



REZONING REVIEW RECORD OF DECISION

STRATEGIC PLANNING PANEL of the
SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	17 October 2024
DATE OF DECISION	1 October 2024
PANEL MEMBERS	Carl Scully (Chair), Michael File, Stephen Murray, Kevin Hoffman and John Brockhoff
APOLOGIES	None
DECLARATIONS OF INTEREST	Councillors Joseph Cordaro and Anthony Bazouni were unable to sit on the panel as they voted on the matter at the Council meeting of 18 June 2024.

REZONING REVIEW

RR-2024-22 – Canada Bay LGA – PP-2024-499

7 Concord Avenue, Concord West (As described in Schedule 1).

Reason for Review:

- ☒ The council has notified the proponent that the request to prepare a planning proposal has not been supported.
- ☐ The council has failed to indicate its support 115 days after the proponent submitted a request to prepare a planning proposal.
- ☐ The council has not submitted the planning proposal for a Gateway determination within 28 days of indicating its support for the proposal.

PANEL CONSIDERATION AND DECISION

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

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

- ☐ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and 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 3:2 in favour of the planning proposal having strategic merit, but the panel unanimously agreed the site does not have site specific merit.

REASONS FOR THE DECISION

The Panel considered the documentation, was briefed by the Department of Planning, Housing and Infrastructure (DPHI), and heard extensively from Canada Bay Council (Council), the proponent, Gyde, and flooding consultants representing both parties.

Strategic Merit

A majority of the Panel agreed that the planning proposal had Strategic Merit, because:

- it is generally consistent with strategic planning documents as they relate to the general objectives for housing, including the Greater Sydney Region Plan 2036, Eastern City District Plan, Canada Bay Local Strategic Planning Statement, Canada Bay Local Housing Strategy, and State Environmental Planning Policies (Housing) 2021;
- the site has been identified for uplift under the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS);
- is located near Concord West Station and the proposed North Strathfield Metro Station now under construction; and
- it facilitates housing supply which is a key priority for Sydney at all levels of Government.



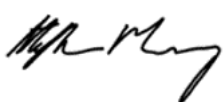

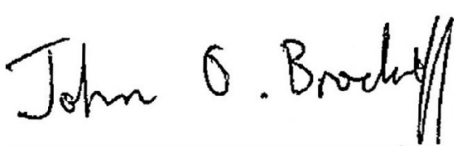
Site Specific Merit

The Panel agreed that the planning proposal did not have Site Specific Merit, because:

- it is inconsistent with Section 9.1 Direction 4.1 Flooding and its consistency requirements. The flooding hazard affecting the site raises substantial issues that have not been adequately resolved to demonstrate a compatible development outcome can be achieved;
- there was insufficient justification for the increase in height and floor space ratio beyond that recommended in the PRCUTS and the flooding hazards affecting the site. The Panel considered this would result in a redevelopment which would not achieve good planning outcomes; and
- in the absence of a precinct masterplan with the supported infrastructure there is the potential for unplanned costs to the community to resolve flooding issues. The planning proposal did not provide evidence that the risk of this was low or non-existent.

The Panel suggests that a broader precinct based master planning approach to the site and surrounding would need to be in place to resolve the above site specific issues, including the flooding hazard on the site and surrounding land noting that Council has previously not rezoned this area.

Panel member Kevin Hoffman further noted that this broader investigation should also appropriately respond to the proposed rezonings being pursued near the site, given the subject site is flood prone and the future extent of flooding cannot be understood without further investigation that appropriately integrates with proposed rezonings, including the NSW Government's Homebush Transport Oriented Development Precinct.

PANEL MEMBERS	
 Carl Scully (Chair)	 Michael File
 Stephen Murray	 Kevin Hoffman
 John Brockhoff	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	RR-2024-22 – Canada Bay LGA – PP-2024-499– at 7 Concord Avenue, Concord West
2	LEP TO BE AMENDED	Canada Bay Local Environmental Plan (LEP) 2013
3	PROPOSED INSTRUMENT	<p>The proposal seeks to:</p> <ul style="list-style-type: none"> • Rezone existing E4 – General Industrial to R3 – Medium Density Residential • Increase the maximum Height of Buildings from 12m to 36m • Increase the maximum Floor Space Ratio from 1:1 to 1.8:1
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Rezoning review request documentation • Department of Planning, Housing and Infrastructure, Rezoning Review Briefing Report, 4 September 2024 • Slide presentations from DPHI, 30 September 2024; Canada Bay Council, 23 September 2024 and Gyde, 23 September 2024
5	SITE INSPECTIONS AND BRIEFINGS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection with Department of Planning, Housing and Infrastructure (DPHI): 10:31am – 11:17am, 1 October 2024 <ul style="list-style-type: none"> ○ Panel members in attendance: Carl Scully (Chair), Michael File, Stephen Murray, Kevin Hoffman and John Brockhoff ○ DPHI staff in attendance: Louise McMahon, Alex Galea, Billy Browne and Adam Williams ○ Key issues discussed: <ul style="list-style-type: none"> • Flooding • PRCUTS development and application to site. • Nearby Transport Orientated Development (TOD) precinct • Surrounding suburb context • Road accessibility and issues with the adjacent Homebush Bay Drive • Built Form outcomes • Affordable housing • Briefing with Department of Planning, Housing and Infrastructure (DPHI): 1:32pm – 2:19pm, 1 October 2024 <ul style="list-style-type: none"> ○ Panel members in attendance: Carl Scully (Chair), Michael File, Stephen Murray, Kevin Hoffman and John Brockhoff ○ DPHI staff in attendance: Louise McMahon, Alex Galea, Billy Browne, Eleanor Robertson, James Bellamy, Adam Williams and Taylah Fenning ○ Key issues discussed: <ul style="list-style-type: none"> • Previous proposals and current timelines • Strategic merit consistency • Application of PRCUTS • Flooding: modelling scenarios, risks, strategic documents and policies

		<ul style="list-style-type: none"> • Zoning and FSR for site <ul style="list-style-type: none"> • Briefing with Gyde Consulting (Proponent): 2:19pm – 2:44pm, 1 October 2024 <ul style="list-style-type: none"> ○ Panel members in attendance: Carl Scully (Chair), Michael File, Stephen Murray, Kevin Hoffman and John Brockhoff ○ DPHI staff in attendance: Louise McMahon, Alex Galea, Billy Browne, Eleanor Robertson, James Bellamy, Adam Williams and Taylah Fenning ○ Proponent representatives in attendance: Stephen Kerr, Elina Braunstein, Chris Thomas, Mitchell Corn, Mike Horne, Rebecca Butler-Madden, Andreas Antoniadis, Joe Dagostino, Paul Ruperto and Mario Nicomede ○ Key issues discussed included: <ul style="list-style-type: none"> • Previous strategic merit and current consistency • Urban analysis and surrounding context • Design strategy • Vision for Lucas Park • Affordable Housing • Combined Briefing with Council and Proponent for Flood Consultant Question Time: 2:47pm – 3:47pm, 1 October 2024 <ul style="list-style-type: none"> ○ Panel members in attendance: Carl Scully (Chair), Michael File, Stephen Murray, Kevin Hoffman and John Brockhoff ○ DPHI staff in attendance: Louise McMahon, Alex Galea, Billy Browne, Jazmin Van Veen, Eleanor Robertson, James Bellamy, Adam Williams and Taylah Fenning ○ Proponent representatives in attendance: Stephen Kerr, Elina Braunstein, Chris Thomas, Mitchell Corn, Mike Horne, Rebecca Butler-Madden, Andreas Antoniadis, Joe Dagostino, Paul Ruperto and Mario Nicomede ○ Council representatives in attendance: Anthony Wynen, Richard Dewar and Paul Dewar ○ Key issues discussed included: <ul style="list-style-type: none"> • Modelling methodology • Development's compatibility with flooding hazard • Solutions to mitigate flooding impacts • Briefing with Canada Bay Council: 3:49pm – 4:11pm, 1 October 2024 <ul style="list-style-type: none"> ○ Panel members in attendance: Carl Scully (Chair), Michael File, Stephen Murray, Kevin Hoffman and John Brockhoff ○ DPHI staff in attendance: Louise McMahon, Alex Galea, Billy Browne, Jazmin Van Veen, Eleanor Robertson, James Bellamy, Adam Williams and Taylah Fenning ○ Council representatives in attendance: Anthony Wynen, Richard Dewar and Paul Dewar ○ Key issues discussed: <ul style="list-style-type: none"> • The site and surrounding development
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		<ul style="list-style-type: none">• Masterplan and PRCUTS• Flooding• Scale of proposal• LPP consideration• Affordable housing component• Parramatta Road Strategy <ul style="list-style-type: none">• Panel Discussion: 4:11pm – 4:50pm, 1 October 2024<ul style="list-style-type: none">○ Panel members in attendance: Carl Scully (Chair), Michael File, Stephen Murray, Kevin Hoffman and John Brockhoff○ DPHI staff in attendance: Louise McMahon, Alex Galea, Billy Browne, Jazmin Van Veen, Eleanor Robertson, James Bellamy, Adam Williams and Taylah Fenning
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