

29 January 2024

Monica Gibson  
Acting Deputy Secretary  
Department of Planning, Housing and Infrastructure

By email: [tod.program@planning.nsw.gov.au](mailto:tod.program@planning.nsw.gov.au)

Dear Ms Gibson

### **Transport Orientated Development Program**

Thank you for the opportunity to comment on the proposed Transport Development Program (the Program) released by the Department of Planning, Housing and Infrastructure (the Department).

The City of Canada Bay (Council) is affected by the Program due to Homebush Station being identified as an 'Accelerated Precinct' and due to North Strathfield being identified as a 'TOD Precinct'.

#### **General**

In general, the principle of providing a diversity of housing close to high frequency public transport is supported.

Council has undertaken extensive engagement with the community on the desired future character of the Local Government Area with land use actions and priorities expressed in Council's adopted *Community Strategic Plan*, the *Canada Bay Local Strategic Planning Statement* (endorsed by the former Greater Cities Commission) and the *Canada Bay Local Housing Strategy* (endorsed by the Department of Planning and Environment).

It is relevant to note that communities throughout the City of Canada Bay have been the subject of extensive development and land use change. New housing has and continues to be delivered consistent with adopted strategies and in alignment with endorsed State Government strategies.

The TOD SEPP represents the erosion of decision-making by local government and the undermining of adopted strategic plans. The Department should recognise that such an approach will undermine confidence in the planning system.

It would be preferable for the Department to work collaboratively with Council to implement endorsed strategies and plans rather than impose State led renewal in the form of Accelerated Precincts and TOD Precincts.

The recommendations outlined in the Submissions are provided on the assumption that the TOD Program proceeds, despite Council's concerns.

## **Local Planning**

The City of Canada Bay has undertaken a range of strategic planning within the Accelerated Precinct area of Homebush and the TOD SEPP area of North Strathfield.

### *Parramatta Road Corridor Urban Transformation Strategy (PRCUTS)*

Council's planning proposal for Stage 1 of the PRCUTS was finalised in December 2022. Background studies are currently being prepared to inform Stage 2 of PRCUTS, with an intention to submit a planning proposal to the Department of Planning and Environment for a Gateway Determination by mid-2024.

A number of sites within the Accelerated Precinct boundary are located within Stage 2 of PRCUTS. Given the advanced state of Council's work, it is queried how plans prepared for the Accelerated Precinct will relate to work undertaken by Council and how the issues and opportunities identified by Council will be addressed.

### *Sydney Metro Planning Study & Master Plan*

The Canada Bay Local Strategic Planning Statement includes the following action:

*Prior to rezoning occurring, a local planning study is to be prepared and endorsed by Council for the localities in which a Sydney Metro West station is proposed, including development sites and their immediate surrounds.*

The LSPS requires the local planning study to include/address, *inter alia*:

- preparation of desired future character statements in consultation with the community;
- identify opportunities for new and/or improved public domain improvements and areas of open space within, or surrounding the new Metro locations;
- establish preferred land uses and built form outcomes within and around the new Metro locations;
- consider opportunities for a diverse range of housing consistent with the desired future character of the area;
- ensure that the employment functions and services around station locations are supported and enhanced;
- identify the need for any further studies.

On 21 July 2020, Council resolved to commence a process to engage with the community to inform the preparation of draft Planning Studies for land within the immediate vicinity of proposed metro stations within the City of Canada Bay. Following

engagement activities in North Strathfield, 112 responses were received to a community survey and 28 responses were received to an online Collaborative Map.

Council used the community feedback together with technical input to prepare a draft Local Planning Study. The draft Study was placed on public exhibition and in North Strathfield, a total of 94 community surveys were completed and 64 written submissions were received.

On 18 April 2023, Council adopted the Local Planning Study for North Strathfield as the basis of work to inform a Planning Proposal. A detailed master plan is being prepared and draft building envelopes are currently being tested for feasibility. Any master plan prepared by the Department should consider and be integrated with the work undertaken by Council.

### *Strathfield Triangle*

The “Strathfield Triangle” is located in the suburb of Strathfield in the City of Canada Bay, within 300m walking distance of Strathfield Railway Station and approximately 500m walking distance to Homebush Station. The Precinct is bounded by Parramatta Road to the north, Leicester Avenue to the east and the T9 Northern Railway line to the west.

The Strathfield Triangle has been the subject of sporadic development, with several residential flat buildings having been constructed towards the northern part of the Precinct. The southern part of the Precinct remains undeveloped and provides an opportunity for housing complemented by local infrastructure.

The *Canada Bay Local Strategic Planning Statement* includes the following Action in relation to the Strathfield Triangle:

*Ensure that plans and development in the precinct known as the Strathfield Triangle:*

- *exhibit design excellence to ensure a high amenity for residents, both internally within buildings and in the public domain;*
- *deliver an improved public domain, including a new local park with a minimum area of 2,500m<sup>2</sup> and safe and convenient connections through the precinct and to external destinations;*
- *are accompanied by robust funding mechanisms to deliver local infrastructure.*

It is requested that the Strathfield Triangle be included in the Accelerated Precinct of Homebush to enable the implementation of the above Action and ensure integration of the locality with the vision for the broader Precinct. Council has shared the planning proposal and supporting technical studies that were prepared for the Strathfield Triangle in 2020. Whilst Council’s planning proposal did not proceed, the proposal was supported by a range of background studies that would assist to inform precinct planning work being undertaken on behalf of the Department, including an urban design master plan, public domain plan and infrastructure strategy.

### *1 King Street, Concord West*

On 5 December 2023, Council endorsed a proponent-initiated Planning Proposal relating to land at 1 King Street, Concord West, for submission to the Department for a Gateway determination, with a number of amendments. The Planning Proposal is seeking to rezone the land to R3 Medium Density Residential and to permit 'commercial premises' as an additional permitted use. A draft Planning Agreement is currently being negotiated with the developer to secure public benefits in the form of easements for public access.

Given planning for the site at 1 King Street, Concord West is advanced, the site should be excluded from the proposed Accelerated Precinct study area.

**Recommendation 1:** Any Master Plan prepared by the Department for the Accelerated Precinct of Homebush recognise the community engagement and strategic work undertaken by the City of Canada Bay for the Parramatta Road corridor and for land within the vicinity of the Metro station in North Strathfield.

**Recommendation 2:** The area known as the 'Strathfield Triangle' be included in the master plan for the Accelerated Precinct of Homebush with future development being subject to a robust planning mechanism to deliver necessary community infrastructure, in particular open space.

**Recommendation 3:** The site known as 1 King Street, Concord West be excluded from the Accelerated Precinct of Homebush.

### **Floor Space Ratio**

The TOD precincts will be subject to new planning controls that permit a maximum height of 21m and a Floor Space Ratio (FSR) of 3.0:1.

Both Council Officers and Council's independent Urban Designer are not aware of any residential flat building that has a height of 6 storeys and setbacks to the front, side and rear boundaries that achieve an FSR of 3.0:1.

Council is able to provide examples to the Department of six storey buildings that achieve an FSR of 1.5:1 and examples of 6 to 7 storey mixed use buildings that have nil setbacks to their front, side and rear boundaries that achieve an FSR of less than 3.0:1.

Based on these precedents, an FSR of 3.0:1 is deemed to be too high for a six storey residential flat building typology with landscaped setbacks to boundaries or a shop top housing development with nil setbacks to boundaries.

Setting the FSR too high will also create unrealistic expectations in relation the reasonable development capacity of a site.

Even where the permitted FSR is expressed as a maximum, there will be a significant disconnect between the proposed building height/envelope and the proposed FSR, which is likely to lead to Clause 4.6 requests to vary the maximum building height standard, partly on the basis that the maximum FSR could not be achieved.

**Recommendation 4:** The maximum Floor Space Ratio for Residential Flat Buildings in the TOD SEPP be reduced to 1.5:1 and the maximum Floor Space Ratio for shop top housing facilitated by the TOD SEPP be reduced to 2.5:1.

### **Minimum lot size and frontage**

The Explanation of Intended Effect (EIE) provides no minimum lot size or frontage requirements for residential flat buildings up to six storeys, with development instead being considered 'on merit'.

Lot size and frontage standards ensure future development is able to satisfy building separation and landscaping requirements, thereby creating amenity for both existing and new residents.

It is unusual that development standards for lot size and frontage are deemed important for dual occupancies, manor houses and multi-dwelling housing as outlined in the EIE for 'Low and mid rise housing', but unimportant for six storey apartment buildings.

Proceeding with no development standards will result in poor urban design outcomes and lead to conflict between applicants, consent authorities and established communities during the development assessment process. Such an outcome is inconsistent with two of the stated objectives of the reforms, which is to provide high quality design and to reduce assessment timeframes.

**Recommendation 5:** Should the TOD SEPP proceed, a minimum lot size of 800sqm and a minimum frontage of 20m should be imposed for residential flat buildings.

### **Affordable Housing**

The City of Canada Bay supports the requirement for localities experiencing an increase in density to contribute towards the provision of affordable housing.

All affordable housing provided through development arising from the TOD SEPP should be delivered in accordance with the requirements of Division 7.2 of the *Environmental Planning and Assessment Act 1979* and *State Environmental Planning Policy (Housing) 2021*. Affordable housing should be provided in perpetuity and dedicated to the relevant Council or their nominated Community Housing Provider.

The City of Canada Bay would support an amendment to Clause 6.12 of the *Canada Bay Local Environmental Plan 2013* to specify the localities where an affordable housing contribution is required and the percentage of affordable housing that is to be provided. Administration of this requirement may be enforced through an amendment to the Canada Bay Affordable Housing Contribution Scheme, noting that each station locality will require different monetary contributions based on the median strata dwelling price in each Local Government Area.

**Recommendation 6:** The proposed TOD SEPP impose a requirement for affordable housing consistent with Division 7.2 of the Environmental Planning and Assessment Act 1979 and State Environmental Planning Policy (Housing) 2021.

**Recommendation 7:** Affordable housing be provided in perpetuity and dedicated to the relevant Council.

**Recommendation 8:** The Department prepare a metropolitan area-wide Affordable Housing Contribution Scheme in consultation with local government for all land that is to be the subject of the TOD SEPP.

Alternatively, the TOD SEPP should not come into effect until at least 4 months after it is made to provide sufficient time for Councils to prepare and/or update their Affordable Housing Contribution Schemes to reflect the requirement for affordable housing in the specified localities.

### **Conservation of heritage listed places**

Leading global cities protect their heritage.

The Program states that '*relevant heritage controls will apply to the extent that they are not inconsistent with the new standards*'.

Applying this approach will result in heritage items and buildings in heritage conservation areas being demolished where the conservation of protected buildings and places is inconsistent with the construction of shop top housing or a residential flat building facilitated by the SEPP.

Clause 5.10 Heritage Conservation in the *Standard Instrument for Local Environmental Plans* will be of no effect as the provisions of an LEP are overridden by SEPPs.

The SEPP will have a significant and irreversible impact on heritage protected places and Council is not aware of any analysis of the impact of such a policy intervention on particular buildings or on the integrity of heritage conservation areas. Numerous historical places will be lost where the protection of a heritage listed place 'is inconsistent with the new standards'. This outcome is entirely inconsistent with 'Planning Direction 3.2 – Heritage Conservation' that requires the conservation of heritage places.

It is particularly concerning that the implications of the proposed Policy have not been adequately explained to communities in the information released by the Department of Planning and Environment to date.

*Former Arnott's Factory (Bakehouse Quarter)*

The Bakehouse Quarter includes the former Arnott's biscuit factory and related buildings that are of substantial historic, social and cultural importance to the local area. The surviving buildings provide evidence of the growth and development of Australia's best recognised biscuit manufacturer in the twentieth century.

Council commissioned several studies to inform the planning proposal for Stage 2 of PRCUTS, including a Heritage Assessment. In relation to the Bakehouse Quarter, the Heritage Assessment recommended that:

*A detailed Conservation Management Plan (CMP) is to be prepared, to proactively inform possibilities for locating and increasing density within the study area, with minimal impacts to heritage fabric and characteristic views.*

- *The CMP must be prepared well in advance of any concept or detailed design development proposal for the site in order to meaningfully contribute to the design development process.*
- *The CMP must have a whole of heritage curtilage/site and assemblage of buildings approach to the analysis, gradings of significance, tolerance for change and conservation policies in the CMP.*
- *The CMP must be prepared in accordance with Heritage NSW best practice guidelines for the preparation of CMPs.*
- *Canada Bay Council should be a stakeholder in the scoping, preparation and consultation for the preparation of the CMP.*

Council is currently working cooperatively with the owner of the Site to prepare a CMP prior to the finalisation of the PRCUTS Stage 2 Master Plan and planning proposal.

**Recommendation 9:** Heritage items and heritage conservation areas be excluded from the application of the standards and permissibility of residential flat buildings under the proposed TOD SEPP.

**Recommendation 10:** Master planning undertaken for the Accelerated Precinct of Homebush recognise heritage items and heritage conservation areas and ensure that future built form responds sympathetically to the scale and character of these important places.

**Recommendation 11:** A Conservation Management Plan be prepared and endorsed by Council for the site known as ‘the Bakehouse Quarter’ prior to the preparation of a Master Plan for the Accelerated Precinct of Homebush.

### **Permissibility**

It is proposed to permit residential flat buildings and shop top housing in E1 Local Centre and E2 Commercial Centre zones under the proposed TOD SEPP, complemented by active street frontage requirements.

E1 Local Centre and E2 Commercial Centre zones in the City of Canada Bay provide important amenities and services for residents and visitors. To ensure that this commercial and employment function is retained, residential flat buildings should not be permitted in E1 Local Centre or E2 Commercial Centre Zones. Instead, shop top housing should be pursued.

**Recommendation 12:** The TOD SEPP permit shop top housing in E1 Local Centre and E2 Commercial Centre zones, instead of residential flat buildings.

### **Car Parking**

The premise underpinning the TOD program is to increase densities in localities that have good access to public transport. The planning response should therefore prioritise walking, cycling and the use of public transport over private vehicle use.

The road network in Homebush and North Strathfield is highly congested, as demonstrated by Council’s PRCUTS Traffic Study and modelling. Additional cars in the area is not a desirable outcome. The ability to achieve a reduction in mode share for car trips will be a factor of demand management (e.g. parking policies) and the success of shifting or shaping behaviour.

It is important that car parking rates be based on a correlation of a location’s accessibility to public transport and average car ownership. The ‘Public Transport Accessibility Level’ (PTAL) dataset accurately maps transport accessibility based on distance to public transport and its quality, such as frequency during the week, on weekends and late at night. This dataset and approach to assessing accessibility-based-parking is endorsed by TfNSW in its Future Transport Guide for Parking in Cities and represents a forward-thinking approach to the provision of car parking in comparison to the out-dated ‘Guide to Traffic Generating Development’.

**Recommendation 13:** The TOD SEPP apply maximum car parking rates based on Public Transport Accessibility Level of each station location, consistent with TfNSW Future Transport Guide for Parking in Cities.



## Amenity and Design controls

Should the TOD SEPP proceed, it is important that controls are implemented to provide a high level of amenity for the occupants of future buildings. Council is supportive of the application of the Apartment Design Guide, complemented by additional standards for inclusion in the SEPP instrument.

Housing diversity is an important consideration in the proposed TOD precincts, yet has been seemingly overlooked. It would be beneficial to specify a minimum percentage of studio/one bedroom and three bedroom family sized apartments to be integrated into every new Residential Flat Building. Clause 6.11 of the Canada Bay LEP provides an example of how such a requirement can be drafted for inclusion in the SEPP.

The Apartment Design Guide requires only 7% site area to be dedicated to deep soil, but acknowledges that larger sites should provide a larger percentage of up to 15%. The suburb of North Strathfield has low tree canopy coverage and the State Government's target of 40% tree canopy cover will only be achievable where private, as well as public land has the capacity to support mature shade trees. It is recommended that a minimum of 15% deep soil be required on all sites that are the subject of the TOD SEPP and that planning for the Accelerated Precinct of Homebush include a tree canopy assessment to ensure tree canopy targets can be achieved.

Where development under the TOD SEPP exceeds 28 metres or 8 storeys due to bonuses permitted under SEPP (Housing), the development should also be subject to competitive design excellence processes.

Council objects to the dilution or removal of design excellence competitions. Design competitions are a well-test and successful model for delivering a high quality of design and innovation. Competitions generate a range of responses to each design challenge, allowing the comparative evaluation of different approaches. This enables participants to analyse the relative merits of different responses to a brief and builds confidence in the selected design as the best response.

The Planning Direction for PRCUTS requires development that seek to depart from the Strategy to demonstrate a better planning outcome. Any master plan prepared for land within the Accelerated Precinct of Homebush should ensure that the minimum design quality requirements of the Parramatta Road Corridor Planning Design Guidelines are satisfied. This includes requirements in relation to the maximum footprint of towers (750m<sup>2</sup> GFA), building length and podium requirements.

**Recommendation 14:** The TOD SEPP encourage apartment diversity by mandating a minimum percentage of studio/one bedroom and three bedroom apartments.

**Recommendation 15:** The TOD SEPP mandate a minimum of 15% deep soil area for residential flat buildings.

**Recommendation 16:** The Accelerated Precinct of Homebush be supported by a tree canopy assessment to demonstrate how future development will achieve tree canopy targets.

**Recommendation 17:** The TOD SEPP require competitive design excellence processes where development under the SEPP exceeds 28 metres or 8 storeys due to bonuses permitted under SEPP (Housing).

**Recommendation 18:** Any Master Plan prepared for the Accelerated Precinct of Homebush should demonstrate a better planning outcome than PRCUTS by at least meeting the design quality requirements of the *Parramatta Road Planning and Design Guidelines*, including a maximum tower floorplate of 750m<sup>2</sup> Gross Floor Area.

### **Natural Hazards**

The City of Canada Bay has recently prepared a Flood Study for the Powells Creek catchment, including land within North Strathfield and Concord West. The Flood Study identifies certain land within North Strathfield and Concord West as being flood prone.

In accordance with 'Local Planning Direction 4.1 – Flooding', a planning proposal must not permit a significant increase in the development and/or dwelling density of land in a flood planning area.

The draft TOD SEPP should not apply to Flood Planning Areas and the Accelerated Precinct of Homebush should avoid increasing density on land in a Flood Planning Area.

**Recommendation 19:** The draft TOD SEPP should not apply to Flood Planning Areas and the Accelerated Precinct of Homebush should avoid increasing density on land in a Flood Planning Area.

### **Local & community infrastructure**

The TOD SEPP will provide no ability for the value arising from increases to density to be captured for legitimate planning purposes, whether through Voluntary Planning Agreements or through planning mechanisms included within planning instruments.

The Department should acknowledge that Local Infrastructure Contribution Plans do not, in isolation, address all local and community infrastructure needs arising from an increase in density. In this regard, planning instruments often provide a fundamental role when providing infrastructure and there are a range of examples where the Department has supported clauses in planning instruments that link increases in density to infrastructure that is to be provided on a development site.

Unfortunately, the proposed TOD SEPP will apply a 'one size fits all' approach to land use planning with no mechanisms to improve urban design or amenity outcomes for localities impacted. There will be no through site links to encourage walkability and connectivity, no land for public domain improvements such as bicycle lanes, no new local parks and no land for intersection/road upgrades.

Given the aim to increase density through the TOD SEPP is also an outcome that can be achieved through the master planning associated with the Accelerated Precinct program, it is requested that North Strathfield not be progressed through the proposed TOD SEPP. This will reduce conflict between the two processes and enable improved urban design and community infrastructure to be planned in line with the proposed increased in density. It will also enable a more collaborative approach to planning between Council, the community and the State Government.

**Recommendation 20:** The TOD SEPP area of North Strathfield should not proceed where the locality is also sited within the catchment of the proposed Accelerated Precinct of Homebush.

**Recommendation 21:** Master Planning for the North Strathfield Accelerated Precinct is to ensure that public domain and community infrastructure is planned in parallel with any proposed increased in density.

### Planning Pathways

It is noted with concern that the proposed planning reforms will permit more applications to be determined by a new State Significant Development (SSD) assessment pathway, diminishing the role of local government and planning panels in the decision-making process.

DCPs are the most appropriate plans for place-based planning in the current NSW planning framework. Place-based planning undertaken by the Department of Planning through the preparation of a master plan should be reflected in objectives and controls contained within a DCP. These controls are needed to extend beyond the blunt standards that may be included in an LEP and may include ground and upper level setbacks, podium and tower design, tree canopy and landscaping requirements as well as ground level interfaces such as street awnings.

However, *SEPP (Planning Systems) 2021* states that Development Control Plans (DCPs) do not apply to state significant development. Given the low threshold for which residential flat buildings will be deemed SSD, it is requested that consideration be given to removing this provision in the SEPP to give due regard to the importance of DCPs in the NSW planning framework.

**Recommendation 22:** The Department commit to preparing a Development Control Plan in consultation with affected Councils for the Accelerated Precinct of Homebush.

**Recommendation 23:** SEPP (Planning Systems) 2021 be amended to confirm that Development Control Plans are a relevant consideration in the assessment of State Significant Development Applications involving residential flat buildings and shop top housing.

### **Cumulative impact of reforms**

It is important that the Department be transparent as to the maximum permitted development facilitated by State-led planning initiatives.

The application of the recently implemented in-fill affordable housing bonus provision of the Housing SEPP will have a profound effect on the scale and height of development facilitated by the TOD SEPP. It is unclear whether this has been taken into consideration in the formulation of the proposed heights and FSRs.

Similarly, any Master Plan prepared for the Accelerated Precinct of Homebush should illustrate the maximum permitted scale of development inclusive of the in-fill affordable housing bonus permitted by SEPP Housing.

**Recommendation 24:** The maximum building height and FSR permitted under the TOD SEPP be inclusive of the in-fill affordable housing bonus provision permitted by the Housing SEPP.

**Recommendation 25:** The master plan for the Accelerated Precinct of Homebush should illustrate the maximum permitted scale of development inclusive of the in-fill affordable housing bonus permitted by SEPP Housing.

### **Community engagement**

Effective and timely consultation allows people to feel they have had a say and been heard. Community engagement also reduces the risks of opposition and conflict with people later in the development pipeline.

The timing of the release of the TOD Program just prior to the Christmas and the deadline to provide feedback by the end of January has meant that much of the community is unaware of the proposed reforms.

The Department should commit to briefing Councils as part of the preparation of any master plan and/or precinct plan for the proposed Accelerated Precinct of Homebush.

**Recommendation 26:** Should the TOD SEPP proceed, the Department commit to engaging directly with impacted communities on the content of the draft SEPP before it is finalised.

**Recommendation 27:** The Department engage with the community in relation to any draft Master Plan prepared for the Accelerated Precinct of Homebush and on any draft precinct plan or Place Strategy to implement the Master Plan.

**Recommendation 28:** The Department commit to briefing Councillors at key milestones in the program for the Accelerated Precinct of Homebush, including prior to the public exhibition of a draft master plan and prior to the finalisation of a planning instrument to implement any precinct plan.

## **Governance**

It is recognised that improved planning outcomes are achieved when input is provided by representatives from both Local and the State Government.

The City of Canada Bay has been subject to a number of State-led urban renewal initiatives, including the Rhodes Planned Precinct and the Parramatta Road Corridor Urban Transformation Strategy. There are a range of governance approaches that could be implemented for the proposed Accelerated Precinct of Homebush to improve planning outcomes and foster a practical working relationship between Council and the Department.

The preparation of a Terms of Reference that establishes the governance arrangements for a Working Group and sets out the roles and responsibilities of Council and the Department would be supported. Similarly, the preparation of a landowner/developer protocol to outline how development proposals should be considered in the context of the precinct investigations would also be supported. Council is able to provide examples of a Terms of Reference and landowner/developer protocols that have been used for previous State-led investigations in the City of Canada Bay.

**Recommendation 29:** The Department commit to working collaboratively with Council on the Accelerated Precinct for Homebush, including the establishment of a Project Working Group and preparation of a Terms of Reference.

**Recommendation 30:** A landowner/developer protocol be prepared to outline how development proposals will be considered in the context of the precinct investigations for the Accelerated Precinct of Homebush.

Should you wish to discuss this submission, please do not hesitate to contact Council's Manager, Strategic Planning, Paul Dewar on 9911 6402 or [paul.dewar@canadabay.nsw.gov.au](mailto:paul.dewar@canadabay.nsw.gov.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'm. cologna'.

Monica Cologna  
**Director, Environment & Planning**

## **RECOMMENDATIONS**

### **Local Planning**

1. Any Master Plan prepared by the Department for the Accelerated Precinct of Homebush recognise the community engagement and strategic work undertaken by the City of Canada Bay for the Parramatta Road corridor and for land within the vicinity of the Metro station in North Strathfield.
2. The area known as the 'Strathfield Triangle' be included in the master plan for the Accelerated Precinct of Homebush with future development being subject to a robust planning mechanism to deliver necessary community infrastructure.
3. The site known as 1 King Street, Concord West be excluded from the Accelerated Precinct of Homebush.

### **Floor Space Ratio**

4. The maximum Floor Space Ratio for Residential Flat Buildings in the TOD SEPP be reduced to 1.5:1 and the maximum Floor Space Ratio for shop top housing facilitated by the TOD SEPP be reduced to 2.5:1.

### **Maximum Lot Size and Frontage**

5. Should the TOD SEPP proceed, a minimum lot size of 800sqm and a minimum frontage of 20m should be imposed for residential flat buildings.

### **Affordable Housing**

6. The proposed TOD SEPP impose a requirement for affordable housing consistent with Division 7.2 of the Environmental Planning and Assessment Act 1979 and State Environmental Planning Policy (Housing) 2021.
7. Affordable housing be provided in perpetuity and dedicated to the relevant Council.
8. The Department prepare a metropolitan area-wide Affordable Housing Contribution Scheme in consultation with local government for all land that is to be the subject of the TOD SEPP.

Alternatively, the TOD SEPP should not come into effect until at least 4 months after it is made to provide sufficient time for Councils to prepare and/or update their Affordable Housing Contribution Schemes to reflect the requirement for affordable housing in the specified localities.

### **Conservation of heritage listed places**

9. Heritage items and heritage conservation areas be excluded from the application of the standards and permissibility of residential flat buildings under the proposed TOD SEPP.
10. Master planning undertaken for the Accelerated Precinct of Homebush recognise heritage items and heritage conservation areas and ensure that future built form responds sympathetically to the scale and character of these important places.
11. A Conservation Management Plan be prepared and endorsed by Council for the site known as 'the Bakehouse Quarter' prior to the preparation of a Master Plan for the Accelerated Precinct of Homebush.

### **Permissibility**

12. The TOD SEPP permit shop top housing in E1 Local Centre and E2 Commercial Centre zones, instead of residential flat buildings.

### **Car Parking**

13. The TOD SEPP apply maximum car parking rates based on Public Transport Accessibility Level of each station location, consistent with TfNSW Future Transport Guide for Parking in Cities.

### **Amenity & Design controls**

14. The TOD SEPP encourage apartment diversity by mandating a minimum percentage of studio/one bedroom and three bedroom apartments.
15. The TOD SEPP mandate a minimum of 15% deep soil area.
16. The Accelerated Precinct of Homebush be supported by a tree canopy assessment to demonstrate how future development will achieve tree canopy targets.
17. The TOD SEPP require competitive design excellence processes where development under the SEPP exceeds 28 metres or 8 storeys due to bonuses permitted under SEPP (Housing).
18. Any Master Plan prepared for the Accelerated Precinct of Homebush should demonstrate a better planning outcome than PRCUTS by at least meeting the design quality requirements of the *Parramatta Road Planning and Design Guidelines*, including a maximum tower floorplate of 750m<sup>2</sup> Gross Floor Area.



### **Natural Hazards**

19. The draft TOD SEPP should not apply to Flood Planning Areas and the Accelerated Precinct of Homebush should avoid increasing density on land in a Flood Planning Area.

### **Local and Community Infrastructure**

20. The TOD SEPP area of North Strathfield should not proceed where the locality is also sited within the catchment of the proposed Accelerated Precinct of Homebush.
21. Master Planning for the North Strathfield Accelerated Precinct is to ensure that public domain and community infrastructure is planned in parallel with any proposed increased in density.

### **Planning Pathways**

22. The Department commit to preparing a Development Control Plan in consultation with affected Councils for the Accelerated Precinct of Homebush.
23. SEPP (Planning Systems) 2021 be amended to confirm that Development Control Plans are a relevant consideration in the assessment of State Significant Development Applications involving residential flat buildings and shop top housing.

### **Cumulative impact of reforms**

24. The maximum building height and FSR permitted under the TOD SEPP should be inclusive of the in-fill affordable housing bonus provision permitted by the Housing SEPP.
25. The master plan for the Accelerated Precinct of Homebush should illustrate the maximum permitted scale of development inclusive of the in-fill affordable housing bonus permitted by SEPP Housing.

### **Community engagement**

26. Should the TOD SEPP proceed, the Department should commit to engaging directly with impacted communities on the content of the draft SEPP before it is finalised.
27. The Department engage with the community in relation to any draft Master Plan prepared for the Accelerated Precinct of Homebush and on any draft precinct plan or Place Strategy to implement the Master Plan.
28. The Department commit to briefing Councillors at key milestones in the program for the Accelerated Precinct of Homebush, including prior to the

public exhibition of a draft master plan and prior to the finalisation of a planning instrument to implement any precinct plan.

**Governance**

29. The Department commit to working collaboratively with Council on the Accelerated Precinct for Homebush, including the establishment of a Project Working Group and preparation of a Terms of Reference.
30. A landowner/developer protocol be prepared to outline how development proposals will be considered in the context of the precinct investigations for the Accelerated Precinct of Homebush.