

ITEM-3 PLANNING PROPOSAL - 202 GEORGE STREET AND ADJACENT PARCELS OF LAND IN THE CONCORD WEST PRECINCT

Department Community and Environmental Planning

Author Initials: HW

EXECUTIVE SUMMARY

Council has received a Planning Proposal for land that comprises a large part of the Homebush North Precinct of Stage 1 (2016-2023 release area) of the *Parramatta Road Corridor Urban Transformation Strategy* (PRCUTS). The proponent, Kulcher Pty Ltd, landowner of 202 George Street, Concord West, represented by the consultant team at Dickson Rothschild, is seeking to redevelop a large area of the PRCUTS Homebush North precinct (the site) to facilitate high density residential development through an amendment to the *Canada Bay Local Environmental Plan 2013*.

A copy of the proponent's Planning Proposal is at **Attachment B**. The planning proposal is accompanied by a number of technical reports, including flooding, transport and contamination.

An assessment of the Planning Proposal has been undertaken and a copy of the Assessment Report is at **Attachment A**. This report provides an overview of the proposal and a summary of the key issues identified in the Assessment Report.

The Planning Proposal has not demonstrated strategic merit and is inconsistent with the regional and district plans, Ministerial Planning Directions and the *Parramatta Road Corridor Urban Transformation Strategy*. A large number of site-specific issues were also found to be unacceptable. The proposed density for the site is excessive with respect to the current and proposed road network capacity, and negatively impacts upon local amenity and infrastructure.

The Local Planning Panel reviewed the proposal and advised that the Planning Proposal should not proceed as it lacks both strategic and site-specific merit.

It is recommended that the Planning Proposal be refused.

STRATEGIC CONNECTION

This report supports YOUR future 2030 Outcome area:

EFF 4.2.1. Provide Strategic and Land Use Planning to ensure the built and natural environment is highly liveable with quality and sustainable development incorporating best practice design.

This report also relates to the Greater Sydney Commission’s (GSC) *Eastern City District Plan*, the *Parramatta Road Corridor Urban Transformation Strategy*, Council’s draft *PRCUTS Planning Proposal*, which is currently with the Department of Planning, Industry and Environment for Gateway assessment, and the City of Canada Bay *Local Strategic Planning Statement* endorsed by GSC and DPIE under Section 3.9 of the *Environmental Planning and Assessment Act 1979* (The Act).

REPORT

Council has received a Planning Proposal for land that comprises a large part of the Homebush North Precinct of Stage 1 (2016-2023 release area) of the *Parramatta Road Corridor Urban Transformation Strategy* (PRCUTS) and referred to here as the Planning Proposal - 202 George Street and Adjacent Parcels of Land in the Concord West Precinct (the subject Planning Proposal). The Planning Proposal was registered on 6 May 2021.

The subject site consists of the area bounded by Concord Avenue to the north, the Northern rail line to the east, 1 King Street (the Westpac Call Centre) to the south, and Victoria Avenue Public School and 7 Concord Avenue (industrial site) to the west. It is wholly located within, and comprises approximately 32% of, the Homebush North Precinct (Stage 1) in the *Parramatta Road Corridor Urban Transformation Strategy* (PRCUTS).

The site currently comprises low-density mostly single-storey detached dwellings, plus the industrial site at 202 George Street, a small townhouse development at 2 Station Avenue and the land zoned as a small neighbourhood centre at 3 King Street.

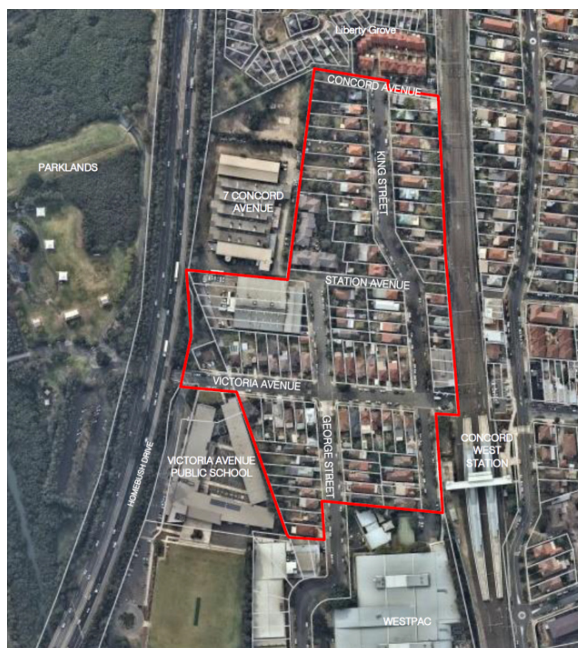


Figure 1: Locality Map
George Street



Figure 2: Locality Map of 88

The Planning Proposal

The proponent, Kulcher Pty Ltd, landowner of 202 George Street, Concord West, represented by the consultant team at Dickson Rothschild, is seeking to:

- a) Rezone the site from R2 Low Density Residential, R3 Medium Density Residential and IN1 General Industrial to R4-High Density Residential and B1 Neighbourhood Centre. The existing B1 Neighbourhood Centre, SP2 Infrastructure and RE1 Public Recreation zoning is proposed to be retained.
- b) Introduce a minimum development lot size of 2,500sqm for the area generally, with the exception of the lots east of Kings Street and south of Station Street, which are proposed to be 1500sqm.
- c) Increase the maximum building height from 8.5m, 10.0m, 12.0m and 16.0m to 28m (8 storeys residential), 41m (12 storeys residential) and 42m (12 storeys commercial ground floor). A further additional 'bonus' increase in height is proposed for certain lots in the centre of the precinct if the lots are amalgamated into a single lot and the development includes a public open space that is at least 1,500sqm.*

* It should be noted that:

- the amount of maximum bonus building height is unspecified; and
 - the 1500sqm of proposed open space includes a part of King Street, which is public land and the sole road accessway for properties to the north.
- d) Increase the FSR from 0.5:1, 0.75:1, 1.0:1 and 2.3:1 to 2.0:1 (north of Station Street), 2.5:1 (immediately adjacent to Victoria Avenue Public School), 3.2:1-3.6:1 (north of Victoria Avenue) and 3.6:1 (centrally located within the site). A further additional 'bonus' FSR is proposed for certain lots in the centre of the precinct if the lots are amalgamated into a single lot; provides a public open space that is at least 1,500sqm (the area of public open space would include a part of King Street public road), and if the development:
 - is compatible with the desired future character of the area and the height, bulk and scale of surrounding buildings;
 - improves the quality and amenity of the public domain;
 - minimises environmental impacts, such as overshadowing;
 - incorporates the principles of ecologically sustainable development;
 - encourages the use of public transport and active transport; and
 - achieves excellence in urban design, while relating to the local context.
 - e) Extend the Active Street Frontages on Victoria Avenue (B1 Neighbourhood Centre) to additional lots fronting Victoria Avenue and King Street.



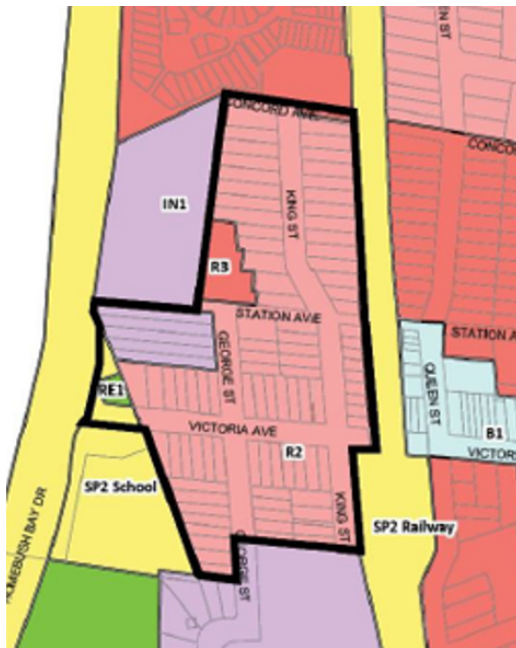
Figure 1: Aerial view of the subject site.



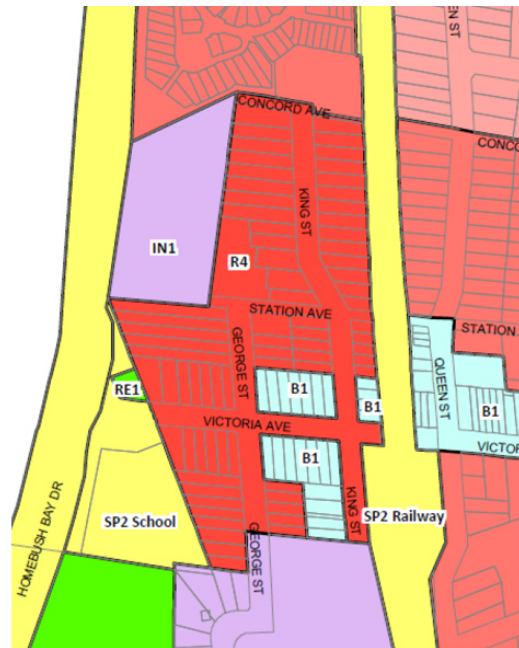
Figure 2: Proposal concept view for the subject site.



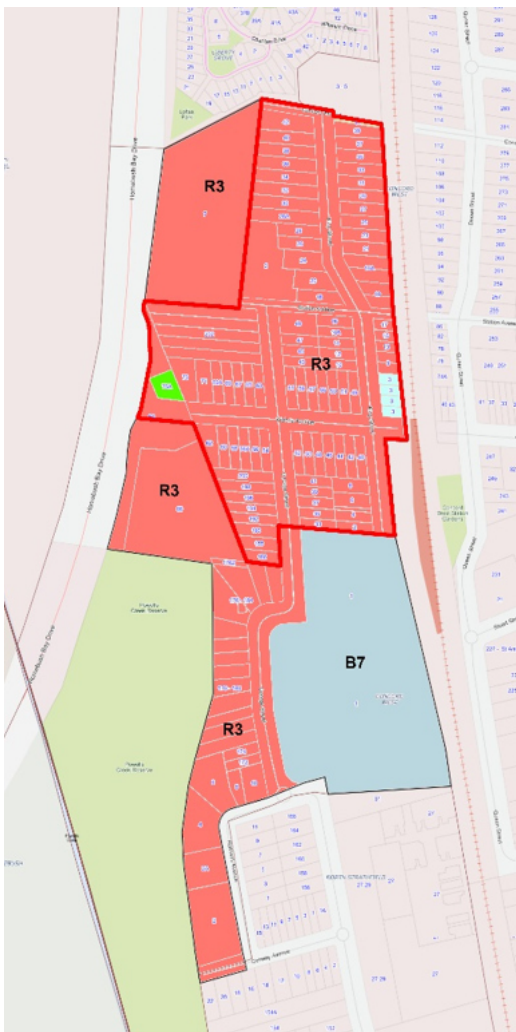
Figure 3: Proposal RFB blocks



Map 2. Current zoning



Map 3. Proponent proposed zoning



Map 4. PRCUTS zoning

Land Use	
R3	Medium Density Residential
B1	Neighbourhood Centre
B4	Mixed Use
B6	Enterprise Corridor
SP2	Infrastructure



Map 5. Current height height



Map 6. Proponent proposed



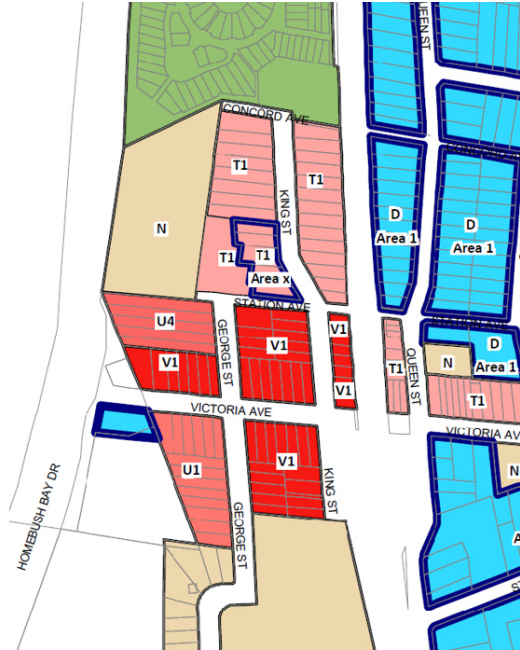
Map 7. PRCUTS height

Height of Buildings

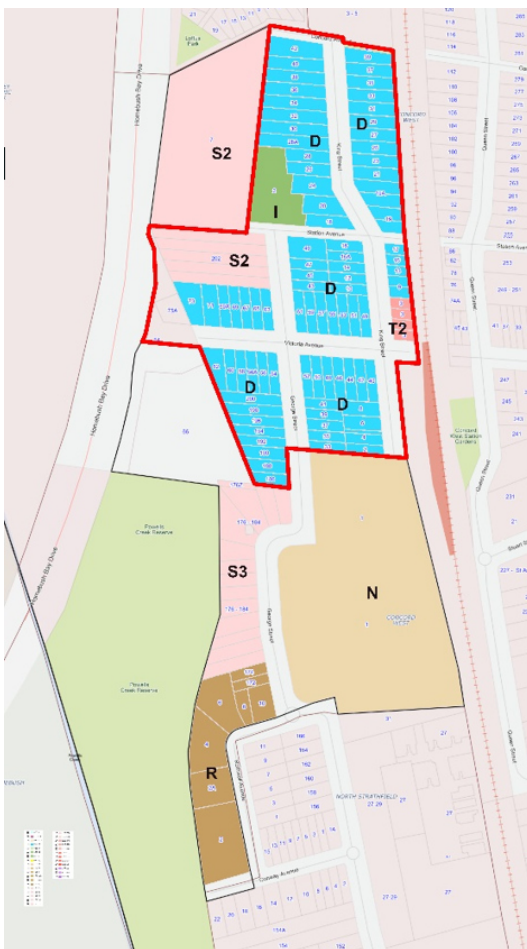
I	8.5m
M	12m
P	17m
R	21m
S	24m
U	32m
W1	40m
W2	42m



Map 8. Current FSR



Map 9. Proponent proposed FSR



Map 10. PRCUTS FSR

Floor Space Ratio

D	0.5:1
N	1.0:1
R	1.4:1
S1	1.5:1
S2	1.75:1
T1	2.1:1
T2	2.2:1
T3	2.3:1
T4	2.4:1
V	3.0:1
X	4.0:1

The Planning Proposal has highlighted the need to upgrade the Pomeroy and George Street intersection, North Strathfield. The upgrade would involve creation of new slip lanes at the north western and north eastern corners of the intersection, on land at 88 George Street and the public land on the eastern side of George Street.

However, it is unclear who is intended to fund and/or deliver this infrastructure, whether it be the proponent, the landowner or Council. It is also unclear what mechanism would be used to give Council certainty that the infrastructure would be completed and operational before any development occurs, to ensure the amenity of future development is not compromised.

Strategic Review of the Planning Proposal

An assessment of the Planning Proposal as outlined in *A Guide to Preparing Local Environmental Plans* has been undertaken and a copy of the Assessment Report is at **Attachment A**. The discussion below provides an overview of the key matters identified in the Assessment Report.

Planning Proposals are required to be assessed for *strategic merit* against plans and strategies set by the NSW and local government. The Planning Proposal is not consistent with the requirements of relevant planning strategies and Directions:

- *Greater Sydney Metropolitan Plan* and the *Eastern City District Plan*
- *Section 9.1 Ministerial Directions in relation to flood planning areas and the implementation of PRCUTS*
- *Parramatta Road Corridor Urban Transformation Strategy (PRCUTS)*
- *Canada Bay Local Strategic Planning Statement* and the *Local Housing Strategy*.

The inconsistencies are not justified and the Planning Proposal has not demonstrated strategic merit.

Ministerial Direction 4.3 Flood Prone Land

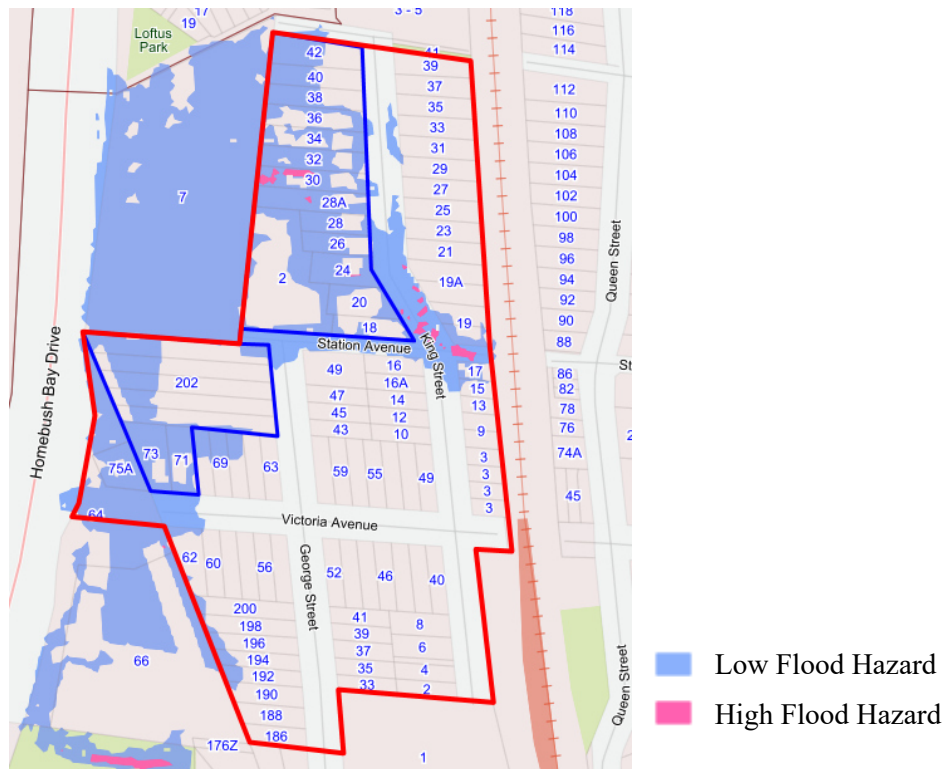
The inconsistency with Direction 4.3 is substantial as it would apply to land in a flood planning area and:

- permit development in a floodway area; and
- would result in a significant increase in dwelling density; and
- permit development for the purposes of residential accommodation in high hazard areas; and
- permit a significant increase in the development and/or dwelling density of that land; and
- permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care

facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate; and

- likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities.

The inconsistency with the Direction is not justified as it is not accompanied by a flood and risk impact assessment that is acceptable to Council, and it is not of minor significance. Addressing the Direction would require substantial flood mitigation works to be designed and approved by Council and undertaken, which would result in substantially increased government spending on flood mitigation measures, infrastructure and services.



Map 17. Land deferred from Council's PRCUTS Planning Proposal due to flooding impacts identified in the Concord West Flood Study (land deferred highlighted with blue line).

Ministerial Direction 7.3 Parramatta Road Corridor Urban Transformation Strategy

The inconsistency with Direction 7.3 is substantial and the planning proposal is inconsistent with:

- The PRCUTS Planning and Design Guidelines as the proposal is seeking to significantly depart from the vision and built form outcomes

contemplated. The outcome is an isolated high-density residential precinct, in lieu of the envisaged medium-density precinct within an open space network supported by community infrastructure.

- The *PRCUTS Infrastructure Schedule* as the proposal does not provide the required infrastructure: a dedicated cycleway continuously along Victoria Avenue and is seeking a development yield of approximately three-times that of PRCUTS. This outcome would necessitate a reassessment of the Infrastructure Schedule by multiple Government Agencies to ensure adequate infrastructure provision will be provided to support the unanticipated increase in development.

The inconsistency with the Direction is not justified and the planning proposal does not demonstrate that better outcomes will be delivered than identified in PRCUTS.

The inconsistencies with PRCUTS means the Planning Proposal is also not consistent with the *Greater Sydney Metropolitan Plan* and the *Eastern City District Plan*. It is also inconsistent with these State Government plans because it does not contribute to increased housing choice that is supported by social infrastructure.

The Planning Proposal is also contrary to the requirements of the *Canada Bay Local Strategic Planning Statement*, the *Local Housing Strategy*, or other Council-endorsed strategies including the *PRCUTS Public Domain Plan*.

The Planning Proposal has also not demonstrated site specific merit. Detailed review of the Planning Proposal has revealed concerns relating to significant uncertainties around provision of stormwater drainage, intersection upgrades, public domain enhancements, Sydney Water infrastructure, and community facilities. There are also significant uncertainties around ongoing costs to Government for flood drainage maintenance, landscaping and community infrastructure provision.

Consideration by the Local Planning Panel

On 16 August 2021, the Local Planning Panel considered the planning proposal.

The Panel advised that the Planning Proposal should not proceed as it lacks both strategic and site-specific merit. The Panel advised:

1. *The PRCUTS is a suite of very detailed documents, and was developed following significant public consultation and led by the State Government, importantly including aligning infrastructure with proposed density increases. This planned aligned infrastructure provision is much wider than just traffic and transport. The proposal seeks a significant change to the allowable density (in the order of an additional 1,000 dwellings), as well as a change to the vision and type of housing to be provided. The density proposed in PRCUTS also responded to the “edge” conditions and transition to surrounding lower density areas. The significance of the*

proposed change would necessitate a review and revision of the PRCUTS documents, through and by the State Government, rather than a proponent-initiated proposal. It is noted that the proponent does not have the ownership or control of the land to deliver the proposal being put forward.

2. *Given the long and detailed process of PRCUTS (as well as the s9.1 Direction), it is appropriate that guidance be followed unless there are clear and compelling reasons to deviate from that PRCUTS proposals. Such merit is not apparent in this case.*
3. *The Council is leading a precinct-wide Planning Proposal for the site and area, and it is noted this is at Gateway stage. This is the appropriate pathway to review and implement the planning changes for the area.*
4. *This Planning Proposal under consideration today is premature noting Council is undertaking a precinct wide flooding study and traffic study along with two other Councils and Transport for NSW in response to the PRCUTS study and implementation plan.*

Conclusion

The Planning Proposal has not demonstrated strategic merit. The Planning Proposal is inconsistent with:

- Ministerial Direction 4.3 Direction 4.3 Flood Prone Land.
- Ministerial Direction 7.3 Parramatta Road Corridor Urban Transformation Strategy.

The inconsistencies with PRCUTS means the Planning Proposal is also not consistent with the *Greater Sydney Metropolitan Plan* and the *Eastern City District Plan*. The Planning Proposal has also not given regard to the requirements of the *Canada Bay Local Strategic Planning Statement*, the *Local Housing Strategy*, or other Council-endorsed strategies including the *PRCUTS Public Domain Plan*.

The Planning Proposal has also not demonstrated site specific merit. Concerns relating to uncertainties and provision of intersection upgrades, public domain enhancements, Sydney Water infrastructure and community facilities. There are also significant uncertainties around ongoing costs to Government for flood drainage maintenance, landscaping and community infrastructure provision.

It is recommended that the Planning Proposal be refused.

RECOMMENDATIONS

1. THAT Council note the advice of the Local Planning Panel.
2. THAT the Planning Proposal for 202 George Street and adjacent parcels of land in the Concord West Precinct be refused for the following reasons:

- a) The Planning Proposal does not have *strategic merit* as the proposal is inconsistent with:
- i. The Eastern City District Plan Planning Priorities to provide services and social infrastructure to meet people’s changing needs; provide housing choice, and increase urban tree canopy cover;
 - ii. 9.1 Direction 4.3 Flood Prone Land, as it is seeking to intensify the use of land within a floodway, is not adequately justified by a flood and risk impact assessment and is not consistent with Council’s Concord West Flood Study;
 - iii. 9.1 Direction 7.3 Parramatta Road Corridor Urban Transformation Strategy, as it is inconsistent with PRCUTS in relation to zoning, urban design and infrastructure provision and in effect, abandons the Strategy; and
 - iv. The Canada Bay Local Strategic Planning Statement, as it is proposing a change of zoning and provisions that are not consistent with PRCUTS and will not deliver medium density housing choice and diversity.
- b) The Planning Proposal does not have site specific merit in regard to the proposed density and building height, flood mitigation measures, traffic mitigation measures, active transport delivery, overshadowing and heritage impacts, and insufficient provision of open space and social infrastructure.

Attachments:

- A. Attachment A - Assessment Report – Planning Proposal – 202 George Street and adjacent parcels of land in the Concord West Precinct
- B. Planning Proposal, prepared by Dickson Rothschild on behalf of Kulcher Pty Ltd
- C. Urban Design Report, prepared by Dickson Rothschild
- D. Flood Report, prepared by Arcadis
- E. Stormwater and Flood Management Strategy – Flooding and Water Sensitive Urban Design Report, prepared by GHD
- F. Transport Plan, prepared by Barker Ryan Stewart
- G. Concept Design, Intersection of George street and Pomeroy Street North Strathfield, Installation of two slip lanes; and Bill of Quantities, prepared by BG&E Engineering
- H. Heritage Impact Assessment, prepared by Weir Phillips
- I. Social and Economic Impact Assessment, prepared by Hill PDA
- J. Feasibility Assessment, prepared by Hill PDA
- K. Contamination Preliminary Site Investigation, prepared by Arcadis
- L. Due Diligence Report, prepared by Arcadis

- M. Site Survey Plan, prepared by LTS Lockley
 - N. Applicable Land Area, prepared by Dickson Rothschild
 - O. Communication Plan, prepared by Urban Concepts
 - P. Local Planning Panel – Minutes
- (All attachments provided under separate cover)*