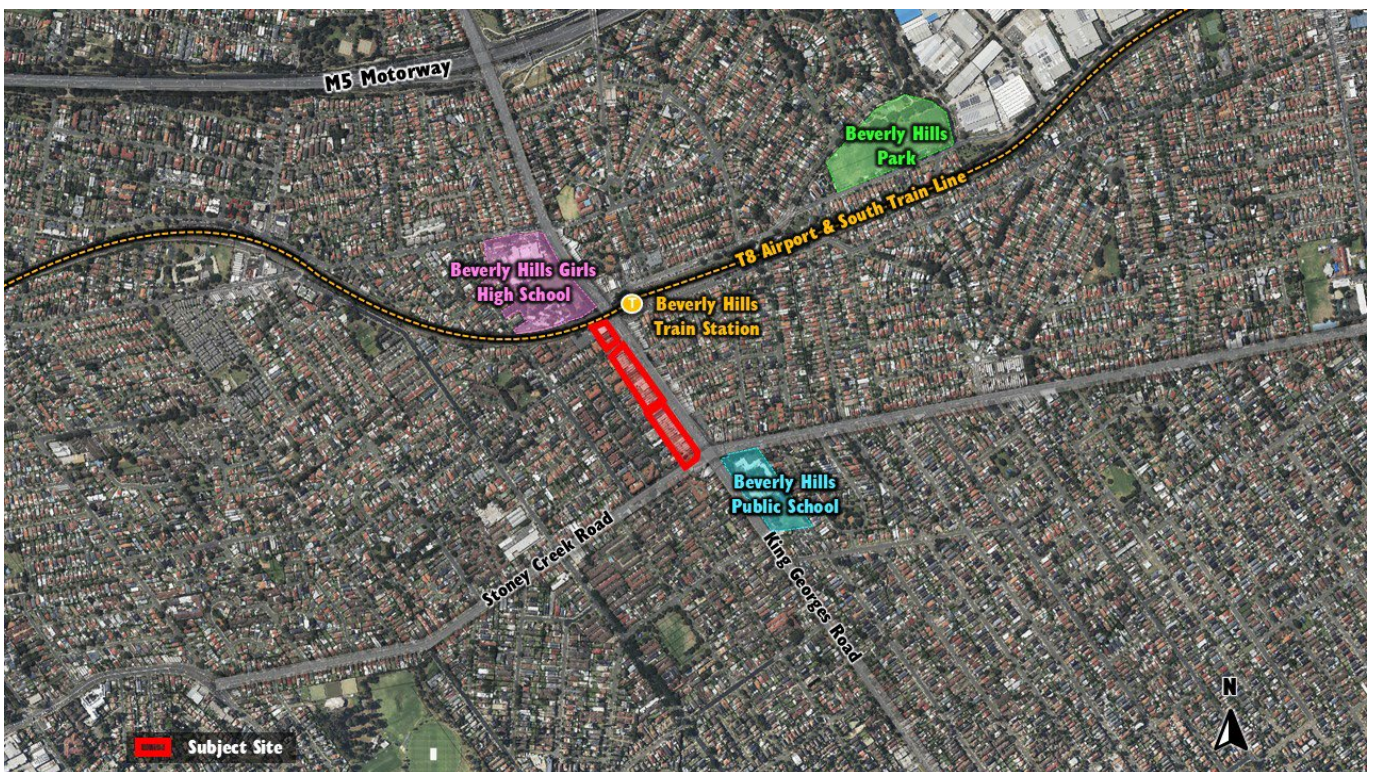


Figure 2 Site Context (source: SIX Maps, January 2025)



Figure 3 Moomba-Sydney Ethane Pipeline (blue dotted line) (source: Planning Proposal Appendix 8 APA Gas Report, May 2024)

1.2 Planning proposal

Table 2 – Overview of planning proposal

Element	Description
Site area	Approximately 16,073m ²
Proposal summary	The planning proposal would create opportunity to redevelop the site for residential and non-residential uses via high quality shop top housing. In summary, the planning proposal seeks to amend the Georges River Local Environmental Plan (LEP) 2021 as follows: - Amend the maximum FSR map to facilitate a site FSR of 3.5:1. - 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 - 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. These changes align with the Panel's decision, dated December 2023. No change is proposed to the existing land use zoning.

Element	Description
Relevant State and Local Planning Policies, Instruments	- 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

The planning proposal (**Attachment A**) seeks to amend the Georges River LEP 2021 per the changes in **Table 3** below. Maps of the current and proposed LEP changes can be found at **Attachment Maps**.

Table 3 – Current and proposed controls

Control	Current	Panel Proposed Controls
Zone	E1 Local Centre	E1 Local Centre
Maximum height of the building	15m	A range of heights of up to 24.1m – 31.4m (7-9 storeys) along King Georges Road and 12m (3 storeys) along Dumbleton Lane
Floor space ratio	1.5:1 and 2:1	3.5:1.
Number of dwellings	N/A	560 new dwellings or 44,800m ²
Number of jobs	Not provided	765 during construction and between 291 to 503 ongoing jobs

2 Rezoning review

On 22 August 2023, the Sydney South Planning Panel considered a rezoning review for this planning proposal because Council notified the proponent it will not support the proposed amendment.

The Planning Proposal sought to amend the Georges River LEP 2021 to facilitate the sites' redevelopment for mixed use commercial/ residential purposes by:

- Increasing the height of building control from a maximum of 15m to part 44m and part 50m (12 to 14 storeys), and
- Increasing the FSR control from a maximum of 1.5:1 and 2:1 to part 4:1 and part 5:1.

The Panel agreed that an increase in residential density demonstrated Strategic Merit, however sought to defer their decision subject to revisions to the planning proposal to demonstrate Site-Specific Merit. In making this decision, the Panel noted that Council had prepared, however had not adopted, a masterplan for King Georges Road. They requested that the proposal be updated to be 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 (**Attachment B**).

On 22 November 2023, the proponent submitted an updated planning proposal that, while not consistent with the numerical controls outlined in Council's draft masterplan and principles, aligned with the intent of these controls.

The Panel resolved on 22 December 2023 (**Attachment C**) to support the planning proposal progressing to Gateway subject to several revisions, including the adoption of built form controls consistent with the Council master plan work and for the Department to undertake urban design testing of these controls.

The proponent paid the alternate PPA fee on 30 January 2024. Following receipt of the fee, the Department's PPA team has been working with the Proponent and Council to meet the requirements of the Panel's decision.

On 10 May 2024, the proponent submitted a revised planning proposal aligning with the Panels proposed controls, outlined in their 22 December 2023 Record of Decision.

3 Assessment against Panel conditions

This report seeks to address the Panel's recommendations which required the planning proposal to be revised to be consistent with height of building and floor space ratio described in Council's exhibited master plan, as amended by their principles and the Department to undertake urban design testing. The remaining conditions will be addressed once these parameters have been agreed to by the Panel.

Initial Independent Urban Design Review findings

In June 2024, the PPA team referred the proponent's amended planning proposal to the Department's Urban Design Branch (UDB) as required by the Panel's recommendation. The UDB were asked to test the proponent's scheme and confirm if it could be delivered on site under the Panel's proposed controls.

Testing undertaken by the UDB indicated that the proposed blanket FSR of 3.5:1 across the site does not align with the proposed maximum Height of Buildings set for the local centre (**Attachment D**). Testing for those heights indicated that the achievable FSR across the site would be 2.7:1, and the net FSR (excluding roads and site-through links) would be 2.9:1. Under this scheme, if the FSR of 3.5:1 is not reduced, there is a risk of proponents seeking to increase height through Clause 4.6 for individual developments. Additionally, it was noted that the current scheme delivered a minimum non-residential GFA of 7,901m² GFA (equal to a total FSR of 0.45:1), including the hotel site, contrary to the Panel's recommendation. In addition to issues meeting the proposed controls, UDB also identified that the scheme would struggle to comply with the Apartment Design Guide (ADG) requirements for solar access. UDB noted that complex design solutions would be required at the DA stage to meet ADG requirements, potentially further reducing potential GFA.

In an effort to support the controls recommended by the Panel, the UDB also tested two additional options, one based on the blanket FSR proposed by the Panel but with different height controls and the other, maintaining the Panel's supported height controls but with an alternate FSR control (**Attachment E**).

With the first option, the UDB branch proposed height controls of up to 9 storeys along King Georges Road and 3 storeys along Dumbleton Lane (**see Figure 4**). In the second option, UDB, split the area into sections to calculate the achievable maximum FSR (**see Figure 5**). Although these approaches met parts of the Panel's decision, UDB were still concerned that these built

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forms would result in compliance issues with the ADG in relation to solar access, cross ventilation, the ability to accommodate both non-residential and residential GFA within the defined controls, and the management of conflicting movement patterns on the lane and street.



Figure 4 – Urban Design Branch Option 1 – FSR as per Panels Controls



Figure 5 – Urban Design Branch Option 2 – HOB as per Panels Controls

Response from proponent on findings of initial Independent Urban Design Review

In June 2024, the testing results were provided to the proponent for their review. In July 2024 the proponent wrote to the PPA (**Attachment F**) team offering an “alternate” scheme, that while not meeting the numerical controls proposed by the Panel, met the intent of what the Panel was seeking. This scheme was the previously submitted scheme with the FSR and HOB controls considered by the Panel at its December 2023 meeting.

Second Independent Urban Design Review

Given the Panel’s previous non-support of the proponent’s “alternate” scheme, the PPA team requested the UDB test and provide a set of controls which can be achieved on this site which aligns with the intent of the Panel’s recommendation, comply with ADG requirements and achieve a finer-grain outcome. UDB came up with two schemes, which are outlined in detail in **Attachment G**, but are summarised below.

UDB Scenario A

The first scenario (**Figure 6**) refines the proponent’s schematic layout, maintaining the panels recommended height limits to achieve greater building separation and improved solar access. While solar access has been increased from 45% to 52% for facades and from 5% to 45% for landscaped areas, this scheme would result in wider building footprints in order to achieve a feasible GFA and less open space (20%). This scenario could achieve approximately 34,706m² residential GFA (406 apartments) and 13,051m² of non-residential GFA.

In order to achieve the GFA, the building forms and footprints would need to extend as a more solid typology along most of the site. This results in a bulky building form.

UDB Scenario B

The second scenario (**Figure 7**) aims to achieve a finer-grain outcome with a reduced building footprint, maintaining the same GFA and yields, but with increased building height and a different built form typology. This alternate scenario reduces the footprint of each development block and increases the heights to between 10 and 13 storeys to create greater separation of buildings and achieve adequate solar access. This change in building typology will create approximately 39,148m² residential GFA (527 apartments) and 11,458m² of non-residential GFA with around 30% open space. This scenario also divides the site into site blocks A-G each with an allocated FSR.

In summary, both proposed scenarios will comply with the ADG requirements and incorporate through site links, shared zones and activation setbacks to Dumbleton Lane. However, Scenario A, which aims to maintain the proposed heights, results in a bulkier development with larger building footprints and less opportunity for open space and deep soil planting. On the other hand, Scenario B will reduce the building footprint and increase the building heights, some to 10 storeys and others to 13 storeys achieving increased open space areas and additional dwelling yield. The reduced building footprint and increased opportunities for deep soil planting in Scenario B will also help address flooding issues across the site.

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Figure 6 – UDB Scenario A



Figure 7 – UDB Scenario B

Response from Proponent on Second Independent Urban Design Review

In October 2024, the findings of the second Urban Design Review by the UDB was forwarded to the proponent for comment. On 30 October 2024, Mecone replied on behalf of Beverly Hills Owners Association Incorporated (the Proponent) following the PPA's email correspondence. In

summary, Mecone advised that they were generally supportive of the findings of this review and supported UDB's proposed controls under Scenario B (**Attachment H**). However, requested the Panel consider increasing the FSR controls on site for the two corner sites (Lot A and G).

Response from Council on Second Independent Urban Design Review

Council was also provided a copy of the UDB findings regarding an alternate scheme and provided comment in October 2024. Council agreed with the UDB findings that the Panels proposed controls (a blanket 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) (**Attachment I**). Based on Council's own testing, they found that a proposed FSR of 3.5:1 could only be accommodated if a consistent HOB of 31.2m is applied across the whole site and therefore were generally not supportive of the UDB proposed schemes. Council full comments, including issues with the Department's testing can be found in **Attachment I**. Council provided a massing diagram reflective of the typical development trend within the Georges River LGA, where mixed use developments favour nil setback from the side boundaries with the exception of the top 2 floors (**Attachment I1**).

PPA Team Analysis of the various Urban Design Testing scenarios

In summary, both proposed scenarios would comply with the ADG requirements. However, Scenario A, which aims to maintain the proposed FSR and heights, results in a bulkier development with larger building footprints and less opportunity for open space and deep soil planting. Scenario B would reduce the building footprint and, to maintain the same GFA and yields across the entire site, increase the building heights. The reduced building footprint and increased opportunities for deep soil planting in Scenario B will also help address flooding issues across the site.

The proponents current Scheme seeks to deliver approximately 560 new dwellings, at an average of 80m², with approximately 44,800m² residential GFA and a target of 12,000m² non-residential GFA. In comparison, UDB Scenario A would deliver approximately 406 new dwellings, at an average of 85m², with approximately 34,706m² residential GFA and a target of 13,055m² non-residential GFA (12,000m² retail/commercial and 1,055m² communal GFA). UDB Scenario B would deliver approximately 527 new dwellings, at an average of 85m², with approximately 43,616m² residential GFA and a target of 11,485m² non-residential GFA. In terms of built form, the proponents current Scheme ranges from 7 to 9 storeys (25m to 32m) with a range of floor spaces from 3.5:1 (Lots A, B, C, F1 and F2) and 3.0:1 (Lots D). In comparison, the UDB Scenario A seeks a range of building heights from 7 to 9 storeys (25m to 32m) and a range of floor spaces from 2.70:1 to 3.45:1. The UDB Scenario B seeks a range of building heights from 10 to 13 storeys (34m to 44m) and a range of floor spaces from 3.1:1 to 5.9:1. Both UDB Scenarios seek to apply a FSR of 1.25:1 for the Hotel Site (Lot C). Given the current housing supply issues faced across Sydney, the site has the potential for greater heights given its status as a town centre within 400 meters of the Beverly Hills station. It's noted that neighbouring suburbs, like Hurstville, have similarly tall built forms close to the station. The UDB has also recommended specific lot controls rather than a blanket FSR control, given the existing approved hotel DA would throw off a blanket FSR control. This would also allow the proposal to respond better to the nearby pipeline and any potential flood issues.

The PPA team have undertaken a further analysis of the Scenarios against the Panel's conditions in **Attachment J**.

4 PPA Conclusion

The PPA Team has been working to address all the issues raised by the Panel during the Pre-Gateway briefing. This work had been ongoing for several months, with the various modelling and scenarios being tested by Department's UDB.

UDB analysis of the Panel's recommended controls concluded that the proposed blanket FSR of 3.5:1 across the site does not align with the maximum Heights of Buildings. UDB analysis indicated that the achievable gross FSR across the site would be 2.7:1. To align with the HOB, it is recommended that the blanket FSR be reduced to 2.7:1 or specific FSRs be proposed for each site.

If the Height is to be retained and the FSR of 3.5:1 is not reduced, there is a risk of proponents seeking to increase height through Clause 4.6 for individual developments. Complex design solutions will be required at the DA stage to meet ADG requirements, which may further reduce the potential GFA.

The UDB have model two different scenarios for the Panel to consider that provide design principles and a reference scheme for the town centre that comply with ADG requirements and achieve a finer-grain outcome.

5 Next Steps

The Panel must confirm the planning controls for this proposal based on the PPA and UDB Team advice. Once the planning controls are settled by the Panel the proponent will be required to:

- update the planning proposal to reflect the new planning controls, and
- address the remaining matters set by the original Panel decision of 22 December 2023

The planning proposal could then progress to the Gateway stage for further consideration by the Department, in its role as LPMA.

Should the proposal progress to exhibition, the Panel will have a further opportunity to consider the proposal and any submissions at post-exhibition stage as part of its decision whether to support progression of the proposal to finalisation.

Attachments

Attachment A – Planning proposal (May 2024)

Attachment A (i) – Planning proposal Appendix 1 to 4

Attachment A (ii)– Planning proposal Appendix 5 to 8

Attachment B – Panel's deferral on Rezoning Review (September 2023)

Attachment C – Panel's decision on Rezoning Review (December 2023)

Attachment D - Urban Design testing of Panel controls

Attachment E - Urban Design testing of alternate Panel controls

Attachment F – Proponent Response to UDB testing

Attachment F1 - Appendix A and B

Attachment G – UDB Scenario modelling

Attachment H - Proponent Response to UDB Scenario modelling

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Attachment I – Council's Response to UDB Scenario modelling

Attachment I1 – Council's Massing Diagram

Attachment J - PPA Analysis of UDB Scenarios

Attachment Lots – Lot identification map

Attachment Maps – Current and Proposed LEP Mapping changes

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(Signature)

12/02/25 (Date)

Douglas Cunningham

Manager, Planning Proposal Authority

A handwritten signature in black ink, appearing to read "LMcMahon", written over a light blue rectangular background.

(Signature)

18/02/2025 (Date)

Louise McMahon

Director, Planning Proposal Authority

Assessment officer

Renee Ezzy

Senior Planning Officer,

Planning Proposal Authority Team

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