

CANADA BAY LOCAL  
ENVIRONMENTAL PLAN  
2013 (PP2021/0001)

**PLANNING PROPOSAL – Parramatta Road Corridor Urban  
Transformation Strategy (PRCUTS) – Stage 1**

**PP2021/0001**

**May 2021**

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## Attachments

- 1. Draft LEP Maps**
- 2. Draft PRCUTS Community Infrastructure Map**
- 3. PRCUTS Urban Design Masterplan – Kings Bay Precinct 2021**
- 4. PRCUTS Urban Design Masterplan – Burwood-Concord Precinct 2021**
- 5. PRCUTS Urban Design Masterplan – Homebush North Precinct 2021**
- 6. PRCUTS Public Domain Plan 2020**
- 7. PRCUTS Sustainable Precincts Strategy 2020**
- 8. PRCUTS Flood Risk Assessment – Kings Bay and Burwood-Concord Precincts 2020**
- 9. Draft Concord West Precinct Master Plan Flood Study 2015**
- 10. PRCUTS Preliminary Site Investigation (Contamination) 2018**
- 11. Canada Bay Urban Tree Canopy Strategy 2019**
- 12. Local Planning Panel - Minutes**
- 13. Local Housing Strategy (LHS) 2019**
- 14. Local Strategic Planning Statement (LSPS) 2020**

## Introduction

The Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) is a significant strategy that has been developed to deliver the State Government's vision for transforming the Parramatta Road Corridor. The corridor is currently congested by heavy traffic, noise and declining commercial spaces. PRCUTS will create new precincts as Places for People, with new housing (including affordable housing), commercial and retail centres, jobs, green space and public areas. Delivering these outcomes requires a considered approach to renewal, to ensure quality urban design and activated public spaces are created, whilst facilitating the delivery of key community infrastructure.

This planning proposal seeks to amend the Canada Bay Local Environmental Plan (CBLEP) 2013 to implement Stage 1, also known as 2016 - 2023 implementation areas, of the PRCUTS. The planning proposal is underpinned by a comprehensive evidence-based strategic planning process, which has been developed to refine the PRCUTS implementation plan and to give effect to the Eastern Sydney District Plan, the Canada Bay Local Strategic Planning Statement (LSPS) and the Canada Bay Local Housing Strategy (LHS).

The planning proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and addresses the requirements of cl 3.8 (3) of the EP&A Act 'on the preparation of planning proposals under section 3.33 to give effect to the district strategic plan'. It is also in accordance with relevant Department of Planning, Industry and Environment Guidelines including "A Guide to Preparing Local Environmental Plans" and "A Guide to Preparing Planning Proposals".

## Part 1 - Objectives or Intended Outcomes

The objective of the planning proposal is to amend the Canada Bay Local Environmental Plan 2013 (CBLEP) to implement Stage 1 of the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS), which comprises the Kings Bay, Burwood-Concord and Homebush North precincts, with refinements that are justified by Council's comprehensive evidence-based studies.

The **Objectives** of the planning proposals are to:

- Create fine-grained precincts that are safe, socially activated and community and family friendly;
- Create new centres that are socially and economically activated;
- Create public domain and development that is well-designed, sustainable, and resilient and that is supported by commensurate public benefits.

The **Intended Outcome** of the planning proposal is to:

- Implement planning controls for land within the Canada Bay LGA of the Stage 1 (2016 – 2023 release areas) that are consistent with Parramatta Road Corridor Urban Transformation Strategy (PRCUTS), with refinements that are underpinned by Council's evidence-based strategic planning process.
- Deliver infrastructure commensurate with the planned intensity of development, as prescribed in the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) Infrastructure Schedule.

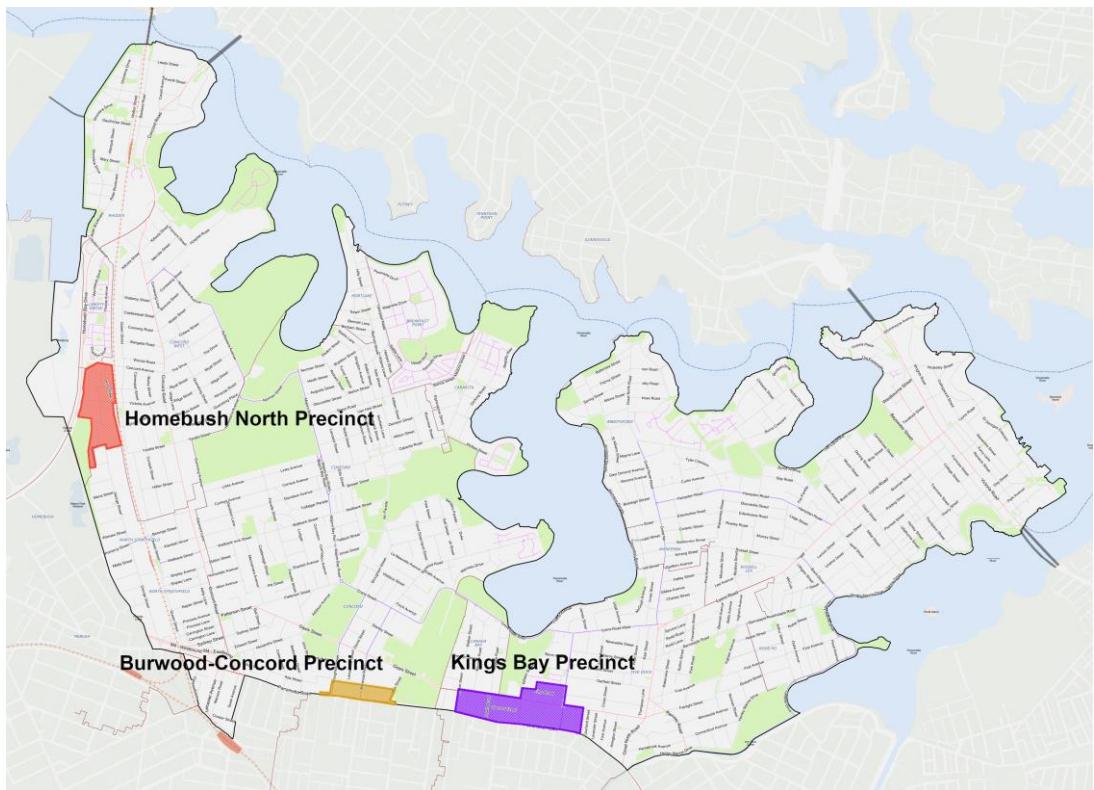


Figure 1: Land within Stage 1 of PRCUTS within the Canada Bay LGA.



Figure 2: Land within Stage 1 of the Kings Bay Precinct.



*Figure 3: Land within Stage 1 of the Burwood-Concord Precinct.*



*Figure 4: Land within Stage 1 of the Homebush North Precinct.*

## **Scope of the Stage 1 precincts**

The planning proposal will deliver three holistically designed stage 1 precincts:

- Kings Bay will be a commercial mixed use centre in the heart of the precinct, centred on Spencer Street (including new extensions to the east and west) and extending along the Parramatta Road frontage. The centre will provide fine-grained ground floor retail and urban services, with offices and commercial space in the podium levels above, to support and service the local community. The commercial centre will be surrounded by new high-rise residential tower development, stepping down towards the existing low-scale low-density residential areas. The public domain will be characterised by a network of inter-connecting parks, wide footpaths, laneways and cycle ways.
- Burwood-Concord will be a commercial mixed use centre centred on the Parramatta Road- Burwood Road intersection and extending along the Parramatta Road frontage. The intersection will also be the location of the new Sydney Metro West train station, including a public plaza and station entryway. The commercial space will comprise fine-grained ground floor retail and urban services, with podium-level offices and commercial space above. The commercial centre will adjoin new high-rise residential tower development, stepping down towards the existing low-scale low-density residential areas. The public domain will be characterised by parks, footpaths, laneways and cycle ways.
- Homebush North will be a residential precinct centred on George Street, which will be a Places for People. The precinct will comprise diverse housing typologies, mainly terrace houses, and characterised by footpaths and cycle ways.

## **Part 2 - Explanation of Provisions**

### **Proposal**

The planning proposal seeks to amend the CBLEP 2013 by changing the zoning and built form controls for land within the three PRCUTS precincts within the Canada Bay LGA and by introducing flooding and contamination remediation requirements, and sustainability incentives.

### **New and amended maps**

The planning proposal is seeking to amend the following maps:

- Land zoning
- Height of Buildings Map
- Floor Space Ratio Map
- Flood planning
- Active street frontages

The proposed variations to the zoning, height, FSR, flood planning and the active street frontages maps are the result of the evidence-based strategic planning process undertaken by Council to deliver best urban design and community outcomes under

PRCUTS. The variations are discussed in detail below, under *Direction 7.3 Parramatta Road Corridor Urban Transformation Strategy*.

The planning is also seeking to introduce five new map series:

- Design Excellence Map
- Key Sites Map
- Community Infrastructure Height of Buildings Map (CIHOB)
- Community Infrastructure Floor Space Ratio Map (CIFSR)
- Remediation Map

The Key Sites and Community Infrastructure HOB and FSR maps supplement a new PRCUTS infrastructure clause (see below). The intention is to ensure coordinated development outcomes and the provision of public domain enhancements, public open space, pedestrian links and roads as prescribed in the PRCUTS Infrastructure Schedule. The development potential of specific sites on which proposed infrastructure to be delivered is commensurate with the quantum of floor space permitted by PRCUTS.

The Design Excellence, Key Sites and Community Infrastructure HOB and FSR map series are also proposed in Planning Proposal - Strathfield Triangle Precinct, which is currently with the Department of Planning, Industry and Environment for Gateway assessment (Planning Portal reference number PP-2020-3843). Should the PRCUTS planning proposal proceed to finalisation prior to the Strathfield Triangle planning proposal, this PRCUTS planning proposal should be interpreted as seeking to introduce these map series that are proposed in that planning proposal.

The proposed new Remediation Maps supplement a proposed new remediation clause (see below). The intention is to ensure that proposed new development on land that is currently zoned B6 Enterprise Corridor and IN1 General Industrial is suitable or can be made suitable for the uses implied by the proposed new zoning and to enable Council to control the remediation process so that all remediation works are undertaken prior to commencement of building works.

## New clauses

The planning proposal is seeking to introduce new clauses to address:

- potential contamination and remediation (Refer to *Direction 2.6* below);
- requirements and incentives to facilitate sustainable utilities infrastructure, to exceed BASIX energy and water efficiency standards, and achieve tree canopy cover targets (refer Q8 below); and
- infrastructure delivery as required under PRCUTS, including public domain enhancements, public open space, pedestrian through-site links and roads (refer to Q9 below).

Plain English explanations of the proposed new clauses are outlined in Appendix A.

The planning proposal is also seeking to introduce two additional permitted uses clauses to permit shoptop housing in certain locations:

- all land in Zone R3 Medium Density Residential in the Kings Bay precinct that fronts Parramatta Road. The planning proposal is seeking to rezone the land to

R3 and to permit ‘commercial premises’ and ‘light industry’, but only if the use is located on the ground floors and the proposed development includes a facade that fronts Parramatta Road.

- land at 28-30 Burton Street and two Lots of 32-40 Burton Street, Concord in the Burwood precinct. The planning proposal is seeking to rezone the land to R3 Medium Density Residential and to permit ground floor retail uses along the eastern frontage to Burwood Road and the southern frontage to Niechs Lane, as recommended in the PRCUTS Burwood Masterplan.

The proposed additional permitted uses clauses are at Appendix A.

### **Design Excellence map and clause**

The Planning Proposal - Strathfield Triangle Precinct, which is currently with the Department of Planning, Industry and Environment for Gateway assessment (Planning Portal reference number PP-2020-3843) is seeking to introduce a Design Excellence clause that will also apply to the PRCUTS Stage 1 precincts. The planning proposal includes draft Design Excellence Maps that identify the precincts as subject to the proposed Design Excellence clause. Should the PRCUTS planning proposal proceed to finalisation prior to the Strathfield Triangle planning proposal, this PRCUTS planning proposal should be interpreted as seeking to introduce the Design Excellence clause that is proposed in that planning proposal.

The proposed clause will require design excellence to be demonstrated through a design review panel process or a competitive design process for development of a certain scale:

- development of a height greater than 28 metres would be subject to a competitive design process
- development of a height of 28 metres or below would be subject to a review by the design review panel.

A plain English explanation of the proposed new clause is outlined in Appendix A.

### **Table of changes to planning controls**

*Table 1: Existing and proposed planning controls*

Precinct	Current zone/s	Proposed zone/s	Current FSR/s	Proposed bonus FSR/s	Current HOB/s	Proposed bonus HOB/s
<b>Kings Bay Precinct</b>	IN1	B4	1:1	1.3:1, 3.0:1	12m	2.5m, 17m, 32m, 55m, 61m, 67m
		R3	1:1	1.3:1, 1.4:1, 1.6:1, 1.8:1, 2.2:1	12m	2.5m, 17m, 19m, 25m, 28m
		RE1	1:1	3.0:1	12m	2.5m
	B6	B4	1:1	1:1	12m	12m
		R3	1:1	1.8:1	12m	2.5m, 20m, 28m

	R2	R3	0.5:1	0.5:1, 1.4:1	8.5m	8.5m, 17m
<b>Burwood-Concord Precinct</b>	B6	B4	1:1, 1.6:1, 2:1	3.0:1	12m	2.5m, 40m, 42m, 55m
		R3	2:1	3.0:1	12m	42m
	R3	B4	0.5:1	3.0:1	8.5m	2.5m, 42m, 78m
		R3	0.5:1	0.9:1, 3.0:1	8.5m	2.5m, 10.5m, 42m, 56m, 65.5m, 78m
		SP2	0.5:1	0.5:1	8.5m	8.5m
<b>Homebush North Precinct</b>	IN1	R3	1:1	1.4:1, 1.9:1	12m	16m, 22m
		IN1	1:1	1:1	8.5m	8.5m
	B1	B1	2.3:1	2.3:1	16m	16m
	R3	R3	0.75:1, 1.4:1	0.75:1 1.4:1	10m, 16m	10m, 16m
	R2	R3	0.5:1	0.7:1	8.5m	8.5m
		RE1	Nil	Nil	8.5m	2.5m
	SP2	SP2	Nil, 0.5:1	0.7:1	Nil, 8.5m	8.5m
		RE1	Nil	0.7:1	Nil	2.5m
	RE1	RE1	Nil	0.7:1	Nil	8.5m

## Background and rationale

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

In November 2016, Urban Growth NSW released the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) together with a package of implementation and reference documents. Direction 7.3 issued by the Minister for Planning under Section 9.1 of the *Environmental Planning and Assessment Act 1979* gives the Strategy and Implementation Tool Kit statutory weight.

PRCUTS aims to renew Parramatta Road and adjacent communities through investments in homes, jobs, transport, open spaces and public amenity. It presents significant urban renewal opportunities for land within defined development precincts.

### City of Canada Bay Local Strategic Planning Proposal

On 25 March 2020, the Greater Sydney Commission (GSC) endorsed the Canada Bay Local Strategic Planning Statement (LSPS). The LSPS sets out Council's vision for how the LGA will respond to significant residential growth, including the new housing and jobs to be delivered under the PRCUTS. The planning proposal will implement

Actions 1.2, 5.6, 6.5, 9.2, 9.7, 10.1, 10.2, 13.1, 14.3, 16.5, 17.1, 18.1 and 18.3 of the LSPS.



Figure 5: LSPS Map 7, Structure plan.

### City of Canada Bay Local Housing Strategy

The Canada Bay Local Housing Strategy (LHS) is a primary technical study that was undertaken by Council to inform the LSPS and deliver needed housing, including housing diversity. The LHS estimated that the majority of new housing within the LGA will be delivered under PRCUTS and the Rhodes Planned Precinct (previously known as Rhodes East).

The remainder of the 2036 housing target will comprise new housing under the PRCUTS later stages, as infill development under current controls in existing residential zones and centres, and as new housing to be facilitated under Council's proposed housing diversity investigation areas.

The LHS was informed by some initial built form testing of the PRCUTS height and FSR planning controls to determine the Gross Floor Area yield and net housing capacity in each of the PRCUTS Stage 1 and later stages. These initial yields have now been tested with detailed built form modelling undertaken by Council's PRCUTS Masterplans.

### City of Canada Bay Kings Bay, Burwood-Concord and Homebush North Masterplans

Council has recently completed a strategic planning process to implement Stage 1 of the PRCUTS. The primary outputs for this process are a series of Urban Design Masterplans, one for each of the Stage 1 precincts.

The Masterplans are informed by a suite of evidence-based studies that Council has produced, including:

- PRCUTS Public Domain Plan: The Plan identified the public domain needs that will be required to support future development proposed under PRCUTS and to inform detailed planning for the Corridor, including requirements for private land (e.g. for street widening), and developer contributions. It makes detailed recommendations to deliver the needed passive and active recreational spaces and networks and to achieve an activated public domain.
- PRCUTS Sustainable Precincts Strategy. The Strategy provided analysis and a suite of strategies and mechanisms to facilitate future development that can achieve higher, aspirational environmental performance. It makes recommendations that can achieve a zero-carbon outcome for the precincts by 2050, lower water usage, lower car usage, and a greener, cooler community.
- PRCUTS Flood Risk Assessment. The Assessment determined the nature and extent of the current flooding problem and evaluated management options for the floodplain in respect of both existing and proposed development. It makes recommendations to achieve the development proposed in PRCUTS that include management of flood waters within the Kings Bay and Burwood Precincts, so as not to create flooding risks for downstream properties.
- PRCUTS Preliminary Site Investigation (Contamination). The Investigation assessed the potential extent of contamination within the three PRCUTS Precincts that could potentially constrain development within the Precincts for Mixed Use and Medium Density Residential uses. It also provided risk-ranking of sites to identify areas which may require targeted site investigation to confirm whether such land is or can be made suitable for rezoning, and to assist in identifying requirements to address contamination as part of future site-specific DAs.

The Masterplans are also informed by Council's Local Strategic Planning statement (LSPS) and the series of evidence-based studies that underpin the LSPS, including:

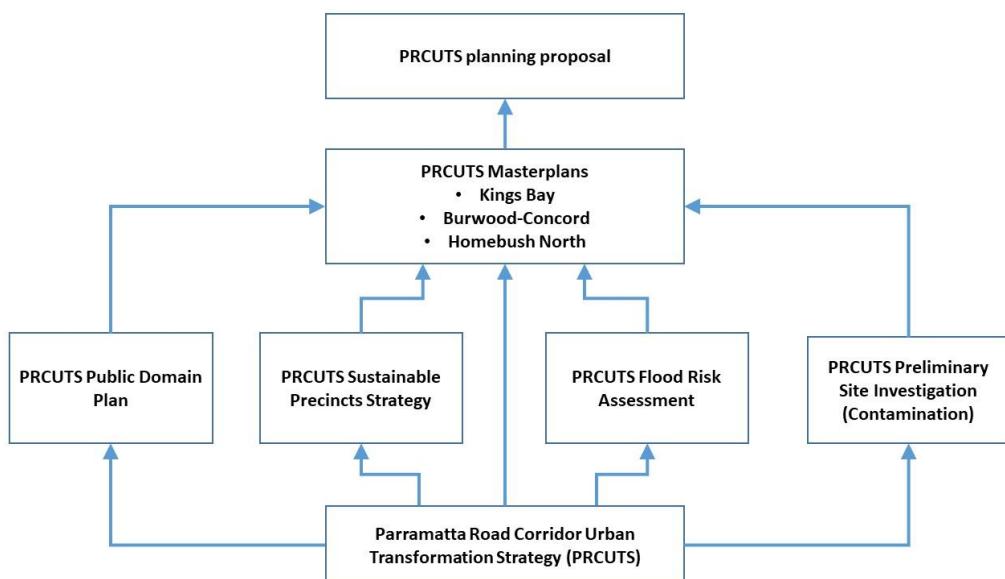
- the Eastern City District Plan. Note that the LSPS has been endorsed by the Greater Sydney Commission as consistent with the requirement to deliver the Plan;
- the City of Canada Bay Local Housing Strategy (LHS) 2019, which is currently with DPIE for endorsement;
- the City of Canada Bay Employment and Productivity Strategy 2019;
- the City of Canada Bay Local Movement Strategy 2019;
- the City of Canada Bay Social Infrastructure Strategy 2019;
- the City of Canada Bay Open Space and Recreational Strategy 2019;
- the City of Canada Bay Urban Tree Canopy Strategy 2019; and
- the City of Canada Bay Biodiversity Report 2019.

The Masterplans synthesise PRCUTS with the LSPS and all of the above studies to produce three detailed reports. In addition to delivering the PRCUTS, the Masterplans aim to achieve the following:

- Kings Bay Masterplan re-imagines the future character of the Kings Bay Precinct as a thriving commercial and residential village centred around Spencer Street with new and active uses.

- Burwood-Concord Masterplan re-imagines the future character of the Burwood precinct as a gateway to Burwood Town Centre and Concord Oval, and a thriving commercial and residential village precinct for new residents.
- Homebush North Masterplan re-imagines the future character of the Homebush North Precinct as a new residential precinct with access to amenity and employment at Parramatta CBD and Sydney Olympic Park.

The Masterplans are consistent with PRCUTS, with some minor variations where recommended by the Masterplans and studies to ensure best urban design and public domain outcomes. This is discussed further below under *Direction 7.3 Parramatta Road Corridor Urban Transformation Strategy*.



*Hierarchy of studies to inform the planning proposal. Note that the studies were also informed by the Eastern City District Plan and the City of Canada Bay Local Strategic Planning Statement (LSPS) and Local Housing Strategy (LHS).*

The Masterplans also undertook detailed built form testing. The testing provides a more realistic and achievable assessment of the housing that is able to be facilitated in the three 2016-2023 release areas than that of Council's Local Housing Strategy, which was informed by relatively high-level assumptions about likely built form. The estimated yields are:

- 2,779 dwellings in the Kings Bay Stage 1 precinct
- 806 dwellings in the Burwood-Concord Stage 1 precinct
- 570 dwellings in the Homebush North Stage 1 precinct

These represent 109.3% of the City of Canada Bay's 6-10 year housing target of 3,800 (2021-2026) and 33.2% of the City of Canada Bay's 10-20 year housing target of 12,500.

The Masterplans also address the delivery of the infrastructure that is needed to support the forecast housing. The schedule is informed by the PRCUTS Infrastructure Schedule and the City of Canada Bay PRCUTS Public Domain Plan.



## **Part 3 - Justification**

### **Section A – Need for the planning proposal**

#### **Q1. Is the planning proposal a result of any strategic study or report?**

The planning proposal is consequential to, and consistent with, the State Government's Parramatta Road Corridor Urban Transformation Strategy (PRCUTS), which is approved by the Secretary of the Department of Planning, Industry and Environment. The Masterplans are consistent with PRCUTS, with some minor variations where recommended by the studies and to ensure best urban design and community outcomes.

The planning proposal is also consequential to Council's LSPS, which was endorsed by the Greater Sydney Commission on 25 March 2020.

#### **Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The planning proposal is the only means to achieve the intended outcome, as the proposal is seeking to make changes to the Canada Bay LEP2013.

### **Section B – Relationship to strategic planning framework**

#### **Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?**

##### **Assessment Criteria**

###### **a) Does the proposal have strategic merit? Will it:**

- give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or
- give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement; or
- responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans.

The planning proposal has strategic merit as it pertains to land that the State Government has identified for change to deliver new residential and some commercial/retail development consistent with the future needs of the region.

The planning proposal is generally consistent with the Parramatta Road Corridor Urban Transformation Strategy in that it seeks to amend the zoning and built form controls as per the Strategy. Where the planning proposal seeks to diverge away from the Strategy, the proposal is supported by the recommendations of Council's evidence-based studies that were undertaken to deliver the best urban design and community outcomes.

The planning proposal is consistent with PRCUTS and, therefore the Greater Sydney Region Plan. The planning proposal also goes further in delivering the Greater Sydney Region Plan in that it delivers objectives that were either not covered by PRCUTS or that only subsequently became Government policy:

- Objective 3 - Infrastructure adapts to meet future needs;
- Objective 33 - A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change;
- Objective 34 - Energy and water flows are captured, used and re-used;
- Objective 35 - More waste is re-used and recycled to support the development of a circular economy.

The planning proposal seeks to introduce incentives to deliver precinct-wide sustainability infrastructure and outcomes.

- Objective 6 - Services and infrastructure meet communities' changing needs;
- Objective 16. Freight and logistics network is competitive and efficient;
- Objective 24. Economic sectors are targeted for success.

The planning proposal seeks to facilitate urban support services and reduce unnecessary road travel by ensuring ground floor commercial space is flexible and provides for the likely spatial and functional requirements of urban support services. It is Council's intention to prepare a Development Control Plan to facilitate the free movement of freight on Parramatta Road by ensuring ground floor commercial space is serviced from the rear.

- Objective 32 - The Green Grid links parks, open spaces, bushland and walking and cycling paths.

The planning proposal seeks to connect the proposed new parks, footpaths and cycleways with the existing parks, footpaths and cycleways, via new links and upgraded existing links.

- Objective 37 - Exposure to natural and urban hazards is reduced.

The planning proposal seeks to introduce specific interventions to reduce the identified H2-H5 flood risks and to increase resilience to future flood risks.

The planning proposal also goes further in delivering the Eastern City District Plan in that it delivers objectives that were either not covered by PRCUTS or that only subsequently become Government policy in that it will deliver:

- Planning Priority E3 - Providing services and social infrastructure to meet people's changing needs
- Planning Priority E12 - Retaining and managing industrial and urban services land.
- Planning Priority E17 - Increasing urban tree canopy cover and delivering Green Grid connections.
- Planning Priority E18 – Delivering high quality open space.
- Planning Priority E19 - Reducing carbon emissions and managing energy, water and waste efficiently.
- Planning Priority E20 - Adapting to the impacts of urban and natural hazards and climate change.

**b) Does the proposal have site specific merit, having regard to the following?**

- The natural environment (including known significant environmental values, resources or hazards) and
- The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and
- The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

The planning proposal has site specific merit.

It relates to land that is urban and has been generally continuously occupied for several decades and seeks to improve the quality of the urban environment for residential and commercial uses.

It seeks to deliver site specific outcomes for land within Stage 1 of PRCUTS. The planning proposal will be supported by a proposed PRCUTS Infrastructure Strategy, which includes infrastructure required to be provided under the PRCUTS Infrastructure Schedule, to support the new development and population. The draft PRCUTS Infrastructure Strategy will be considered by Council for endorsement in mid-2021, concurrently with a draft PRCUTS DCP and amended draft Development Contributions Plan, with the intention that these draft documents are exhibited with the planning proposal.

The planning proposal is also seeking to deliver the Green Grid, to ensure a continuous walking and cycling network, and free movement of transport and freight along Parramatta Road.

The planning proposal will deliver the evidence-based PRCUTS Masterplans. The Masterplans:

- synthesise the aims, vision and principles of the PRCUTS, including the site-specific requirements under the Implementation Tool Kit, to renew Parramatta Road and adjacent communities through investments in homes, jobs, transport, open spaces and public amenity;
- seek to ensure that all future decisions about rezoning of land will be made with a thorough understanding of potential cumulative impacts;
- seek to deliver orderly, transparent and high-quality design outcomes for development in the individual precincts and sites;
- are informed by detailed built form and urban design testing of the PRCUTS planning and design controls; and
- will guide the future built form and urban environment and inform amendments to the Canada Bay LEP 2013, DCP and development contributions plan for the PRCUTS Stage 1 precincts and sites within the precincts.

**Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?**

The planning proposal is consistent with the following Actions of Council's endorsed LSPS:

- 1.2 Collaborate to enable dedicated rapid public transport and place-based outcomes along Parramatta Road Corridor.

- 5.6 Ensure that Planned Precincts, Parramatta Road Corridor and redevelopment of large sites deliver a diversity of housing types ranging from terraces to apartments.
- 6.5 Prior to land use change occurring on the site known as 1- 7 King Street, Concord West, the Socio Economic Study is to be updated by Council to respond to Government plans and policies and other matters.
- 9.2 Ensure plans for the new Local Centre at Spencer Street in the Kings Bay precinct deliver fine grain retail frontages along Spencer Street, with large floor plate uses sleeved behind; large bulky goods retail concentrated along Parramatta Road; high floor to ceiling heights on the ground and second floor; material and finishes that reinforce the industrial character; and consistency with PRCUTS and 'movement and place'.
- 9.7 Ensure that B4 Mixed Use Zones and B1 Neighbourhood Centres maintain a substantial retail, office and commercial focus.
- 10.1 Investigate and encourage new mixed-use forms, larger format uses and urban support services on Parramatta Road ground floor development in Kings Bay Precinct.
- 10.2 Ensure that Kings Bay precinct has access from roads other than Parramatta Road; double height ceilings for Parramatta Road ground floor uses; rear lane low bay access for small trucks and customer parking; and shared loading docks for non-residential uses.
- 13.1 Protect the Parramatta River catchment by ensuring policies and planning instruments contribute to the making Parramatta River swimmable again by 2025.
- 14.3 When preparing planning studies and controls, create links to habitat sites through canopy cover, the Green Grid and waterways, and improve planting of shrubs and understory.
- 16.5 Ensure that Master Plans and Precinct Plans achieve a minimum of 25% canopy cover
- 17.1 Consider and implement the Social Infrastructure (Open Space and Recreation) Strategy, including delivery of sports fields and courts; passive recreation; new open space in North Strathfield, Concord West and along the Parramatta Road Corridor; a new park in the Strathfield Triangle; expansion of Fred Kelly Place; and increased indoor recreation.
- 18.1 Advocate for increased BASIX water and energy targets.
- 18.3 Where appropriate, develop controls to compel developers to connect to planned recycled water schemes for all non-potable water uses.

**Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

Yes the planning proposal is generally consistent with relevant State Environmental Planning Policies (SEPPs) and deemed SEPPs.

No.	SEPP Title	Consistency
1	Development Standards	Consistent.
19	Bushland in Urban Areas	N/A
21	Caravan Parks	N/A
33	Hazardous and Offensive Development	N/A
36	Manufactured Home Estates	N/A
44	Koala Habitat Protection	N/A
47	Moore Park Showground	N/A
50	Canal Estate Development	N/A
55	Remediation of Land	<p>The planning proposal is seeking to introduce a new clause to the LEP that will require development within PRCUTS precincts that have been identified in the Preliminary Site Investigation (Contamination) 2018 as being potentially contaminated to be remediated before the land is used for the proposed purposes.</p> <p>Refer to Appendix A for a plain English explanation of the proposed clause.</p>
64	Advertising and Signage	N/A
65	Design Quality of Residential Flat Development	The planning proposal does not contain Provisions that contradict or would hinder application of this SEPP.
70	Affordable Housing (Revised Schemes)	The planning proposal is supported by the Canada Bay Affordable Housing Scheme, which was recently made under SEPP 70.
	SEPP (Aboriginal Land) 2019	N/A
	SEPP (Affordable Rental Housing) 2009	The planning proposal does not contain Provisions that contradict or would hinder application of this SEPP.
	SEPP (Building Sustainability Index: BASIX) 2004	<p>The planning proposal is seeking, in order of preference:</p> <ul style="list-style-type: none"> <li>• an amendment to the <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> on-line tool that would increase BASIX targets for land subject to the planning proposal. This outcome is consistent with the actions of</li> </ul>

		<p>PRCUTS; or</p> <ul style="list-style-type: none"> <li>to introduce a clause that incentivise increased BASIX targets as recommended in the Canada Bay Sustainable Precincts Strategy. Refer to Appendix A for a plain English explanation of the proposed clause.</li> </ul>
	SEPP (Coastal Management) 2018	N/A
	SEPP (Concurrences) 2018	The planning proposal does not contain Provisions that contradict or would hinder application of this SEPP.
	SEPP (Educational Establishments and Child Care Facilities) 2017	The planning proposal does not contain Provisions that contradict or would hinder application of this SEPP.
	SEPP (Exempt and Complying Development Codes) 2008	The planning proposal does not contain Provisions that contradict or would hinder application of this SEPP.
	SEPP (Gosford City Centre) 2018	N/A
	SEPP (Housing for Seniors or People with a Disability) 2004	The planning proposal does not contain provisions that contradict or would hinder application of this SEPP.
	SEPP (Infrastructure) 2007	Consistent. The planning proposal does not contain provisions that contradict or would hinder application of this SEPP.
	SEPP (Kosciuszko National Park-Alpine Resorts) 2007	N/A
	SEPP (Kurnell Peninsula) 1989	N/A
	SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A
	SEPP (Miscellaneous Consent Provisions) 2007	The planning proposal does not contain provisions that contradict or would hinder application of this SEPP.
	SEPP (Penrith Lakes Scheme) 1989	N/A
	SEPP (Primary Production and Rural Development) 2019	N/A
	SEPP (State and Regional	N/A

	Development) 2011	
	SEPP (State Significant Precincts) 2005	N/A
	SEPP (Sydney Drinking Water Catchment) 2011	N/A
	SEPP (Sydney Region Growth Centres) 2006	N/A
	SEPP (Three Ports) 2013	N/A
	SEPP (Urban Renewal) 2010	The planning proposal does not contain provisions that contradict or would hinder application of this SEPP.
	SEPP (Vegetation in Non-Rural Areas) 2017	The planning proposal does not contain provisions that contradict or would hinder application of this SEPP.
	SEPP (Western Sydney Employment Area) 2009	N/A
	SEPP (Western Sydney Parklands) 2009	N/A
SREP Title	Consistency	
	Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)	N/A
	Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995)	N/A
	Sydney Regional Environmental Plan No 16—Walsh Bay	N/A
	Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)	N/A
	Sydney Regional Environmental Plan No 24—Homebush Bay Area	N/A
	Sydney Regional Environmental Plan No 26—City West	N/A
	Sydney Regional Environmental Plan No 30—	N/A

	St Marys	
	Sydney Regional Environmental Plan No 33—Cooks Cove	N/A
	SREP (Sydney Harbour Catchment) 2005	The planning proposal does not contain provisions that contradict or would hinder application of this SEPP.

**Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?**

Council has undertaken a review to ensure the planning proposal is consistent with all relevant Section 9.1 Ministerial Directions. Relevant Directions are discussed in detail below:

Direction	Comments
<b>1. Employment &amp; Resources</b>	
1.1 Business and Industrial Zones	<p>The planning proposal is not consistent with the Direction, as it seeks to rezone existing IN1 General Industrial and B6 Enterprise Corridor land to land that is zoned B4 Mixed Use, R4 High Density Residential and RE1 Public Recreation.</p> <p>However, the inconsistency is justified as it is consistent with Direction 7.1 and 7.3.</p> <p>Direction 7.3 requires planning proposals within the Parramatta Road Corridor to deliver the PRCUTS, which is approved by the Secretary of the Department of Planning, Industry and Environment.</p> <p>Direction 7.1 requires planning proposals to be consistent with the Greater Sydney Region Plan and the Eastern City District Plan. Whilst Objective 23 of the Greater Sydney Region Plan is to plan, retain and manage industrial and urban services land, the Plans state that “the land subject of this [Parramatta Road] Corridor Strategy is not subject to the industrial land strategies and actions of the Plan.”</p>
<b>2. Environment &amp; Heritage</b>	
2.3 Heritage Conservation	<p>The planning proposal is consistent with the Direction. It does not contain provisions that contradict or would hinder application of heritage conservation controls.</p> <p>The planning proposal will also deliver the PRCUTS, which is approved by the Secretary of the Department of Planning, Industry and Environment.</p>
2.6 Remediation of Contaminated Land	<p>The planning proposal is consistent with the Direction. It seeks to rezone land that has been used for industrial purposes, including as automotive repairs/workshops, to residential purposes.</p> <p>Council has considered the change of use and is satisfied that</p>

	<p>the land can be made suitable and the rezoning can proceed.</p> <p>The planning proposal is also seeking to introduce a new clause to the LEP that will require development within a PRCUTS precinct that has been identified in the PRCUTS Preliminary Site Investigation (Contamination) as contaminated to address additional requirements. This is discussed further below.</p> <p>The planning proposal will also deliver the PRCUTS, which is approved by the Secretary of the Department of Planning, Industry and Environment.</p>
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### 3. Housing, Infrastructure & Urban Development

3.1 Residential Zones	<p>The planning proposal is consistent with the Direction. It seeks to broaden the location of housing available for sale and rent (including as affordable housing), make more efficient use of existing infrastructure and services, and facilitate new housing that is of good design.</p> <p>The planning proposal also seeks to ensure that requirements are in place prior to any development occurring under the proposed new controls to ensure the proposed increased housing capacity is adequately serviced.</p> <p>The planning proposal will also deliver the PRCUTS, which is approved by the Secretary of the Department of Planning, Industry and Environment.</p>
3.3 Home Occupations	<p>The planning proposal is consistent with the Direction. It does not contain provisions that contradict or would hinder the carrying out of low-impact small businesses in dwelling houses.</p> <p>The planning proposal will also deliver the PRCUTS, which is approved by the Secretary of the Department of Planning, Industry and Environment.</p>
3.4 Integrating Land Use & Transport	<p>The planning proposal is consistent with the aims, objectives and principles of Improving Transport Choice and The right Place for Business and Services.</p> <p>The planning proposal is consistent with Principle 9 - Improve road management of Improving Transport Choice. The Precinct-wide traffic study and supporting modelling that is required under PRCUTS is still ongoing and due for final completion July 2021. This is discussed further below.</p> <p>The planning proposal will deliver the PRCUTS, which is an integrated land use planning and transport policy framework for the transformation of the Parramatta Road Corridor (the Corridor) that is approved by the Secretary of the Department of Planning, Industry and Environment.</p>

### 4. Hazard and Risk

4.1 Acid Sulfate Soils	<p>The planning proposal is consistent with the Direction. Whilst it seeks to intensify land uses on land identified as having a probability of containing Class 2 and Class 5 acid sulfate soils, the Canada Bay LEP 2013 contains the Acid Sulfate Soils Model</p>
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	<p>LEP clause, which includes the requirement that an acid sulfate soils management plan be prepared in accordance with the Acid Sulphate Soils Manual prior to a development consent being granted.</p> <p>The planning proposal will also deliver the PRCUTS, which is approved by the Secretary of the Department of Planning, Industry and Environment.</p>
4.3 Flood Prone Land	<p>The planning proposal is consistent with the Direction. Whilst it seeks to create, remove or alter a zone or a provision that affects flood prone land, the Canada Bay LEP 2013 and DCP include planning controls that require proposed developments to address flood behaviour and impacts.</p> <p>Also the planning proposal seeks to:</p> <ul style="list-style-type: none"> <li>• introduce an additional flood planning map for the Kings Bay precinct, which Council's supporting Flood Risk Assessment shows will be significantly flood affected; and</li> <li>• retain the current planning controls for certain land in the Homebush Precinct that has been identified as flood prone and not suitable for rezoning</li> </ul> <p>This is discussed further below.</p> <p>The planning proposal will also deliver the PRCUTS, which is approved by the Secretary of the Department of Planning, Industry and Environment.</p>

## 5. Regional Planning

5.10 Implementation of Regional Strategies	<p>The planning proposal is consistent with the vision, land use strategy, goals, directions and actions of <i>Greater Sydney Region Plan – A Metropolis of Three Cities</i> and the Eastern City District Plan. Council's LSPS received Assurance by the Greater Sydney Commission on 25 March 2020.</p> <p>The planning proposal is also consistent with the Greater Sydney Region Plan and the Eastern City District Plan. Objective 23 of the Greater Sydney Region Plan - to plan, retain and manage industrial and urban services land – does not apply to land within the PRCUTS. The planning proposal will also deliver the PRCUTS, which is approved by the Secretary of the Department of Planning, Industry and Environment.</p>
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## 6. Local Plan Making

6.1 Approval and Referral Requirements	<p>The planning proposal is consistent with the Direction. It does not seek to increase requirements for concurrence, consultation or referral provisions and does not identify any developments as designated development.</p> <p>The planning proposal will also deliver the PRCUTS, which is approved by the Secretary of the Department of Planning, Industry and Environment.</p>
6.2 Reserving	The planning proposal is consistent with the Direction. It does

Land for Public Purposes	<p>not seek to identify or remove land for acquisition for public purpose.</p> <p>The planning proposal will also deliver the PRCUTS, which is approved by the Secretary of the Department of Planning, Industry and Environment.</p>
6.3 Site Specific Provisions	<p>The proposal is consistent with the Direction. It does not seek to apply unnecessarily restrictive site specific planning controls.</p> <p>The planning proposal will also deliver the PRCUTS, which is approved by the Secretary of the Department of Planning, Industry and Environment.</p>
<b>7. Metropolitan Planning</b>	
7.1 Implementation of A Plan for Growing Sydney	<p>The planning proposal is consistent with the principles, directions and priorities of the Eastern City District Plan. Refer to Section B – Relationship to strategic planning framework, Q3. (a) above.</p> <p>The planning proposal will also deliver the PRCUTS, which is approved by the Secretary of the Department of Planning, Industry and Environment.</p>
7.3 Parramatta Road Corridor Urban Transformation Strategy	<p>The planning proposal is largely consistent with the Direction. It will deliver the PRCUTS, which is approved by the Secretary of the Department of Planning, Industry and Environment, with some minor variations that respond to more recent Government policy, or that will deliver precinct-wide best urban design, community infrastructure and public benefits. The latter are the result of Council's evidence-based PRCUTS strategic planning process.</p> <p>The planning proposal includes an inconsistency with the PRCUTS, which relates to the requirement to undertake a Precinct-wide traffic study prior to any rezoning commencing.</p> <p>This is discussed further below.</p>

### **Direction 2.6 Remediation of Contaminated Land**

The Direction applies to land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out, and for which a change of use to residential, educational, recreational or childcare purposes is proposed.

Council, as the planning proposal authority, is required to consider whether the land is contaminated and to be satisfied that the land can and will be remediated before the land is used for the proposed purposes. Also to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

Council has undertaken a Preliminary Site Investigation – Contamination in accordance with the contaminated land planning guidelines (Refer Attachment – Preliminary Site Investigation – Contamination).

The Investigation found that:

- the Kings Bay Precinct had a long history of automotive repairs/workshops, some of which were constructed on disturbed terrain relating to historical reclamation of low-lying areas;
- the Burwood Precinct had a mixed history that included car wash uses; and
- the Homebush/Concord West Precinct had mixed history that included agricultural equipment manufacturing and some construction on disturbed terrain.

The Investigation identified the potential for soil and groundwater impacts to be present within each of the Precincts, but did not identify any potential for gross or widespread contamination that would preclude rezoning of the sites. Identified impacts are considered representative of common contaminants and potentially contaminating land use activities which can be readily investigated and managed during the DA stage, including completion of preliminary and detailed site investigations consistent with relevant SEPP 55 requirements.

The Investigation concluded that the requirements of the DUAP/EPA (1998) Managing Land Contamination: Planning Guidelines have been satisfied and it recommended that:

- project-specific preliminary and/or detailed site investigations be undertaken upon submission of a DA for redevelopment of any land with a low to moderate or higher preliminary contamination risk ranking,
- that Hazardous Building Material Surveys (HBMS) be undertaken prior to any demolition and redevelopment works on individual land parcels where there is the potential for hazardous materials to be present, irrespective of the preliminary risk ranking herein.

The planning proposal is delivering the PRCUTS, which has been approved by the Secretary of the Department of Planning, Industry and Environment.

The planning proposal is also seeking to introduce a new clause to the LEP that will prohibit works to be undertaken without the consent of Council, to enable consideration by Council to be given to potential contamination and remediation.

Refer to Appendix A for a plain English explanation of the proposed clause.

Further, Council intends to include as a condition of any Development Approval for redevelopment of land within a precinct that has been identified in Council's Preliminary Site Investigation as having a 'low to moderate', or higher, preliminary contamination risk ranking, that:

- a Hazardous Building Material Survey (HBMS) is required to be undertaken prior to any demolition or redevelopment works on individual land parcels where there is the potential for hazardous materials to be present, irrespective of the identified preliminary risk ranking.

#### **Direction 3.4 Integrating Land Use & Transport**

The Direction applies where a planning proposal is seeking to create, alter or remove a zone or a provision relating to urban land, to improve access to housing, jobs and services by walking, cycling and public transport; transport choices are increased; car dependency is reduced; freight movement efficiencies are created.

The planning proposal is consistent with the aims and objectives of *The Right Place for Business and Services – Planning Policy (DUAP 2001)* and the principles of *Improving Transport Choice – Guidelines for planning and development (DUAP 2001)*, as it seeks

to concentrate new residential and commercial development and services in new mixed use centres (Principles 1 and 2), which are aligned with the Parramatta Road corridor and the PRCUTS and Council's land use strategy (Principles 3 and 4). The planning proposal seeks to connect streets, improve pedestrian access, improve cycle access, manage parking supply, reduce car dependency and implement good urban design (Principles 5-8, 10).

The planning proposal also seeks to improve road management (Principle 9) by prioritising freight movement along the Parramatta Road, minimising access ways off Parramatta Road, identifying potential intersection upgrades on Parramatta Road and local streets, and working with Transport for NSW to complete a Precinct-wide traffic study, which is required under PRCUTS.

The traffic study has been significantly delayed by circumstances beyond Council's best efforts and control and is now due for final completion mid to late July 2021 (this is discussed further below). However, Council is seeking to progress the planning proposal concurrently with the traffic study in order to deliver the most efficient and strategic planning outcomes for the Corridor. It is expected that any gateway determination would be subject to a requirement that the planning proposal may be exhibited but not finalised until such time as the traffic study is completed.

#### **Direction 4.3 Flood Prone Land**

The Direction applies where a planning proposal is seeking to create, remove, or alter a zone or provision for land that is flood prone.

The planning proposal is seeking to amend the zoning and provisions of some land that has been identified as flood prone, including:

- Land within the Homebush North precinct**

Some of the land that is adjacent to Homebush Bay Drive is within the Powells Creek catchment and has been identified as flood prone by the Draft Concord West Flood Study 2015. Council's LEP Miscellaneous Amendments planning proposal is seeking to amend the Flood Planning Area to include all lots that are subject to overland flooding to a depth of 0.15m or more in a 1% AEP event, as recommended in the Study. The planning proposal is currently with the Department of Planning, Industry and Environment for Gateway determination.

This planning proposal is also seeking to retain the current planning controls for several lots that the flood study has identified as being flood affected: 7 Concord Avenue, 2 Station Ave, 202 George St, 71-73 Victoria Avenue and the residential properties west of King St and north of Victoria Ave.

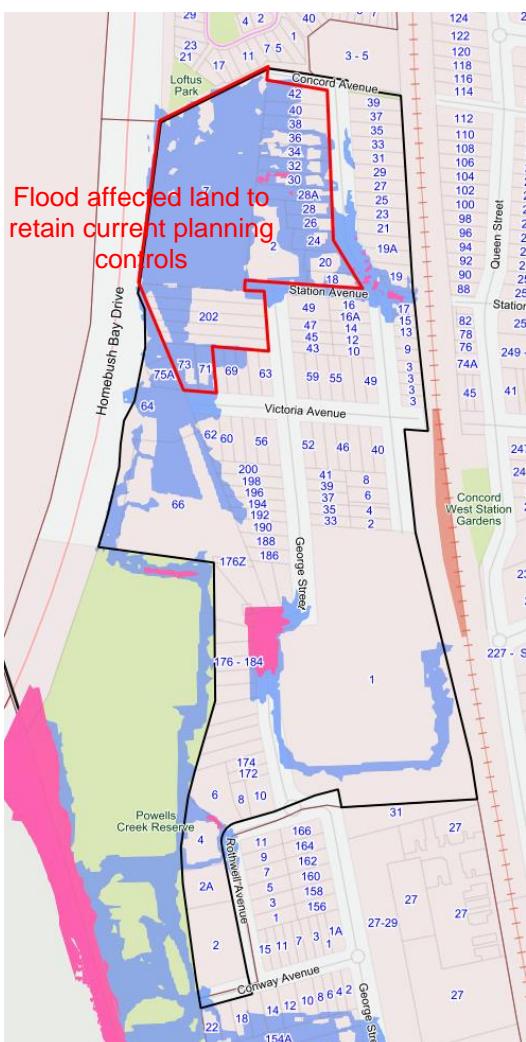
On 11 March 2021, Sydney Eastern Planning Panel advised that rezoning of 7 Concord Ave is inconsistent with good planning principles and with Ministerial Direction 4.3 pertaining to flooding, and recommended that rezoning of the site should not proceed.

202 George Street, 2 Station Avenue and the properties on the western side of King Street were also identified in the Canada Bay Concord West Flood Study as being flood affected.

A flood study is currently being prepared for the Powell's Creek catchment. This study is anticipated to be completed by mid-2022.

Council intends to adopt a precautionary principle in relation to flood affected land in the Powells Creek catchment and is seeking to retain 7 Concord

Avenue and 202 George Street as IN1 General Industrial zone, and 2 Station Avenue and the King Street properties as R2 Low Density Residential, until completion of the study, which can then inform the suitability of the area for rezoning.



*Flood affected land in the Homebush precinct (red border). Blue and pink areas are flood hazard area.*

- **Land within the Kings Bay precinct** that is within the vicinity of William Street and Spencer Street. The land is within the Williams Street catchment and has been identified as flood prone by the Parramatta Road Corridor Flood Risk Assessment 2020. This planning proposal is seeking to amend the Flood Planning Area to include all lots that the Flood Risk Assessment has identified as being in either a Medium or High Flood Risk Precinct, defined as:
  - High - Land within the 1% Annual Exceedance Probability (AEP) extent and within a high hydraulic hazard category (H4, H5 and H6); or
  - Medium - Land within the 1% AEP extent and not subject to high hydraulic hazard;

Land identified as in a Low Flood Risk Precinct, which is land above the 1% AEP extent but within the PMF extent, is not included in the proposed Flood Planning Area.

The Flood Planning Area for the Kings Bay precinct will therefore include all land within the 1 in a 100 year Average Recurrent Interval flood event (or 100 year flood). Refer to Attachment – Flood risk Assessment – Burwood and Kings Bay Precincts.

Note that the Flood Risk Assessment has modelled flooding based on the current building footprint as well as the building footprint that is likely under PRCUTS, to be able to compare the current flood levels with the likely flood levels under PRCUTS. The results of the comparison show that PRCUTS will result in:

- decreased flood levels within the precinct itself; and
- increased flood levels downstream of more than 0.01m.

The reason for this outcome is because the building footprint will be significantly reduced under PRCUTS, as a result of increased open space (new parks, laneways and building setbacks) and, therefore, decreased temporary flood water storage within the precinct. Floodwaters will flow more freely through the precinct and at higher velocities, lowering the flood levels within the precinct but transferring the flood impacts to downstream properties. To counteract this impact and risk, the Flood Risk Assessment recommends increasing the flood levels within the precinct itself by implementing a Flood Planning Area, including for areas of open space, which will replicate the temporary flood water storage function provided by the current building footprint. For this reason, the planning proposal is seeking to implement a Flood Planning Level equal to the 1 in 100 year flood level plus freeboard.

The planning proposal is consistent with the Direction as, whilst it seeks to create, remove or alter a zone or a provision that affects flood prone land:

- the Canada Bay LEP 2013 and DCP include planning controls that require proposed developments to address flood behaviour and impacts;
- the planning proposal seeks to introduce a flood planning map for the Kings Bay precinct, which the Parramatta Road Corridor Flood Risk Assessment 2020 found to be significantly flood affected. The map will require affected lots to design and construct to the planning level or other freeboard specified in the Canada Bay Development Control Plan;
- the planning proposal implements the recommendations of the Canada Bay Parramatta Road Corridor Flood Risk Assessment 2020, which is consistent with the technical requirements of the NSW Floodplain Development Manual 2005 (including the *Guideline on Development Controls on Low Flood Risk Areas*). It should be noted that the Assessment does not comply with some non-technical requirements, such as public exhibition and review by a technical committee. However, it models flooding across the entire St Lukes and Williams Street catchments and is therefore able to inform flood mitigation recommendations for the land within the Kings Bay and Burwood precincts;
- the planning proposal does not contain provisions that apply to flood planning areas that:
  - permit additional development footprint in floodway areas. The Canada Bay Flood Risk Assessment identified floodway areas in the Kings Bay precinct for a 1% AEP that are localised to a number of roadways, primarily William Street. The planning proposal is not seeking to develop the roadways or to impede the flow of flood waters in the floodway areas.
  - permit development that will result in significant flood impacts to other properties. The planning proposal is seeking to introduce a flood Planning Area so as to minimise the risk of creating flood impacts to other properties;

- are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services. The planning proposal is seeking to manage the identified flood risk within the development lots; or
- permit development to be carried out without development consent except for the purposes of roads or exempt development. *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* does not permit complying development on flood control lots, which the planning proposal is seeking to introduce;
- the planning proposal does not impose flood related development controls above the residential flood planning level for residential development on the land; and
- the planning proposal is also delivering the PRCUTS, which has been approved by the Secretary of the Department of Planning, Industry and Environment.

The proposed Flood Planning Map is essential for achieving a coordinated approach to designing elevated ground floor levels and shopfronts within a mixed use urban centre, which will be required to implement the necessary Flood Planning Levels.

### **Direction 7.3 Parramatta Road Corridor Urban Transformation Strategy**

The Direction applies to planning proposals for land that is within a PRCUTS precinct. Planning proposals must be consistent with the PRCUTS (November 2016), including the PRCUTS Planning and Design Guidelines, the PRCUTS Implementation Plan and the relevant District Plan, and they must contain a requirement that development is not permitted until the land is adequately serviced (or arrangements satisfactory are in place) consistent with the Strategy.

The planning proposal is the most efficient and effective way of addressing Objective 1 (c) of the Direction, *to guide the incremental transformation of the Parramatta Road Corridor in line with the delivery of necessary infrastructure*, as the planning proposal has incorporated the delivery of public infrastructure into the proposed planning controls. The planning proposal will be also supported by a proposed PRCUTS Infrastructure Strategy, which is currently being developed to address the infrastructure required to be provided in each of the precincts under the PRCUTS Infrastructure Schedule, as well as items recommended under the Canada Bay PRCUTS Public Domain Plan 2020 and the Canada Bay Social Infrastructure Strategy 2019. The draft PRCUTS Infrastructure Strategy will be considered by Council for endorsement mid-2021, concurrently with a draft PRCUTS DCP and amended Development Contributions Plan, with the intention that these documents are exhibited with the planning proposal.

This is discussed further below.

The planning proposal is generally consistent with the Principles and Strategic Actions of PRCUTS:

- Principle 1: Housing choice and affordability – The planning proposal will deliver Council's Local Housing Strategy and 37.5% of the 2036 housing target, with a focus on family and affordable housing. Note that 20% of apartments will be one-bed or studio, 20% will be 3-bed and 4% of all apartments will be affordable housing under the LSPS Planning Proposal.

- Principle 2: Diverse and resilient economy – The planning proposal will deliver two B4 Mixed Use precincts on Parramatta Road, a major connector route and freight corridor mid-way between the Sydney CBD and the Parramatta CBD. These will have a focus on creating new jobs and delivering urban services to the local population.
- Principle 3: Accessible and connected - The planning proposal will deliver three new development precincts with access to good rail transport: Homebush North has access to the Northern Line at the existing North Strathfield station, which is also to be upgraded to the future Metro West - North Strathfield station, and Burwood is located at the site of the future Metro West - Burwood North station. Kings Bay is midday between the future Metro West - Burwood North station and the Metro West – Five Dock station.

However, improvements to the road network will be required, which will need to be developed using detailed traffic modelling in consultation with TfNSW. This work is underway and due for final completion by July 2021. This inconsistency is discussed further below.

- Principle 4: Vibrant communities and places - The planning proposal will deliver quality places and built form outcomes that will transform the Corridor over time to be places that people love. The local character will be guided by a Local Character Statement that will form part of the Canada Bay DCP. It is Council's intention that the Statements will eventually form part of the Canada Bay LEP when the SI Local Character clause and overlay are finalised by DPIE.
- Principle 5: Green spaces and links - The planning proposal will deliver new active and passive open spaces to support the recreational needs of the community and to encourage healthy and active lifestyles. Refer to the PRCUTS Public Domain Plan for details about how each new park will be activated.
- Principle 6: Sustainability and resilience - The planning proposal will facilitate liveable local Precincts that are sustainable and resilient to future environmental, climate and social change.
- Principle 7: Delivery- The planning proposal is the best mechanism to drive and facilitate the delivery of holistically and strategically planned PRCUTS precincts.

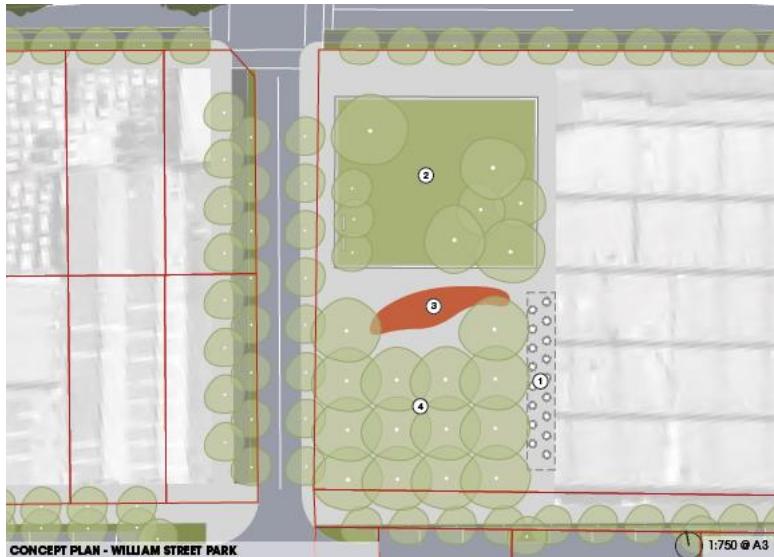
The planning proposal is consistent with the Direction, but includes some variations that will either deliver better urban design and public benefits, or that respond to more recent Government policy. These are the result of Council's PRCUTS evidence-based strategic planning process and are discussed below.

The planning proposal also includes one inconsistency, which is also discussed below.

### **Variations that will deliver better urban design and public benefits**

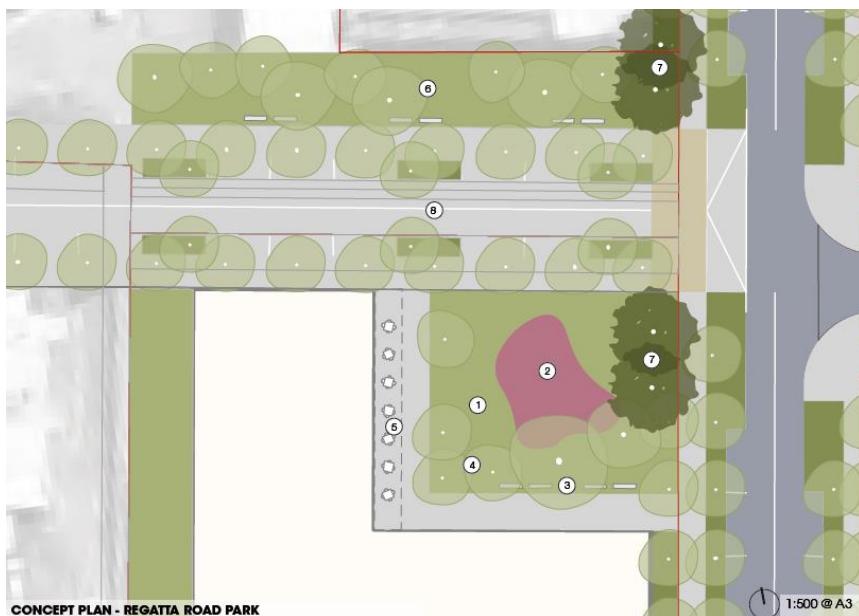
- Additional public open space is proposed for the Kings Bay precinct, corner of Queens Road and William Street, William Street Park. This proposed new park will provide a venue for formal and informal community activation and tree planting (refer to page 43 of the Kings Bay Masterplan and page 57 of the Public Domain Plan). The configuration of the space allows for greater social activation than is possible in the linear park that is proposed under PRCUTS.

Provision of open space in this location does not impact on the achievement of the floor space ratio requirements applying to development of the site.



*William Street Park (Excerpt from Public Domain Plan)*

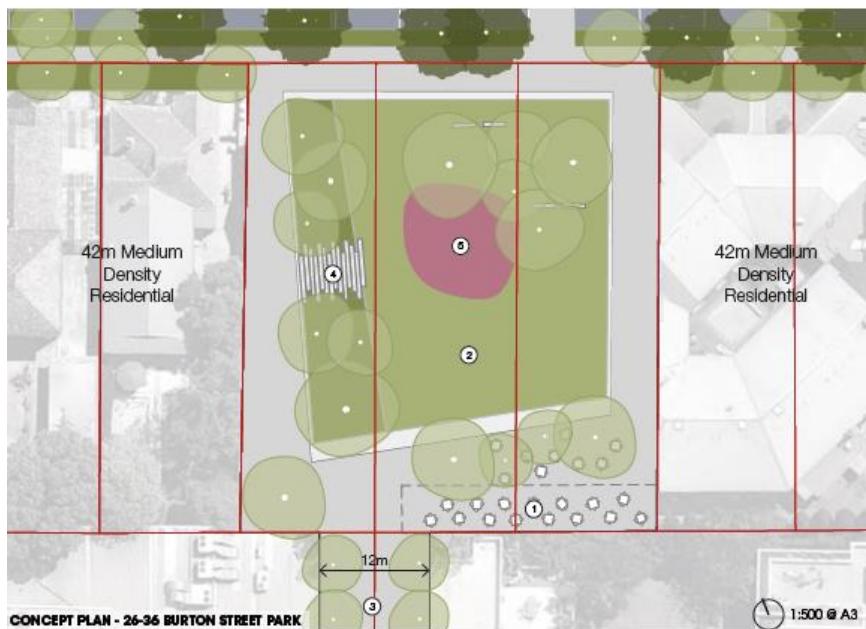
- Reconfiguration of Regatta Road Park, Kings Bay precinct. Reconfiguration of the park is proposed in order to accommodate a new Council depot facility on Council's land, whilst still providing a park in the location and a new shared accessway connecting through to Walker Street for pedestrians and through-traffic.



*Regatta Road Park and shared accessway (Excerpt from Public Domain Plan)*

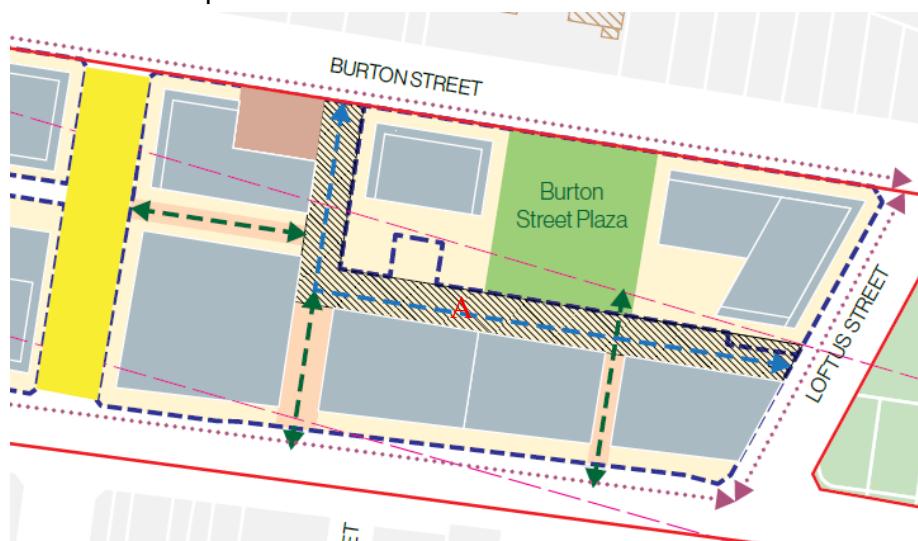
- An additional public pedestrian through-site link is proposed for the Burwood precinct, Burton Street Park, to connect Burton Street Park through to Parramatta Road. This proposed pedestrian through-site link will activate the park by facilitating pedestrian movement through the park, which would

otherwise be minimal (refer to page 40 of the Burwood Masterplan and page 27 of the Public Domain Plan).



*Burton Street Park and pedestrian through-site link to the south (Excerpt from Public Domain Plan)*

- An additional street reserve is proposed for the Burwood precinct, comprising a vehicular service accessway off Loftus Street and connecting through to Burton Street ('A' on the map). Provision of this laneway is at the request of Sydney Metro West, to provide access to/servicing of the lots facing Parramatta Road, which would otherwise need to be accessed directly off Parramatta Road. This will facilitate the free movement of pedestrians and traffic, including freight, along Parramatta Road. It is not intended for public access to the Metro station/Metro square.



*Loftus Street vehicle service accessway (Excerpt from Burwood Masterplan)*

- A widening of the roadway at the 90o bend in Niechs Lane (western side) in the Burwood precinct is proposed to enable free access by service and emergency

vehicles. An 8m clear turning radius is required to enable large vehicles to turn the corner.



*Neichs Lane widening to enable truck turning (Excerpt from PRCUTS Masterplan; and design requirements)*

- An extension to Frankie Lane in the Burwood precinct is proposed, which will also incorporate a T-section truck turning bay ('A' on the map). The laneway is required to provide access to/servicing of 49 Parramatta Road, which would otherwise need to be accessed directly off Parramatta Road. The truck-turning bay is required to enable trucks that enter the laneway to be able to turn around safely and to exit the laneway without having to reverse into Broughton Street.



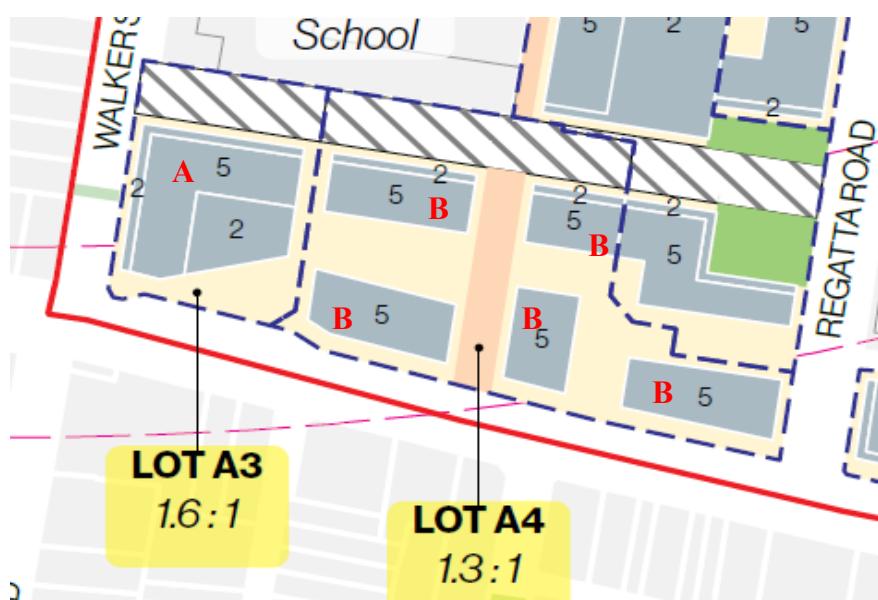
*Frankie Lane extension and T-section truck turning bay*

- The planning proposal is seeking to refine the PRCUTS recommended maps for density (FSR) and building heights in the Community Infrastructure Height of Buildings Map (CIHOB) and Community Infrastructure Floor Space Ratio Map (CIFSR). The draft CIHOB and CIFSR maps proposed in the planning proposal:
  - will deliver the yields recommended under PRCUTS;

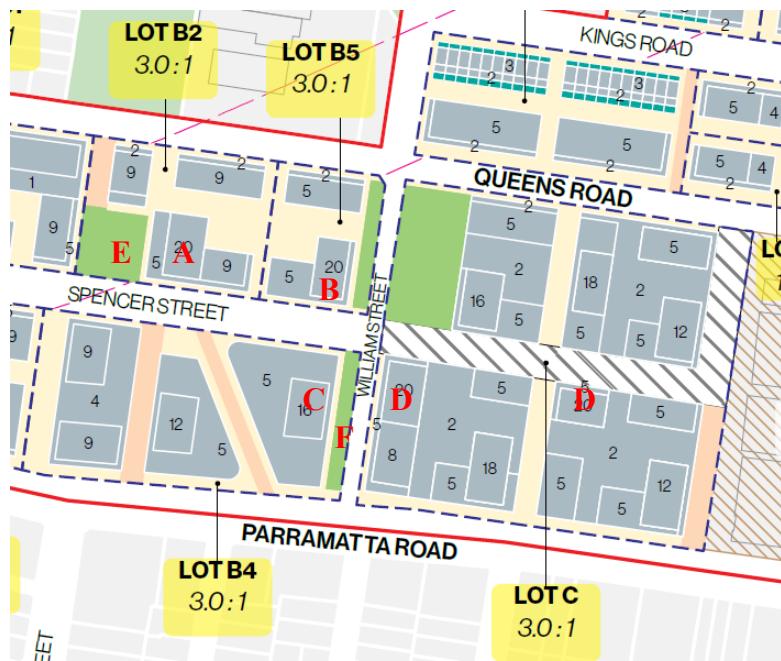
- will achieve a more detailed built form than the PRCUTS recommended FSR and height of buildings maps;
- will contribute towards delivering the detailed urban design objectives and building massing recommendations in Council's PRCUTS masterplans and other supporting studies. Note that, for practical purposes and ease of implementation, the Community Infrastructure Height of Buildings Map in the planning proposal is a simplified version of the maximum building heights that are recommended in the masterplans, which include numerous different and very fine grain building heights. For this reason, the proposed height of buildings and FSR maps will be applied through both development standards in the LEP and development controls in a DCP.
- are generally aligned with the landownership of recently amalgamated sites;
- have been developed to ensure that development applications will be able to be compliant with SEPP 65;
- are informed by the PRCUTS Masterplans for each of the three precincts, which were in turn informed by:
  - the PRCUTS Planning and Design Guidelines, which recommend FSR and building height controls for the precincts;
  - contextual interface and minimising impact on public parks, low scale residential areas, schools and heritage buildings;
  - positioning of the higher tower forms towards the southern side of the lots to achieve better solar performance of open space and reduced solar impacts on building facades, including those on the southern side of Parramatta Road (in the Burwood LGA);
  - maximising utilisation of land and minimising site coverage, in order to free up more space on the ground and provide generous separation between buildings; and
  - provision of required infrastructure and public benefits;
- are the most efficient and effective way to ensure the infrastructure and public benefits required under the PRCUTS Infrastructure Schedule (parks, pedestrian through-site links, street reserves), the Eastern City District Plan (the Green Grid footpaths, cycleways and 25% tree canopy coverage) and Council's Public Domain Plan is delivered;
- in conjunction with the proposed public benefits clause (refer to Appendix A), are intended to incentivise the delivery of the required infrastructure by allocating a minimal height limit to the land parcels identified for open space and public domain and by transferring the floor space elsewhere within the amalgamated site (refer to Attachment – LEP Maps - Key Sites Map); and
- give consideration to current amalgamated land ownerships. Appropriate adjoining lots have been allocated additional incentive height limits which enables the transfer of floor space from land parcels identified for infrastructure. This will ensure that the required infrastructure and total floor area is delivered and in a fair and equitable way. In order to achieve the floor space reallocation, the planning proposal is seeking to vary the PRCUTS recommended building heights and FSRs in a number of specific locations.

It is also not possible to achieve the maximum building height and FSR recommended in PRCUTS on all sites. Where detailed built form testing has revealed that the maximum building height has been achieved, the floor space ratio has been capped. And where the maximum FSR has been achieved, the building height has been capped. This is required to prevent the development capacity of PRCUTS from being exceeded, which would require additional evidence-based strategic and site specific justification to that provided by PRCUTS and the planning proposal. It would also require additional community and public infrastructure to be provided beyond what was envisaged would be delivered under PRCUTS:

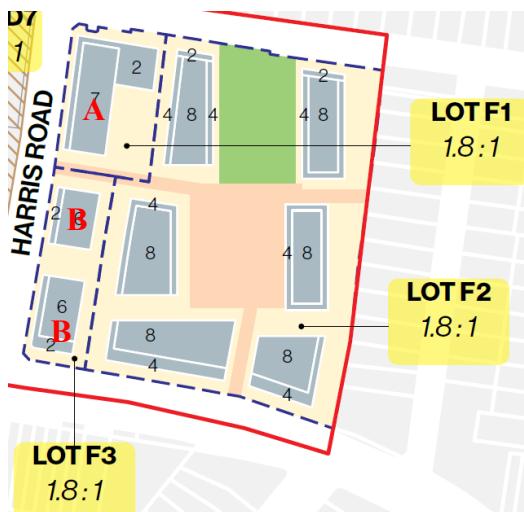
- Kings Bay Precinct, Masterplan Lots A3 and A4 / Key Sites 8 and 9, Parramatta Road between Walker Street and Regatta Road
  - Height from 17m under PRCUTS to 19m (5 storeys);
  - FSR from 2.2:1 under PRCUTS to 1.6:1 and 1.3:1 respectively;
  - The additional height and reduced FSRs ('A' and 'B' on the map) enables the development capacity under PRCUTS to be fully taken up, delivery of the PRCUTS Spencer Street western extension, the Parramatta Road Green Edge Setback, and taller ground floor commercial space along the Parramatta Road frontage, which PRCUTS envisages as an activated corridor.



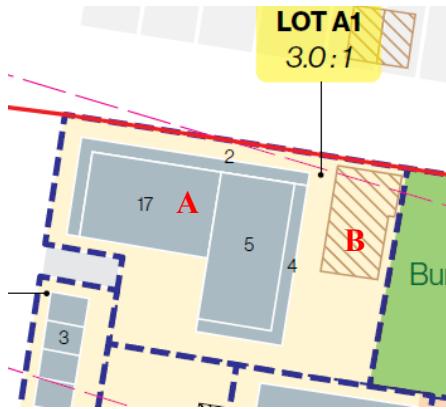
- Kings Bay Precinct, Masterplan Lots B2, B4, B5 and C / Key Sites 13, 14, 17 and 22.
  - Height from 80m under PRCUTS to 67m, 55m, 67m and 67m (20, 16, 20 and 20 storeys) respectively;
  - The lower maximum building heights ('A'-‘D') on the map) enables the 3.0:1 FSR under PRCUTS to be fully taken up, the desired built form to be achieved and delivery of taller ground floor commercial space along the Parramatta Road frontage and the PRCUTS Parramatta Road Green Edge Setback and public open space, the Spencer Street Plaza ('E' on the map) and the linear park ('F' on the map).



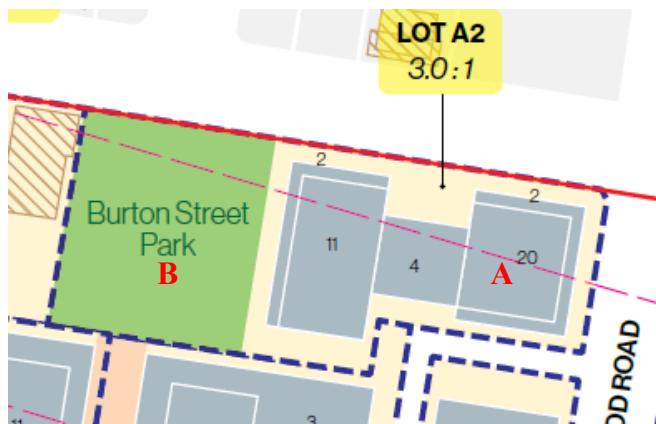
- Kings Bay Precinct, Masterplan Lots F1 and F3 / Key Site 2, Harris Road
  - Height from 28m under PRCUTS to 25m and 20m (7 and 6 storeys) respectively;
  - The lower maximum building heights ('A' and 'B' on the map) enables the 1.8:1 FSR under PRCUTS to be fully taken up, as well as the desired built form to be achieved and delivery of the PRCUTS Parramatta Road Green Edge Setback and taller ground floor commercial space along the Parramatta Road frontage.



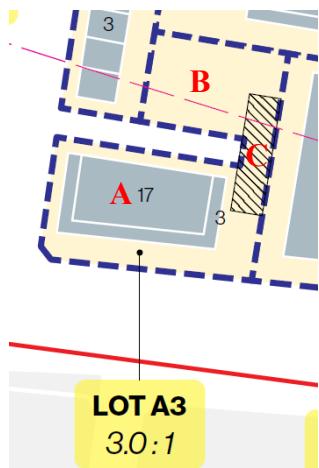
- Burwood Precinct, Masterplan Lot A1, cnr Burton Street & Broughton Street
  - Height from 42m under PRCUTS to 56m (17 storeys);
  - The additional height ('A' on the map) enables the 3.0:1 FSR under PRCUTS to be fully taken up and the podium mass of the tower to be reduced adjacent to and setback from the heritage item, the house "Loretto" ('B' on the map).



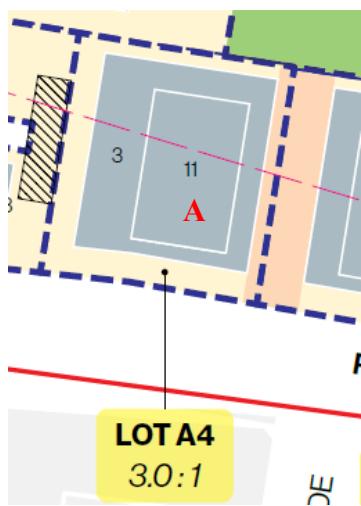
- Burwood Precinct, Masterplan Lot A2 / Key Site 2, cnr Burton Street & Burwood Road
  - From 42m under PRCUTS to 65.5m (20 storeys);
  - The additional height to the tower at 28-32 Burton Street, Concord ('A' on the map) enables the 3.0:1 FSR under PRCUTS to be fully taken up and the delivery of PRCUTS public open space, the Burton Street Park ('B' on the map).



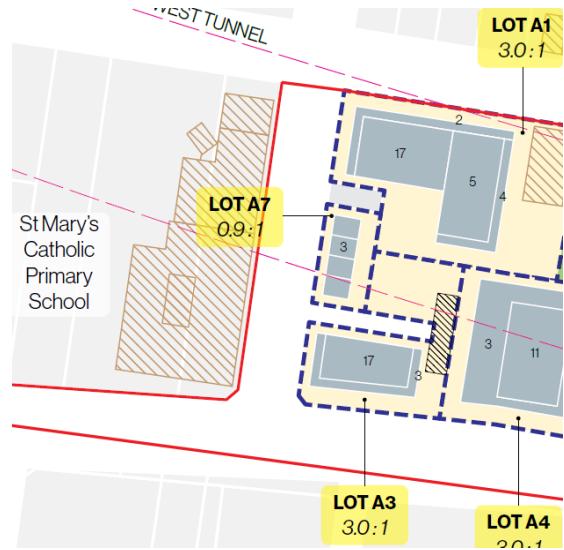
- Burwood Precinct, Masterplan Lot A3 / Key Site 2, cnr Parramatta Road & Broughton Street
  - From 42m under PRCUTS to 55m (17 storeys);
  - The additional height to the tower at 55-59 Parramatta Road, Concord ('A' on the map) enables the 3.0:1 FSR under PRCUTS to be fully taken up, extension to Frankie Lane to provide a service accessway for 49 Parramatta Road, and delivery of ground floor communal open space ('B' on the map), a T-section truck turning bay ('C' on the map), the PRCUTS Parramatta Road Green Edge Setback and taller ground floor commercial space along the Parramatta Road frontage.



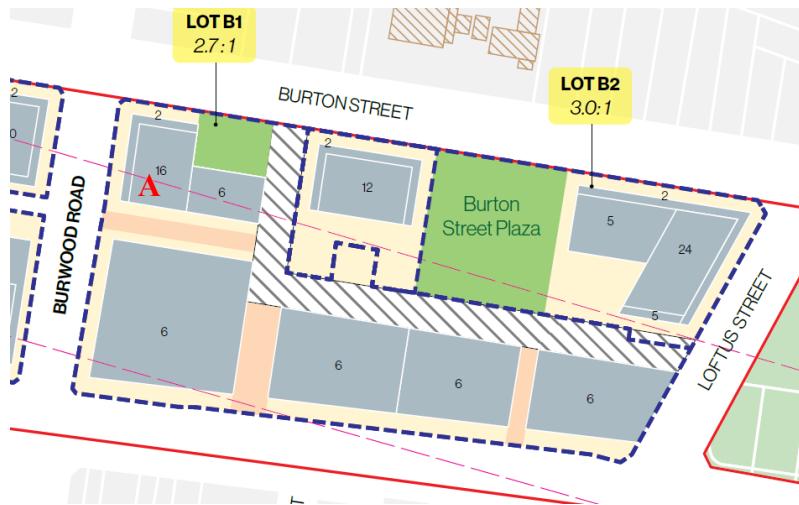
- Burwood Precinct, Masterplan Lot A4 / Key Site 3, 49 Parramatta Road
  - From 42m under PRCUTS to 40m (11 storeys);
  - The lower height to the tower at 59 Parramatta Road, Concord ('A' on the map) enables the 3.0:1 FSR under PRCUTS to be fully taken up, the desired built form to be achieved and delivery of a pedestrian through-site link, the PRCUTS Parramatta Road Green Edge Setback and taller ground floor commercial space along the Parramatta Road frontage.



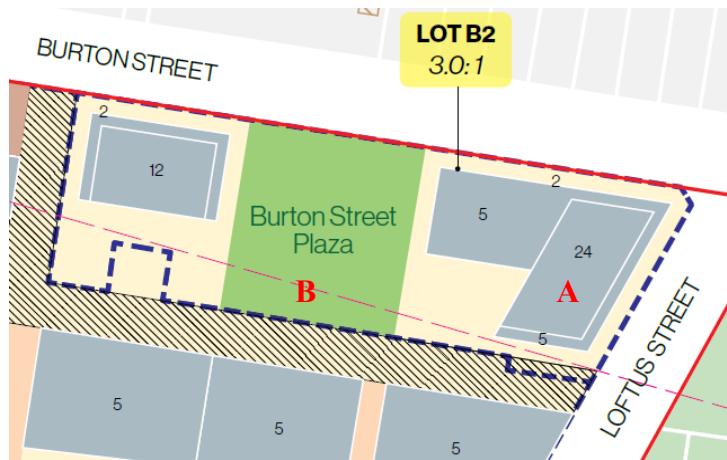
- Burwood Precinct, Masterplan Lot A7, 1 Broughton Street
  - From 42m under PRCUTS to 10.5m (3 storeys) and 3.0:1 FSR under PRCUTS to 0.9:1;
  - The lower height and reduced FSR at 1 Broughton St ('A' on the map) enable the major development sites at Masterplan Lots A1 and A3 to be fully developed, as envisaged under PRCUTS. However, 1 Broughton St is isolated from those Lots, due to the location of Frankie Lane on the south and an electrical substation on the north, and it is not possible to incorporate it into Lots A1 or A3. 1 Broughton Street therefore represents an opportunity to deliver some fine-grained terrace-house-style dwellings on a constrained site that overlooks a primary school.



- Burwood Precinct, Masterplan Lot B1 / Key Site 6, Sydney Metro West land
  - From 42m under PRCUTS to 56m (16 storeys);
  - The additional height to the residential tower at corner of Burwood Road and Burton Street, Concord ('A' on the map) is at the request of Sydney Metro. Metro's intention is to deliver a residential tower in this location and 6 storeys of commercial along Parramatta Road, with no residential above. The additional height to the tower enables the 3:1 FSR under PRCUTS to be fully taken up for that section of the site, and a 2.7:1 FSR overall. Metro's approach is to deliver a two-stage development: 1. significant commercial floor space in association with the metro station; and 2. the residential TOD.

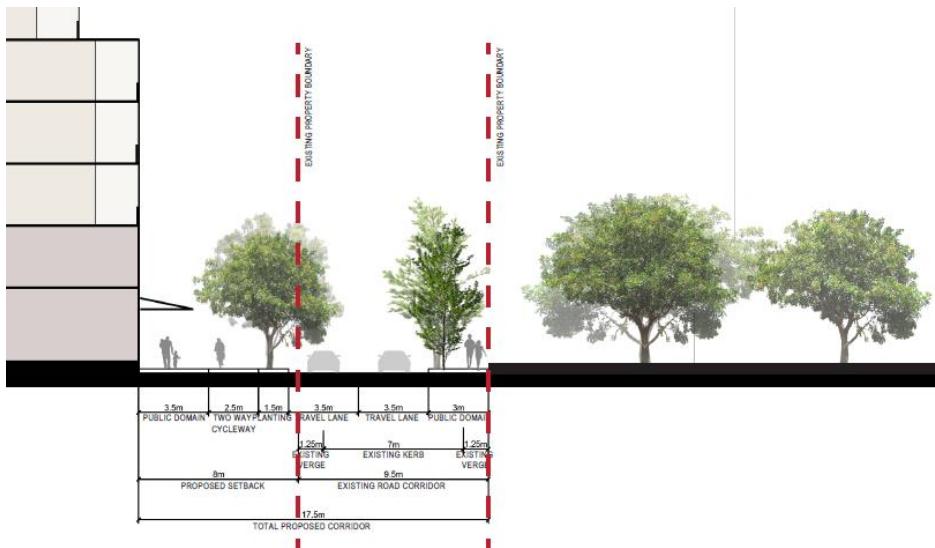


- Burwood Precinct, Masterplan Lot B2 / Key Site 7, Burton Street
  - From 42m under PRCUTS to 78m (24 storeys);
  - The additional height to the tower at 1A, 2, 2A, 3, 3A Loftus Street, Concord ('A' on the map) enables the 3.0:1 FSR under PRCUTS to be fully taken up and delivery of a service road for the commercial development fronting Parramatta Road and the PRCUTS public open space, the Burton Street Plaza ('B' on the map).



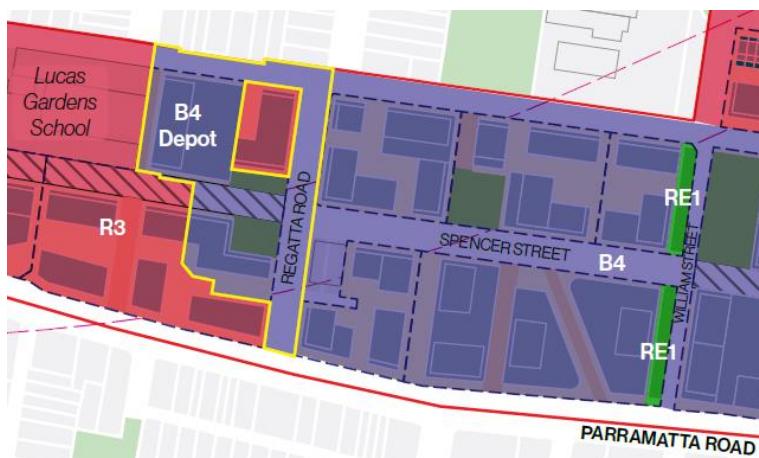
- Homebush Precinct, Masterplan Terraces area
  - From 0.5:1 FSR under PRCUTS to 0.7:1;
  - The additional FSR for the terraces increases the feasibility of terrace-house development. This change is therefore necessary to facilitate delivery of low-scale medium density residential development, as recommended under PRCUTS.
- The planning proposal is seeking to reduce the width of the proposed linear park along the western side of William Street, between Queens Road and Parramatta Road ('A' on the map) from 15m to 8m. This is justified on the basis that:
  - Council is intending to deliver a significant new park on the eastern side of William Street, the William Street Park ('B' on the map), which will have a configuration that is more easily able to be activated for community uses;
  - The linear park will be a focus for delivering the Green Grid by providing 3.5m width of public domain, 2.5m width for a dedicated two-way cycleway and 1.5m width of planting to contribute towards Council's 25% tree canopy target (refer to page 55 of the Kings Bay Masterplan); and
  - The reduced width enables a reduction in the building heights, which reduces overshadowing to Parramatta Road.





*William Street cross-section (Excerpt from Kings Bay Masterplan)*

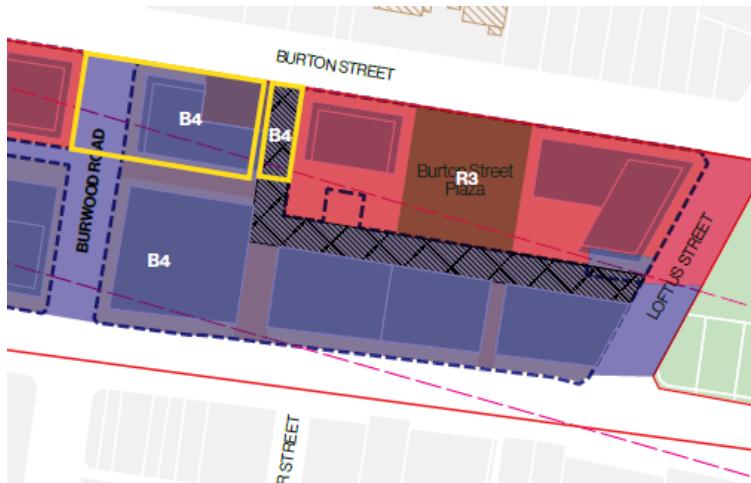
- The planning proposal is seeking to vary the rezoning proposed by PRCUTS for 15-17 Regatta Road Five Dock, Kings Bay precinct / Key Site 12, from R3 Medium Density Residential under PRCUTS to B4 Mixed Use with Additional Permitted Uses as a depot. This will facilitate the following:
  - Contiguous extension of the PRCUTS B4 Mixed Use zone;
  - Retention of the current function of the site as Council's depot;
  - Operational flexibility for Council by ensuring Council's key civil function is accommodated within the local government area and for which there is no alternative site.



*Council Depot Site – Proposed B4 Mixed use zoning for Council Depot Site (Excerpt from Kings Bay Masterplan)*

- The planning proposal is seeking to vary the rezoning proposed by PRCUTS for 19 (Lot A and part Lot B), 20 and 26 Parramatta Road, Concord, Burwood precinct, from R3 Medium Density Residential under PRCUTS to B4 Mixed Use. This will facilitate the following:
  - Contiguous extension of the PRCUTS B4 Mixed Use zone; and

- Continuous permissible land uses for the Sydney Metro West land, which is required in entirety to facilitate the delivery of the new Burwood North station.



*Sydney Metro West site - Proposed B4 Mixed use zoning for Burwood North (Concord) station precinct (Excerpt from Burwood Masterplan)*

- The planning proposal is seeking to retain the current planning controls for certain land in the Homebush North precinct:

- 7 Concord Avenue, 2 Station Ave, 202 George St, 71-73 Victoria Avenue and the residential properties west of King St and north of Victoria Ave.

These Lots are flood affected and Council wishes to adopt the precautionary principle in relation to rezoning of land that the Sydney Eastern Planning Panel has advised should not be rezoned as it would be inconsistent with good planning principles and with Ministerial Direction 4.3 pertaining to flooding. Refer to section Direction 4.3 Flood Prone Land above.

- 1-7 King Street, Concord West.

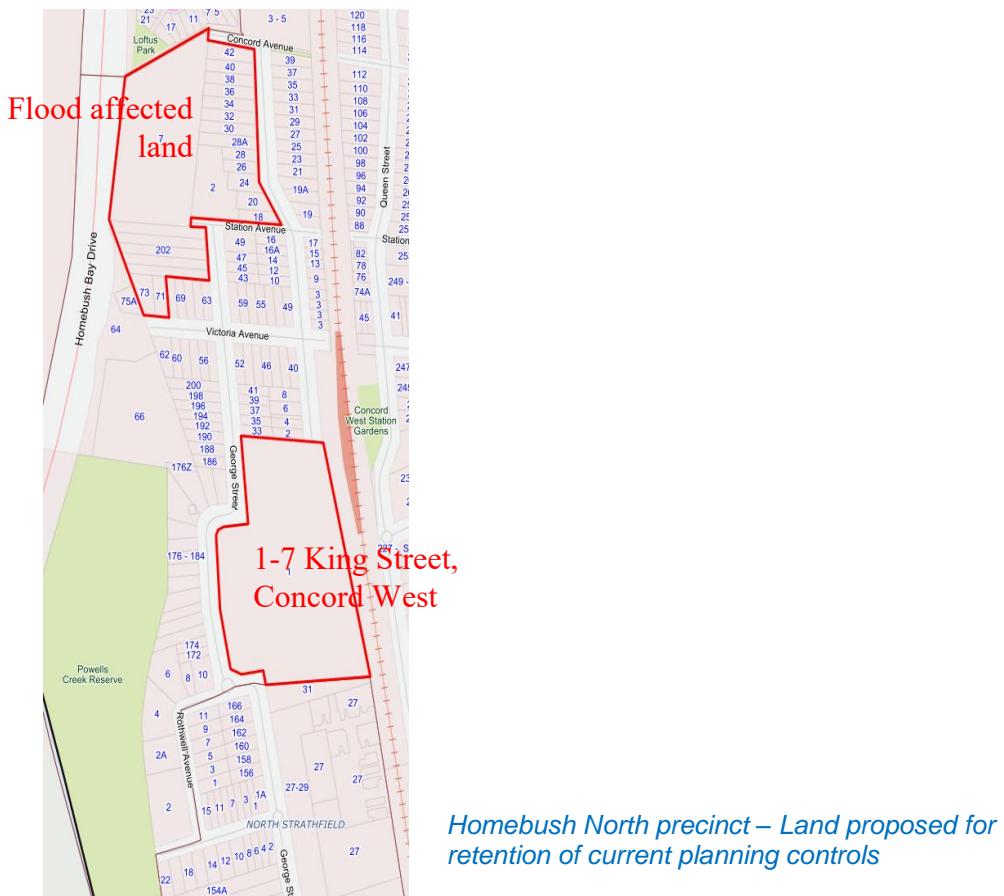
This site is subject to Action 6.5 of the Canada Bay LSPS, which states that:

Prior to land use change occurring on the site known as 1-7 King Street, Concord West, the Concord West Socio Economic Study is to be updated by Council to respond to:

- the Eastern City District Plan;
- the Parramatta Road Corridor Urban Transformation Strategy;
- any outcomes arising from the Burwood, Strathfield, Homebush Planned Precinct;
- any commitment by the NSW Government in relation to a metro station in North Strathfield; and
- any other matter of material importance.

The Study is to provide a recommendation on the preferred land use outcome for the site having regard to the above plans, strategies and considerations.

Rezoning in the precinct beyond what is proposed in this planning proposal will be considered when the above Actions have been completed.



## Responses to Recent Government Policy

In response to the Sydney Metro West rail project and discussions Council has had with Sydney Metro about the agency's aspirations for the government-acquired land in the Burwood Precinct, the planning proposal is seeking to vary the PRCUTS to:

- Extend the B4 Mixed Use zone through to Burton Street, to create a continuous mixed use centre to service and support the station;
- Acknowledge Metro's preference for a concentration of commercial floor space along Parramatta Road, with a 6-storey height limit;
- Remove Niechs lane (east) as a vehicular accessway, but retention as a pedestrian link; and
- Increase the setbacks to both sides of Burwood Road within the B4 Mixed Use zone, 5m on the eastern side and 3m on the western side (south of Niechs Lane).

The planning proposal is justified on the basis that it is consistent with the preliminary Sydney Metro West EIE Burwood North Station placemaking place and design principles:

- Improve amenity north and south of the Parramatta Road with Sydney Metro as a catalyst for positive change. The planning proposal is seeking to facilitate a new Mixed Use centre and high-density residential precinct to activate the area and create positive change.
- Facilitate transit-oriented development with public spaces and local services that support the station as a focal point for activity. The planning proposal is seeking to facilitate the
- Deliver legible, safe and intuitive station entries that address both north and south of Parramatta Road
- Improve the priority and amenity for pedestrians in the area.
- Facilitate activation and urban renewal around the station in accordance with the Parramatta Road Corridor Urban Transformation Strategy.
- Enable provision of pedestrian through-site links to enhance permeability in and around the station. Indicative place and design principles for Burwood North are shown in Figure 7-7.



### Precinct wide traffic study

The PRCUTS Implementation Plan 2016-2023 requires that “prior to any rezoning commencing, a Precinct-wide traffic study and supporting modelling is required to be completed which considers the recommended land uses and densities, as well as future Westconnex conditions, and identifies the necessary road improvements and upgrades required to be delivered as part of any proposed renewal in the Precinct.”

Council has been working collaboratively with Transport for NSW, Burwood and Strathfield Councils and the Department of Planning, Industry and Environment to complete the traffic study since 2017. However, the traffic study is still underway and due for completion in July 2021 based on relevant modelling input data being made available by Transport for NSW.

The planning proposal is therefore seeking to be progressed concurrently with the traffic study. It is expected that the Gateway determination would be subject to a requirement that the planning proposal may be exhibited but not finalised until such time as the traffic study is completed.

Background to the inconsistency:

- In 2017, Council, in collaboration with Strathfield and Burwood Councils, commenced a Mesoscopic Model for the relevant section of the Corridor, in order to progress satisfying the requirement. The methodology and assumptions to the Model had been approved by RMS.
- In October 2018, the Base model was approved by RMS and added to the RMS STM Model to create the 'Base 2023' model. The Base 2023 model was then demonstrated to be incorporating 'double counting' and was required to be discounted.
- In November 2018, it was agreed that TfNSW would re-run the STM model, but using Council-developed land uses to produce a traffic and transport model, instead of what TfNSW had previously assumed for their PRCUTS modelling.
- In late November 2018, TfNSW advised they would update the STM for the entire Parramatta Road corridor and that the model was to be used to calculate traffic growth for localised modelling by Councils.
- In May 2020, the STM modelling was updated.

The inconsistency can be justified on the basis that:

- Finalisation of the planning proposal can be made conditional on finalisation of, and demonstration of a satisfactory outcome from, the traffic study;
- The traffic study has been significantly delayed by circumstances beyond Council's best efforts and control;
- The traffic study is now due for final completion July 2021 and Council is seeking to progress the planning proposal concurrently with the traffic study in order to deliver the most efficient and strategic planning outcomes for the Corridor. Note that Council has a formal agreement with DPIE, under the NSW Public Spaces Legacy Program, to progress the planning proposal to Gateway by 30 June 2021;
- Progressing the planning proposal concurrently with the traffic study will deliver Council's strategic planning process, which is supported by several evidence-based precinct-wide studies produced in support of the planning proposal. These clearly demonstrate better outcomes than the PRCUTS and the PRCUTS Implementation Plan having regard to the vision and objectives. The studies include:
  - PRCUTS Urban Design Masterplan – Kings Bay Precinct 2021
  - PRCUTS Urban Design Masterplan – Burwood-Concord Precinct 2021
  - PRCUTS Urban Design Masterplan – Homebush North Precinct 2021
  - PRCUTS Public Domain Plan 2020
  - PRCUTS Sustainable Precincts Strategy 2020
  - PRCUTS Flood Risk Assessment – Kings Bay and Burwood-Concord Precincts 2020
- The sequencing inconsistency is also justified in the Out of Sequence Checklist. Refer to Appendix C.

The Out of Sequence Checklist ensures that changes to the land use zone or development controls do not occur without meeting the underlying

Principles and Strategic Actions of the Strategy, such as the necessary transport, services and social infrastructure to service a new population. It also ensures the established benchmarks for the quality of development and public domain outcomes desired for the Corridor are achieved.

## Section C – Environmental, social and economic impact

### **Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The proposed changes are unlikely to result in any adverse effects on critical habitat for threatened species and ecological communities.

The proposed changes will result in beneficial effects on critical habitat for threatened and endangered species as it is seeking to rezone land that has been developed as industrial uses to business and residential uses. This will require development applications for land that is currently zoned IN1 general Industrial to investigate the level and nature of contamination on the site and to demonstrate that the land has been remediated for residential purposes. As the subject sites are all within Parramatta River catchments, this will result in reduced adverse impacts on the Parramatta River and improve the water quality.

### **Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

The proposed changes are unlikely to result in any environmental effects.

The planning proposal will result in beneficial environmental effects as it is seeking to implement the following sustainability measures, as recommended in the Canada Bay Sustainable Precincts Strategy 2020:

- To require new developments to implement the PRCUTS Basix Targets for energy and water under a Dpie-led amendment to the *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* of:
  - BASIX Energy 55 (2-3 storeys)
  - BASIX Energy 50 (4-5 storeys)
  - BASIX 40 (6+storeys)
  - BASIX Water 60 for all new dwellings within the Precinct where recycled water is available
  - BASIX Water 50 for all new dwellings within the Precinct where recycled water is not available

OR, if this option is not available:

To incentivise increased Basix Targets for energy and water under the *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* by adding a new clause to the Canada Bay LEP to enable developments to be approved with an additional 5% FSR, but only if the following BASIX water and energy targets are met:

- BASIX Energy 50 and BASIX Water 50 (<14 storeys)
- BASIX Energy 40 and BASIX Water 50 (15 - 29 storeys)

- BASIX Energy 35 and BASIX Water 50 (30 - 39 storeys)
- BASIX Energy 30 and BASIX Water 50 (40+ storeys)

and if the additional floor space does not have adverse impacts on adjoining land and property;

- To require new developments to include construction of both potable water pipes and recycled water pipes for all internal and external water uses to future proof water supply security and increase water usage efficiency; and
- To increase tree canopy coverage targets and shading of rooftops and podiums, to reduce urban heat island effect and increase urban resilience to heat events. The planning proposal is seeking to add a new clause to require development to meet criteria relating to tree canopy coverage (target of 25%) and for landscaping and surfaces on rooftops and podiums, as recommended by the Canada Bay Urban Tree Canopy Strategy 2019.

Refer to Appendix A for a plain English explanation of the proposed clauses.

#### **Q9. Has the planning proposal adequately addressed any social and economic effects?**

The proposed changes are unlikely to result in any adverse social or economic effects. The planning proposal will result in beneficial effects as it is seeking to facilitate needed housing, local infrastructure and jobs. The planning proposal is also the only mechanism to ensure that the infrastructure that is required to be delivered under PRCUTS and itemised as 'Opportunity through development' in the PRCUTS Infrastructure Schedule is delivered.

PRCUTS was underpinned by a Social Infrastructure Analysis Report and an Economic Analysis Report. These documents confirmed that social infrastructure should be provided in association with the roll-out of new housing, within either short term (2016-2023) or medium to long term (2024-2054) timeframe.

The supporting Public Domain Plan describes the infrastructure that is required to be delivered under the PRCUTS Infrastructure Schedule and that is needed to support the forecast housing.

Council is intending to ensure coordinated development outcomes and the delivery of infrastructure required to be delivered under PRCUTS by:

- Amending the Canada Bay LEP 2013 by:
  - introducing the following new maps:
    - Key Sites Map, to identify the land amalgamation that would be prerequisite to a development achieving the heights and FSRs shown in the following maps;
    - Community Infrastructure Height of Buildings Map; and
    - Community Infrastructure Floor Space ratio Map;
  - introducing a new Public Benefits clause (refer Appendix A below).
  - amending clause 4.6(8) to prevent development consent from being granted for development that seeks to avoid the requirements of the Incentive Clause by instead using clause 4.6 to seek to vary the base height and FSR development standards to achieve the same variation.

The Community Infrastructure Height of Buildings Map and Community Infrastructure Floor Space Ratio Map show the bonus building height and FSR that would be permissible if (a) the development lot achieves the specified minimum lot size by amalgamating lots as per the Key Sites Map, and (b) the identified community infrastructure, which is required to be delivered under PRCUTS, is delivered. (Refer to Appendix A, Table 2 below; and Attachment - Draft LEP Maps).

- Developing maps to illustrate and explain the infrastructure that is intended to be provided, which will be exhibited with the planning proposal. Refer to Attachment – Draft PRCUTS Community Infrastructure Map.
- Developing a PRCUTS Infrastructure Strategy to complement the planning proposal by identifying and outlining the method of delivery for each item of infrastructure. Specifically, it will:
  - identify the infrastructure that is required for each Precinct (including the public realm, services to the area);
  - describe the planning nexus between the infrastructure and the future development;
  - describe the method of delivery of essential infrastructure between landowners/developers within the Precinct, including the planning basis on which the physical components and aspects of the essential infrastructure have been allocated to each area of land within each stage 1 area; and
  - describe how the need for the provision of essential infrastructure may be met by a landowner/developer.
- Amending the Canada Bay Development Control Plan to address items of infrastructure.
- Amending the Canada Bay Contributions Plan to refer to the PRCUTS Infrastructure Strategy and items of infrastructure.

## **Section D – State and Commonwealth interests**

### **Q10. Is there adequate public infrastructure for the planning proposal?**

There is currently insufficient public infrastructure to support the proposed increase in residential development. The planning proposal is seeking to provide the following public infrastructure, which is required to be delivered under PRCUTS and the Eastern City District Plan:

- Activated public open space
- Public pedestrian through-site links to increase connectivity
- 6m wide landscaped setbacks to Parramatta Road
- Green Grid pedestrian public domain and cycleways
- 25% tree canopy coverage

### **Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

The views of any relevant State and Commonwealth agencies will be sought through consultation following receipt of the Gateway Determination.

## **Part 4 – Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies**

The following map sheets are included at Appendix C – All Proposed Maps and Attachment – Draft LEP Maps

- Land zoning
- Height of buildings
- Floor space ratio
- Community infrastructure maximum building height
- Community infrastructure maximum floor space ratio
- Key sites
- Flood planning
- Active street frontages
- Design excellence
- Remediation

## **Part 5 - Community Consultation**

Council has engaged with landowners as part of the development of the PRCUTS Public Domain Plan and PRCUTS Masterplans, giving consideration to potential cumulative impacts and high quality design. These Plans underpin the planning proposal.

It is intended to publicly exhibit the draft plan for a minimum period of 28 days.

Council intends to consult with the following agencies in respect of the planning proposal:

- Greater Sydney Commission
- Sydney Metro
- Department of Education
- Transport for NSW
- Sydney Water
- State Emergency Service

## **Part 6 - Project Timeline**

It is anticipated the planning proposal will take a minimum of **6** months to finalise. An indicative project timeline for this minimum period is provided below.

Action	Timeframe
Submission for Gateway	June 2021
Gateway Determination	September 2021
Government Agency Consultation	October/November 2021
Exhibition Period	October/November 2021
Consideration of submissions	December to March 2021
Consideration of proposal	April 2022
Council Meeting (TBC)	June 2022
Date of submission to the Department for drafting and finalisation	June 2021

## **Appendix A – Plain English Explanation of Proposed New Clauses**

### **Public benefits on land in the Parramatta Road Corridor Urban Transformation Strategy Precincts**

Council is seeking to introduce a new clause that achieves the following objectives:

- (a) Recognise the need to provide new infrastructure within the Parramatta Road Corridor Urban Transformation Strategy Precincts that is commensurate with the scale of development to be facilitated by and required under the Strategy.
- (b) Provide building height and floor space incentives for development within the Parramatta Road Corridor Urban Transformation Strategy Precincts that supports the proposed uplift by providing for —
  - coordinated development outcomes,
  - public domain enhancements,
  - public open space, including high quality landscaped areas,
  - pedestrian laneways and through-site links,
  - roads and service accessways, and
  - the amalgamation of lots to prevent the fragmentation or isolation of land.

Council's intention is that:

- i. The clause will apply to development identified on the Key Sites Map that involves the erection of 1 or more new buildings on land within the Parramatta Road Corridor Urban Transformation Strategy Precincts.
- ii. The changes will deliver coordinated development outcomes, and the infrastructure identified in the relevant clause and as indicated on the Draft PRCUTS Community Infrastructure Map. The map is not intended to form part of the Canada Bay LEP 2013, but will be publicly exhibited with the planning proposal.
- iii. The clause will permit new development within the Areas shown on the Key Sites Map to exceed the current maximum permissible height of buildings and floor space ratio up to that shown on the Community Infrastructure Height of Buildings Map and the Community Infrastructure Floor Space Ratio Map, but only if the development achieves the Minimum Site Area and delivers the Community Infrastructure listed below.
- iv. Clause 4.6(8) of the Canada Bay LEP 2013 will be amended to prevent development consent from being granted for development that would contravene the minimum site area provisions listed in Table 2 below.
- v. Clause 4.6(8) will be amended to insert an additional subclause that refers to the LEP incentive clause, as described above, to prevent development approvals that contravene the base height of buildings and FSR under clause 4.3 and clause 4.4 of the LEP by more than 10%. This aims to limit the extent to which a developer could use clause 4.6 to achieve building heights and FSRs in excess of the base height and FSR, without relying on the proposed Community Infrastructure Height of Building and FSR clause and without having to provide community infrastructure.

## Table of Community infrastructure

*Table 2: Minimum Site Area and Minimum Infrastructure requirement*

<b>Key Sites Areas</b>	<b>Minimum Site Area</b>	<b>Community Infrastructure</b>	<b>Minimum Infrastructure Requirement</b>
Area 1	3,620	N/A	N/A
Area 2	130	N/A	N/A
Area 3	570	N/A	N/A
Area 4	5,600	Public Open Space (Burton St Park)	2,280 sqm at 40, 42, 44 Burton Street, Five Dock
Area 5	1,830	Road, service access for buildings fronting Parramatta Road	40sqm for extension of Frankie Lane, connecting Frankie Lane to 49 Parramatta Road, Five Dock.
		Public Domain Enhancement	146 sqm for T-section truck-turning 7m wide by 2x10m long.
			6.0m wide along Parramatta Road frontage
Area 6	2,260	Pedestrian link	3.0m wide connecting Burton St Park and Parramatta Road and contiguous with pedestrian laneway on Area 5
			6.0m wide along Parramatta Road frontage
		Public Domain Enhancement	9.0m wide connecting Burton St Park and Parramatta Road and contiguous with pedestrian laneway on Area 4
Area 7	3,560	Pedestrian link	6.0m wide along Parramatta Road frontage
			32 sqm at the inside corner for 8m internal radius truck turning
		Public Domain Enhancement	3.0m wide along Burwood Road frontage
Area 8	2,000	Road, service access for buildings fronting Parramatta Road	6.0m wide along Parramatta Road frontage
			12.0m wide connecting Burton Street and Parramatta Road
		Public Domain Enhancement	151m length, 12.0m wide to rear of 1, 3, 7 and 13 Parramatta Road
			5.0m wide along Burwood Road frontage
Area 9	1,3080	Pedestrian link	6.0m wide along Parramatta Road frontage
			12.0m wide connecting Burton Street and Parramatta Road
		Public Domain Enhancement	151m length, 12.0m wide to rear of 1, 3, 7 and 13 Parramatta Road
			5.0m wide along Burwood Road frontage

Area 10	7,530	Public Open Space (Burton St Plaza)	2,276 sqm at 6, 8, 10 Burton Street, Five Dock
		Road, service access for buildings fronting Parramatta Road	74 sqm, Part of 1 Loftus Street, Five Dock. Connecting rear of 3 Parramatta Road, Five Dock to Loftus Street
Area 11	4,660	Road	62m length, 18.0m wide along northern boundary, connecting rear of 225 Parramatta Road, Five Dock and Walker Street
		Public Domain Enhancement	6.0m wide along Parramatta Road frontage
Area 12	10,690	Road	94m length, 18.0m wide along northern boundary, connecting rear of 235 Parramatta Road, Five Dock and 15-17 Regatta Road
		Pedestrian link	6.0m wide connecting service accessway and Parramatta Road
		Public Domain Enhancement	6.0m wide along Parramatta Road frontage
Area 13	8,680	Public Open Space (Regatta Road Park)	1,168 sqm on Regatta Road
		Road	60.2m length, 18.0m wide, connecting rear of 3 Regatta Road, Five Dock and Regatta Road
		Pedestrian link	6.0m wide connecting rear of 3 Regatta Road, Five Dock and Queens Road
		Public Domain Enhancement	3.0m wide along Queens Road frontage
Area 14	2,130	Public Domain Enhancement	3.0m wide along Queens Road frontage
Area 15	6,260	Public Domain Enhancement	3.0m wide along Queens Road frontage
			3.0m wide along Spencer Street frontage
Area 16	7,150	Public Open Space (Spencer Street Plaza)	1115 sqm at 24-28 Spencer Street, Five Dock
		Pedestrian link	12.0m wide connecting Spencer Street Plaza and Queens Road.
		Public Domain Enhancement	3.0m wide along Queens Road frontage
			3.0m wide along Spencer Street frontage
Area 17	4,180	Public Open Space	8.0m wide along William Street frontage
		Public Domain Enhancement	3.0m wide along Queens Road frontage
			3.0m wide along Spencer Street frontage

Area 18	870	Public Domain Enhancement	3.0m wide along Spencer Street frontage
Area 19	4,860	Public Domain Enhancement	3.0m wide along Spencer Street frontage
			6.0m wide along Parramatta Road frontage
Area 20	13,930	Public Open Space	8.0m wide along William Street frontage
		Pedestrian link	12.0m wide from Spencer Street and Parramatta Road
		Public Domain Enhancement	6.0m wide along Parramatta Road frontage
			3.0m wide along Spencer Street frontage
Area 21	4,790	N/A	N/A
Area 22	4,310	N/A	N/A
Area 23	3,920	N/A	N/A
Area 24	9,200	Pedestrian link	6.0m wide connecting Queens Road and Kings Road
		Public Domain Enhancement	3.0m wide along Queens Road frontage
Area 25	1,940	N/A	N/A
Area 26	1,940	N/A	N/A
Area 27	1,525	N/A	N/A
Area 28	1,800	Public Domain Enhancement	3.0m wide along Queens Road frontage
Area 29	1,780	Public Domain Enhancement	3.0m wide along Queens Road frontage
Area 30	1,780	Public Domain Enhancement	3.0m wide along Queens Road frontage
Area 31	31,420	Public Open Space (William Street Park)	2,291 sqm at 57 Queens Road, Five Dock along William Street frontage
		Road	166m length, 18.0m wide, centred on Spencer Street and connecting through to eastern boundary.
			93m length, 18.0m wide, connecting Spencer Street road extension and Queens Road, on eastern boundary.
		Pedestrian link	12.0m wide connecting Spencer Street road extension and Parramatta Road, on eastern boundary.
		Public Domain Enhancement	6.0m wide along Parramatta Road frontage
			3.0m wide along Queens Road frontage

Area 32	3,070	N/A	N/A
Area 33	2,680	Public Domain Enhancement	6.0m wide along Parramatta Road frontage
Area 34	18,620	Public Open Space (Kings Bay East Park)	2,091 sqm on Queens Road frontage
		Pedestrian link	2,560 sqm centrally located within the site
			6.0m wide connecting Kings Bay East Park and Parramatta Road.
		Public Domain Enhancement	6.0m wide along Parramatta Road frontage
			6.0m wide along Parramatta Road frontage

## Contamination

Council is seeking to introduce a new clause that achieves the following objectives:

- (a) ensure that the land to which this plan applies is suitable or can be made suitable for the uses implied by the zoning of the land; and
- (b) control the remediation process so that all remediation works have been undertaken prior to commencement of building work on any part of the land.

Council's intention is that:

- i. The clause will apply to land shown on Remediation Map.
- ii. Development consent must not be granted for works that include excavation, landfilling, tree or vegetation clearing and landscaping without the consent of Council.
- iii. Council will give consideration to relevant guidelines, protocols or standards published by the Environment Protection Authority and the Department of Planning, Industry and Environment.
- iv. Council may impose conditions that:
  - a) require the investigation, sampling and testing of the land; or
  - b) require the preparation of a remedial action plan for the land, being a detailed plan for the remediation of any land affected by contamination, or
  - c) require remediation of the land or any part of it to an appropriate standard, or
  - d) prohibit the construction or erection of a building or the carrying out of work (other than the remediation work) on any part of the site pursuant to the consent until Council accepts a written independent review verifying the remediation for the site area to appropriate standard, or
  - e) other kinds of conditions or limitations.
- v. The clause does not limit the application of *State Environmental planning Policy No 55 – Remediation of Land* to the land.

vi. The following definitions are to be applied:

**appropriate standard** - remediation to a standard appropriate for the intended use in terms of the requirements of the Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites, jointly developed by the Australian and New Zealand Environment and Conservation Council and the National Health and Medical Research Council, published in 1992.

**independent review** - the checking of adherence to standard procedures and protocols employed in a remediation process and the expression of an opinion on the conclusions reached in that process by a site auditor:

- a) who is independent of the person who is carrying out the remediation, or on whose behalf the remediation is being carried out; and
- b) who is accredited by the Environment Protection Authority under the *Contaminated Land Management Act 1997* to conduct site audits.

## Sustainability – Resilient Development

Council is seeking to introduce a new clause that achieves the following objectives:

- (a) To ensure that development that is resilient to environmental and social change; and
- (b) To build sustainable communities that are resilient to environmental and climate change.

Council's intention is that:

- i. the *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* be amended to require the following increased targets, as required by PRCUTS:
  - BASIX Energy 55 (2-3 storeys)
  - BASIX Energy 50 (4-5 storeys)
  - BASIX 40 (6+storeys)
  - BASIX Water 60 for all new dwellings within the Precinct where recycled water is available
  - BASIX Water 50 for all new dwellings within the Precinct where recycled water is not available

OR, if this option is not available, that development of a building or a part of a building that is a dwelling, including as a part of a residential flat building or mixed use development, may exceed the maximum permissible residential floor space above that already permitted, if the following BASIX Energy and BASIX Water standards are met:

- BASIX Energy 50 and BASIX Water 50 (<14 storeys)
- BASIX Energy 40 and BASIX Water 50 (15 - 29 storeys)
- BASIX Energy 35 and BASIX Water 50 (30 - 39 storeys)
- BASIX Energy 30 and BASIX Water 50 (40+ storeys)

If these standards are met, a development application may exceed the maximum permissible floor space ratio as shown on the Floor Space Ratio Map by up to 5%, subject to the consent authority being satisfied that this additional

residential floor space does not adversely impact on neighbouring and adjoining land in terms of visual bulk and overshadowing.

Car parking cannot be associated with any additional floor space resulting from exceeding BASIX Energy and BASIX Water standards.

- ii. Development consent must not be granted unless the building, or part of a building, contains both potable water pipes and recycled water pipes for the purposes of all available internal and external water uses.
- iii. Development consent must not be granted unless the development achieves at least 25% canopy cover across the site, identified on the landscape plan and measured by the extent of canopy at maturity.

Where surfaces on rooftops or podiums are used for community open space, the development must demonstrate at least 50% of the accessible roof area is shaded by a shade-structure or covered with vegetation, including tree canopy.

Where surfaces on rooftops or podiums are not used for community open space, for example solar PV or heat rejection, the development must demonstrate at least 75% of the total roof area or podium is covered in vegetation, including tree canopy.

## Design Excellence

Note that the following plain English explanation is taken from Planning Proposal – Strathfield Triangle Precinct, which is currently with the Department of Planning, Industry and Environment for Gateway assessment (Planning Portal reference number PP-2020-3843). The clause is intended to apply to any site in the LGA. Should the PRCUTS planning proposal proceed to finalisation prior to the Strathfield Triangle planning proposal, it will be necessary to ‘bring forward’ the finalisation of the Design Excellence clause with this planning proposal.

Council is seeking to introduce a new clause that achieves the following objectives:

- (a) to deliver the highest standard of architectural, urban and landscape design.

Council’s intention is that development consent must not be granted unless the development exhibits design excellence. Consideration of whether the development exhibits design excellence must give regard to:

- (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved;
- (b) whether the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain;
- (c) the requirements of any development control plan made by the Council and as in force at the commencement of this clause;
- (d) how the development addresses the following matters—
  - i. the suitability of the land for development,
  - ii. the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
  - iii. bulk, massing and modulation of buildings,
  - iv. street frontage heights,

- v. environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
- vi. the achievement of the principles of ecologically sustainable development,
- vii. public open space requirements
- viii. pedestrian, cycle, vehicular and service access, circulation and requirements,
- ix. the impact on, and any proposed improvements to, the public domain,
- x. achieving appropriate interfaces at ground level between the building and the public domain,
- xi. excellence and integration of landscape design.

It is also Council's intention that development consent must not be granted unless:

- (a) if the development is in respect of a building that is, or will be, higher than 12 metres or 3 storeys (or both) but not higher than 28 metres or 8 storeys (or both):
  - i. a design review panel reviews the development, and
  - ii. (ii) the consent authority takes into account the findings of the design review panel, or
- (b) if the development is in respect of a building that is, or will be, higher than 28 metres or 8 storeys (or both):
  - i. (i) an architectural design competition is held in relation to the development, and
  - ii. (ii) the consent authority takes into account the results of the architectural design competition.

But this will not apply if:

- a) the NSW Government Architect certifies in writing that an architectural design competition need not be held but that a design review panel should instead review the development, and
- b) a design review panel reviews the development, and
- c) the consent authority takes into account the findings of the design review panel.

An architectural design competition conducted in accordance with Design Excellence Guidelines that were in force when the competition was conducted would be taken to have been conducted in accordance with the Design Excellence Guidelines.

The following definitions are taken to apply:

- **architectural design competition** means a competitive process conducted in accordance with the NSW Government Architect's Design Excellence Competition Guidelines
- **design review panel** means a panel of 3 or more persons established by the consent authority for the purposes of this clause and approved by the NSW Government Architect.

## **Proposed Additional Permitted Uses Clauses**

The Planning Proposal seeks to amend the CBLEP 2013 to permit the following additional permitted uses:

- shoptop housing on land fronting Parramatta Road in the Kings Bay precinct.

21 Use of land in zone R3 in the Kings Bay precinct

- (1) This clause applies to land in Zone R3 Medium Density Residential.
- (2) Development for the purpose of commercial premises is permitted with development consent on the ground floor of residential flat buildings.
- (3) Consent must not be granted under this clause to development for the purposes of commercial premises unless the consent authority is satisfied that the proposed development has a facade that fronts Parramatta Road and the premises are able to provide 'commercial premises' and 'light industry' that are compatible with residential uses.

Compatible uses are defined here as including: printing; motor vehicle and parts retailing; hardware, building and garden supplies retailing; postal and courier pick-up and delivery; warehousing and storage; rental and hiring (except real estate); professional, scientific and technical services; building cleaning and pest control; repair and maintenance.

- shoptop housing on certain land fronting Burwood Road and Niechs Lane in the Burwood precinct.

22 Use of certain land at 28-30 Burton Street and 32-40 Burton Street, Concord that fronts Burwood Road and Niechs Lane

- (1) This clause applies to land at 28-30 Burton Street and 32-40 Burton Street, Concord, being Lots 1, 2, 3 and 4, DP 10928.
- (2) Development for the purpose of commercial premises is permitted with development consent on the ground floor of residential flat buildings.

## Appendix B – Out of Sequence Checklist

Checklist requirement	Planning Proposal response
<b>Criteria 1 Strategic objectives, land use and development</b>	
<ul style="list-style-type: none"> <li>The planning proposal can demonstrate significant delivery or contribution towards the Strategy's Corridor wide and Precinct specific vision.</li> </ul>	<p>The planning proposal will deliver the PRCUTS Corridor wide and Precinct specific vision:</p> <ul style="list-style-type: none"> <li>Kings Bay precinct will be a new residential and mixed use urban village on Parramatta Road, with an active main street and strong links to the open space network along Sydney Harbour.</li> <li>Burwood precinct will be a gateway to Burwood Town Centre based around the enlivened spine of Burwood Road strengthening the existing amenity for new residents.</li> <li>Homebush North will be transformed into an active and varied hub, blending higher density housing and a mix of different uses, supported by a network of green links and open spaces with walking access to four train stations.</li> </ul>
<ul style="list-style-type: none"> <li>The planning proposal satisfies the Strategy's seven land use and transport planning principles and fulfills the relevant Strategic Actions for each Principle.</li> </ul>	<p>The planning proposal will deliver quality development and public domain outcomes and is largely consistent with the Principles and Strategic Actions of the Strategy:</p> <ul style="list-style-type: none"> <li>Principle 1: Housing choice and affordability – The planning proposal will deliver 37.5% of the 2036 housing target, with a focus on family and affordable housing. Further housing diversity and affordable housing measures form part of the LSPS Planning Proposal.</li> <li>Principle 2: Diverse and resilient economy – The planning proposal will deliver two B4 Mixed Use precincts on Parramatta Road, a major connector route and freight corridor mid-way between the Sydney CBD and the Parramatta CBD.</li> <li>Principle 3: Accessible and connected - The planning proposal</li> </ul>

	<p>will deliver three new development precincts with access to good current and/or future rail transport. The existing rail and bus network will be supplemented by the development of Sydney Metro West.</p> <p>However, improvements to the road network will be required, which will need to be developed using detailed traffic modelling in consultation with TfNSW. This work is underway and due for final completion July 2021.</p> <p>Note that Council has a formal agreement with DPIE, under the NSW Public Spaces Legacy Program, to progress the planning proposal concurrently with the traffic study.</p> <ul style="list-style-type: none"> <li>• Principle 4: Vibrant communities and places - The planning proposal will deliver quality places and built form outcomes that will transform the Corridor over time to be places that people love, consistent with Local Character Statements tailored to each individual precinct.</li> <li>• Principle 5: Green spaces and links - The planning proposal will deliver new active and passive open spaces to support the recreational needs of the community and to encourage healthy and active lifestyles.</li> <li>• Principle 6: Sustainability and resilience - The planning proposal will facilitate liveable local Precincts that are sustainable and resilient to future environmental, climate and social change.</li> <li>• Principle 7: Delivery- The planning proposal is the best mechanism to drive and facilitate the delivery of holistically and strategically planned PRCUTS precincts.</li> </ul>
<ul style="list-style-type: none"> <li>• The planning proposal can demonstrate significant net community, economic and environmental benefits for the Corridor and the Precinct or Frame Area within which the site is located.</li> </ul>	<p>The planning proposal will deliver needed housing and job, urban services, sustainable development, and community and social infrastructure consistent with PRCUTS.</p>

<ul style="list-style-type: none"> <li>The planning proposal is consistent with the recommended land uses, heights, densities, open space, active transport and built form plans for the relevant Precinct or Frame Area.</li> </ul>	<p>The planning proposal is consistent with the PRCUTS recommended land uses, planning controls, active transport and built forms consistent with PRCUTS with some variations that are the result of Council's PRCUTS evidence-based strategic planning process. These will deliver better urban design and public benefits, or respond to more recent Government policy.</p>
<ul style="list-style-type: none"> <li>The planning proposal demonstrably achieves outcomes aligned to the desired future character and growth projections identified in the Strategy.</li> </ul>	<p>The planning proposal is consistent with desired future character and growth projections identified in the Strategy. Detailed built form testing has been undertaken that demonstrates that the intended yields will be achieved within a built form that is able to be SEPP 65 compliant.</p>
<ul style="list-style-type: none"> <li>The planning proposal demonstrates design excellence can be achieved, consistent with councils adopted design excellence strategy or the design excellence provisions provided in the Parramatta Road Corridor Planning and Design Guidelines (Planning and Design Guidelines).</li> </ul>	<p>The planning proposal seeks to implement the Design Excellence clause proposed in Planning Proposal - Strathfield Triangle Precinct, which is currently with the Department of Planning, Industry and Environment for Gateway assessment (Planning Portal reference number PP-2020-3843). Should the PRCUTS planning proposal proceed to finalisation prior to the Strathfield Triangle planning proposal, this PRCUTS planning proposal is to be interpreted as seeking to introduce the Design Excellence clause proposed in that planning proposal. Refer to Appendix A.</p>
<b>Criteria 2 Integrated Infrastructure Delivery Plan</b>	

<ul style="list-style-type: none"> <li>• An Integrated Infrastructure Delivery Plan, which identifies advanced infrastructure provision and cost recovery for the local and regional infrastructure identified in the Infrastructure Schedule, must support the planning proposal. The Integrated Infrastructure Delivery Plan must demonstrate a cost offset to council and agency costs for a set period that aligns with the anticipated timing for land development identified in the Implementation Plan 2016 – 2023. Infrastructure to be considered includes: <ul style="list-style-type: none"> <li>○ public transport</li> <li>○ active transport</li> <li>○ road upgrades and intersection improvements</li> <li>○ open space and public domain improvements</li> <li>○ community infrastructure, utilities and services.</li> </ul> </li> </ul>	<p>The planning proposal is seeking to introduce a planning mechanism to deliver the infrastructure that is required to be provided in each of the Stage 1 PRCUTS precincts under the Infrastructure Schedule, as well as items recommended under the Canada Bay PRCUTS Public Domain Plan 2020 and the Canada Bay Social Infrastructure Strategy 2019.</p> <p>The mechanism consists of a proposed LEP clause that permits bonus building height and FSR if the proposed development achieves the required lot amalgamation and the community infrastructure is provided. Refer to Appendix A, Table 2; and <u><a href="#">Draft LEP Maps - Parramatta Road Corridor Urban Transformation Strategy Community Infrastructure</a></u>.</p> <p>The mechanism will be supported by a PRCUTS Infrastructure Strategy, which Council is currently developing and that will describe the needed infrastructure and the delivery mechanism. The PRCUTS Infrastructure Strategy will be exhibited with the planning proposal, draft PRCUTS DCP and an amended Development Contributions Plan.</p>
<b>Criteria 3 Stakeholder engagement</b>	

<ul style="list-style-type: none"> <li>• Consultation and engagement with relevant stakeholders (council, government agencies, business, community, adjoining properties and user or interest groups, where relevant) have been undertaken, including any relevant pre-planning proposal engagement processes required by local council.</li> <li>• An appropriate level of support or agreement is documented.</li> <li>• Provision of documentary evidence outlining the level of planning or project readiness in terms of the extent of planning or business case development for key infrastructure projects.</li> </ul>	<p>Council has undertaken consultation with landowners and considered recent landowner submissions as part of the development of the PRCUTS Public Domain Plan and PRCUTS Masterplans, giving consideration to potential cumulative impacts and high quality design. The results of the consultation have been implemented in the planning proposal where the landowner concepts are consistent with PRCUTS, Council's LSPS and Council's vision for the precincts as described in the Local Character Statements.</p> <p>Council has been consistent in the messaging for PRCUTS, that planning proposals will be considered that are consistent with PRCUTS and Council will continue to engage with landowners throughout the planning process.</p> <p>Council is currently developing a PRCUTS Infrastructure Strategy that will be exhibited with the planning proposal, draft PRCUTS DCP and an amended Development Contributions Plan.</p>
<b>Criteria 4 Sustainability</b>	
<ul style="list-style-type: none"> <li>• The planning proposal achieves or exceeds the sustainability targets identified in the Strategy.</li> </ul>	<p>The planning proposal is seeking, in order of preference:</p> <ul style="list-style-type: none"> <li>• an amendment to <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> via a DPIE-led planning proposal that would mandate the increased PRCUTS BASIX targets; or</li> <li>• to introduce a clause that incentivise increased BASIX targets as recommended in the Canada Bay Sustainable Precincts Strategy. Refer to Appendix A for a plain English explanation of the proposed clause.</li> </ul>
<b>Criteria 5 Feasibility</b>	

<ul style="list-style-type: none"> <li>The planning proposal presents a land use and development scenario that demonstrates economic feasibility with regard to the likely costs of infrastructure and the proposed funding arrangements available for the Precinct or Frame Area.</li> </ul>	<p>The planning proposal is seeking to implement the land use and development scenario in PRCUTS, with minor variations that are justified by Council's strategic planning process.</p> <p>Council's proposed mechanism to deliver the infrastructure required under the PRCUTS Infrastructure Schedule and Council's Public Domain Plan is informed by independent cost evaluations. Council has undertaken initial feasibility testing for the costs, which has indicated that the proposed mechanism is feasible. The testing also considered the current limitation on infrastructure contributions, to a maximum of \$20,000 per dwelling<sup>1</sup>, generally limiting Councils' ability to fund the needed infrastructure.</p>
<b>Criteria 6 Market viability</b>	
<ul style="list-style-type: none"> <li>The planning proposal demonstrates a land use and development scenario that aligns with and responds to market conditions for the delivery of housing and employment for 2016 to 2023. Viability should not be used as a justification for poor planning or built form outcomes.</li> </ul>	<p>The planning proposal will deliver the land use and development scenario in the PRCUTS, which is approved by the Secretary of the Department of Planning, Industry and Environment, with minor variations that are justified by Council's strategic planning process to facilitate best urban design and built form outcomes.</p>

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<sup>1</sup> Note. Department of Planning, Industry and Environment is undertaking a review of the current infrastructure contributions system, which has proposed increasing the threshold.

## Appendix C – All Proposed Maps

### Land Zoning Maps

#### Zone

- [B1] Neighbourhood Centre
- [B3] Commercial Core
- [B4] Mixed Use
- [B6] Enterprise Corridor
- [B7] Business Park
- [E2] Environmental Conservation
- [IN1] General Industrial
- [R1] General Residential
- [R2] Low Density Residential
- [R3] Medium Density Residential
- [R4] High Density Residential
- [RE1] Public Recreation
- [RE2] Private Recreation
- [SP2] Infrastructure
- [SSP] SEPP (State Significant Precincts) 2005

### Kings Bay Precinct

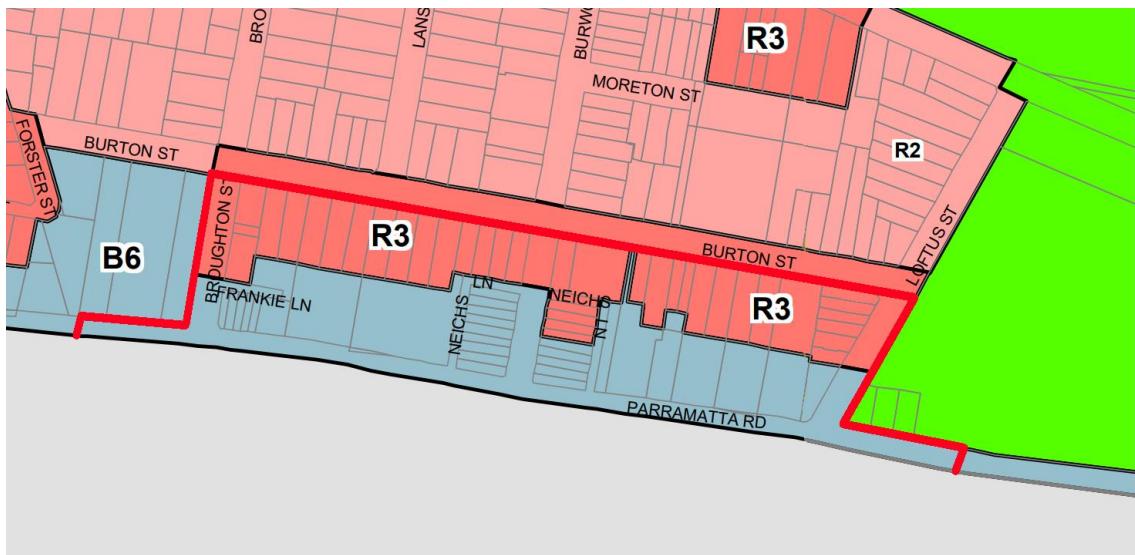


Current zoning (Land Zoning Map Sheet LZN\_005)

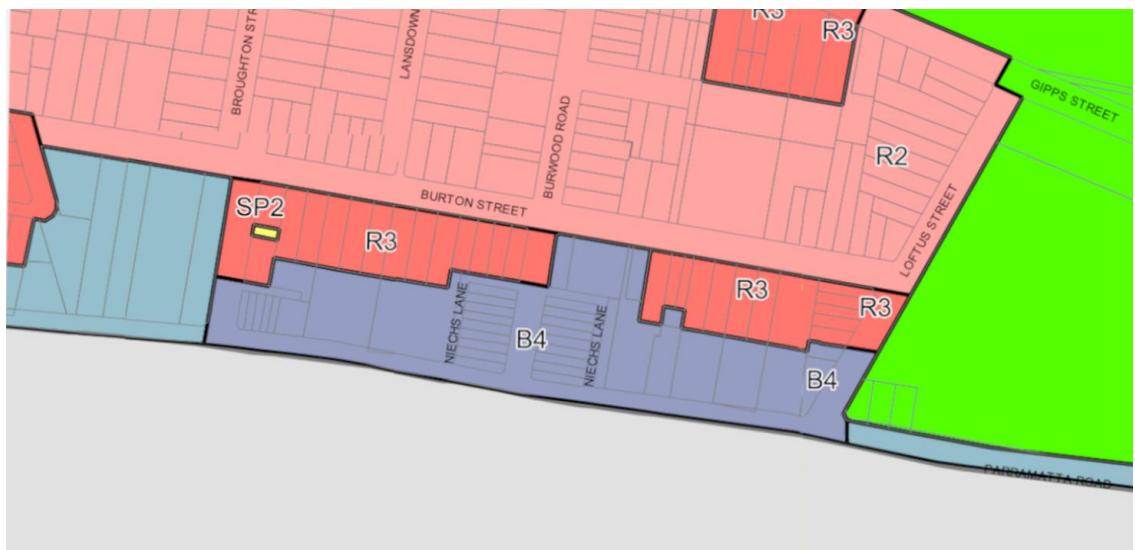


Proposed amended zoning (Land Zoning Map Sheet LZN\_005)

### Burwood Precinct

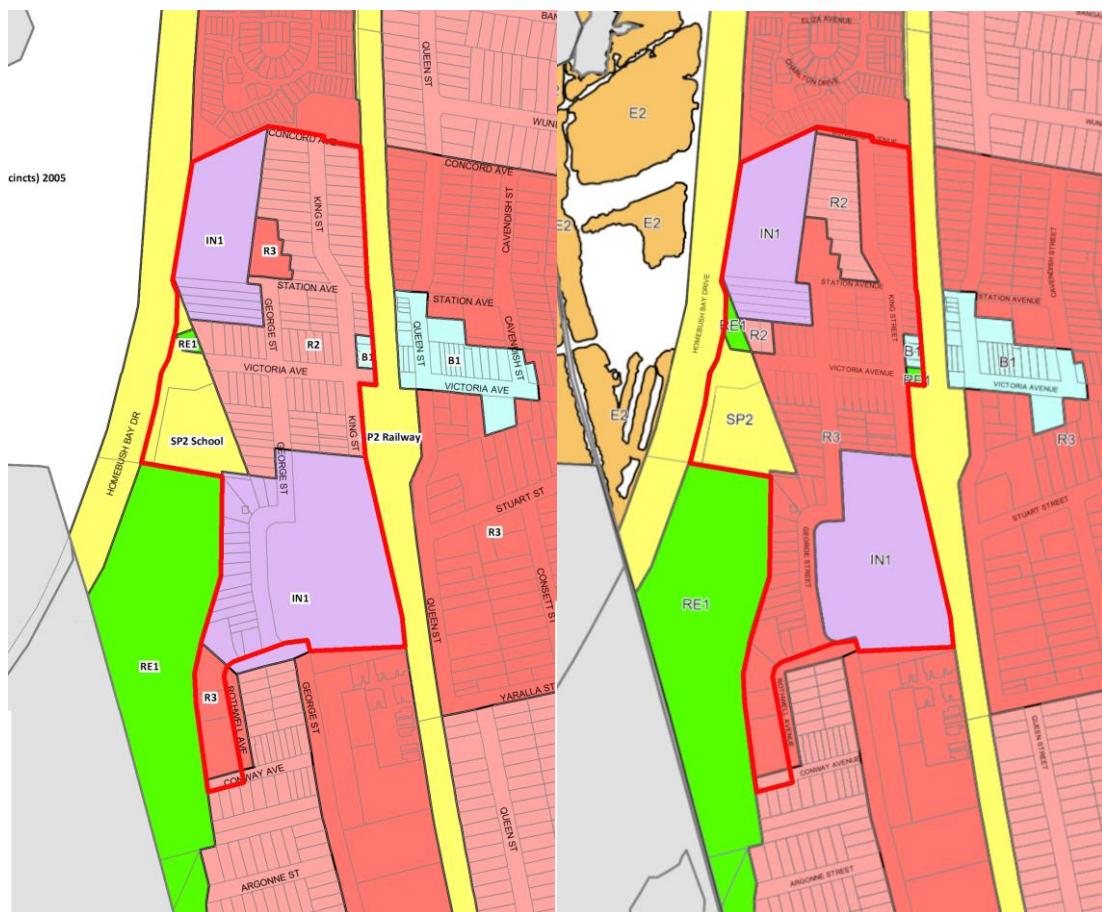


Current zoning (Land Zoning Map Sheet LZN\_003 and 005)



Proposed amended zoning (Land Zoning Map Sheet LZN\_003 and 005)

## Homebush North Precinct



Current zoning  
(Land Zoning Map Sheet LZN\_002)

Proposed amended zoning  
(Land Zoning Map Sheet LZN\_002)

## Height of Buildings Maps

Maximum Building Height (m)

A1	0.0
A2	2.5
A3	1.0
I	8.5
J	9.5
K1	10.0
K2	10.5
L	11.0
M	12.0
N	14.0
O1	15.0
O2	16.0
P1	17.0
P2	18.0
Q1	19.0
Q2	20.0
R1	21.0
R2	22.0
S1	23.0
S2	24.0
T1	25.0
T2	26.0
T3	27.0
T4	28.0
T5	29.0
U1	31.0
U2	32.0
V	35.0
W1	40.0
W2	41.0
W3	42.0
Y1	50.0
Y2	55.0
Y3	56.0
Z	59.0
AA1	61.0
AA2	63.0
AA3	65.5
AA4	67.0
AA5	78.0
AB1	82.0
AB2	84.0
AB3	93.0
AD1	125.0
AD2	127.0

## Homebush North Precinct



Current height of buildings  
(Height of Buildings Map Sheet  
HOB\_002)

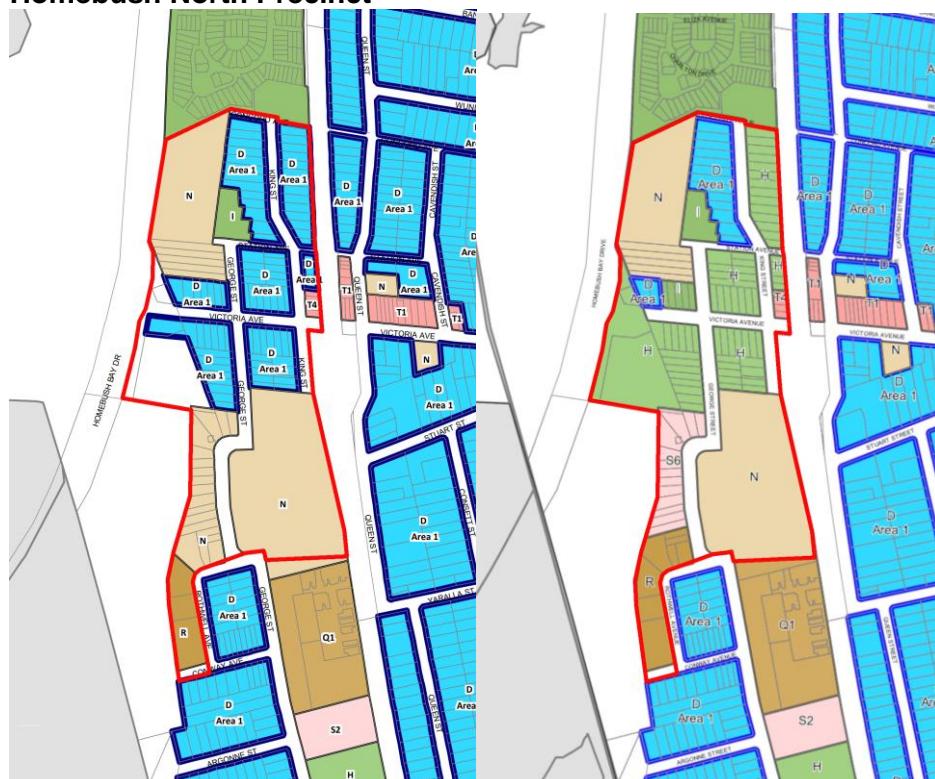
Proposed amended maximum  
building height (Height of Buildings  
Map Sheet HOB\_002)

## Floor Space Ratio Maps

### Maximum Floor Space Ratio (n:1)

A	0.00	S5	1.83
D	0.50	S6	1.90
F	0.60	T1	2.00
H	0.70	T2	2.10
I	0.75	T3	2.20
L	0.90	T4	2.30
N	1.00	U1	2.50
O	1.10	U2	2.80
P	1.20	U3	2.90
Q1	1.30	V1	3.00
Q2	1.35	V2	3.30
R	1.40	Y1	4.50
S1	1.50	Y2	4.60
S2	1.60	Z	5.60
S3	1.76	AB	7.50
S4	1.80	AD	9.30

### Homebush North Precinct



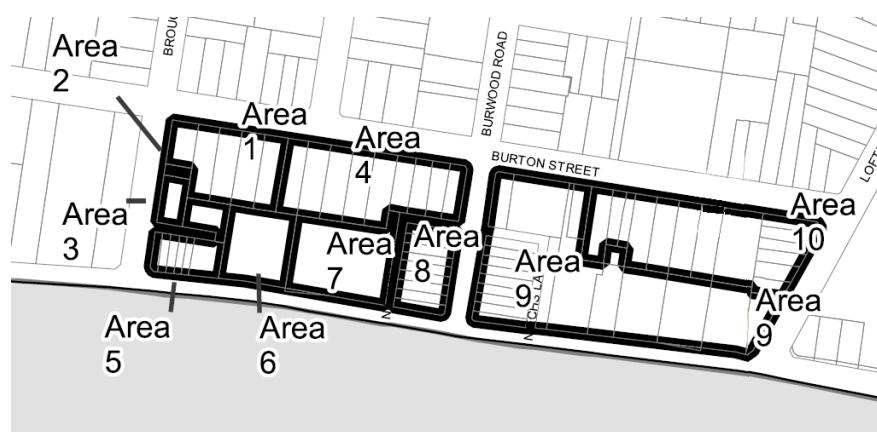
Current maximum FSR  
(Floor Space Ratio Map Sheet  
FSR\_002)

Proposed amended maximum FSR  
(Floor Space Ratio Map Sheet FSR\_002)

## Key Sites Map



Proposed Key Sites Map (Key Sites Map Sheet KS\_005)



Proposed Key Sites Map (Key Sites Map Sheet KS\_003)

## Community Infrastructure Height of Buildings Maps

### Maximum Building Height (m)

A1	0.0	T4	28.0
A2	2.5	T5	29.0
A3	1.0	U1	31.0
I	8.5	U2	32.0
J	9.5	V	35.0
K1	10.0	W1	40.0
K2	10.5	W2	41.0
L	11.0	W3	42.0
M	12.0	Y1	50.0
N	14.0	Y2	55.0
O1	15.0	Y3	56.0
O2	16.0	Z	59.0
P1	17.0	AA1	61.0
P2	18.0	AA2	63.0
Q1	19.0	AA3	65.5
Q2	20.0	AA4	67.0
R1	21.0	AA5	78.0
R2	22.0	AB1	82.0
S1	23.0	AB2	84.0
S2	24.0	AB3	93.0
T1	25.0	AD1	125.0
T2	26.0	AD2	127.0
T3	27.0		

Current HOB Map Legend

### Maximum Building Height (m)

A2	2.5
W1	40.0
W3	42.0
Z1	55.0
Z2	56.0
AA3	65.5
AA5	78.00

Concord Area

Proposed Community Infrastructure HOB Map Legend

### Kings Bay Precinct



Current height of buildings (Height of Buildings Map Sheet HOB\_005)



## Proposed community infrastructure maximum building heights (Height of Buildings Map Sheet HOB\_005)

## Burwood Precinct



## Current height of buildings (Height of Buildings Map Sheet HOB\_003 and 005)



Proposed community infrastructure maximum building heights (Height of Buildings Map Sheet HOB\_003 and 005)

## Community Infrastructure Floor Space Ratio Maps

### Maximum Floor Space Ratio (n:1)

A	0.00	S5	1.83
D	0.50	S6	1.90
F	0.60	T1	2.00
H	0.70	T2	2.10
I	0.75	T3	2.20
L	0.90	T4	2.30
N	1.00	U1	2.50
O	1.10	U2	2.80
P	1.20	U3	2.90
Q1	1.30	V1	3.00
Q2	1.35	V2	3.30
R	1.40	Y1	4.50
S1	1.50	Y2	4.60
S2	1.60	Z	5.60
S3	1.76	AB	7.50
S4	1.80	AD	9.30

Current FSR Map Legend

### Maximum Floor Space Ratio (n:1)



Proposed Community Infrastructure FSR Map Legend

### Kings Bay Precinct

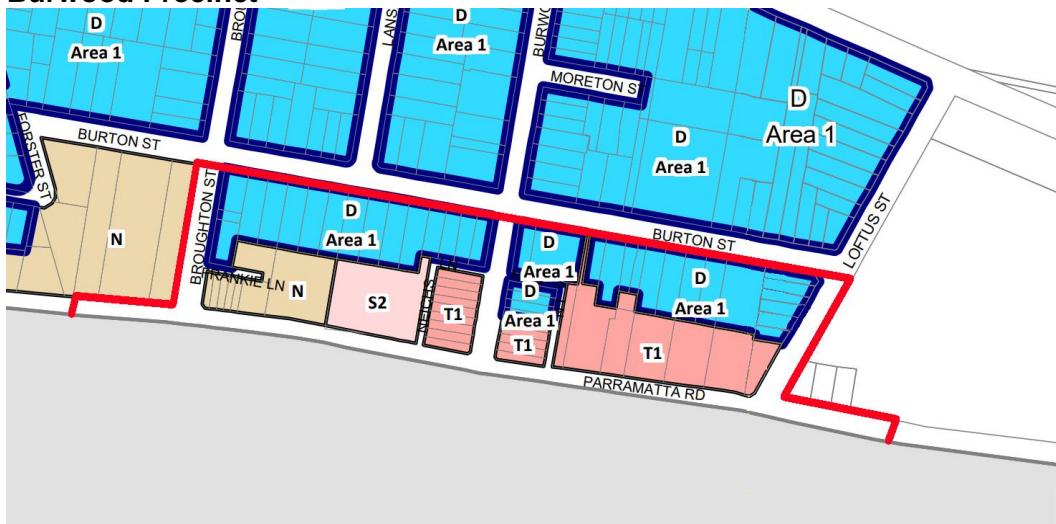


Current maximum FSR (Floor Space Ratio Map Sheet FSR\_005)



Proposed community infrastructure maximum FSR (Floor Space Ratio Map Sheet FSR\_005)

### Burwood Precinct



Current maximum FSR (Floor Space Ratio Map Sheet FSR\_003 and 005)



Proposed community infrastructure maximum FSR (Floor Space Ratio Map Sheet FSR\_003 and 005)

## Flood Planning Map

 Flood Planning Area



Proposed amended flood planning map – New sheet (Flood Planning Map Sheet FLD\_005)

## Active Street Frontages Maps

 Active Street Frontage

### Kings Bay Precinct



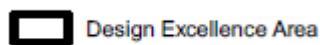
Proposed amended active street frontages map (Active Street Frontages Map Sheet ASF\_005)

## Burwood Precinct



Proposed amended active street frontages map - new sheet 003 (Active Street Frontages Map Sheet ASF\_0035 and 005)

## Design Excellence Maps

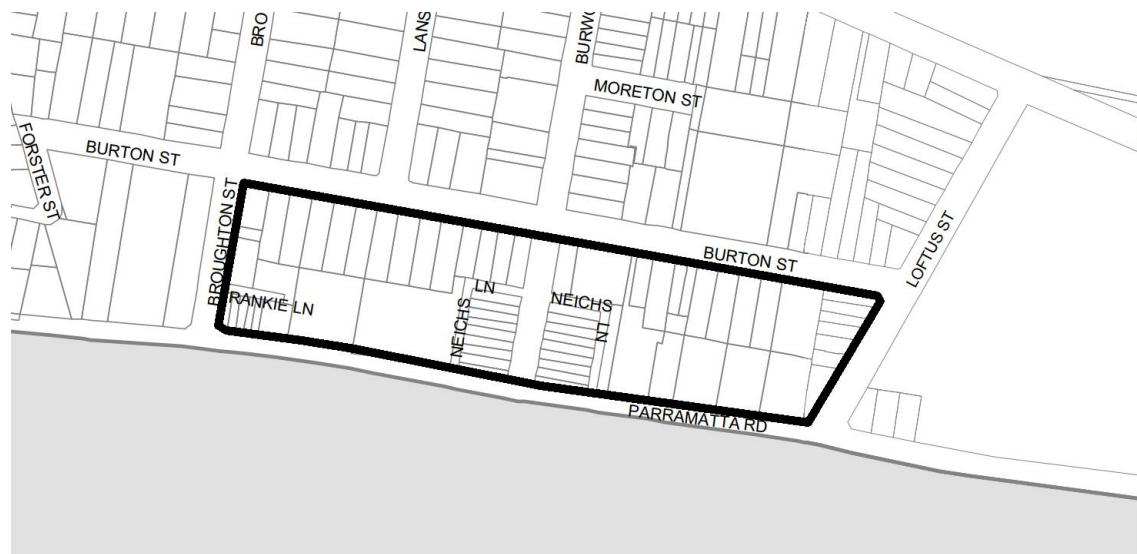


## Kings Bay Precinct



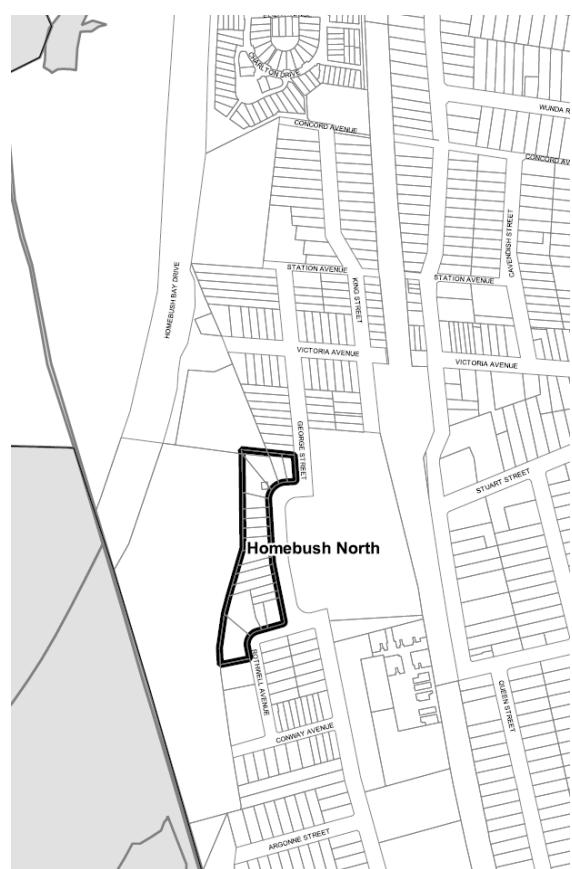
Proposed amended draft design excellence map from Planning Proposal - Strathfield Triangle Precinct (Planning Portal reference number PP-2020-3843) – new sheet (Design Excellence Map Sheet DEX\_ 005)

## Burwood Precinct



Proposed amended draft design excellence map from Planning Proposal - Strathfield Triangle Precinct (Planning Portal reference number PP-2020-3843) – new sheet 005 (Design Excellence Map Sheet DEX\_003 and 005)

## Homebush North Precinct



Proposed amended draft design excellence map from Planning Proposal - Strathfield Triangle Precinct (Planning Portal reference number PP-2020-3843) – new sheet 002 (Design Excellence Map Sheet DEX\_002)

## Remediation Maps

 Remediation

### Kings Bay Precinct



Proposed remediation map (Remediation Map Sheet REM\_005)

### Burwood Precinct



Proposed remediation map (Remediation Map Sheet REM\_002 and 003)