

## **AGENDA**

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### **Environment and Planning Committee**

**Tuesday, 11 April 2023**

**7:00pm**

**Dragon Room**

**Georges River Civic Centre,  
Hurstville**



### **OATH OF OFFICE OR AFFIRMATION OF OFFICE**

All Georges River Councillors are reminded of their Oath of Office or Affirmation of Office made at the time of their swearing into the role of Councillor.

All Councillors are to undertake the duties of the office of Councillor in the best interests of the people of the Georges River Council area and are to act faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the *Local Government Act 1993* or any other Act to the best of their ability and judgement.

### **DISCLOSURES OF INTEREST**

All Georges River Councillors are reminded of their obligation to declare any conflict of interest (perceived or otherwise) in a matter being considered by Council or at any meeting of Council.

**ENVIRONMENT AND PLANNING****ORDER OF BUSINESS****OPENING****ACKNOWLEDGEMENT OF COUNTRY**

Council acknowledges the Bidjigal people of the Eora Nation, who are the Traditional Custodians of all lands, waters and sky in the Georges River area. I pay my respect to Elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples who live, work and meet on these lands.

**APOLOGIES / LEAVE OF ABSENCE****REQUEST TO JOIN VIA AUDIO VISUAL LINK****NOTICE OF WEBCASTING****DISCLOSURES OF INTEREST****PUBLIC FORUM****CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

<b>ENV006-23</b>	<b>Confirmation of the minutes of the previous meeting held on 13 March 2023</b>	
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**COMMITTEE REPORTS**

<b>ENV007-23</b>	<b>Beverly Hills Town Centre Master Plan - A Way Forward</b>	
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## **CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**Item:** ENV006-23 Confirmation of the minutes of the previous meeting held on 13 March 2023

**Author:** Executive Services Officer

**Directorate:** Office of the General Manager

**Matter Type:** Previous Minutes

ENV006-23

### **RECOMMENDATION:**

That the Minutes of the Environment and Planning Committee Meeting held on 13 March 2023 be confirmed.

### **ATTACHMENTS**

Attachment 1 Unconfirmed Minutes - Environment and Planning Committee 13 March 2023



## MINUTES

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### Environment and Planning Committee

Monday, 13 March 2023

7:00pm

Georges River Civic Centre,  
Hurstville



GEORGES RIVER COUNCIL

## **PRESENT**

### **COUNCIL MEMBERS**

The Mayor, Councillor Katris, Deputy Mayor, Councillor Landsberry (Chairperson), Councillor Elise Borg, Councillor Christina Jamieson, Councillor Peter Mahoney and Councillor Benjamin Wang.

### **COUNCIL STAFF**

Director Environment and Planning - Meryl Bishop, Manager Strategic Planning - Catherine McMahon, Strategic Planner/Urban Designer - Anne Qin, Manager Office of the General Manager – Vicki McKinley, Executive Services Officer – Marina Cavar, Executive Assistant to the Director, Environment and Planning - Leanne Allen (Minutes), and Acting Team Leader Technology & Business Support – Mark Tadros.

## **OPENING**

Councillor Landsberry, opened the meeting at 7pm.

## **ACKNOWLEDGEMENT OF COUNTRY**

Councillor Landsberry acknowledged the Bidjigal people of the Eora Nation, who are the Traditional Custodians of all lands, waters and sky in the Georges River area. I pay my respect to Elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples who live, work and meet on these lands.

## **APOLOGIES/LEAVE OF ABSENCE**

**MOTION:** Councillor Borg and Councillor Jamieson

That apologies be accepted and leave of absence be granted for Councillor Ambihaipahar.

## **Record of Voting:**

For the Motion: Unanimous

## **NOTICE OF WEBCASTING**

The Chairperson, Councillor Landsberry, advised staff and the public that the meeting is being recorded for minute-taking purposes and is also webcast live on Council's website, in accordance with Section 4 of Council's Code of Meeting Practice. This recording will be made available on Council's website.

## **DISCLOSURES OF INTEREST**

Councillor Katris declared a Non – Significant Non – Pecuniary interest in item **ENV002-23 Public Exhibition of Amendment No.3 to the Georges River Development Control Plan** for the reason that he owns a property in the Ramsgate Village area (Property is in the Bayside LGA). As this is a Non- Significant Non – Pecuniary disclosure, Councillor Katris will participate in the discussion and voting on this item.

Councillor Mahoney declared a Non -Significant, Non-Pecuniary interest in item **ENV003-23 Moore Reserve Plan of Management and Masterplan** for the reason he is a member of the Oatley Flora and Fauna Group who have undertaken volunteer work planting trees in Moore Reserve. As this is a Non-Significant Non-Pecuniary disclosure, Councillor Mahoney will participate in the discussion and voting on this item.

Note: Councillor Mort entered the meeting at 7.05pm

#### **PUBLIC FORUM**

ITEM	SPEAKER
<b>ENV003-23</b> Moore Reserve Plan of Management and Masterplan	Mr Graeme Cartwright (In Person)
<b>ENV003-23</b> Moore Reserve Plan of Management and Masterplan	Greg Pearce (Written Submission)
<b>ENV003-23</b> Moore Reserve Plan of Management and Masterplan	Adrian Polhill (Remote)

#### **COMMITTEE REPORTS**

**ENV002-23 Public Exhibition of Amendment No.3 to the Georges River Development Control Plan 2021 - Harmonisation of Hurstville City Centre DCP and other Housekeeping Amendments**  
(Report by Strategic Planner/Urban Designer)

Note: Councillor Katris disclosed a Non – Significant Non - Pecuniary interest in this item and remained in the meeting and took part in the discussion and voting on this item.

**RECOMMENDATION:** Councillor Katris and Councillor Jamieson

- (a) That Council endorse the public exhibition of Amendment No.3 to the Georges River Development Control Plan 2021 ("GRDCP"), comprising of housekeeping amendments to the following Parts of the GRDCP:
- GRDCP Part 1 – Introduction
  - GRDCP Part 3 – General Planning Considerations
  - GRDCP Part 4 – General Land Use
  - GRDCP Part 5 – Residential Locality Statements
  - GRDCP Part 6.1 – Low Density Residential Controls
  - GRDCP Part 6.2 – Medium Density Residential Controls
  - GRDCP Part 6.3 – High Density Residential Controls
  - GRDCP Part 6.5 – Foreshore Locality Controls
  - GRDCP Part 7 – Business Precincts
  - GRDCP Part 8.1 – Kogarah Town Centre
  - GRDCP Part 8.2 – Hurstville City Centre
  - GRDCP Part 9 – Industrial Development
  - GRDCP Part 10 – Precincts

xiv) Appendices 2-7

- (b) That Council commence the process of repealing the following DCPs pursuant to Clause 16 of the *Environmental Planning and Assessment Regulation 2021*:
  - i) *Hurstville Development Control Plan Number 2 - Amendment No. 6* - Applies to sites within the Hurstville City Centre identified as 'deferred matters' on the *Georges River Local Environmental Plan 2021* Land Application Map
  - ii) *Hurstville Development Control Plan Number 2 - Amendment No. 12* - Applies to sites within the Hurstville City Centre excluding the 'deferred matters' on the *Georges River Local Environmental Plan 2021* Land Application Map.
- (c) That Council endorse the public exhibition process to be carried out in accordance with the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*.
- (d) That Council endorse the Director, Planning and Environment to make minor modifications to any numerical, typographical, interpretation and formatting errors, if required, in preparation for the public exhibition.
- (e) That a further report be submitted to Council following the public exhibition period.

**Record of Voting:**

For the Motion: Unanimous

On being PUT to the meeting voting on the Motion was six (6) votes FOR. The Motion was CARRIED.

**ENV003-23 Moore Reserve Plan of Management and Master Plan**  
(Report by Senior Strategic Planner)

Note: Councillor Mahoney disclosed a Non – Significant Non - Pecuniary interest in this item and remained in the meeting and took part in the discussion and voting on this item.

**RECOMMENDATION:** Councillor Jamieson and Councillor Katris

- (a) That Council note the submissions received during the public exhibition of the Moore Reserve Plan of Management and Master Plan.
- (b) That Council note the amendments proposed to the Moore Reserve Plan of Management and Master Plan as a result of submissions received during public exhibition.
- (c) That Council endorse the minor alteration of the categorisation of community land being part Lot B DP374610 from “Natural Area” to “Park” to part “Natural Area” and part “Park” as a result of the public hearing held on 27 July 2022 pursuant to section 40A(1) *Public hearing in relation to proposed plans of management of the Local Government Act 1993*
- (d) That Council, pursuant to section 40A(3) of the *Local Government Act 1993* hold an additional public hearing to give effect to the altering of the categorisation of community land being part Lot B DP374610 from “Natural Area” to “Park” to part “Natural Area” and part “Park” under section 36(4) of the *Local Government Act 1993*.
- (e) That Council receive another Report after the additional public hearing.

**Record of Voting:**

For the Motion: Unanimous

On being PUT to the meeting voting on the Motion was six (6) votes FOR. The Motion was CARRIED.

**ENV004-23 Carss Bush Park Reserve & Crown Land - R.56146 & R.1011268**  
(Report by Manager Strategic Planning)

**RECOMMENDATION:** Councillor Mahoney and Councillor Katris

- (a) That Council lodge a request to Crown Land, Department of Planning and Environment to be appointed as Crown Land Manager for Crown Land Reserves R.56146 & R.1011268, Carss Bush Park Reserve.
- (b) That Council supply the information requested by Crown Lands on Lot 543 DP727276 – being the Crown land below mean high water mark – as part of the preparation of the new plan of management.

**Record of Voting:**

For the Motion: Unanimous

On being PUT to the meeting voting on the Motion was six (6) votes FOR. The Motion was CARRIED.

**ENV005-23 Development and Building Department Functions and Services Metrics Report - Q2 2022/2023**  
(Report by Manager Development and Building)

**RECOMMENDATION:** Councillor Borg and Councillor Jamieson

That Council receive and note the Development and Building Department Functions and Services Metrics Report for the reporting period being October 2022 – December 2022.

**Record of Voting:**

For the Motion: Unanimous

On being PUT to the meeting voting on the Motion was six (6) votes FOR. The Motion was CARRIED.

**CONCLUSION**

The Meeting was closed at 8.30pm

Chairperson

UNCONFIRMED MINUTES

UNCONFIRMED MINUTES

UNCONFIRMED MINUTES

**COMMITTEE REPORTS**

**Item:** ENV007-23 Beverly Hills Town Centre Master Plan - A Way Forward  
**Author:** Manager Strategic Planning  
**Directorate:** Environment and Planning  
**Matter Type:** Committee Reports

ENV007-23

**RECOMMENDATION:**

- (a) That Council not proceed with the exhibited Master Plan for the Beverly Hills Local Centre.
- (b) That Council notes the submissions on the previously exhibited Beverly Hills Local Centre Master Plan.
- (c) That Council endorse the following principles to guide the preparation of the Master Plan for Beverly Hills Local Centre:
  - (a) The Master Plan guides future development on both sides of King Georges Road.
  - (b) The expansion of the business zone on the eastern side of King Georges Road to create opportunities for the growth of the Local Centre to support the local community.
  - (c) The exploration of the western side of King Georges Road having greater maximum building heights than the eastern side of the road.
  - (d) The investigation of the inclusion of affordable housing within the Local Centre.
  - (e) That built form transition provisions between the business zone and adjoining low scale residential zones are incorporated into the Master Plan and future development controls.
  - (f) That non-residential floor space within future developments ensures capacity to meet the 2036 projections for employment floor space.
  - (g) That the Master Plan addresses the risk associated with the Moomba to Sydney High Pressure Gas Pipeline on future development
  - (h) The provision of a plaza and additional green spaces within the Local Centre.
- (d) That Council endorse the following elements to guide the development of the Master Plan for the Beverly Hills Local Centre:
  - (a) For the northern side of the Railway Line:
    - i. No changes to the zone or development controls
    - ii. Public domain upgrades in Warrawee Place
    - iii. New pedestrian bridge over the railway line
  - (b) For the eastern side of King Georges Road:
    - i. Expand the B2 zone
    - ii. Interface/setback controls are identified to address the built form transition between the B2 and R2 zone
    - iii. Car park at 23 Frederick Avenue and 506 King Georges Road is converted to a plaza with angled parking

- iv. The maximum building heights is 21m (base height) to 28m (gateway sites)
- v. The maximum floor space ratio is 2.5:1 (base FSR) to 3:1 (gateway sites)
- (c) For the western side of King Georges Road:
  - i. The maximum building heights is 21m (base height), 24.1m (sites requiring 3m road widening and min 20m frontage), 31.4m (gateway sites), and 27.2m (Cinema site)
  - ii. The maximum floor space ratio is 3:1 (base FSR), 3.5:1 (sites requiring 3m road widening and min 20m frontage and gateway sites), and 4:1 (Cinema site)
  - iii. The widening of Dumbleton Lane by 3m
  - iv. The provision of green space on King Georges Road (purchase of land)
  - v. The provision of a pedestrian air bridge over King Georges Road.
- (d) Melvin Street and Edgbaston Road:
  - i. Retention of the R4 High Density Residential Zone
  - ii. Any future controls (FSR + height) result in limited residential intensification and restricted range of sensitive uses.
  - iii. The maximum building heights ranges from 15m to 21m
  - iv. The maximum floor space ratio ranges from 1.5:1 to 2:1
- (e) That the non-residential floor space ratio in the B2 Zone be 0.75:1
- (f) That affordable housing is investigated to be provided on the western and eastern side of King Georges Road.
- (e) That Council prepare the Master Plan based on the principles and elements in (c) and (d) above.
- (f) That Council prepare and exhibit an amended Traffic, Transport and Parking Study which assesses TfNSW's concerns, the potential impacts of land use uplift on the existing network and to develop mitigation strategies in order to accommodate the expected growth under the Draft Master Plan.
- (g) The Council prepare and exhibit an amended Public Domain Plan to accompany the draft Master Plan.
- (h) That Council prepare a draft Affordable Housing Contributions Scheme for the Beverly Hills Town Centre Master Plan, which includes testing the viability of sites to provide affordable housing contribution.
- (i) That Council requires further risk modelling in regard to the Moomba to Sydney High Pressure Gas Pipeline to be undertaken to determine the level of risk and whether the affected sites change under the Draft Master Plan.
- (j) That Council endorse consideration into the creation of a housing investigation area in 2025 in the area bound by B2 zoned land, Cahill Street, Morgan Street and Stoney Creek Road
- (k) That Council endorse Beverly Hills Town Centre Master Plan as detailed in this report for public exhibition for 60 days to allow the residents sufficient time to review the draft Master Plan and provide their submissions.
- (l) That Council conduct in person community consultation during the exhibition period, as well as including the provision of one-on-one telephone and meeting services by Council's town planners for community members who wish to discuss any aspects of the draft plan.



- (m) That a further report be prepared and submitted to Council at the conclusion of the exhibition period recommending a preferred approach for the Beverly Hills Town Centre based on the submissions received and the findings of the Traffic, Transport and Parking Study.
- (n) That the Council is to note that budget of over \$200,000 is required to action this resolution and no funds are allocated (to date) in the draft Budget for FY23/24 for Beverly Hills Master Plan.

## EXECUTIVE SUMMARY

1. Council resolved (ENV034-22 on 28/11/2022) the following:
  - (a) The matter is to be deferred to a workshop of all Councillors so that they can seek further clarification and express their opinions regarding all matters contained in this report.
  - (b) Council reaffirms its previous resolutions that any further Master Plan for the Beverly Hills centre must not incorporate any form of compulsory acquisition of private property.
  - (c) Further to this, that the Green Corridor and Public Link proposed in Option 3 are not incorporated in a future master plan for the Centre.
2. A copy of the report that went to the Environment and Planning Committee on 14/11/2022 is in **Attachment 1**.
3. A workshop was held on 20 February 2023 with Council and this report provides a way forward for Council based on the following points:
  - (a) A Master Plan is prepared for Beverly Hills Town Centre
  - (b) The Master Plan is to cover future development on both sides of King Georges Road.
  - (c) A modest expansion of the business zone to the east (Option B) is to be incorporated into the Master Plan. (Note – There was mixed support for Option B on the eastern side with 6-8 storeys with a setback.)
  - (d) Greater heights on the western side than the eastern side to be incorporated into the Master Plan. The Master Plan is to depict the exhibited heights on western side.
  - (e) Council to investigate affordable housing for the western and eastern sides of King Georges Road in the B2 Zone.
  - (f) The Master Plan is not to include a green corridor but have setbacks contained in the DCP to accompany development under the Master Plan.
  - (g) The Master Plan is to provide a plaza/car park on Frederick Street with angled parking in street
  - (h) Council to investigate the acquisition of the Eat Greek site for Plaza/ pedestrian air bridge
  - (i) The Master Plan to identify a housing investigation area on the eastern side (R2 behind B2)
4. This report covers the above points and proposes a way forward based on the principles developed from the above points. Council needs to be aware that there is no budget available to fund the master planning work for Beverly Hills if this report is adopted.

5. Therefore, if Council adopts this report, then a budget is required. Council should note that there is only \$6,600.00 remaining to finalise the Beverly Hills Hazard Report (which is grant funding) in the FY22/23 Budget.
6. There is no money to date allocated in the draft Budget for FY23/24 for Beverly Hills Master Plan. Therefore, additional funding (approximately \$200,000) is required for:
  - (a) The traffic assessment
  - (b) Any funds over \$6600 to fund an updated risk assessment
  - (c) The Public Domain Plan
  - (d) The viability analysis for the AHCS
  - (e) The Way Forward Option
  - (f) The community consultation

## BACKGROUND

### Vision and Objectives for Beverly Hills

7. The following vision statement resulted from work undertaken in Phase 1 during July 2018-April 2019
 

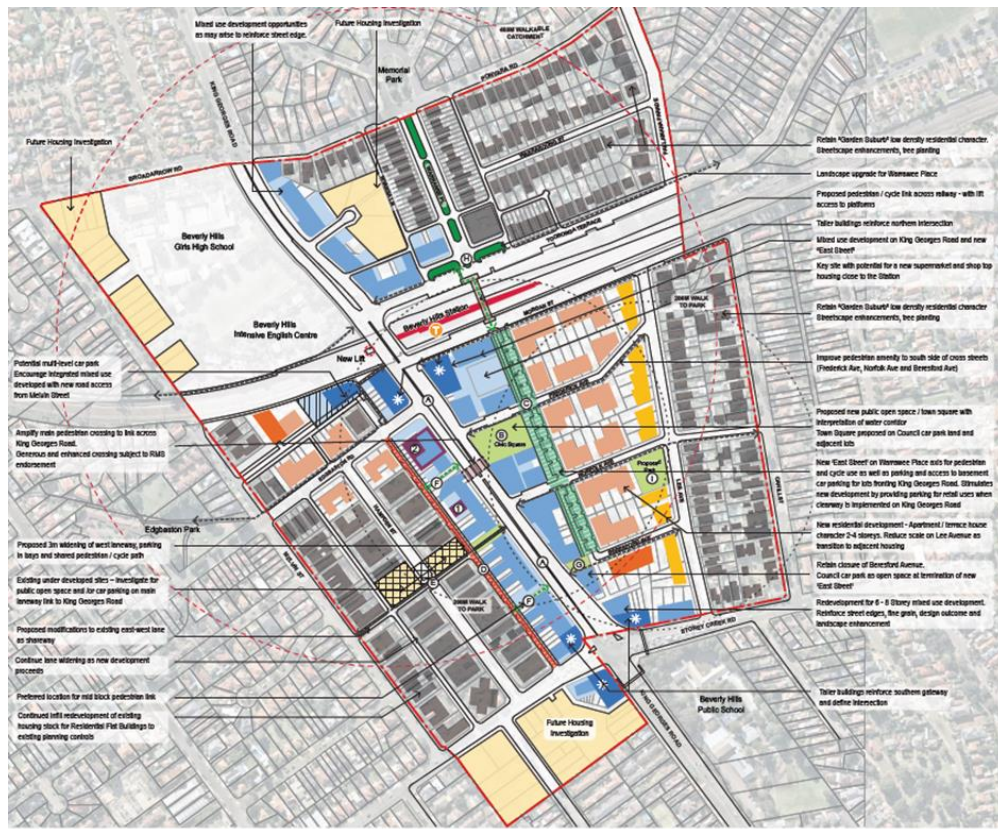
*The Beverly Hills Town Centre celebrates its existing character while successfully integrating a new, modern feel.*

*It provides a safe, inviting environment for all, is accessible and well-connected, and has green streets and open spaces to enjoy.*
8. Key objectives developed during Phase 1 for the master plan were as follows:
  - (a) Renewing and revitalising the Beverly Hills Local Centre (in B2 – Local Centre zone)
  - (b) Creating new opportunities for people to live close to transport and services
  - (c) Creating a community heart for Beverly Hills with public spaces
  - (d) New and improved connections within and around the centre
  - (e) Providing guidance for new development / planning proposals

### Exhibited Master Plan

9. Phase 2 of the master plan commenced in July 2019. Master planning concepts were developed based on Phase 1 outcomes, detailed site investigations, consultation with the community, including targeted consultation workshops and Councillor workshops.
10. The draft Master Plan establishes 5 “big ideas” concepts for the town centre (refer to **Figure 1**):
  - (a) Renewing the revitalising ‘The Strip’ (land zoned B2 along King Georges Road), by encouraging mixed use development and shop top housing, including an expansion of the B2 zone and the creation of a new ‘East Street’.
  - (b) New opportunities for people to live close to public transport and services with the introduction of medium to high density residential redevelopment along the new East Street between the Town centre and Lee Avenue.
  - (c) A New Civic Square for Beverly Hills on the corner of King Georges Road and Frederick Street, including a plaza space that is integrated with a community facility.

- (d) New and improved connections to get from place to place including creation of 'East Street' and the widening of 'West Lane'.
- (e) New and improved pocket parks including a new neighbourhood park on the corner of Norfolk Avenue and Lee Avenue.
11. The public domain and open space strategy introduces new public spaces that include urban plazas, pocket parks, social corners, new streets and green links of which will tie Beverly Hills into its existing urban and open space framework. (Refer to **Figure 2**).
12. The proposed zonings, FSRs and heights of the exhibited Master Plan are shown in **Figures 3, 4 and 5**.



**Figure 1 – Exhibited Master Plan**

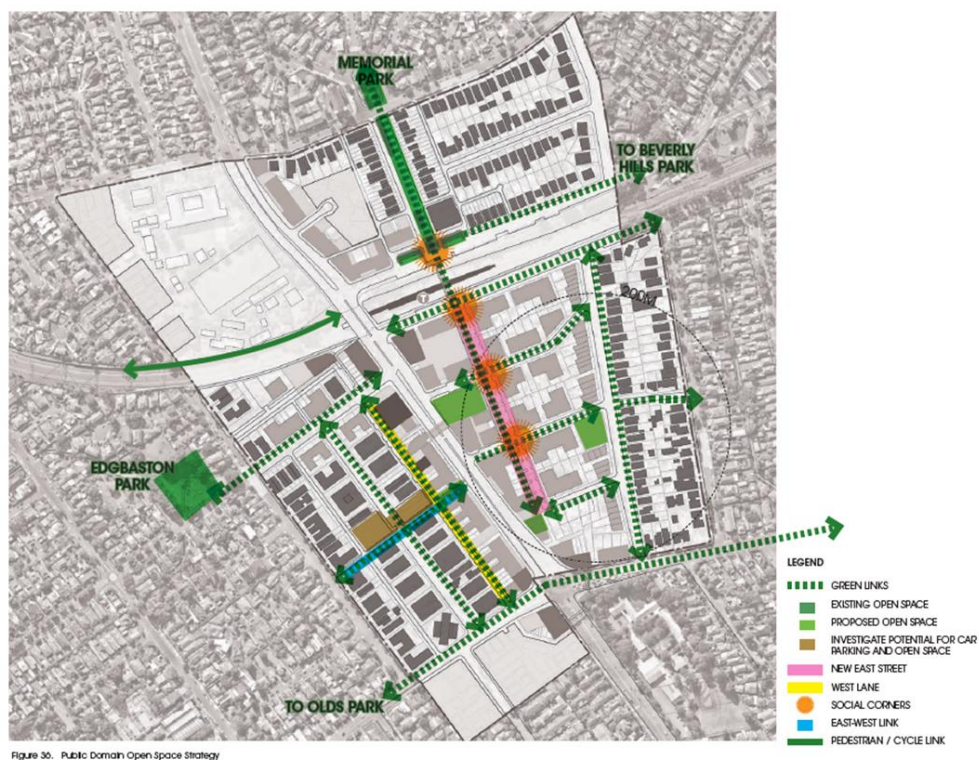


Figure 2 – Draft public domain plan and open space strategy





**Figure 3 – Draft exhibited Master Plan zonings**



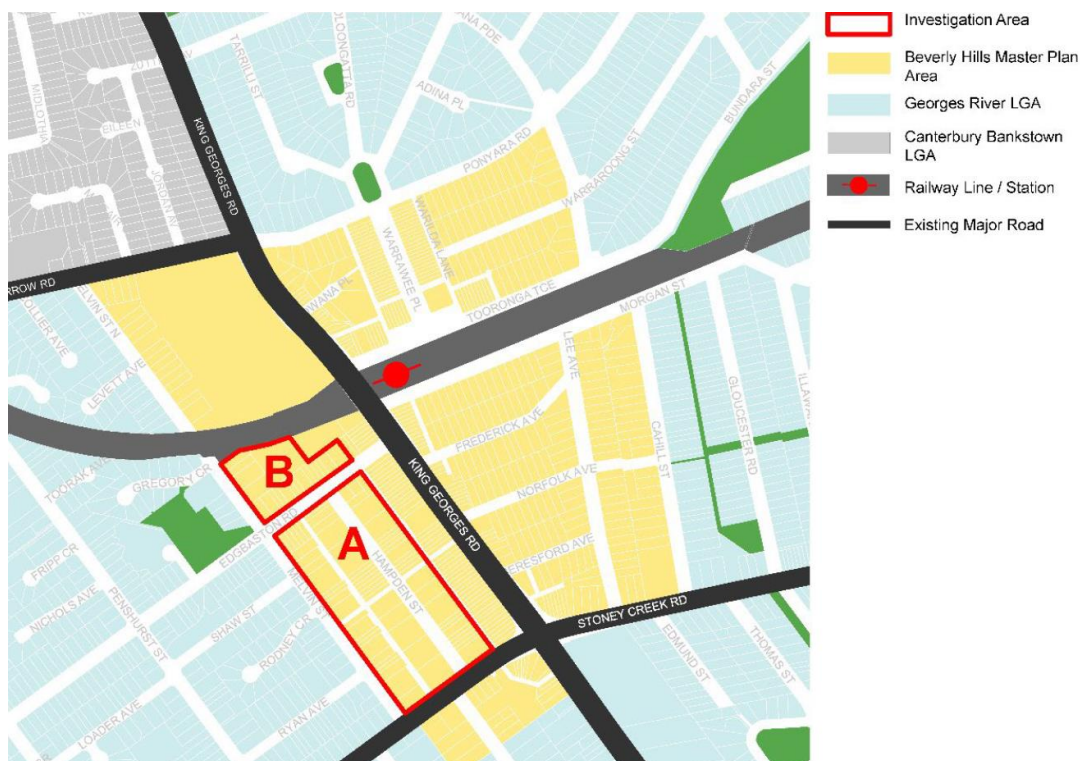
**Figure 4 - Draft exhibited Master Plan heights**



13. The draft exhibited Master Plan identified four key strategic sites as crucial for the delivery of strategic public domain elements and community infrastructure. These sites were all located on the eastern side of King Georges Road.
14. To encourage the amalgamation of land for non-strategic sites within the study area, a minimum site frontage of 20m was required to achieve the proposed building heights ranging from 15 to 28 metres and floor space ratios ranging from 2:1 to 3:1 as indicated in the exhibited draft master plan for the B2 Zones.
15. For non-strategic sites within the study area, a bonus building height of 3.1m and FSR 0.5:1 would apply where a land dedication for road widening, or widening of existing pedestrian land or a new pedestrian lanes are identified.
16. The retention of cinema uses on the existing cinema site was also proposed to be incentivised with a bonus building height of 6.2m and FSR of 1:1 to a maximum of 2000 square metres.
17. More detail on the exhibited Master Plan is contained in **Attachment 1** to this report.

## November 2022 report to Council

18. The report to the Environment and Planning Committee held on 14 November 2022 covered a number of matters as follows:
- Increasing the FSR (from 1.1 to 1.5:1) and HOB (12m to 15m) in the existing R4 – High Density Residential zone on the western side of King Georges Road to enable additional dwellings (storeys) on existing residential flat buildings (**Site A**).
  - Expanding the B2 zone on the western side of King Georges Road in the block bounded by Melvin Street, Edgbaston Road, the Edgbaston Road car park and railway line (**Site B**).
19. Site A and B are depicted in **Figure 6** below.



**Figure 6 – Location of Site A and Site B**

20. In relation to Site A Council was advised that new dwellings on top of existing strata development is not considered feasible or appropriate on the following basis:
- Strata constraints are inhibitive, and redevelopment would only occur with substantial increase in development potential (HOB and FSR)
  - Requires substantial and unfeasible structural modifications to the existing building to achieve suitable accessibility, internal circulation and additional basement parking
  - May lead to poor design outcomes where lower floors are disadvantaged in terms of solar access, as well as visual and acoustic privacy
  - Potential displacement of existing residents during redevelopment



- e. Very few public domain improvements due to the unlikelihood of any development and therefore insufficient basis to leverage development investment to fund improvements
21. Council was advised that the rezoning of Site B from R4 High Density Residential to B2 Local Centre is considered inappropriate on the following basis:
- a. Site and strata title constraints would limit development opportunities and isolate this western portion from the town centre, resulting in a fragmented B2 centre.
  - b. Additional floorspace capacity along Edgbaston Road in this part of the precinct will undermine the revitalisation objectives that aim to support the feasibility of existing and future businesses along the King Georges Road strip.
  - c. Site B is affected by the High-Pressure Ethane Gas Pipeline. The hazard analysis study identifies the site has having a high level of individual risk due to its proximity to the pipeline.
22. More detail on Sites A and B is contained in **Attachment 1** to this report.

### Recent Submissions

23. Since November 2022, Council has received 60+ submissions regarding the Beverly Hills Local Centre Master Plan, the majority of these were in two proforma responses:
- a. No changes to R2 and B2 on Eastern Side King Georges Road:
    - i. Requests no changes to land use zoning, heights or FSR to the B2 and R2 zones, including no green corridor on the eastern side of King Georges Road.
    - ii. Retain the existing Council carpark of Frederick Avenue and demolish the old toilet block and the Ray White Real Estate building to increase the size of this carpark and rebuild a new toilet block on site.
  - b. Supported Option 1 as proposed in November report (amended exhibited master plan) with no compulsory acquisition and no 'East Lane'.
24. Other submissions (not proforma) raised concerns relating to the proposed commuter carpark, building heights and the location of future supermarkets.

### Planning Proposal 2023/0001 - 407-511 King Georges Road Beverly Hills (Western Side)

25. The Planning Proposal seeks to amend the Georges River Local Environmental Plan 2021 to:
- a. Increase the Floor Space Ratio from 2:1 to part 4:1 and part 5.5:1
  - b. Increase the height from 15m to part 44m and part 50m
- Note:** The current B2 Local Centre zoning of the site is proposed to be retained.

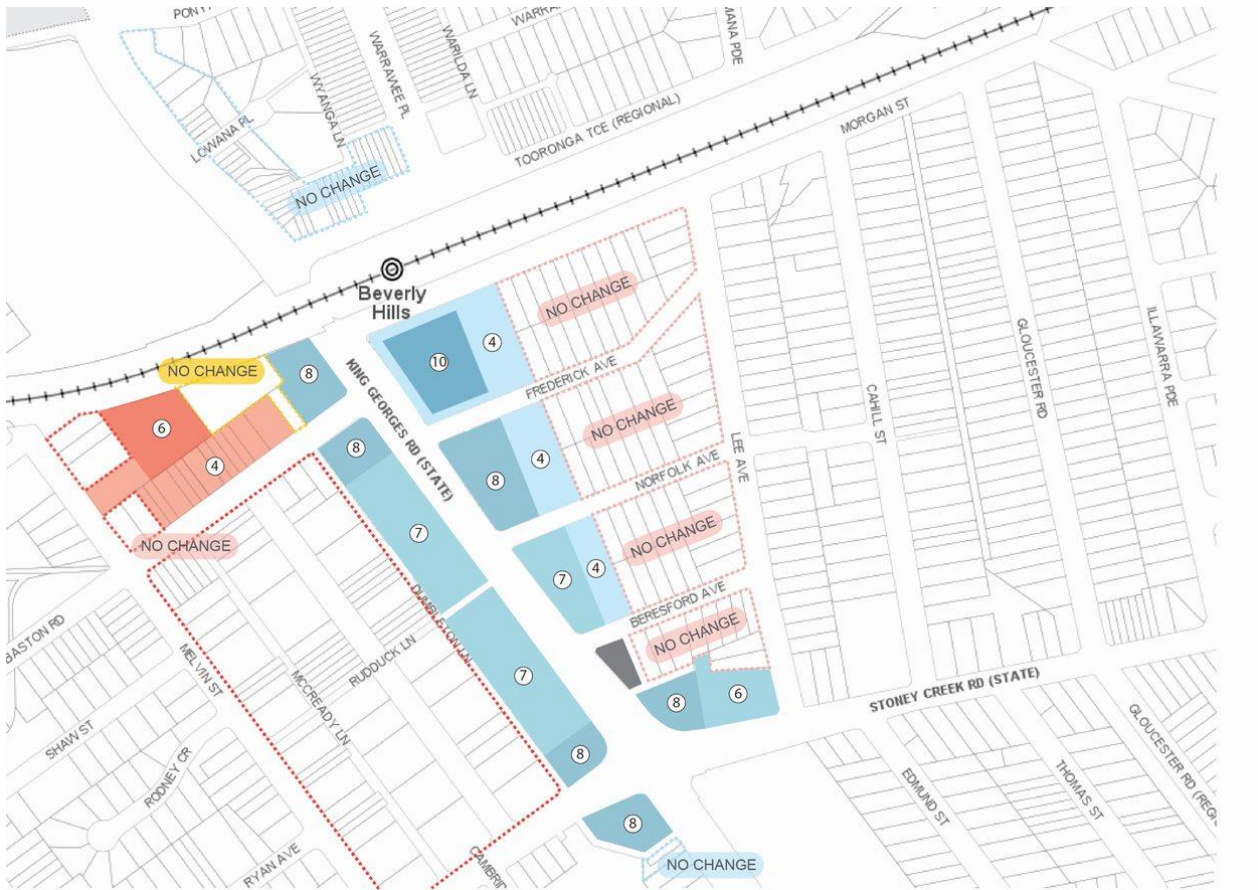
### Options Presented to Councillor Briefing held 20 February 2023

26. The following options were presented to the briefing:

#### Option 3 from November Environment & Planning Committee report – amended design

27. In respect of Option 3 Council resolved (ENV034-22 on 28/11/2022) not to incorporate any form of compulsory acquisition of private property; and to remove the Green Corridor and Public Link in any future master plan for the Centre.

28. **Figure 7** below depicts the amended Option 3.



### Figure 7 – Option 3 with amendments

29. Three key sites (refer to **Figure 8** below) are identified for amalgamation in this Option to deliver a 24m setback to the existing R2 low density residential area via a green setback.
30. The 24m wide setback between Morgan Street and Norfolk Avenue (key sites 1 and 2) will:
  - a. improve access and connectivity with pedestrian and bicycle access
  - b. provide opportunities for visitor street parking away from King Georges Road
  - c. include wide footpaths for public spaces
  - d. provide a 6m wide deep soil zone to provide tree canopy; and
  - e. minimise amenity impacts on the adjoining R2 zone through providing an interface zone.
31. The 12m wide setback between Norfolk Street and Beresford Avenue (key site 3) will:
  - a. improve access and connectivity with pedestrian and bicycle access
  - b. provide a 4m wide deep soil zone to provide tree canopy; and
  - c. minimise amenity impacts on the adjoining R2 zone.
32. **Note:** The Apartment Design Guide (ADG) only requires a 9m setback at the boundary adjacent to a lower density zone. Any requirements relating to the provision of a setback greater than 9m within a DCP will be overruled by the ADG and cannot be enforced.

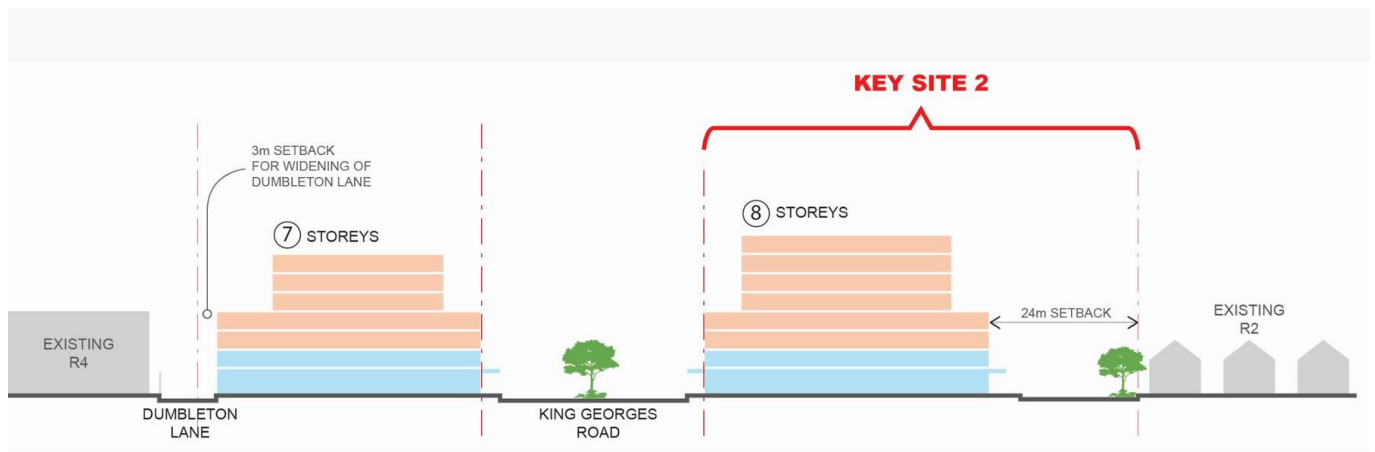


**Figure 8 – Key Sites Map**

33. Option 3 proposes:

- a. An increase in height and density in the R4 High Density Residential zone along northern side of Edgbaston Road and Melvin Street to allow 4 to 6 storeys.
- b. No changes are proposed to the B2 zone north of the railway line in response to concerns on the impact on character of the adjoining residential area, which is an intact 'Garden suburb' style subdivision pattern mostly consisting of 1930s red-brick bungalows.
- c. Improved connections within and around the centre. The delivery of proposed pedestrian bridges over State government assets (road and rail) would require their consent and substantial funding to deliver. Council can advocate for and seek grant funding for these projects.

34. **Figure 9** below shows a section through Key Site 2



**Figure 9 - Section across from Eastern to western side of King Georges Road**

35. The issues with this option:

- a. The Apartment Design Guide (ADG) only requires a 9m setback at the boundary adjacent to a lower density zone. Any requirements relating to the provision of a setback greater than 9m within a DCP will be overruled by the ADG and cannot be enforced.
- b. Potential traffic and amenity impacts associated with new developments with no new road on eastern side
- c. Does not provide adequate increase in open space to support potential increase in density/population
- d. Does not provide potential site link/ lane behind expanded B2 on eastern side, may result in vehicular access conflicts

#### OPTION A: Amended Exhibited Master Plan

36. This option is based on the exhibited Master Plan with the following changes:

- a. No East Lane
- b. No Council led acquisition of R2 land for road or open space
- c. Expanded B2 – but includes the sites that were proposed to be road/site link
- d. Expanded B2 to Lee Avenue on block on corner of Stoney Creek Road, King Georges Road
- e. Smaller plaza
- f. Uplift spread around centre

37. **Figure 10** depicts the Option and **Figures 11 and 12** depict sections from east to west.

38. This option addresses the Master Plan objectives and community concerns:

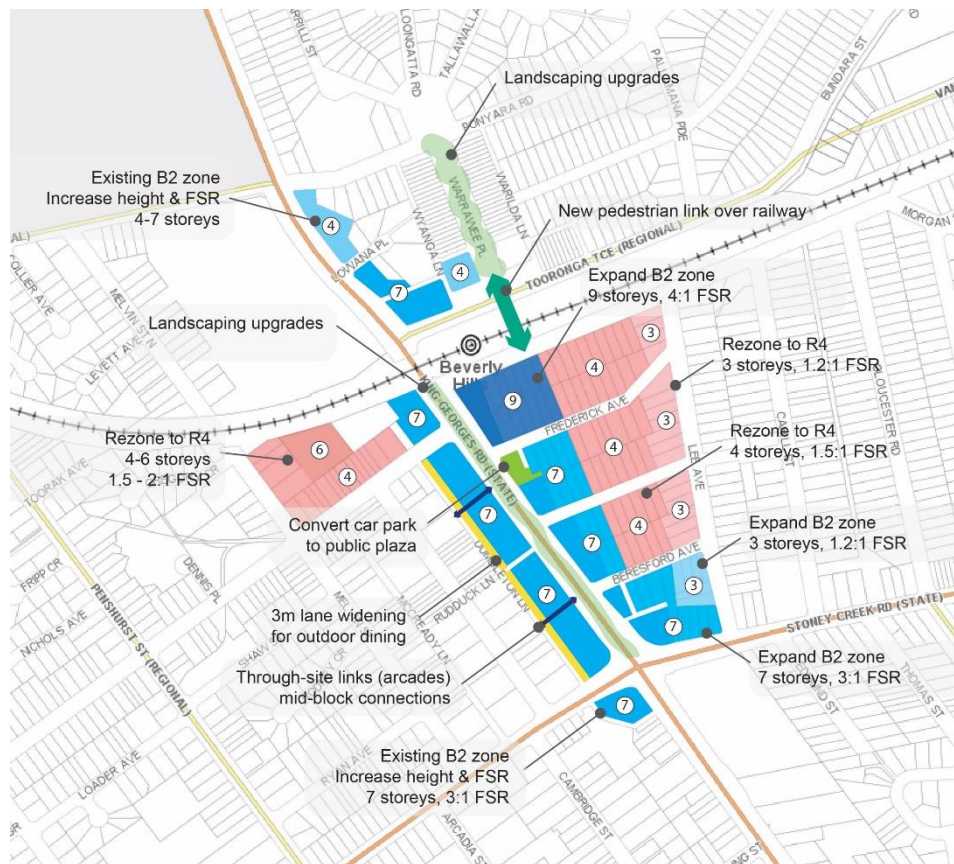
- a. Opportunities for renewal of the existing and expanded B2 – Local Centre zone with increased height and density.
- b. Potential to meet the 2036 forecast for non-residential floorspace in the CCS with increase in B2 zoned land.
- c. Opportunities for new housing opportunities close to transport and services through shop top housing in the existing and expanded B2 and expanded R4 zone.
- d. Small community plaza on existing Frederick Street carpark.



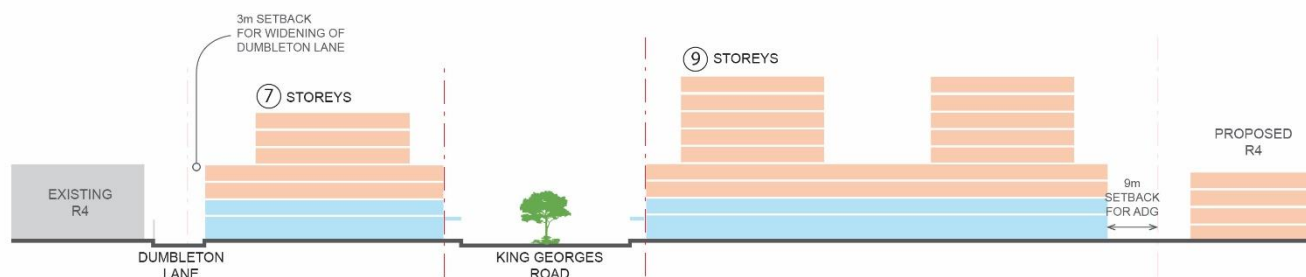
- e. Supporting improved connections within and around the centre. The delivery of proposed pedestrian bridges over State government assets would require their consent and substantial funding to deliver. Council can advocate for and seek grant funding for these projects.
- f. No proposal for Council acquisition of land in the R2 zone.

39. The issues with this option are:

- a. Lack of community benefit / infrastructure improvements associated large uplift of density and height and zoning within centre, including open space and public domain
- b. Potential traffic and amenity impacts associated with new developments with no new road on eastern side
- c. Does not provide adequate increase in open space to support potential increase in density/population
- d. Does not provide potential site link/ lane behind expanded B2 on eastern side, may result in vehicular access conflicts



**Figure 10 – Option A – Amended Exhibited Master Plan**



**Figure 11 – Section – Frederick Avenue – Key Site 1**



**Figure 12- Section – Norfolk Avenue – Key Site 2**

#### OPTION B: 6 storeys Master Plan

40. This option proposes:

- a. No changes to B2 north of railway line
- b. Landscaping upgrades for Warrawee Place
- c. Some expansion of B2 zone on eastern side (up to start of green corridor)
- d. Allows in the B2 zone 6 storeys on both sides of King Georges Road and up to 8 storeys on gateway sites
- e. Conversion of Frederick Avenue carpark into public plaza include angled parking on Frederick Avenue to replace parking
- f. Council acquisition and conversion of 439-445 King Georges Road adjoining the cinema to a new plaza/ open space
- g. Pedestrian connections across King Georges Road and railway line
- h. A 3m lane widening to Dumbleton Lane for outdoor dining.

41. **Figure 13** depicts the Option and **Figures 14 and 15** depict sections from east to west.



Figure 13 – Option B

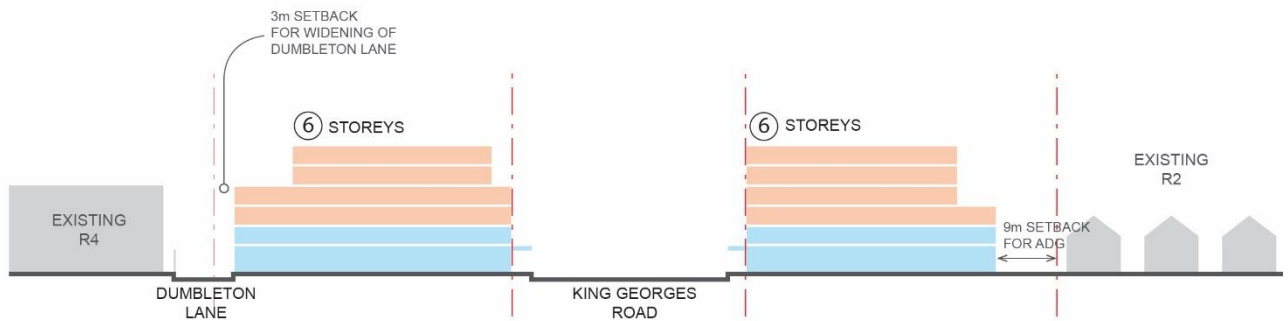


Figure 14 – Section Norfolk Avenue

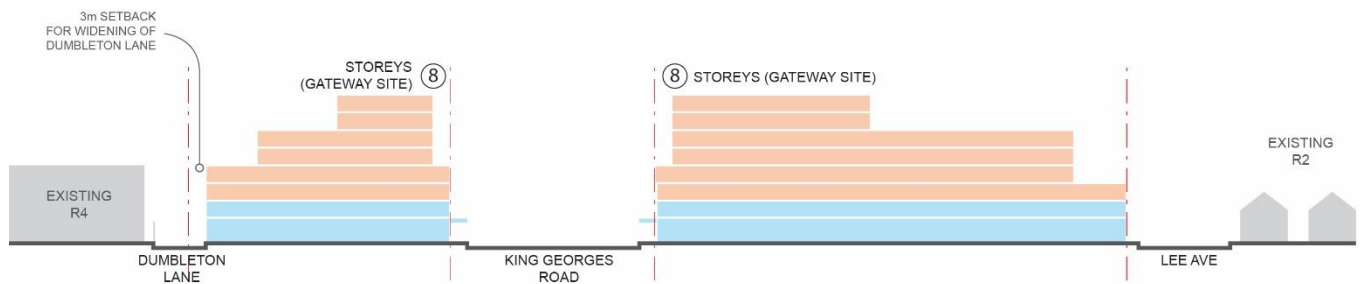


Figure 15 – Section Stoney Creek Road (Gateway Site)

42. Option B addresses Master Plan objectives and community concerns by:

- a. Delivering more opportunities for renewal of the existing and expanded B2 – Local Centre zone with increased height and density.
- b. Creating more opportunities for new housing opportunities close to transport and services through shop top housing in the existing and expanded B2 zone.
- c. Proposing a new town square to create a community heart for Beverly Hills through public spaces
- d. Supporting improved connections within and around the centre. The delivery of proposed pedestrian bridges over State government assets would require their consent and substantial funding to deliver. Council can advocate for and seek grant funding for these projects.
- e. No proposal for Council acquisition of land in the R2 zone.

43. The issues with this option are:

- a. Would result in inequality in development standards within the B2 zone between the northern and southern side of centre.
- b. Unlikely to deliver a new town square on western side as Nos.439-445 King Georges Road is privately owned with a development consent for a motel development and is also restricted by a stormwater canal.
- c. Does not provide potential site link/ lane behind expanded B2 on eastern side, may result in vehicular access conflicts.
- d. The built form interface between the B2 and R2 zones and the impact and amenity issues are not addressed.

OPTION C: Western side King Georges Road uplift

44. Option C (**Figure 16**) proposes:

- a. No change to B2 or R2 zone on northern side of railway line or eastern side of King Georges Road
- b. Landscaping upgrades for Warrawee Place
- c. Retain Frederick Avenue carpark
- d. B2 zone western side increase to 6 storeys and 2.5:1 FSR (recommended)
- e. Through site links for mid- blocks connections between Dumbleton Lane and King Georges Road (Western side)
- f. 3m lane widening to Dumbleton Lane for outdoor dining
- g. New pedestrian link bridge on King Georges Road and Railway line
- h. Council to acquire and convert the vacant land adjoining the cinema to a new town square/ open space

45. Option C addresses Master Plan objectives and community concerns by:

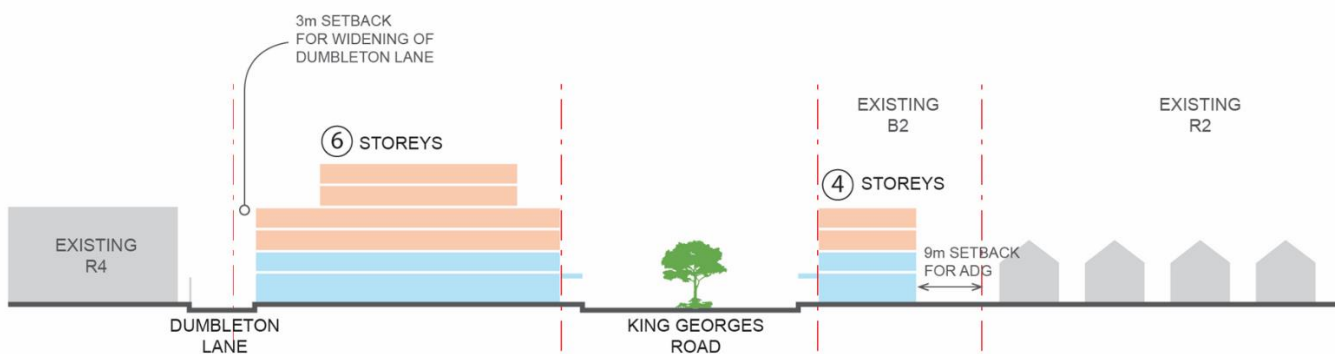
- a. Delivering some opportunities for renewal of the existing B2 – Local Centre zone with increased height and density.
- b. Creating some opportunities for new housing opportunities close to transport and services through shop top housing in the existing B2 zone.
- c. Proposing a new town square or park.



- d. Supporting improved connections within and around the centre. The delivery of proposed pedestrian bridges over State government assets (road and rail) would require their consent and substantial funding to deliver. Council can advocate for and seek grant funding for these projects.
  - e. No proposal for Council acquisition of land in the R2 zone.
46. The issues with this option are:
- a. Would result in inequality in development standards within the B2 zone between the western side of centre and rest of centre.
  - b. May result in redevelopment only on western side of King Georges Road.
  - c. Does not meet the 2036 forecast for non-residential floorspace in the CCS with no opportunity for an increase in the amount of B2 zoned land, which may result in overall decrease in non-residential floorspace with in the centre through redevelopment of existing B2 zoned sites.
  - d. Unlikely to deliver a new town square or park, as Nos.443-445 King Georges Road is privately owned with a development consent for a motel development and is also restricted by a stormwater canal.
  - e. Difficulty in delivery of proposed public domain improvements and landscaping upgrades due to limited redevelopment opportunities and urban renewal.
47. The removal of any B2 expansion may limit the redevelopment of eastern side of King Georges Road as the land parcels are small and irregular sized with only one laneway. The smallest site on eastern side is only 16m deep and most of them are less than 30m, whereas western side sites are more regular and around 45m deep.
48. **Figure 17** below depicts a cross section of the option.



**Figure 16 – Option C – western side of King Georges Road Uplift**



**Figure 17 – Section at Norfolk Avenue**

#### OPTION D: No Master Plan

49. Possible implications of having no master plan includes

- a. Ad-hoc planning proposals may be submitted by land owners. Council would have limited ability to delivery required infrastructure to support future changes in the centre.

- b. Proponents may proceed to Rezoning Review – if not supported by Council – via state government planning panel
- c. No revitalisation of Beverly Hills - May result in no change to Beverly Hills. Continual decline in streetscape amenity and public amenity with ageing buildings and poor public domain reducing the liveability of the surrounding area, and the desirability of the Centre for investment.
- d. Potential decline in existing infrastructure with limited opportunities to improve traffic and parking situation due to no contributions plan or funding mechanisms
- e. Lack of planning for future employment floorspace demand, may result in demand shifting to other centres.

### PREFERRED OPTION BY COUNCIL OFFICERS

50. The preferred option from Council Officers is the amended option 3 (refer to **Figure 18**) as it provides a balanced master plan to achieve the centre's vision.
51. This option achieves the key objectives for Beverly Hills by:
  - a. Recognising the need to revitalise Beverly Hills centre with a clear vision that provides guidance for future development and planning proposals.
  - b. Providing development incentives to renew existing B2 land in the centre, including smaller lots through amalgamation.
  - c. Creating opportunities to meet the 2036 projections for employment floorspace demand for Beverly Hills.
  - d. Acknowledging the community's concerns regarding acquisition and proposing no Council acquisition of sites for public infrastructure. Infrastructure, such as the green setback and laneway widening will be delivered through development incentives.
  - e. Providing opportunities for new housing close to train station through upzoned areas with B2 shop top housing and increased FSR for some R4 land along northern side of Edgbaston Road.
  - f. Creating public spaces in green setback to provide informal opportunities for community to meet and gather.
  - g. Delivering new and improved connections within and around the centre, via development incentives to deliver the green corridor, lane widenings and cross links.
52. This option builds upon the exhibited draft Master Plan and proposes the following changes (refer to **Figure 18** for structure plan and **Figures 19, 20 and 21** for cross sections through key sites):
  - a. An expansion of the B2 Local Centre zone on the eastern side of King Georges Road to incentivise amalgamation of key sites and provide a new green corridor.
  - b. An increase in height and density in the B2 zone, to allow 7 storeys with additional height on gateway sites up to 8 storeys and key sites up to 10 storeys to encourage redevelopment and renewal (dependent onsite amalgamation patterns and providing public benefit such as lane widening).
  - c. Improve pedestrian amenity through enhance and widened laneways to Dumbleton Lane and Rudduck Lane.
  - d. Three key sites are identified for amalgamation to deliver a 24m setback to the existing R2 low density residential area via a green corridor and public link.

- e. The 24m wide setback between Morgan Street and Norfolk Avenue (key sites 1 and 2) will:
  - i. improve access and connectivity with pedestrian and bicycle access
  - ii. provide opportunities for visitor street parking away from King Georges Road
  - iii. include wide footpaths for public spaces
  - iv. provide a 6m wide deep soil zone to provide tree canopy; and
  - v. minimise amenity impacts on the adjoining R2 zone through providing an interface zone.
- f. The 12m wide public link between Norfolk Street and Beresford Avenue (key site 3) will:
  - i. improve access and connectivity with pedestrian and bicycle access
  - ii. provide a 4m wide deep soil zone to provide tree canopy; and
  - iii. minimise amenity impacts on the adjoining R2 zone.
- g. An increase in height and density in the R4 High Density Residential zone along northern side of Edgbaston Road and Melvin Street to allow 4 to 6 storeys.
- h. No changes are proposed to the B2 zone north of the railway line in response to concerns on the impact on character of the adjoining residential area, which is an intact 'Garden suburb' style subdivision pattern mostly consisting of 1930s red-brick bungalows.
- i. Supporting improved connections within and around the centre. The delivery of proposed pedestrian bridges over State government assets (road and rail) would require their consent and substantial funding to deliver. Council can advocate for and seek grant funding for these projects.

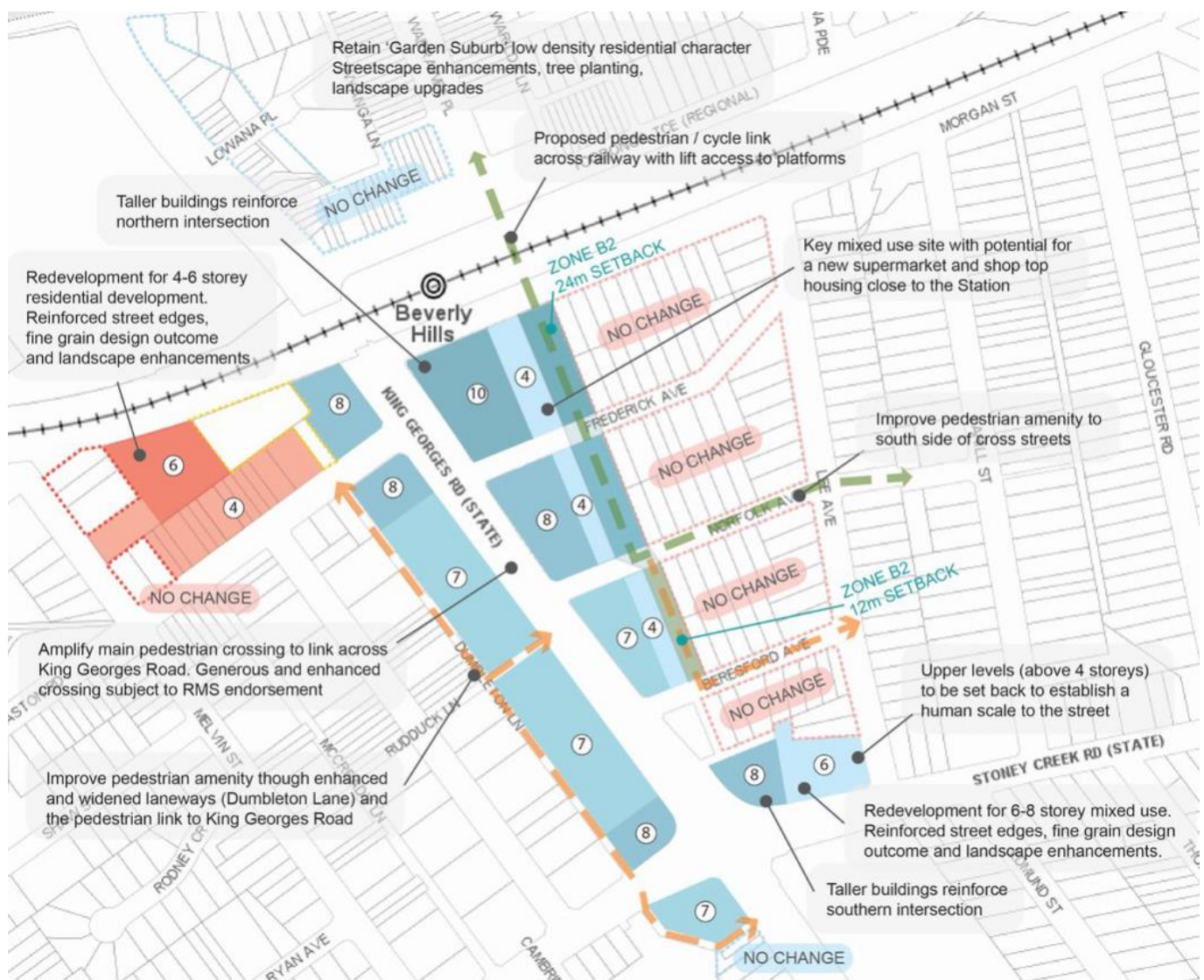


Figure 18 – Preferred amended Option 3 – Structure plan

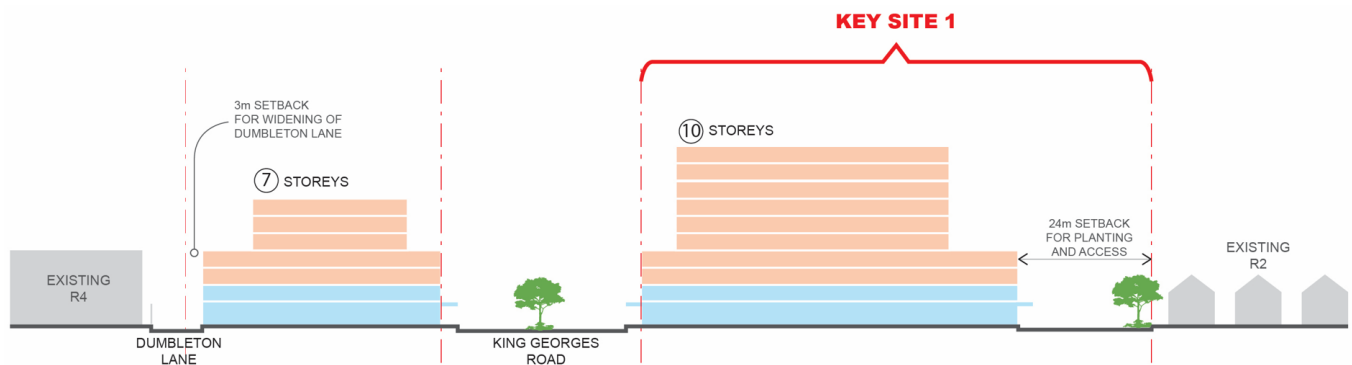


Figure 19 – Key Site 1



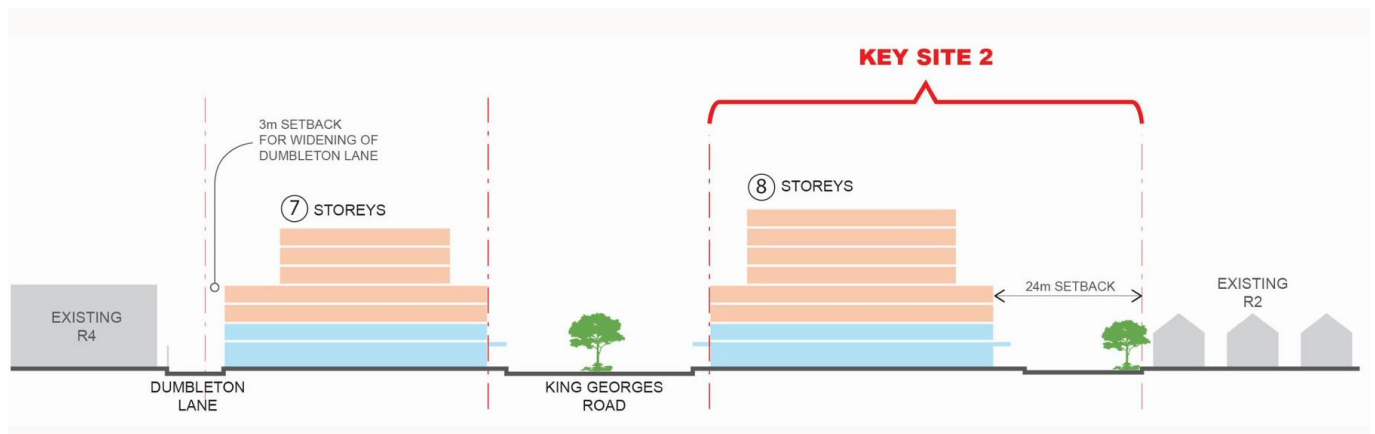


Figure 20 – Key Site 2

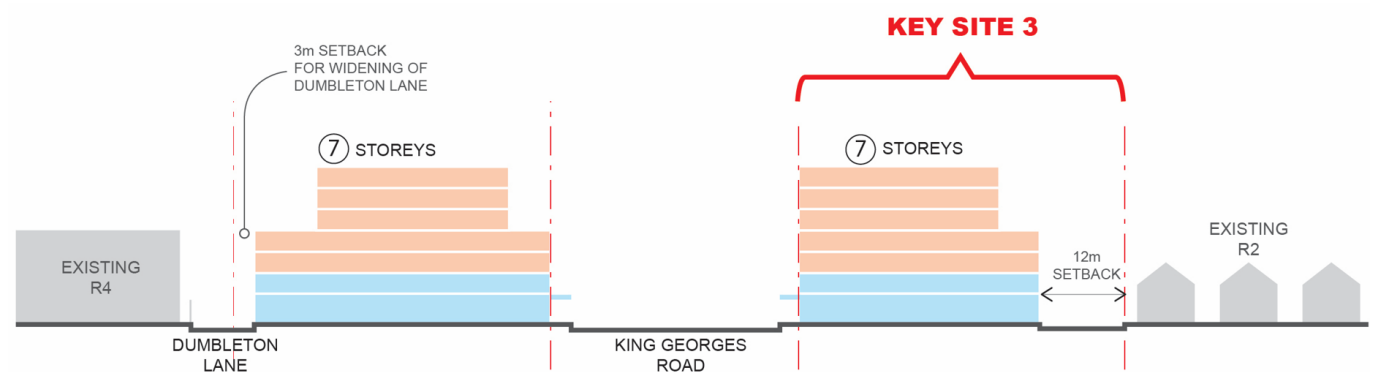


Figure 21 – Key Site 3

## PRINCIPLES FROM COUNCILLOR BRIEFING HELD 20 FEBRUARY 2023

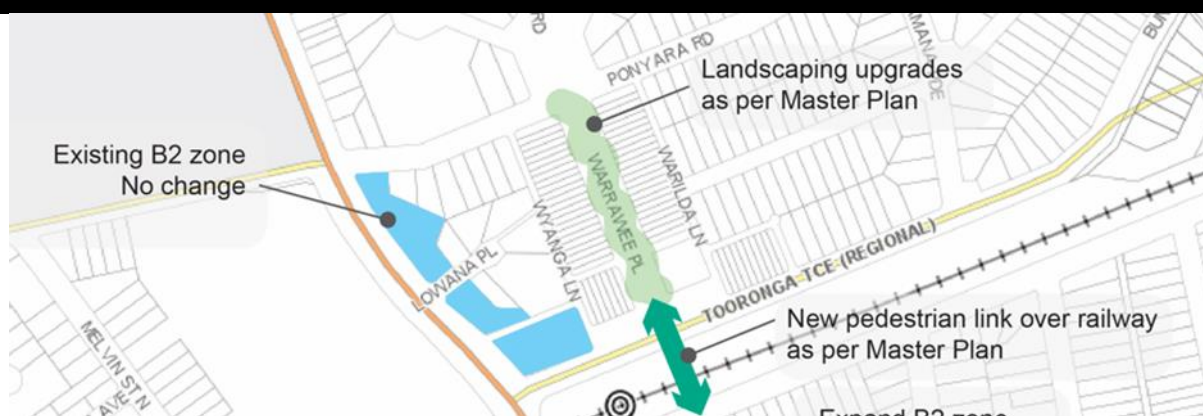
53. The following areas of agreement were developed at the briefing with Council held 20 February 2023 for Beverly Hills Local Centre:
- A Master Plan is prepared for Beverly Hills Local Centre
  - The Master Plan is to cover future development on both sides of King Georges Road.
  - A modest expansion of the business zone to the east (Option B) is to be incorporated into the Master Plan. (Note – There was mixed support for Option B on the eastern side with 6-8 storeys with a setback.)
  - Greater heights on the western side than the eastern side to be incorporated into the Master Plan. The Master Plan is to depict the exhibited heights on western side.
  - Council to investigate affordable housing for the western and eastern sides of King Georges Road in the B2 Zone.
  - The Master Plan is not to include a green corridor but have setbacks contained in the DCP to accompany development under the Master Plan.
  - The Master Plan is to provide a plaza/car park on Frederick Street with angled parking in street
  - Council to investigate the acquisition of the Eat Greek site for Plaza/ pedestrian air bridge

- i. The Master Plan to identify a housing investigation area on the eastern side (R2 behind B2)
54. A set of principles has been developed from these areas of agreement, and are:
- a. The Master Plan guides future development on both sides of King Georges Road.
  - b. The expansion of the business zone on the eastern side of King Georges Road to create opportunities for the growth of the Local Centre to support the local community.
  - c. The exploration of the western side of King Georges Road having greater maximum building heights than the eastern side of the road.
  - d. The investigation of the inclusion of affordable housing within the Local Centre.
  - e. That built form transition provisions between the business zone and adjoining low scale residential zones are incorporated into the Master Plan and future development controls.
  - f. That non-residential floor space within future developments ensures capacity to meet the 2036 projections for employment floor space.
  - g. That the Master Plan addresses the risk associated with the Moomba to Sydney High Pressure Gas Pipeline on future development
  - h. The provision of a plaza and additional green spaces within the Local Centre.

### PROVISIONS TO GUIDE THE MASTER PLAN FOR THE CENTRE

55. The following analysis and elements will assist in guiding the development of the master plan for the Centre. The analysis and elements are based on the points and comments provided at the Councillor Workshop on 20 February 2023 and the resulting principles that have been developed.
56. The analysis is broken down into areas/precincts within the Local Centre as follows:

#### Northern side of the Railway Line



**Figure 22 – Northern side of railway line**

#### Elements for the Master Plan

- No change to the existing B2 Zone – retain the non-residential FSR as 0.5:1 as existing.
- The public domain to include the upgrades as per the exhibited draft Master Plan (refer to **Figure 23** below)

- New pedestrian bridge as per the exhibited draft Master Plan

#### 9.3.4. WARRAWEE PLACE

Warrawee Place will support a more pedestrian friendly streetscape, activating the central spine with clear lines of movement, open lawn and flexible pocket plazas. The existing condition limits the flexibility and accessibility of space for pedestrian activation, with wide roads and low timber fencing.

Existing Warrawee Place provides opportunity to be redefined as a community linear pocket park. To transform Warrawee Place, the central median will be transformed to a series of mini pocket plazas and open lawn spaces. Generous planting buffers will encourage pedestrian movement north-south along Warrawee Place.

The streetscape will be retrofitted to produce a functional linear park. Introducing permeable paving and increasing street tree canopy will improve amenity for pedestrians and increase the opportunity for the public to have access to quality public space. Undergrounding of overhead cables will be investigated.

Permeable paving will define parking space, with tree planting at grade contributing to street amenity. These landscape interventions will activate the median prioritising pedestrians, giving the street back to the community.

#### Existing condition



#### Precedents

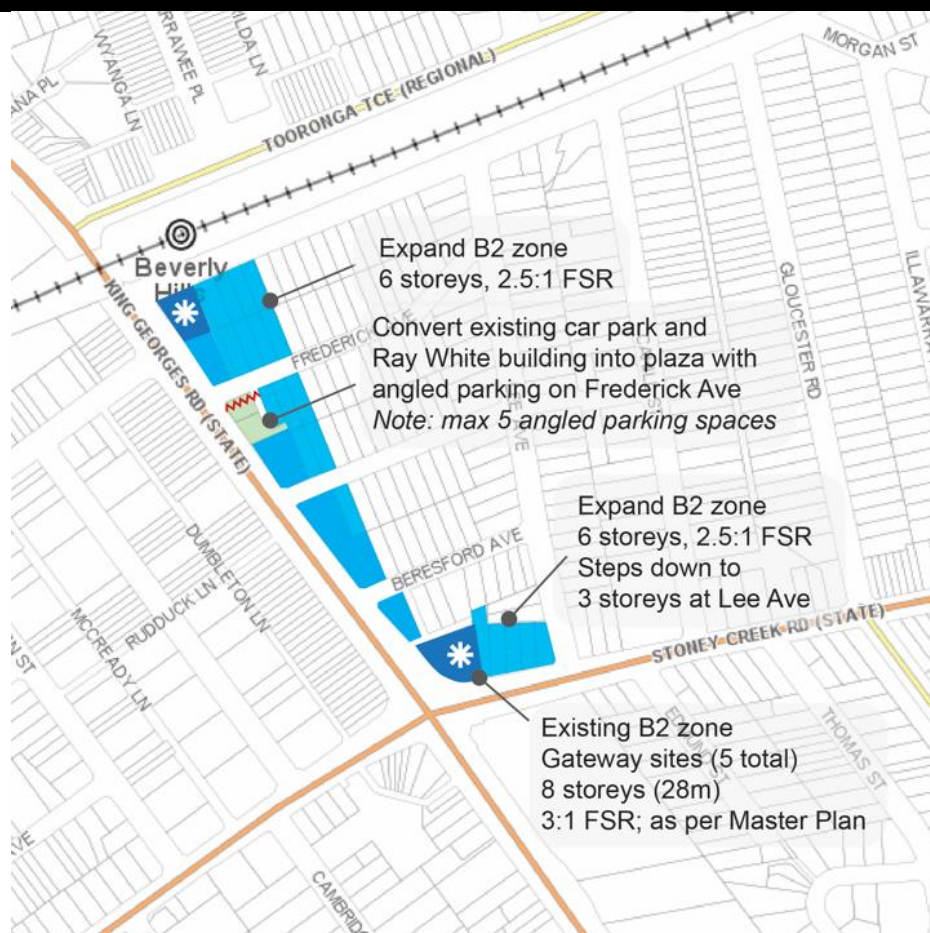


Figure 46. Warrawee Place

**Figure 23 - Extract from exhibited Master Plan**



## Eastern side of King Georges Road

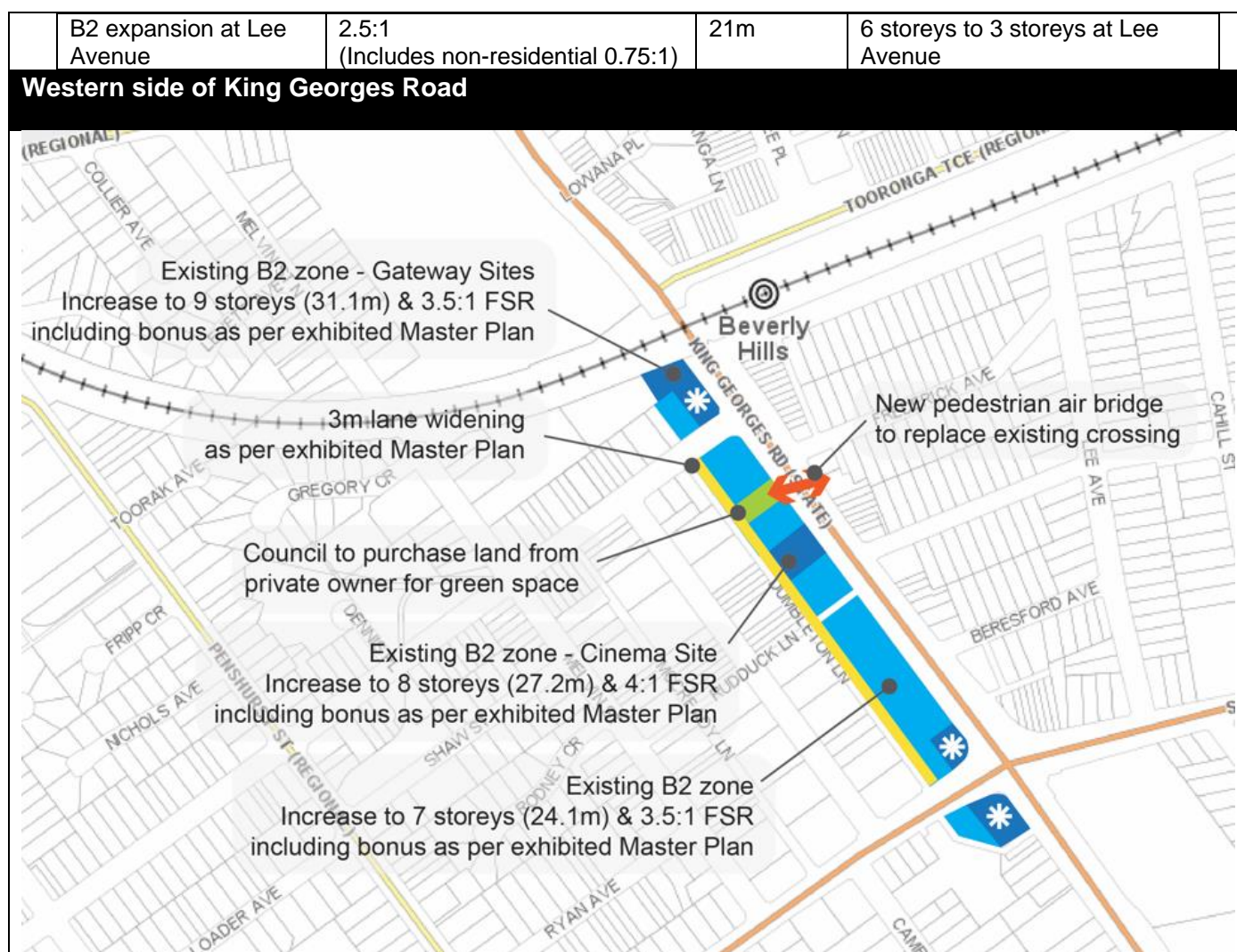


**Figure 24 – Eastern side of King Georges Road**

### Elements for the Master Plan

- Expand the B2 zoning to the east as shown in **Figure 24** above and increase the non-residential FSR from 0.5:1 to 0.75:1.
- Street wall heights (4 to 6 storeys) and front and rear setbacks to be investigated.
- Setbacks to the R2 zone to the east to be incorporated in the detail of the Master Plan but will be added into the DCP that will accompany a planning proposal. **Note:** DCPs do not accompany Master Plans.
- Convert the existing Council car park at 23 Frederick Avenue and Ray White building at 506 King Georges Road into a plaza with angled parking on Frederick Avenue
- The following FSRs and Heights apply:

B2 Zone	FSR	Height in metres	Height in storeys
B2 Zone generally	2.5:1 (Includes non-residential 0.75:1)	21m	6 storeys (including 4 storeys residential) Refer to <b>Figure 28</b> for built form & building envelope
B2 Gateway Sites	3:1 (Includes non-residential 0.75:1)	28	8 storeys (including 6 storeys residential) Refer to <b>Figure 29</b> for built form & building envelope



**Figure 25 – Western side of King Georges Road**

#### Elements for the Master Plan

- No expansion of the B2 zone with the FSRs and heights as per the originally exhibited Master Plan for the western side. This includes an increase in the non-residential FSR from 0.5:1 to 0.75:1:

B2 Zone	FSR	Height in m	Height in storeys
B2 Zone (existing)	2:1 (0.5:1 non-residential)	15m	4 storeys (including 3 storeys residential)
B2 Zone (proposed base height)	3:1	21m	6 storeys (including 4 storeys residential)
B2 Zone (proposed - min frontage 20m & 3m laneway widening)	3.5:1 (Includes non-residential 0.75:1 & bonus 0.5:1 for 3m widening)	24.1 (Includes 3.1m height bonus for lane widening)	7 storeys (including 5 storeys residential)
B2 Gateway Sites (proposed - min frontage 20m plus 3m laneway widening)	3.5:1 (Includes non-residential 0.75:1 & 0.5:1 for laneway)	31.1m (Includes 3.1m height bonus for lane widening)	9 storeys (including 7 storeys residential)
Cinema Site	4:1 (Includes non-residential 1:1 – for replacement cinema & 3m laneway)	27.2m (Includes 6.2m height bonus and replacement cinema & laneway)	8 storeys (including 6 storeys residential)

- Street wall heights (4 to 6 storeys) and front and rear setbacks to be investigated.
- Widening of Dumbleton Lane by 3m as per the exhibited Master Plan.
- Council to investigate the purchase of 439 King Georges Road for use as green space
- New pedestrian air bridge to replace existing crossing

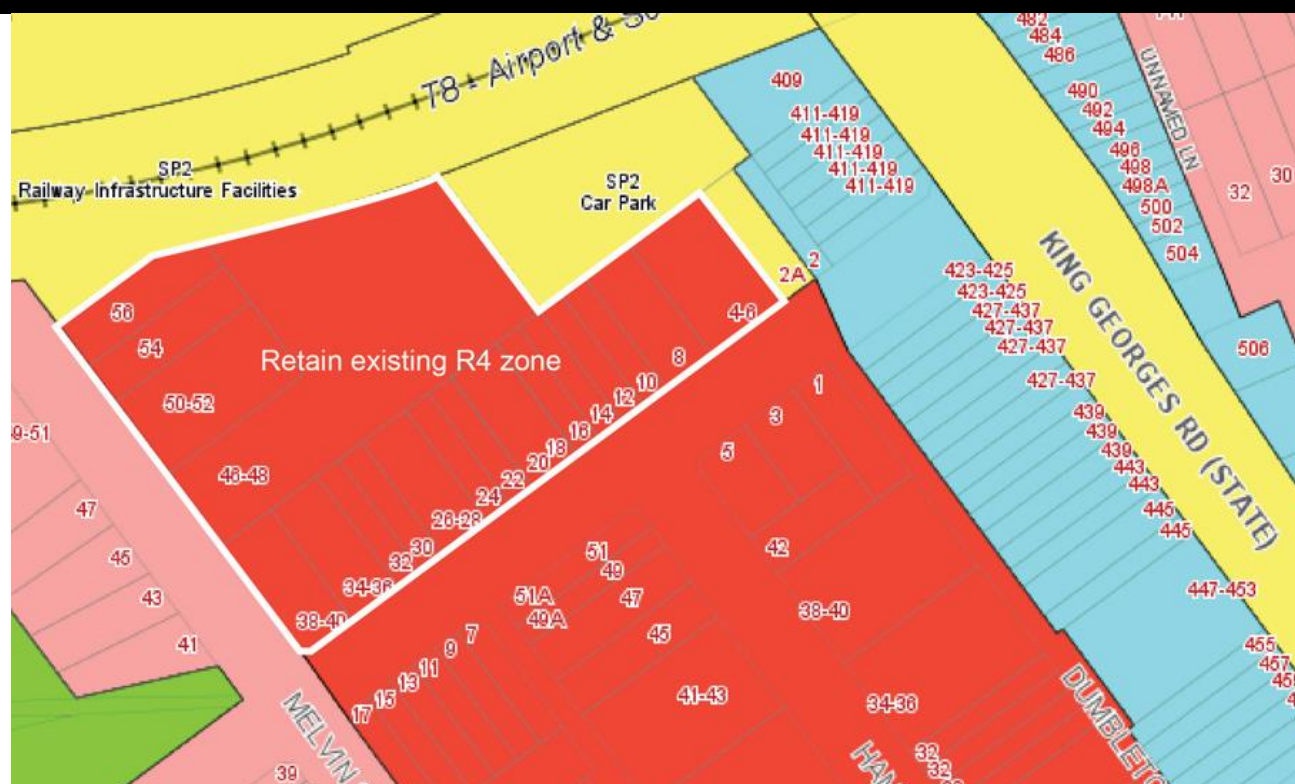
**Note:**

Further work has been done on the heights and FSRs proposed by the exhibited Master Plan. An excess of FSR (being roughly 0.5:1) is provided by the exhibited Master Plan in comparison to the proposed maximum building height.

The amount of FSR establishes the development potential of a site, for example the number of apartments that can be built and the amount of employment floor space that can be provided. In order to fully utilise the FSR provided within the height limit, any future development may result in a design with minimal front and rear setbacks. As the result, the built form may be visually bulky and have limited opportunities for articulation due to the need for a building to achieve all of the proposed FSR to maximise its development potential.

Therefore the revised Master Plan will need to include the required minimum front and rear setbacks which will then need to be translated into DCP controls. This issue will be addressed as part of the preparation of the “Way Forward” Master Plan.



**Melvin Street and Edgbaston Road****Figure 26 – Extract from Georges River LEP 2021 – Zoning Map****Elements for the Master Plan**

- The Moomba to Sydney High Pressure Ethane Gas Pipeline is a high-pressure dangerous goods pipeline located within the study area for Beverly Hills Master Plan. The site outlined in white in **Figure 26** above is one of the five sites within the master plan study area identified as having a higher level of risk from the pipeline.
- The preliminary findings of the gas line risk report commissioned by Council indicates that Nos. 46-48 and 54-56 Melvin Street will require future controls relating to limited residential intensification and sensitive uses along the common boundary of the railway corridor – refer to **Figure 28** below.
- Retain the existing zoning of R4 High Density Residential over the land.
- No change to the zoning over the Beverly Hills Commuter Cr Park site – SP2 Car Park
- Delete the proposed laneway that was in the exhibited draft Master Plan to enable greater site planning flexibility to achieve height and FSR
- Retain the height and FSRs proposed in the exhibited draft Master Plan which are as follows:

Site	FSR	Height
Nos. 4 to 40 Edgbaston Road	1.5:1 (Currently 1:1)	15m (4 storeys) (Currently 12m)
No. 46-48 Melvin Street – front	2:1 (Currently 1:1)	15m (4 storeys) (Currently 12m)
No. 46-48 Melvin Street – rear	2:1 (Currently 1:1)	21m (6 storeys) (Currently 12m)

## Housing investigation area on the eastern side (R2 behind B2)



Figure 27 – Proposed B2 zoning

### Elements for the Master Plan

- The land area between the new B2 zone and Cahill Street – shown in red outline in **Figure 27** above – be labelled on the Master Plan a Housing Investigation Area.
- This area will be separately investigated by Council officers as to its suitability to either a R3 or R4 or a combination of both.
- The investigation will need to consider the implications of the Moomba to Sydney High Pressure Ethane Gas Pipeline. Refer to **Figure 28** below.
- This investigation would not commence until 2025.

ENV007-23

## MINIMUM NON-RESIDENTIAL FLOOR SPACE RATIO AND CALCULATIONS



57. The George River LEP 2021 includes a minimum non-residential (employment) FSR of 0.5:1 for B2 zoned land within Beverly Hills Centre. The Commercial Centres Strategy (CCS) indicates that the current B2 zoned land within Beverly Hills centre results in a non-residential FSR of 0.75:1 and requires an FSR of 0.82:1 to meet the required 2036 demand for future employment floor space.
58. The previous Council report on Beverly Hills Master Plan (12 July 2021) recommended that Council consider a future LEP requirement for non-residential FSR of 0.75:1 in Beverly Hills. This requirement would stem the loss of the non-residential floorspace as sites are redeveloped and ensure capacity to meet the 2036 projections for employment floorspace demand.
59. It is recommended by officers that the Master Plan include a non-residential FSR of 0.75:1 to stem the loss of the non-residential floorspace as sites are redeveloped and ensure capacity to meet the 2036 projections for employment floorspace demand.

## TRAFFIC

60. TfNSW has recently provided the following network operation comments on the Beverly Hills Master Plan in the context of the Planning Proposal for 407-511 King Georges Road Beverly Hills which will need to be addressed by the revised master plan:
  - a. *Proposed multistorey carpark on Edgbaston Road*
    - i. *Network Operations has received a number of complaints regarding traffic signal TCS846, including queued traffic when entering and exiting Edgbaston Road. The proposed multi-storey car park will increase traffic volumes in this area, particularly at this intersection however, the traffic report does not appear to identify any traffic signal and/or road capacity improvements to accommodate the additional traffic generated by this development.*
    - ii. *The driveway into the multistorey car park is to be limited to left-in left-out only due to its proximity to the traffic signals and to maintain traffic flow on Edgbaston Road. This is to be achieved by installing a concrete median.*
  - b. *Proposed pedestrian crossing across King Georges Road / Edgbaston Rd intersection:*
    - i. *It is noted that a planning proposal was submitted for the lots adjacent to the Council car park. Has the option of a pedestrian bridge been explored and considered? It may be possible to incorporate this into the new development, reducing its impacts on King Georges Road.*
    - ii. *Traffic modelling is to be undertaken to assess the impacts of the proposed pedestrian crossing across King Georges Road at Edgbaston Rd. Adverse traffic impacts to King Georges Road is to be mitigated as it is a major public transport and road freight corridor.*
  - c. *Proposed right turn movement from Edgbaston Road into King Georges Road:*
    - i. *The proposed right turn movement will result in additional phases at the TCS846 intersection. More green time will be taken away from King Georges Road which will increase queuing and delays on a major public transport and road freight corridor. Based on this, Network Operations does not support the proposed right turn movement based on the current traffic and road conditions.*
  - d. *Proposed additional bus services:*

*i. Proposed additional bus services on King Georges Road will increase traffic volumes on an already congested transport corridor. As outlined above, considering the proposed development uplift of the area (i.e. increasing residential and commercial densities), it is anticipated that this corridor and surrounding key intersections will have increased queues and delay given that it is already at capacity during peaks.*

*ii. Traffic modelling is to be undertaken at key intersections to identify what traffic signal and/or road capacity upgrades are required.*

## AFFORDABLE HOUSING

61. Council resolved (ENV035-22) on 28 November 2022 to prepare an affordable housing contributions scheme for the LGA. Beverly Hills Town Centre
62. Council can prepare a single scheme to apply to multiple areas within the LGA, as long as the viability analysis for each area is investigated. Furthermore, once the Council's Planning Agreement Policy has been updated Council can also apply the AHCS to planning proposals which seek an upzoning.
63. The development of an affordable housing contribution scheme involves the following:

**a. Establish an evidence base:** The evidence base for an AHCS for Georges River LGA is established in the policy documents - Georges River Local Housing Strategy and the Georges River Inclusive Housing Strategy and Delivery Program; and is supported by the research and analysis prepared for the Draft Mortdale AHCS. The evidence will be pulled together into one document and updated with the recent census releases.

**b. Identify areas for rezoning:** Affordable housing contribution schemes apply to developments that are facilitated by upzoning.

An upzoning is a change of zone to enable residential development or a change of planning controls (such as floor space ratio) which enables greater residential density in site. This ensures contributions are drawn from the increase in land value generated by the rezoning and are consistent with the affordable housing targets established in the Greater Sydney Commission's District Plans. One of the principles from the briefing on 20 February 2023 was to investigate affordable housing for the western and eastern sides of King Georges Road in the B2 Zone.

**c. Establish an affordable housing contribution rate:** Once Council has selected areas that will be included in a AHCS, it must develop an appropriate affordable housing contribution rate for each area.

An affordable housing contribution scheme must establish an affordable housing contribution rate as either a percentage of floor space that can equate to a completed affordable rental unit, which can be dedicated, or a monetary contribution rate, or any combination of the two. This flexibility will allow Council to determine when it is appropriate and efficient to receive completed dwellings and when it would be appropriate to receive monetary contributions.

Council will need to test affordable housing contribution rates to ensure the proposed rate is viable and will not impact development feasibility and overall housing supply.

**d. Produce a scheme using the Department's template:** Once Council identifies proposed areas and establishes viable affordable housing contribution rates, it must produce a draft scheme using the template in the Department's Guidelines.

64. As Council has expressed a desire for affordable housing within the Beverly Hills Master Plan Council will need evidence that affordable housing contribution rates are viable for the uplift proposed.

### FINANCIAL IMPLICATIONS

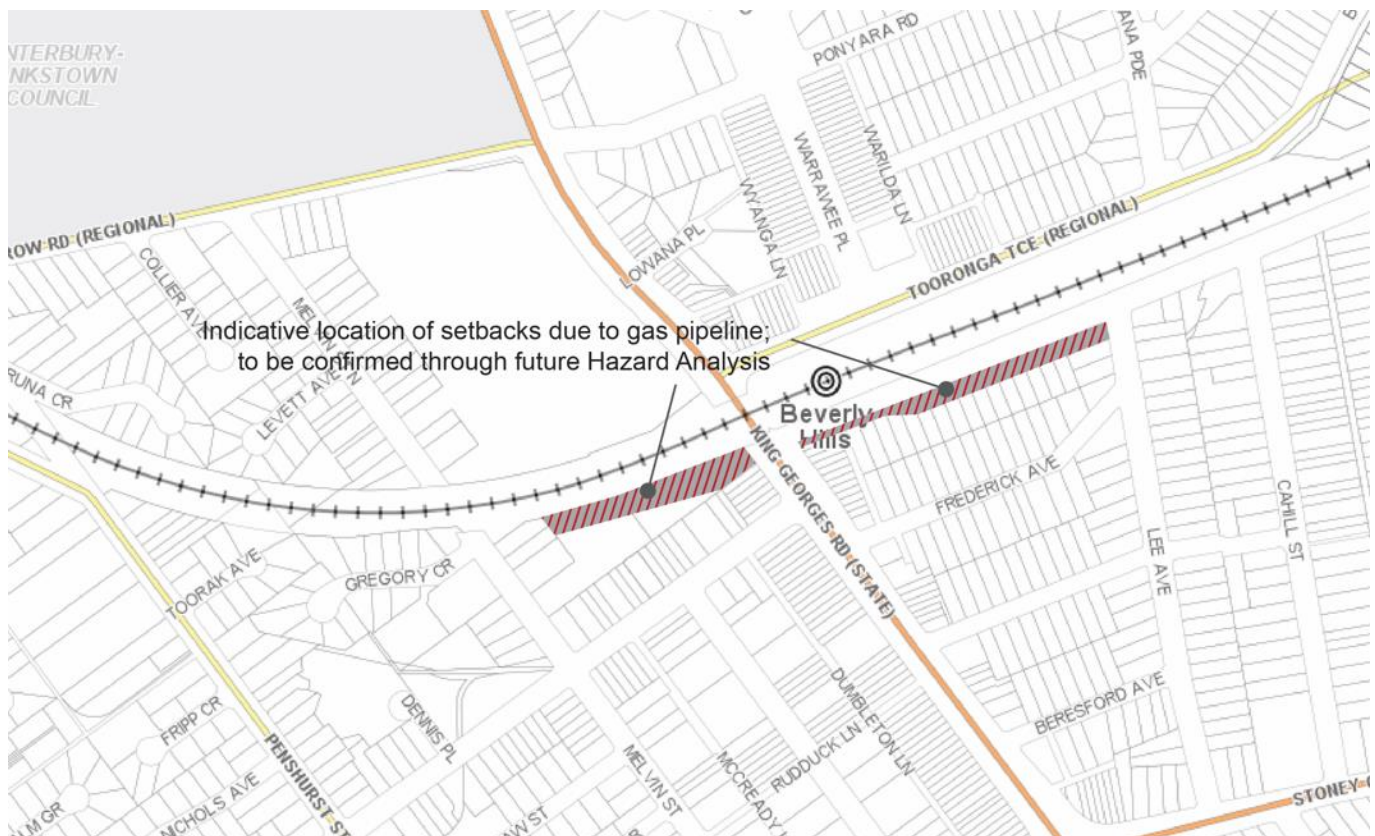
65. Council should note that in the FY22/23 it has allocated:
- a. \$100,000 to Traffic Studies covering both Beverly Hills and Mortdale Local Centres. The Mortdale Traffic Study has been completed for exhibition. To date the Beverly Hills traffic assessment has not commenced. Council will need to reallocate the funds to a traffic assessment for Beverly Hills Master Plan if it adopts this report.
  - b. \$130,000 to the LEP Program which has been all expended on the preparation of the Beverly Hills Local Centre Master Plan Option 3 in the November 2022 E&P Report, to complete additional works in relation to the Foreshore Study and the associated community consultation, and for the Mortdale Local Centre.
  - c. In respect of grant monies from the Department of Planning and Environment only \$6,600.00 is remaining to finalise the Beverly Hills Hazard Report.
66. There is no money to date allocated in the draft Budget for FY23/24 for Beverly Hills Master Plan.
67. Therefore, additional funding (approximately \$200,000) is required for:
- a. The traffic assessment
  - b. Any funds over \$6600 to fund an updated risk assessment
  - c. The Public Domain Plan
  - d. The viability analysis for the AHCS
  - e. The Way Forward Option
  - f. The community consultation

### RISK IMPLICATIONS

68. There is a risk of not proceeding with a planning proposal for Beverly Hills, as it could result in:
- a. Ad-hoc planning proposals being submitted which may not align with the future vision for Beverly Hills Centre with limited ability to deliver required infrastructure and public benefits.
  - b. No development or renewal within Beverly Hills Centre which may result in continuing decline in amenity with ageing buildings and poor public domain, reducing the liveability of the surrounding area, and the desirability of the Centre for investment.
  - c. Potential decline in existing infrastructure with limited opportunities to improve traffic and parking situation due to no contributions plan or funding mechanisms.
  - d. Limited capacity to meet future employment floorspace demand, potentially resulting in demand shifting to other centres.
69. The Moomba to Sydney High Pressure Ethane Gas Pipeline is a high-pressure dangerous goods pipeline located within the study area for Beverly Hills Master Plan. Land use safety and development near pipelines is an emerging and evolving planning issue as Sydney's population and housing density increases. Clause 66C of State Environmental Planning Policy (Infrastructure) 2007 (known as the Infrastructure SEPP) require councils to assess

the level of risk when considering development near the pipelines, to ensure that risks to people, property and the pipelines are within acceptable levels.

70. Five sites within the master plan study area are identified as having a higher level of risk from the pipeline.
71. The modelling work to date on the implications of the Moomba to Sydney High Pressure Ethane Gas Pipeline on the exhibited draft Master Plan indicates that a setback to limit residential intensification and sensitive uses (such as child care centres) will be required as indicated in **Figure 28** below.



**Figure 28 – Impact of the Moomba to Sydney High Pressure Ethane Gas Pipeline on the exhibited draft Master Plan**

72. The implications of the Moomba to Sydney High Pressure Ethane Gas Pipeline on the final draft Master Plan will need to be again considered and further modelling undertaken. Such modelling indicates where additional sensitive land uses are not appropriate, or where residential intensification is not appropriate within the study area. Sensitive use is defined as a development that may be difficult to evacuate, including schools, aged-care facilities, childcare and hospitals. A range of planning tools are available to help minimise and manage the risk from the pipeline, including exploring alternative land uses for identified sites, including LEP provisions for affected sites, and providing design guidance on site planning in the DCP.
73. It is recommended that once Council endorses its preferred option for the amended draft master plan, that further modelling be undertaken to determine the level of risk and whether the affected sites change.

## COMMUNITY ENGAGEMENT

74. Consultation is proposed for the owners and occupiers of properties located within the study area for Beverly Hills Centre. This consultation process will comprise of the following engagement methods:
- Targeted letters to landowners and occupiers
  - Fact sheet in plain English and Chinese outlining the proposed changes
  - Webinar meetings
  - Face to face meetings
  - Dedicated email and phone call enquiries
75. The following material will be available during the exhibition period:
- Draft Master Plan
  - Traffic and Parking Study
  - Public Domain Plan
  - Risk Analysis for the Moomba to Sydney High Pressure Ethane Gas Pipeline
  - Fact sheets
  - Economic analysis for the viability of an AHCS for the land under the Beverly Hills Master Plan
76. All information will be available digitally on Council's YourSay website. Hard copies will be made available at Council offices.
77. Notification of the public exhibition will be through:
- Newspaper advertisement in The Leader
  - Exhibition notice on Council's website and social media
  - Community engagement project on Council's YourSay website
  - Council's social media channels
  - Notices in Council offices and libraries
  - Letters to all landowners and occupiers in areas where change to planning controls are proposed under the draft Master Plan as well as surrounding areas; and
  - Letters to relevant Government agencies.

## NEXT STEPS

78. Following consideration of the submissions received, this report recommends that Council does not proceed with the exhibited draft Master Plan and instead endorses the preparation of an amended Master Plan based on the principles from the briefing on 20 February 2023.
79. If endorsed by Council, the amended Master Plan will be prepared, including a traffic and parking study, amended hazard analysis, economic analysis and public domain plan based on the option.
80. The amended documentation will then be placed on exhibition.
81. An indicative timeline is shown in **Table 1** below.

**Table 1 – Timeline**

Action	Indicative Timeline
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Action	Indicative Timeline
Report to Environment and Planning Committee on the amended Master Plan – funding will be required to proceed with the preferred approach	April 2023
Minutes of Environment and Planning Committee referred to Council for adoption – with Budget approved	April 2023
Appointment of consultants to review viability, conduct the traffic assessment, amended hazard analysis and prepare public domain plans	June 2023
Preparation for draft Master Plan exhibition	January 2024
Exhibition of draft Master Plan	February to March 2024
Consideration of submissions and briefing to Councillors	April 2024
Report to Environment and Planning Committee for a resolution to adopt the amended Draft Master Plan	June 2024


ENV007-23

82. It is noted that the project timeline is indicative and may be amended due to funding and reporting timeframes.

## FILE REFERENCE

17/640 & D23/44041

## ATTACHMENTS

Attachment [↓](#) 1  Report to Environment and Planning Committee held 14 November 2022

**Item:** ENV034-22 Beverly Hills Master Plan - Consideration of Options

**Author:** Senior Strategic Planner

**Directorate:** Environment and Planning

**Matter Type:** Committee Reports

**RECOMMENDATION:**

- (a) That Council does not proceed with the exhibited draft Beverly Hills Town Centre Master Plan.
- (b) That Council prepares a draft master plan and public domain plan based on Option 3 as detailed in the report.
- (c) That Council prepares a Transport and Parking Study, to assess the potential impacts of land use uplift on the existing network and to develop mitigation strategies to accommodate the expected growth under Option 3.
- (d) That Council prepares an amended hazard analysis based on Option 3.
- (e) That Council endorses the community engagement program outlined in this report.
- (f) That all persons who made a submission to the draft Master Plan, be advised of Council's decision.

**EXECUTIVE SUMMARY**

1. The purpose of this report is to seek Council's endorsement to prepare an amended master plan in relation to Beverly Hills Local Centre.
2. In 2017, Council recognised the need to revitalise the Beverly Hills Local Centre and improve the quality of life for residents, workers and visitors. Accordingly, Council decided to prepare a master plan for the Beverly Hills Local Centre to provide a clear vision and an urban design framework to guide future development and include key infrastructure and public domain improvements for inclusion in a contributions plan or any future planning agreements.
3. The master plan is split into two phases. Phase 1 commenced in April 2018 with the development of a vision for the future of the Local Centre through comprehensive community and stakeholder engagement and an analysis of the opportunities and constraints to development in the study area.
4. Phase 2 commenced in July 2019, with the preparation of the draft master plan that was developed based on Phase 1 outcomes, detailed site investigations, consultation with the community and Councillor workshops.
5. On 25 May 2020, Council considered a report recommending the exhibition of the draft Beverly Hills Town Centre Master Plan and resolved to endorse it for the purposes of public exhibition. The draft Master Plan was placed on public exhibition from 28 July 2020 to 28 September 2020 (inclusive) for a total of 60 days. The public exhibition of the draft Master Plan was conducted in accordance with the Council resolution of 25 May 2020, Council's *Community Engagement Strategy* and the endorsed community engagement

plan.

6. At its meeting dated 26 July 2021, Council considered a report on the outcomes of the public exhibition of the draft Beverly Hills Master Plan. The report considered submissions received from public authorities and the community and recommended several amendments to the exhibited draft Master plan for Beverly Hills. A copy of this report is included in **Attachment 1** to the report.
7. A total of 78 survey submissions, 61 community submissions and 4 public authority and infrastructure provider submissions were received during the submission period. The majority of survey respondents were supportive of the draft plan, while the majority of submissions objected to the draft plan. Submissions received related to four main issues:
  - Objections to acquisitions proposed in the draft Master Plan
  - Development, Scale, Layout and Connectivity
  - Objections to traffic and parking
  - Requests for changes to proposed controls on specific sites within the study area.
8. At that meeting, Council resolved:

*That consideration of this matter be deferred to a Councillor workshop to allow Council staff an opportunity to explain the submissions received, amendments to the development controls such the increase in floor space ratio and height (in particular for sites on King Georges Road) following the exhibition of the draft plan and a review of the approach to compulsory acquisition of properties in the areas such as between Frederick Street and Norfolk Street.*
9. Subsequently, three Councillor workshops were held between October 2021 to June 2022:
  - Provide a background briefing to the new Council;
  - Explain the hazard analysis study and potential impact on the master plan;
  - Present the key issues raised by submissions received;
  - Discuss the proposed amendments to the exhibited plan; and
  - Provide alternative options to amend the exhibited master plan.
10. At its meeting dated 26 April 2022, Council resolved in part:
  - *To defer completion of the draft Beverly Hills Town Centre and draft Mortdale Town Centres Master Plans giving consideration to updates from the Greater Sydney Commission on population projections, the preparation of a comprehensive traffic study and additional public domain works*
  - *To provide Councillors with an in-person workshop on the summary of the public submissions received for each of the draft Master Plans, and any proposed amendments*
  - *That the draft Mortdale Local Centre Master Plan and draft Beverly Hills Town Centre Master Plan, once endorsed by Council are to be placed on public exhibition for a period of 28 days.*
  - *That Council conduct in-person community consultation for both the Beverly Hills and Mortdale Master Plans during the exhibition period of the draft plans, as well as including the provision of the one-on-one personal telephone and meeting services by*

*Council's town planners for community members who wish to discuss any aspects of the draft Plans, until such time as the finalised master plans are reported to Council.*

11. At its meeting dated 31 October 2022, Council resolved:
  - *That in finalisation of the draft Beverly Hills Master Plan a fundamental principle is that there be no compulsory land acquisition and the Master Plan for Beverly Hills must only proceed on this basis.*
12. In response to the submissions received from the community, public authorities, Councillor feedback at workshops and Council's resolutions, this report details alternative options that were considered and recommends the preferred option to amend the exhibited draft master plan. These options were workshoped with Councillors on 6 June 2022. The report also provides detail on requests from the workshop on 6 June 2022 to investigate:
  - a. Melvin Street for a B2 zoning
  - b. additional FSR and height over the residential area to the west of King Georges Road behind the B2 Zone
13. The preferred option (Option 3) proposes an amended design which is reduced in scale to the exhibited master plan and requires developer led amalgamation to deliver public domain improvements. This option is considered to support the future vision established in Phase 1 and addresses the key themes raised in submissions, whilst providing opportunities for additional jobs within the centre.
14. The following is proposed under the preferred option (refer to **Figure 20** and **Paragraphs 90-119** in report):
  - Modest expansion of the B2 Local Centre zone on the eastern side of King Georges Road to incentivise amalgamation of key sites.
  - Increase in height and density in the B2 zone, to allow 7 storeys with additional height on gateway sites up to 8 storeys and key sites up to 10 storeys to encourage renewal of the centre.
  - Key sites to provide setbacks to existing R2 low density residential area with a green corridor or laneway. Green corridor will improve access and connectivity with pedestrian and bicycle access, public spaces, tree canopy with linear park.
  - Increase in height and density in the R4 High Density Residential zone along Edgbaston Road and Melvin Street to allow 4 to 6 storeys.
  - No changes are proposed to the B2 zone north of the railway line in response to concerns on the impact on character of the adjoining residential area.
15. This report recommends that Council prepare an amended master plan based on Option 3 for public exhibition, including an updated hazard analysis, public domain plan and traffic and parking study to assess the potential impacts of land use uplift on the existing network and to develop mitigation strategies to accommodate the expected growth under this option.

## BACKGROUND

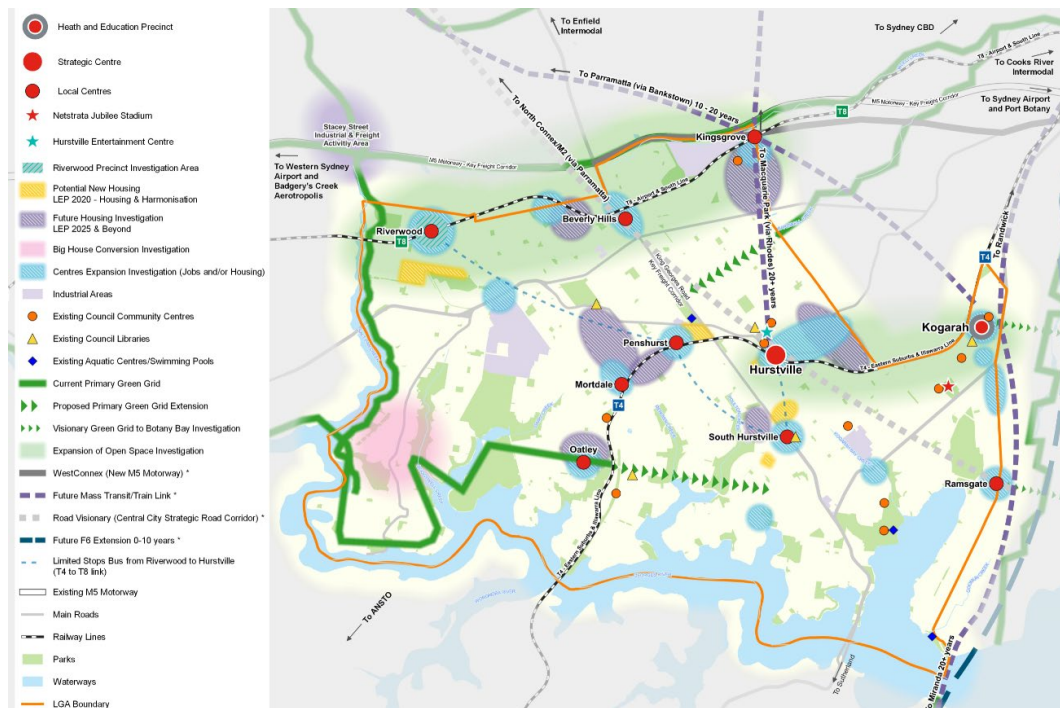
### Background – Need for a Master Plan

16. In early 2017, Council was approached by a number of landowners of several key sites within the Beverly Hills Local Centre seeking to prepare planning proposals to amend the planning controls and facilitate redevelopment on their sites. Individual consideration of these requests may have resulted in a fragmented built form and scale within the centre without providing key infrastructure and public domain improvements.
17. Council recognised the need to revitalise the Beverly Hills Local Centre and improve the quality of life for residents, workers and visitors. There has been very little change to the existing built form of the local centre over the last 40 years due to restrictive and outdated development controls. With increasing development pressures and the introduction of clearways on King Georges Road, Council decided to prepare a master plan for Beverly Hills Local Centre to provide a vision and an urban design framework to improve the amenity and quality of the built environment of the Centre. The master plan also identifies future infrastructure requirements for inclusion in a development contributions plan or any future planning agreement. Phase 1 costs were covered by the Stronger Communities Fund 2017/2018 budget.
18. A master plan is a three-dimensional proposal that details a vision and strategy for the physical transformation of a place. It sets out a long-term vision for the area, usually 15-20 years and shows how development will happen in the area. It can set expectations and provides certainty for the community, developers, and government on how the change will occur. The master plan process involves a series of three phases:
  - Visioning – used throughout the master planning process, and progressively refined as the process proceeds to greater levels of detail. This first step lays the foundation for future thinking. It is an aspirational process that captures the larger purpose of the project, an understanding of the place as well as the values of its community.
  - Designing – where the investigative work is analysed, opportunities identified and solutions and strategies are developed to a greater level of detail.
  - Implementing – planning for the delivery of an agreed plan or framework and may include details of priorities, staging, funding, acquisition, changes to planning controls as well as detailed strategies such as public domain plans.
19. A master plan indicates where infrastructure improvements may be required to support future growth, and these are captured in development contributions plans.
20. A master plan that has been endorsed by Council and by the Department of Planning and Environment (DPE) becomes an endorsed local strategy:
  - to demonstrate the strategic merit of planning proposals; and/or
  - by Planning Panels or the Independent Planning Commission to determine whether a planning proposal being considered for a rezoning review has strategic merit; and/or
  - by the planning proposal authority to justify inconsistency with certain section 9.1(2) Local Planning Directions.
21. An endorsed master plan is considered a guidance document and does not legally change the planning controls that apply to the study area. Council can choose to implement a master plan via a Planning Proposal to amend Council's Local Environmental Plan (LEP).



22. The development of the Beverly Hills Master Plan was split into two phases. Phase 1 involved the creation of a vision for the future of the Local Centre through community engagement and an analysis of the opportunities and constraints to development in the study area. Phase 2 involved the preparation of a master plan that recommends a future development strategy for the area to address development pressure, a deteriorating urban fabric, poor public domain and lack of activation in the Local Centre. The master plan recommends changes to land use and built form controls for Georges River LEP 2021.
23. Beverly Hills is one of the centres identified by the Local Strategic Planning Statement (LSPS) 2040 to be investigated for potential centres expansion to provide additional jobs and/or housing opportunities (See **Figure 1**).
24. Beverly Hills Master Plan is also identified under Stage 3: Jobs and Activation (2023) of the endorsed Georges River LEP program.

**Figure 1. LSPS 2040 Structure Plan**



## Background – Study Area

25. The study area includes the commercial centre strip along King Georges Road and surrounding residential area. The study area is generally bounded by Broadarrow Road and Ponyara Road to the north, Pallamana Parade and Cahill Street to the east and Stoney Creek Road to the south, and Melvin Street to the west as shown in **Figures 2 and 3**.
26. **Note:** Not all the Study Area was included for change in the exhibited Draft Master Plan. Some areas were labelled “Future Housing Investigation” on the final draft master plan that was exhibited in July-September 2020. The former RMS Site was included in one of these areas.

27. The study area includes the B2 - Local Centre zoned area of Beverly Hills Local Centre and the surrounding residential area. It includes land zoned R2 Low Density Residential, and R4 High Density Residential; as well as land zoned SP2 Infrastructure. Beverly Hills Local Centre is located in proximity to two major transport arteries – the T8 railway line including Beverly Hills Station and King Georges Road and provides an opportunity for transit-oriented development with enhanced accessibility to services via sustainable modes like walking and cycling.
28. The study area includes the Edgbaston Road car park (with plans for a commuter carpark underway) and the Beverly Hills Girls High School. A large channel, owned by Sydney Water, crosses under King Georges Road approximately midway between the intersections with Frederick Avenue and Norfolk Avenue. The channel flows towards the north-west.

**Figure 2. Aerial Map of Beverly Hills (study area in red)**





# ENV007-23 Attachment 1



29. The purpose of Phase 1 of the master plan was to establish a vision and themes to guide future planning for the Beverly Hills Local Centre and surrounding lands. Community engagement was a crucial part of the development of a vision for the Beverly Hills Local Centre. The resulting vision and themes were incorporated into the draft Master Plan to ensure future development reflects the needs and expectations of the community. Council undertook extensive community and stakeholder engagement between August and November 2018 to provide the opportunity for residents, workers and visitors to express their concerns, ideas, visions and aspirations for the future of the Local Centre. A summary of the engagement process is provided in **Attachment 2**.
30. The following vision statement and vision themes resulted from work undertaken in Phase 1:

*The Beverly Hills Town Centre celebrates its existing character while successfully integrating a new, modern feel. It provides a safe, inviting environment for all, is accessible and well-connected, and has green streets and open spaces to enjoy.*

31. The five themes for the Vision for Beverly Hills are listed below, along with their aim and principles.

### **1. Community Life**

Vision Aim: An inclusive place that reflects local identity and supports the diverse needs of the community.

Principles:

- Reflects and celebrates existing culture and lifestyle
- Lively, inclusive, interactive and attractive
- Community facilities and services meet community needs
- Housing diversity and inclusive housing
- Places to gather, celebrate and interact
- Buildings, streets and places reflect local character and identity

### **2. Urban Design and Architecture**

Vision Aim: Beverly Hills Town Centre is attractive, distinctive, inviting and vibrant.

Principles:

- High quality and well-designed buildings and landscapes
- People friendly, comfortable and attractive
- Human scale with heights that transition
- Harmoniously mixing old and new
- Areas of distinctive character are retained and enhanced

### **3. Transport and Connection**

Vision Aim: Safe, accessible, enjoyable and well connected

Principles:

- Safer and fairer balance between pedestrians, cyclists and vehicles
- Encourages multi modal trips and public transport use
- Enhances mobility, permeability and accessibility for people of all abilities
- Improved accessibility of public transport (e.g. new links and lift)
- Improved connectivity across King Georges Road and railway
- Car parking is available and accessible

### **4. Public Domain and Landscape**

Vision Aim: People focused streets and places that are green, comfortable and interactive

Principles:

- Greener and more attractive with street furnishings, landscaping and trees
- A new Civic Plaza for gathering, events and quiet enjoyment
- Wider King Georges Road footpaths for pedestrian safety and alfresco

- Respects the “Garden City” character of the Warrawee Place Precinct and key views to landmark elements as a key part of local character and identity
- A network of public open spaces is connected with green routes
- School grounds are accessible for public recreation purposes (Subject to Department of Education)

## 5. Land use:

Vision Aim: Diverse land uses that provide for a wide range of community needs and public benefits

Principles:

- Mixed use buildings on King Georges Road to promote activity and vibrancy both day and night
- A “one-stop” shopping destination with supermarket, retail, bars, cafes, cinema
- Connected places for people to meet in streets, parks and plazas
- New active building frontages in areas of higher amenity and lower traffic noise
- Increased density in appropriate locations where public benefit outcomes can be achieved (e.g. setbacks, land dedication, open spaces, public cross links)
- Leverage the existing convenience of the area to attract new people and families
- Renewed ground level retail that provides an active street frontage

## 32. Outcomes of Phase 1 included:

- A planning review that outlines the existing planning framework and identifies a range of key opportunities to consider during the preparation of the Master plan in Phase 2.
- An urban design analysis that investigates current land uses, built form, transition to adjoining residential areas, subdivision patterns, infrastructure and public domain. The urban design analysis provides recommended objectives and principles to guide the preparation of the Master plan in Phase 2.
- A development feasibility study to provide: an understanding of the existing market for various land uses in the study area; advice on the financial feasibility of providing new developments in the Centre with respect to the existing planning controls, and high level advice on the appropriate floor space ratio (FSR) for new development to be financially viable in the Centre.
- A transport and accessibility assessment on the traffic and parking considerations with respect to the constraints and opportunities of the study area to inform Phase 2.

## 33. The urban design analysis provides recommended objectives and principles to guide the preparation of the master plan in Phase 2.

### (i) *Re-imagine King Georges Road*

- Support King Georges Road as an active, vibrant and attractive day and night destination
- Support key night time uses – restaurant vitality, cinema
- Define entry gateways and the main avenue of King Georges Road with new and distinctive buildings, structures and landscapes
- Enclose the street - determine the most desirable relationship of new development to the street edge
- Inviting to pedestrians to use the footpaths “alfresco”
- Increase the buffer from the traffic for people on the street



- Examine the potential for widened footpaths with trees.
- (ii) *Better Public Domain*
  - A new strategically located public open space(s) as a catalyst for new development. A space for respite, for greening and shade, for people to gather e.g. markets/events
  - Determine the most desirable location for a new Town Square
  - Enhance existing open spaces and create safe, attractive laneways
  - Provide places for people to meet – parks, bars, cafes, cinema
  - Create opportunities to make new public spaces associated with private enterprise development to promote revitalisation of the Strip
  - The east-west canalised stormwater system to be a combined water management and enhanced public open space asset.
- (iii) *Improve Connectivity, Safety and Amenity*
  - Residential areas to be connected to the Town Centre
  - Promote permeability from adjacent residential areas to the Strip including open air arcades
  - Safer, more connected Town Centre with identified pedestrian areas, shareways and bicycle routes in private development
  - Integrate new lift for access to platform on west side and new bridge link on Warrawee Place axis.
- (iv) *Enhance Local Character*
  - Respect local character and enhance identity
  - Encourage fine grain mixed use – mixing old and new
  - Identify and protect important 1940s/50s red brick residential streetscapes and individual buildings
  - Conserve any important early shopfronts/commercial buildings
  - Retain vistas to landmark sites and buildings
  - Recognise the “Garden City” character of the Warrawee Avenue area and key views to landmark elements.
- (v) *Integrate Infrastructure - Greener Streets*
  - Green residential streets to combat heat island effect
  - New residential street planting programme and footpath improvements
  - Develop a street tree master plan that establishes a street hierarchy
  - Canalised stormwater system as green corridor.
- (vi) *Encourage Mixed Use Redevelopment*
  - Encourage King Georges Road frontage redevelopment for mixed use purposes. Retail/restaurants on ground floor, commercial or residential
  - Vertical mix of uses to increase activity through night and day
  - Undertake Urban Design studies to determine appropriate infill development height and density, develop the typology
  - Provide passive surveillance of the public domain
  - Co-locate complementary uses – retail/entertainment/residential
  - Concentrate mixed use in the vicinity of the Station
  - Support a “fine grain” of uses for diversity
  - Activate the edges of streets and lanes, encourage outdoor dining - protected from excessive traffic impacts

- Encourage an integrated shopping “centre” (with supermarket) as part of the revitalisation of the Strip - a “one-stop destination”
- Integrate car parking with other uses where possible
- With increased density include housing mix and affordable options. Density uplift linked to public benefit outcomes e.g. setbacks, land dedication, open spaces, public cross links.

(vii) *Appropriate Development Controls*

- New urban design guidelines, planning controls and incentives to foster rejuvenation and quality design outcomes
- Enclosing the street - determine the desirable relationship of new development to the street edge
- Develop Design Guidelines for noise and air quality control within the urban corridor strip including:
  - Built form massing
  - Apartment layout and orientation
  - Integrated Design elements
  - Prepare public domain/streetscape shopfront guidelines for King Georges Road.

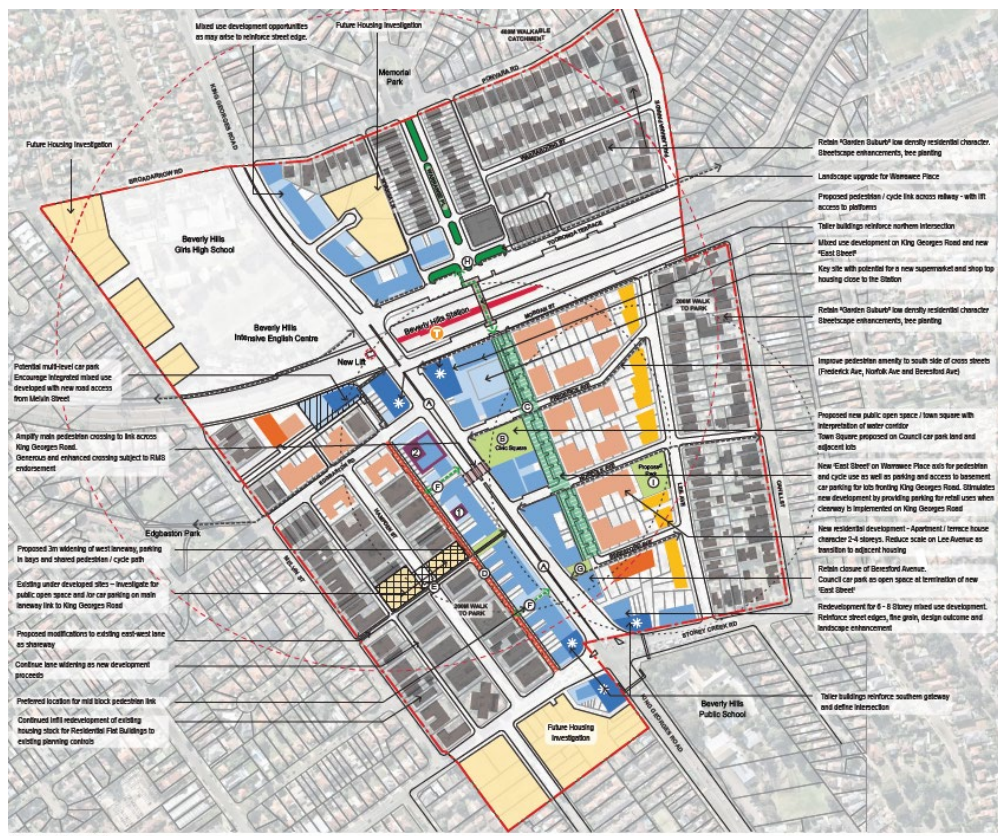
34. Council at its meeting on 23 April 2019, resolved to endorse Phase 1 and commence Phase 2 of the master plan for Beverly Hills. A copy of the report is available as **Attachment 2**.

**Background – Phase 2 – Preparation of Master Plan (July 2019 – exhibition in July-September 2020)**

35. Phase 2 of the master plan commenced in July 2019. Master planning concepts were developed based on Phase 1 outcomes, detailed site investigations, consultation with the community, including targeted consultation workshops and Councillor workshops.
36. The draft Master plan details five concepts or ‘Big Ideas’ to achieve the urban design objectives of the Master plan. It also identifies development priorities, including a Public Domain and Open Space Strategy and discusses implementation pathways to delivery key public infrastructure.
37. The draft Master Plan establishes 5 “big ideas” concepts for the town centre (refer to **Figure 4**):
- (i) Renewing the revitalising ‘The Strip’ (land zoned B2 along King Georges Road), by encouraging mixed use development and shop top housing, including an expansion of the B2 zone and the creation of a new ‘East Street’.
  - (ii) New opportunities for people to live close to public transport and services with the introduction of medium to high density residential redevelopment along the new East Street between the Town centre and Lee Avenue.
  - (iii) A New Civic Square for Beverly Hills on the corner of King Georges Road and Frederick Street, including a plaza space that is integrated with a community facility.
  - (iv) New and improved connections to get from place to place including creation of ‘East Street’ and the widening of ‘West Lane’.
  - (v) New and improved pocket parks including a new neighbourhood park on the corner of Norfolk Avenue and Lee Avenue.

38. The public domain and open space strategy introduces new public spaces that include urban plazas, pocket parks, social corners, new streets and green links of which will tie Beverly Hills into its existing urban and open space framework. (Refer to **Figure 5**).

**Figure 4. The draft Beverly Hills Town Centre Master plan.**



**Figure 5. The draft public domain and open space strategy.**



Figure 30. Public Domain Open Space Strategy

39. The draft Master Plan also outlines a range of planning tools for implementation:
  - Amendments to LEP for land use zoning, height and floor space ratio controls
  - Floor space bonus incentives to fund and/or deliver public realm elements
  - Planning Agreements to fund and/or deliver public realm elements
  - Land Acquisition for high priority public realm elements
  - Development Contributions Plans to enable Council to gain the necessary funds to deliver public realm upgrades
  - Draft development control plan to ensure high quality buildings, streetscapes and frontage.
40. The exhibited draft Master plan recommended the delivery of the Civic Plaza and the adjacent portion of the East Street be achieved through acquisition of necessary land parcels by Council. These sites would be identified on a Land Reserved for Acquisition map under a future LEP. The funding for land purchase and embellishment of public domain may be supported by cost capture via a Developer Contribution Plan, with delivery prioritised via Council's Strategic and Operational Plan.
41. Four key sites were identified as crucial for the delivery of strategic public domain elements and community infrastructure (refer to **Figure 6** below). Bonus development



incentives, including greater building height (a bonus of 6.2m on site 1 and 3.1m on sites 2 to 4) and density (a bonus of 1:1 on site 1 and 0.5:1 on sites 2 to 4) are proposed to support land consolidation and the delivery of identified public benefits and infrastructure. These bonus incentives are subject to compliance with minimum site areas for each key site, delivery of public benefit, dedication of land to Council and design excellence standards.

42. To encourage the amalgamation of land for non-strategic sites within the study area, a minimum site frontage of 20m is required to achieve the proposed building heights and floor space ratios as indicated in the draft master plan which is summarised in **Table 1** below.

**Table 1 – Range of HOB and FSR under exhibited master plan**

Zone	Maximum HOB	Maximum FSR
B2 Local Centre	Ranging from 15 to 28 metres	Ranging from 2.0:1 to 3.0:1
R4 High Density Residential	Ranging from 11 to 21 metres	Ranging from 1.2:1 to 2.0:1

43. For non-strategic sites within the study area, a bonus building height of 3.1m and FSR 0.5:1 would apply where a land dedication for road widening, or widening of existing pedestrian land or a new pedestrian lanes are identified.
44. The retention of cinema uses on the existing cinema site is also proposed to be incentivised with a bonus building height of 6.2m and FSR of 1:1 to a maximum of 2000 square metres.

**Figure 6: Proposed key sites mapping in exhibited draft master plan**



### Key public benefits

45. **Table 2** below and the following **Figure 7**, summarises the list of public benefits within the exhibited draft Master Plan. These public benefit components would be pursued at the resolution of Council, firstly via necessary planning control amendments, allocation of funding and detailed design. The indicative implementation includes a mixture of land acquisition, land dedication, development bonus incentives, planning agreements and development contributions.

**Table 2. Exhibited master plan – key public benefits**

Identified Public Benefit		Description
1	New Civic Plaza	3,500 square metre civic plaza (including adjoining new East Street and proposed Community facility) at the corner of King Georges Road and the new East Street.
2a	New East Street	A new public street providing safe and pleasant pedestrian and cyclist movement, public breakout spaces, social corners, car



Identified Public Benefit		Description
2b 2c		parking and rear access to lots along King Georges Road.
3	Frederick Avenue Community Facility	A new community facility to be integrated with the Civic Plaza and positioned to buffer the plaza from heavy vehicle traffic.
4	Beresford Avenue Pocket Plaza	A new pocket plaza link to be located at King Georges Road end of Beresford Street encompassing the existing road reserve and part of the existing Beresford Avenue car park.
5	Neighbourhood Park (Norfolk Avenue Residential Area)	A new neighbourhood park of approximately 1,600sqm.
6	Pedestrian bridge linking East Street, Railway Station and Tooronga Terrace/Warrawee Place	A new pedestrian link across the railway reserve providing new eastern access to the railway station and between the north eastern and south eastern sectors of the study area.
7	Widening of existing 'West Lane'	Incremental widening of the existing laneway to provide new opportunities for car parking and safer and more enjoyable pedestrian/cycling access.
8	Tooronga Terrace Plaza and Warrawee Place Upgrade	Embellishment of existing plaza and Warrawee Place.
9	New and enhanced pedestrian links between Melvin Street, 'West Lane' and King Georges Road	New and enhanced links to improve east west connection between car parking along West Lane and King Georges Road.
10	General improvements to Streetscape and Connectivity	General upgrades to the streetscape and public realm to facilitate better connectivity and streetscape amenity.

**Figure 7. Key public benefits for implementation**



Figure 57. Key public benefits for implementation

46. Prior to the exhibition of the draft Master Plan five Councillor workshops were held on the draft Master Plan for Beverly Hills as outlined in the following **Table 3**.

**Table 3** Councillor workshops on Beverly Hills Master Plan prior to its exhibition in July-September 2020

Briefing date	Agenda
19 March 2018	Project outline for Beverly Hills Master Plan
18 February 2019	Phase 1 - outcomes and vision for Beverly Hills Town Centre following community engagement and urban design review

Briefing date	Agenda
16 September 2019	Phase 2 - Preliminary draft Master Plan
18 November 2019	Refined draft Master Plan (following community workshop) including: <ul style="list-style-type: none"> <li>• Land use zoning changes</li> <li>• Public domain plan</li> <li>• Building form and scale (FSR and HOB)</li> <li>• Implementation options</li> </ul>
3 February 2020	<ul style="list-style-type: none"> <li>• Comparative zoning and FSR examples</li> <li>• Assumptions in the 3D model</li> </ul>

### Background - Exhibition of draft master plan - July to September 2020

47. The draft Master Plan was placed on public exhibition from 28 July 2020 to 28 September 2020 (inclusive) for a total of 60 days. The public exhibition of the draft Master Plan was conducted in accordance with the Council resolution of 25 May 2020, Council's *Community Engagement Strategy* and the endorsed community engagement plan.
48. The community engagement program comprised of the following activities:
  - Plans, maps and fact sheets were published on Council's *Your Say* project page.
  - Plans, maps and fact sheets were made available for viewing at Council's customer service centres and three libraries during the exhibition period.
  - Online submission form
  - Survey requesting feedback on the proposed changes
  - Two community information webinars: Thursday 20 August and Saturday 22 August 2020
    - The webinars were published on the *Your Say* website after the session
    - The two sessions had a combined total attendance of 101 people.
  - Advertising in the St George and Sutherland Shire Leader on 29 July, and an article published in the Leader online on 5 August.
  - Article in Council's e-newsletter sent on 31 July.
  - Social media (Facebook posts)
  - A broader letterbox drop to properties within and adjacent to the study area – 4,450 properties
  - Direct consultation with a number of property owner groups (online)
  - Council planning officers were available to answer questions about the Master Plan and questions specific to resident's properties throughout the consultation period.
49. Targeted letters were also sent out to the following stakeholders as they are directly affected by the changes proposed by the draft Master Plan:
  - Property owners located within the study area – 2,279 properties
  - Residents within the study area – 911 properties
50. A total of 78 survey submissions, 61 community submissions and 4 public authority and infrastructure provider submissions were received.

51. No objection to the draft Master Plan was raised by public authorities. Submissions detailed requirements relating to the design, assessment and implementation of the Master Plan and future development. Submissions were received from APA (Pipeline) Group, Civil Aviation Safety Authority, Sydney Water and TfNSW
52. Only one agency submission requested specific amendments to the draft Master Plan and this was from the APA group, the operator of the high pressure gas pipeline which is located within the study area:
- Amend the draft Master Plan to identify the location of the gas pipeline easement within the study area
  - Amend the draft implementation plan to include reference to the gas pipeline easement when considering site planning and land uses within the study area.
53. In summary, the content of the community submissions related to four main issues:

Acquisition / Amalgamation incentives

54. Submissions objecting to acquisitions from directly affected landowners relating to compulsory acquisition of land for new open space or road. Concerns relate to the fear of displacement and the financial equitability/ fairness of being identified for acquisition. Submissions expressed a preference for incentivising developer-led amalgamation rather than compulsory acquisition. Landowners have expressed concern that compulsory acquisition will lead to financial disadvantage and/or lower valuation compared to developer led amalgamation incentives.

Development, Scale, Layout and Connectivity

55. Submissions expressed concern for overdevelopment of Beverly Hills and the desire to avoid the scale of Hurstville City Centre. Overall while there was a mix of opinions on scale and density, there is general support for the principles for development, scale and layout outlined in the draft Master Plan.
56. Several submissions received from landowners raised concerns about the ability of key sites to achieve the consolidation patterns proposed in the draft plan. Some indicated that the bonus incentives were not sufficient to achieve the required site amalgamation patterns and the delivery of public benefits such as a new road. Further feasibility testing of the draft Master Plan was requested.

Traffic, Parking and Infrastructure

57. Traffic pressures resulting from additional development were of concern to 44% of all submissions. The availability of car parking was another key issue.

Requests for changes to exhibited planning controls

58. Several submissions by landowners requested changes to exhibited planning controls including land use, floor space ratio and building heights and DCP controls. Where submissions were considered to have urban design and planning merit, additional modelling/testing was undertaken by the consultant urban design and planning team.
59. **Attachment 1** to this report provides a copy of the report to the Council's Environment and Planning Committee held 12 July 2021 which contains a detailed assessment of all submissions received.

**Background – Council consideration of the submissions received to the exhibited master plan**

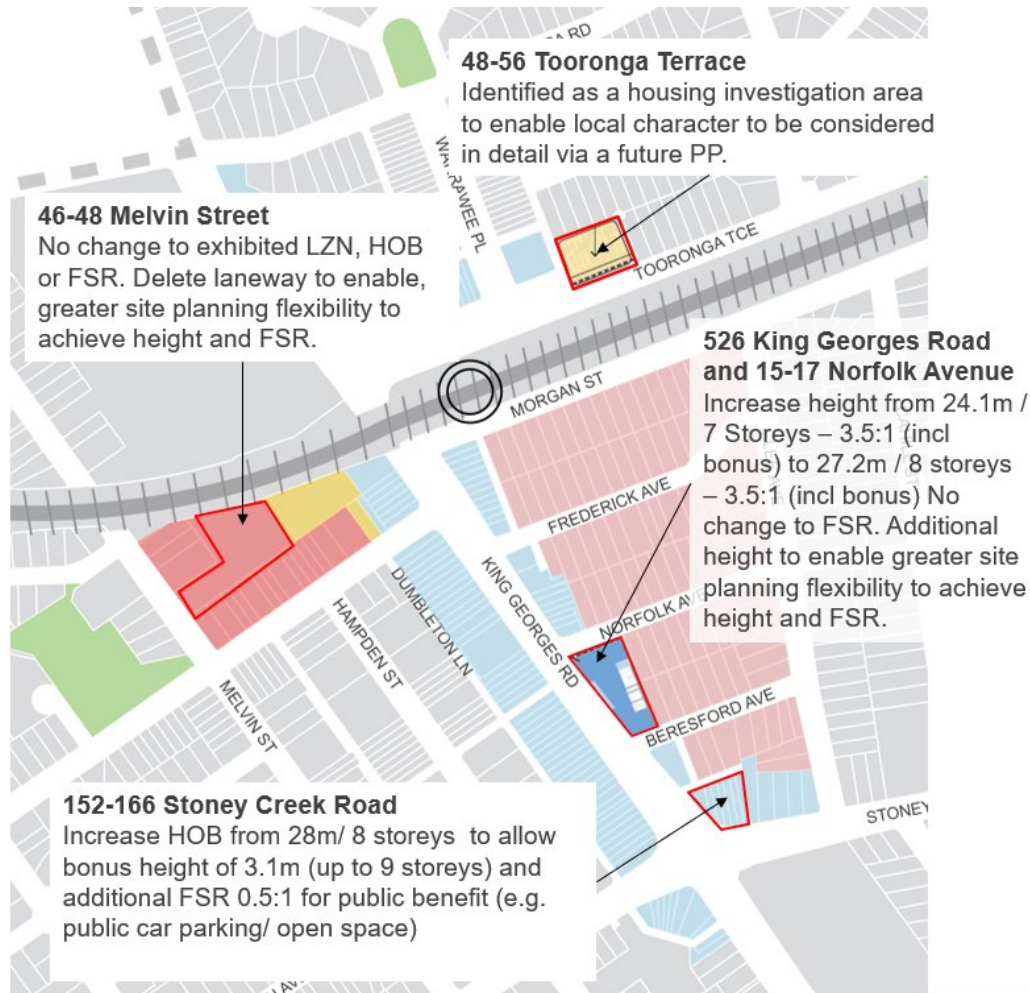
60. At its meeting dated 26 July 2021, Council considered a report on the outcomes of the public exhibition of the draft Beverly Hills Master Plan. The report considered submissions received from public authorities and the community and recommended several amendments to the exhibited draft Master plan for Beverly Hills. A copy of this report is included in **Attachment 1** to the report.
61. As a result of considering the submissions received, the report to Council on 26 July 2021 recommended following amendments to the exhibited draft Master Plan:
- (a) Remove the proposed driveway/ public laneway from Edgbaston Road Carpark to Melvin Street from the draft Master Plan
  - (b) Identify Nos.48-56 Tooronga Terrace properties as a site for 'future housing investigation' on the draft Master Plan.
  - (c) Amend the bonus provisions for Key Site 3:
    - Key Site 3: Additional building height of 3.1m for sites at No.526 King Georges Road, No. 17 Norfolk Avenue and No 544 King Georges Road.
  - (d) Include Nos.152-166 Stoney Creek Road as a new Key Site (Key Site 5). The following bonus incentives are proposed:
    - Additional building height of 3.1 m for sites Nos 152-166 Stoney Creek Road
    - Additional floor space ratio of 0.5:1 measured according to the site area within the boundary of Nos 152-166 Stoney Creek Road.

These bonus incentives are contingent upon meeting the following criteria:

    - Minimum site area of 1500sqm;
    - Dedication of land to provide a plaza space in an accessible high amenity location OR public car parking provision in addition to the minimum requirements for the development (car parking may be provided anywhere on land bounded by King Georges Road, Beresford Avenue, Lee Avenue and Stoney Creek Road); and
    - Meeting necessary design excellence standards (subject to implementation via the draft GRLEP2021).
  - (e) Amend the Setback Types diagram to extend Setback Type 4 -Prominent corners (6-8 storeys) Mixed Use and Setback Type 5 – Prominent corners (4 storeys) Residential to wrap further around the corner of blocks.
  - (f) Amend diagrams for Setback Type 4 and Type 5 to include additional design considerations to prevent the occurrence of blank walks within any site or between neighbouring properties.
62. **Figure 8** below summarises the amendments to the exhibited master plan (reported to Council on 26 July 2021)



**Figure 8 – Amendments to the exhibited draft Master Plan**



63. At the meeting held 26 July 2021, Council resolved:  
*That consideration of this matter be deferred to a Councillor workshop to allow Council staff an opportunity to explain the submissions received, amendments to the development controls such the increase in floor space ratio and height (in particular for sites on King Georges Road) following the exhibition of the draft plan and a review of the approach to compulsory acquisition of properties in the areas such as between Frederick Street and Norfolk Street.*
64. Subsequently, four Councillor workshops (refer to **Table 4**) were held to:
- provide a background briefing to the new Council;
  - explain the hazard analysis study and potential impact on the master plan;
  - present the key issues raised by submissions received;
  - discuss the proposed amendments to the exhibited plan; and
  - provide alternative options to amend the exhibited master plan.

**Table 4 – Councillor Workshops held between November 2020 to June 2022**

Briefing date	Agenda
16 November 2020	<ul style="list-style-type: none"> <li>• Consultation outcomes from the public exhibition</li> <li>• Approaches to delivery of public benefits for implementation of the master plan</li> </ul>
18 October 2021	<ul style="list-style-type: none"> <li>• Changes to the master plan – as a result of analysis of submissions received during public exhibition</li> <li>• Hazard analysis on the gas pipeline and potential impact on the master plan</li> </ul>
2 May 2022	Background briefing on exhibited master plan to new Council
6 June 2022	<ul style="list-style-type: none"> <li>• Exhibited master plan</li> <li>• Post exhibition amendments</li> <li>• Hazard analysis</li> <li>• Implementation</li> <li>• Issues raised in submissions</li> <li>• Alternative options</li> </ul>

65. At its meeting dated 26 April 2022, Council resolved:

- (a) *That Council defers completion of the draft Beverly Hills Town Centre and draft Mortdale Town Centres Master Plans giving consideration to;*
  - (i) *Council seeking updates from the Greater Sydney Commission on population projections for the LGA up to 2036 having regard to any effects of the COVID19 pandemic and the changing demographics on Sydney's population;*
  - (ii) *Council accelerate the preparation of a comprehensive traffic study (including impacts of motor vehicle, active transport and pedestrian movements around these town centres and parking options) as part of the technical work required for preparation of the required planning proposal (future LEP) for the town centre; and*
  - (iii) *Council consider the introduction of additional public domain works and "greening" up the Mortdale and Beverly Hills town centres to beautify and improve activation, economic viability and vibrancy of the town centres;*
- (b) *That Council write to the Hon. Anthony Roberts MP, Minister for Planning and Homes, to seek a variation to the Funding Agreement to remove the requirement for the Master Plans and associated studies to be completed before 30 June 2022*
- (c) *That any Planning Proposals for the Mortdale or Beverly Hills town centres received before the adoption of both Mortdale Local Centre Master Plan and Beverly Hills Town Centre - Master Plan be considered on a case by-case basis having regard to their individual impacts and taking into account issues raised by the community in relation to the draft master plans;*
- (d) *Councillors shall be provided with an in-person workshop on the summary of the public submissions received for each of the draft Master Plans, and any proposed amendments*
- (e) *The draft Mortdale Local Centre Master Plan and draft Beverly Hills Town Centre Master Plan, once endorsed by Council are to be placed on public exhibition for a period of 28 days*
- (f) *Council conduct in-person community consultation for both the Beverly Hills and Mortdale Master Plans during the exhibition period of the draft plans, as well as including the provision of the one-on-one personal telephone and meeting services by Council's town planners) for community members who wish to discuss*

*any aspects of the draft Plans, until such time as the finalised master plans are reported to Council.*

66. At the Councillor workshop on 6 June 2022 a preferred option to amend the draft master was presented, which involved:

- Modest expansion of the B2 Local Centre zone on the eastern side of King Georges Road to incentivise amalgamation of key sites.
- Increase in height and density in the B2 zone, to allow 7 storeys with additional height on gateway sites up to 8 storeys and key sites up to 10 storeys to encourage renewal of the centre.
- Key sites on the Eastern side of King Georges Road to provide setbacks to existing R2 low density residential area with a green corridor or laneway. The green corridor in the eastern side of the local centre will improve access and connectivity with pedestrian and bicycle access, public spaces, tree canopy with linear park.
- Increase in height and density in the R4 High Density Residential zone along Edgbaston Road and Melvin Street to allow 4 to 6 storeys.
- No changes are proposed to the B2 zone north of the railway line in response to concerns on the impact on character of the adjoining residential area.
- Reviewing the exhibited scheme along the Moomba to Sydney High Pressure Ethane Gas Pipeline by reducing intensification of use.

67. The feedback received from Councillors at the workshop held 6 June 2022 is as follows

- No support for the compulsory acquisition of properties for roads and public spaces
- Concern with the proposed heights and the scale proposed in the exhibited master plan
- Concern with the 10 storey height limit on key sites
- Support for the expansion of the B2 zone on the eastern side of King Georges Road
- Investigate Melvin Street for a B2 zoning
- Investigate additional FSR and height over the residential area to the west of King Georges Road behind the B2 Zone
- Address the interface between the B2 and R2 zones.
- It may be difficult to implement the proposed green corridor, which is proposed in the B2 and R2 interface zone.

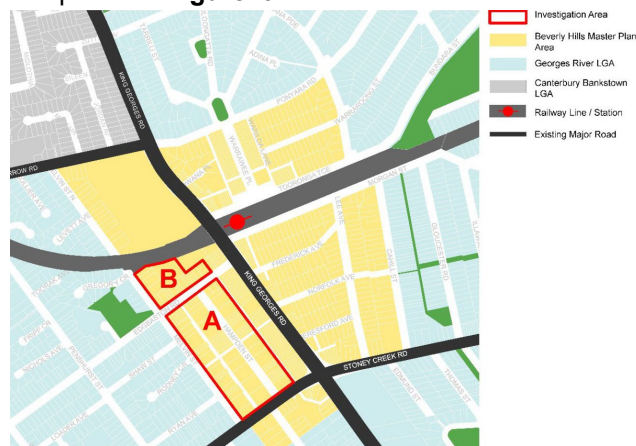
#### **Background - Matters raised by Councillors at workshop held 6 June 2022**

68. At the Councillor workshop on 6 June 2022, officers were requested to seek advice on the feasibility of the following:

- a. Increasing the FSR (from 1.1 to 1.5:1) and HOB ( 12m to 15m) in the existing R4 – High Density Residential zone on the western side of King Georges Road to enable additional dwellings (storeys) on existing residential flat buildings (**Site A**).

- b. Expanding the B2 zone on the western side of King Georges Road in the block bounded by Melvin Street, Edgbaston Road, the Edgbaston Road car park and railway line (**Site B**).

69. Site A and B are depicted in **Figure 9** below.



**Figure 9 – Location of Site A and Site B**

70. **Site A** is zoned R4 – High Density residential and consists mostly of 3 storey residential flat buildings with some older single dwellings remaining (refer to **Figures 10, & 12 to 14** for images of aerial and streetscape).
71. **Site B** is zoned R4 – High Density residential consisting of 3 storey residential flat buildings, multi-dwelling housing, and dual occupancies located west of the existing public car park in the street block bounded by Edgbaston Road, Melvin Street, the railway line and King Georges Road (refer to **Figures 11, & 15 to 17** for images of aerial and streetscape).
72. **Site B** is affected by the High Pressure Ethane Gas Pipeline. The hazard analysis study identifies the site has having a high level of individual risk due to its proximity to the pipeline.



**Figure 10 Option 3 - Site A - Aerial**



**Figure 11 –Site B - Aerial**



**Figure 12 – Three storey residential flat buildings on Hampden St, Beverly Hills (Site A)**





**Figure 13 – Single dwellings Hampden Street (Site A)**



**Figure 14 – Three storey residential flat buildings in Melvin Street (Site A)**



**Figure 15 - Multi-dwelling housing and residential flat buildings in Melvin Street (Site B)**



**Figure 16 – Dual occupancies on Edgbaston Road (Site B)**





**Figure 17 – Three storey residential flat building on Edgbaston Road adjoining Edgbaston Carpark (Site B)**



73. Advice was received from the consultants assisting Council Officers in preparing the amended Master Plan on two aspects raised at the workshop on 6 June 2022 being. The advice is available in **Attachment 3**.
74. Their conclusions for **Site A**, to provide for new dwellings on top of existing strata development is not considered feasible or appropriate on the following basis:
- The strata constraints are inhibitive to achieving development outcomes without substantial increase in development potential that would be out of character with the locality.
  - Development would require substantial and unfeasible structural modifications to the existing building to achieve suitable accessibility, internal circulation and additional basement parking, which is unlikely to occur. It would be difficult to achieve compliance with ADG controls.
  - Increasing the height and building bulk of existing dwellings may lead to poor design outcomes where lower floors are disadvantaged in terms of solar access, as well as visual and acoustic privacy.
  - The logistics of this approach would result in the displacement of existing residents.
  - Only a third of the additional dwellings planned for by the master plan on the eastern side of the new 'East Street' can be achieved on the western side of King Georges Road.
  - The minimal theoretical development potential and the unlikelihood of achieving any development provides an insufficient basis to leverage development investment to fund public domain improvements needed to support a growing population.
75. Their conclusions for **Site B** to rezone from R4 High Density Residential to B2 Local Centre is considered inappropriate on the following basis:
- Additional floorspace capacity along Edgbaston Road in this part of the precinct will undermine the revitalisation objectives that aim to support the feasibility of existing and future businesses along the King Georges Road strip.

- While the B2 Local Centre zone will enable less sensitive land non-residential uses to be accommodated in the identified risk area of the gas pipeline, additional commercial floorspace in a commercial only building that exceeds projected needs is highly unlikely to occur without the need to include a residential component, preventing this benefit from being realised.

### **Background - Hazard analysis study – Moomba to Sydney High Pressure Ethane Gas pipeline**

76. The Moomba to Sydney High Pressure Ethane Gas Pipeline is a high-pressure dangerous goods pipeline located within the study area for Beverly Hills Master Plan. The exact location of these pipelines within NSW is withheld from the public to protect them from targeted damage and ensure community safety. Land use safety and development near pipelines is an emerging and evolving planning issue as Sydney's population and housing density increases. Clause 66C of State Environmental Planning Policy (Infrastructure) 2007 (known as the Infrastructure SEPP) require councils to assess the level of level of risk when considering development near the pipelines, to ensure that risks to people, property and the pipelines are within acceptable levels.
77. In June 2020, Council presented the draft Master Plan to Department of Planning and Environment (DPE), which recommended Council prepare a hazard analysis study for the Master Plan prior to preparing a Planning Proposal. Council was required to undertake a similar study for Planning Proposal for the Narwee Housing Investigation Area (LEP2021).
78. The NSW Government provided funding in May 2021 to prepare the study to assess the risk profile of the draft Beverly Hills Master Plan with the pipeline and provide recommendations to reduce risk. The preliminary report was issued in September 2021 and was reviewed by DPE in November 2021.
79. The study models the risk profile within the master plan study area based on the land use changes and estimated population proposed under the exhibited master plan. The modelling indicates where additional sensitive land uses are not appropriate, or where residential intensification is not appropriate within the study area. Sensitive use is defined as a development that may be difficult to evacuate, including schools, aged-care facilities, childcare and hospitals.
80. Five sites within the master plan study area are identified as having a higher level of risk from the pipeline. These sites are on the southern side of the railway corridor. A range of planning tools are available to help minimise and manage the risk from the pipeline, including exploring alternative land uses for identified sites, including LEP provisions for affected sites, and providing design guidance on site planning in the DCP.
81. The implications of the Moomba to Sydney High Pressure Ethane Gas Pipeline on the final draft Master Plan will need to be again considered and further modelling undertaken. Such modelling indicates where additional sensitive land uses are not appropriate, or where residential intensification is not appropriate within the study area. Sensitive use is defined as a development that may be difficult to evacuate, including schools, aged-care facilities, childcare and hospitals. A range of planning tools are available to help minimise and manage the risk from the pipeline, including exploring alternative land uses for identified

sites, including LEP provisions for affected sites, and providing design guidance on site planning in the DCP.

#### **OPTIONS IN RESPONSE TO KEY ISSUES RAISED**

82. To assist Council in determining a way forward with regards to the Beverly Hills Local Centre, several options are provided for consideration.
83. These options consider the key issues raised in submissions and the following key objectives for Beverly Hills Local Centre:
  - (a) Renewing and revitalising the Beverly Hills Local Centre (in B2 – Local Centre zone)
  - (b) Creating new opportunities for people to live close to transport and services
  - (c) Creating a community heart for Beverly Hills with public spaces
  - (d) New and improved connections within and around the centre
  - (e) Providing guidance for new development / planning proposals

#### **Option 1 – Proceed with the amendments to exhibited draft master plan as reported**

84. This option involves proceeding with the exhibited draft Master Plan as amended and reported to Council on 26 July 2021 (**Figure 18**). An explanation of the justification of this approach is outlined in the background section of this report in **Paragraphs 28 to 45**.
85. Submissions received indicated community opposition to this option mostly due to concerns relating to the proposed acquisition of R2 Low Density Residential zoned land and displacement of residents for the new creation of a new 'East Street' and for public open space.
86. It is considered that this option does not completely address the concerns raised by submissions and Councillors and it is recommended that Council does not proceed with this option.



# ENV007-23 Attachment 1



**ENV007-23**

**ENV007-23**

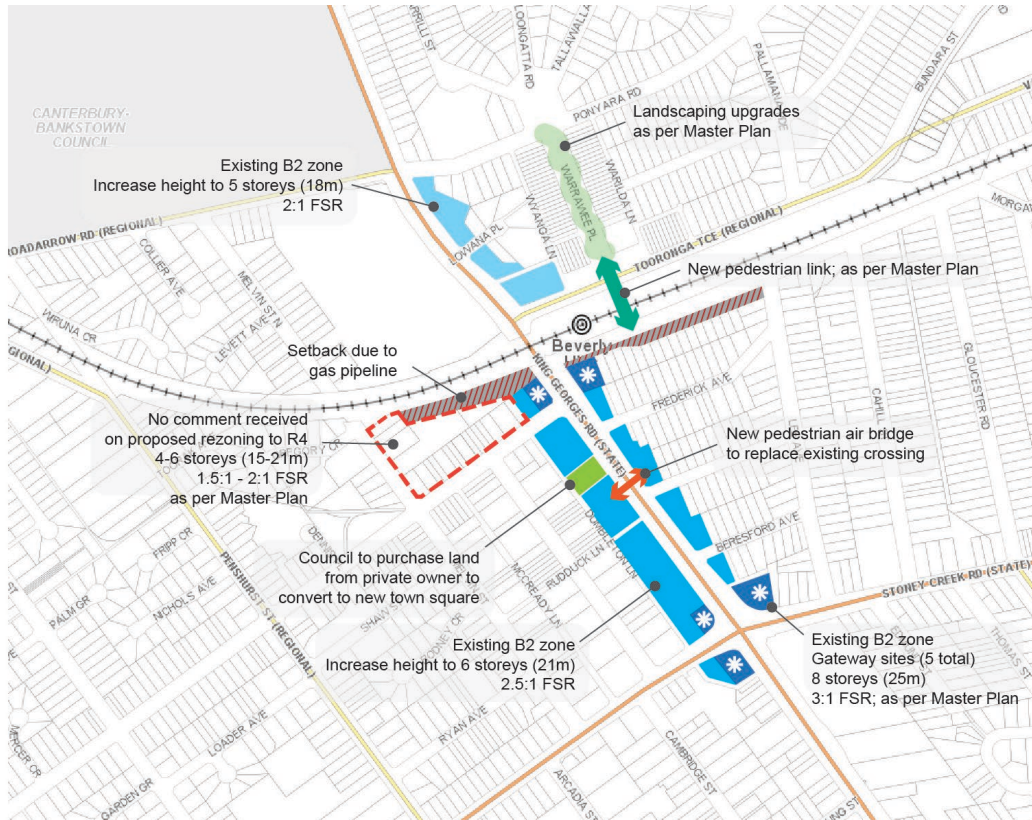
- ENV007-23**

- Council to acquire Nos.443-445 King Georges Road (land adjoining the cinema) and rezone to create a new town square.
- Support and advocate for a new pedestrian bridge over the railway between Tooronga Terrace and Morgan Street to connect the north and south side of the centre;
- Support and advocate for a new pedestrian bridge over King Georges Road to replace existing pedestrian crossing at the Cinema; and
- Provide public domain landscaping upgrades along King Georges Road, Tooronga Terrace and Warrawee Place.

No comment was received relating to the proposed upzoning of R4 area on northern side of Edgbaston Road and Melvin Street, so the exhibited proposal of 4-6 storeys (15m-21m) with FSR of 1.5:1 -2:1 has been included in this option.

88. Option 2 acknowledges the key issues raised and partially implements the key objectives by:
- Delivering opportunities for renewal of the existing B2 – Local Centre zone with increased height and density.
  - Creating opportunities for new housing opportunities close to transport and services through shop top housing in the existing B2 zone.
  - Proposing a new town square to create a community heart for Beverly Hills through public spaces
  - Supporting improved connections within and around the centre. The delivery of proposed pedestrian bridges over State government assets (road and rail) would require their consent and substantial funding to deliver. Council can advocate for and seek grant funding for these projects.
  - Providing guidance for ad hoc planning proposals.
  - No proposal for Council acquisition of land in the R2 zone.

**Figure 19 – Option 2 structure plan**



89. Option 2 may result in the following issues:

- Limited change in the built form or renewal of the centre on the eastern side of King Georges Road, as highly fragmented ownership and small lot sizes require greater development incentives to create developable land parcels.
- Does not address the issue of servicing and vehicular access for B2 sites facing King Georges Road. No provision is made for creating new lanes, particularly for new development with no existing laneway access, or widening existing laneways to improve pedestrian access and potential bicycle lanes.
- Would result in inequality in development standards within the B2 zone between the northern and southern sides of the centre. With the southern side of railway line having greater development potential.
- Does not meet the 2036 forecast for non-residential floorspace in the CCS with no opportunity for increase in B2 zoned land, which may result in overall decrease in non-residential floorspace within the centre through redevelopment of existing B2 zoned sites.
- No transition zone – this option does not provide an area for transition of height from 21m (6 storeys) in the B2 zone to two storeys in R2 zone and may result in amenity impacts for the adjoining low density residential area.



- Is unlikely to deliver a new town square, as Nos.443-445 King Georges Road is privately owned with a development consent for a motel development and is also restricted by a stormwater canal. It is considered it would be cost inhibitive for Council to purchase this land and convert into a town square.
  - Difficulty in delivery of proposed public domain improvements and landscaping upgrades due to limited redevelopment opportunities and urban renewal.
  - State Government may approve planning proposals that exceed these development standards (through rezoning review).
90. It is considered that option 2 will not provide significant incentives to encourage renewal within the centre to create opportunities for housing, jobs and public domain infrastructure. It is recommended that Council does not proceed with this option.

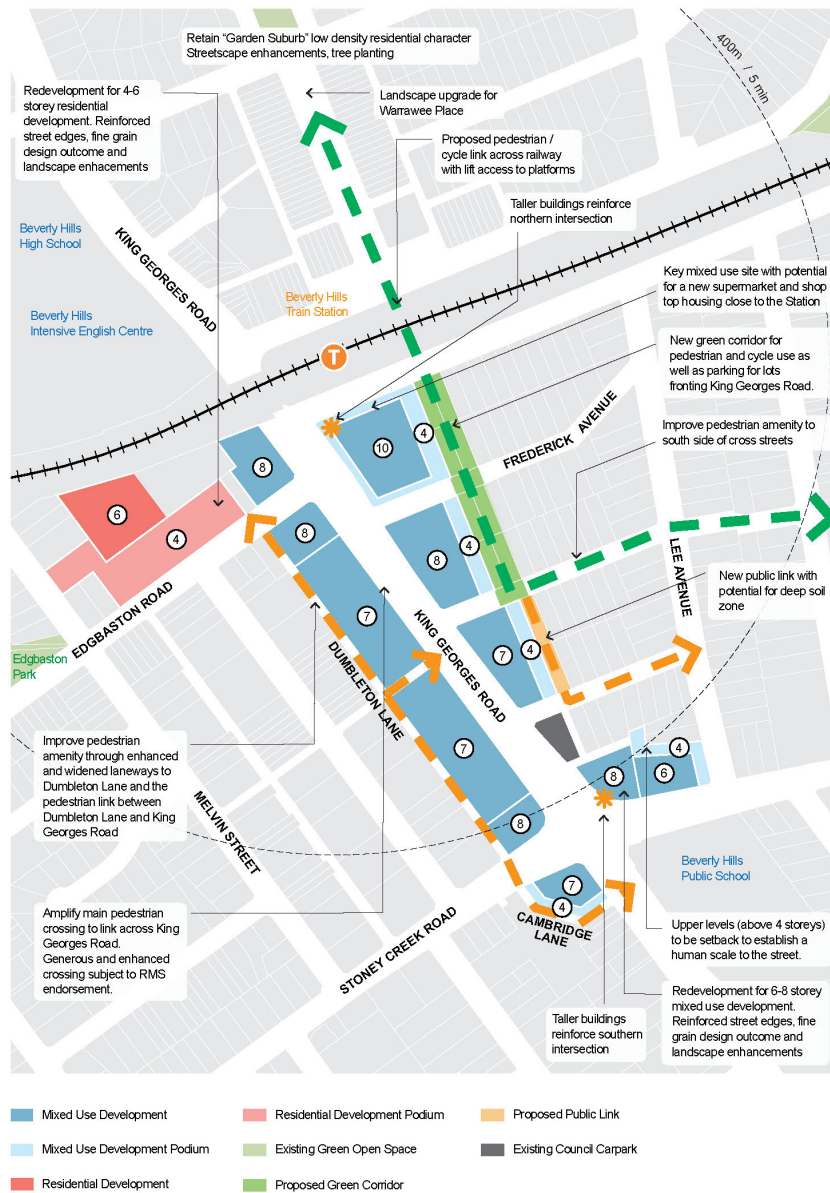
**Option 3 – Amended design (based on exhibited draft Master Plan)**

91. This option builds upon the exhibited draft Master Plan and proposes the following changes (refer to **Figure 20** for structure plan):
- An expansion of the B2 Local Centre zone on the eastern side of King Georges Road to incentivise amalgamation of key sites and provide a new green corridor.
  - An increase in height and density in the B2 zone, to allow 7 storeys with additional height on gateway sites up to 8 storeys and key sites up to 10 storeys to encourage redevelopment and renewal (dependent onsite amalgamation patterns and providing public benefit such as lane widening).
  - Improve pedestrian amenity through enhance and widened laneways to Dumbleton Lane and Rudduck Lane.
  - Three key sites are identified for amalgamation to deliver a 24m setback to the existing R2 low density residential area via a green corridor and public link.
  - The 24m wide green corridor between Morgan Street and Norfolk Avenue (key sites 1 and 2) will:
    - improve access and connectivity with pedestrian and bicycle access
    - provide opportunities for visitor street parking away from King Georges Road
    - include wide footpaths for public spaces
    - provide a 6m wide deep soil zone to provide tree canopy; and
    - minimise amenity impacts on the adjoining R2 zone through providing a interface zone.
  - The 12m wide public link between Norfolk Street and Beresford Avenue (key site 3) will:
    - improve access and connectivity with pedestrian and bicycle access
    - provide a 4m wide deep soil zone to provide tree canopy; and
    - minimise amenity impacts on the adjoining R2 zone.

- An increase in height and density in the R4 High Density Residential zone along northern side of Edgbaston Road and Melvin Street to allow 4 to 6 storeys.
- No changes are proposed to the B2 zone north of the railway line in response to concerns on the impact on character of the adjoining residential area, which is an intact 'Garden suburb' style subdivision pattern mostly consisting of 1930s red-brick bungalows.
- Supporting improved connections within and around the centre. The delivery of proposed pedestrian bridges over State government assets (road and rail) would require their consent and substantial funding to deliver. Council can advocate for and seek grant funding for these projects.



**Figure 20 – Option 3 – Structure plan**



92. **Figure 21** provides the existing land use zones and proposed land use zones under Option 3, with the expansion of B2 zone on the eastern side of King Georges Road.

**Figure 21. Option 3 - existing and proposed land use zone**



Figure 13. Current Land Zoning



Figure 14. Proposed Land Zoning, amendments outlined in red.

B1	Neighbourhood Centre
B2	Local Centre
IN2	Light Industrial
R2	Low Density Residential
R3	Medium Density Residential
R4	High Density Residential
RE1	Public Recreation
SP2	Infrastructure

B1	Neighbourhood Centre
B2	Local Centre
IN2	Light Industrial
R2	Low Density Residential
R3	Medium Density Residential
R4	High Density Residential
RE1	Public Recreation
SP2	Infrastructure

93. **Figure 22** shows the location of key site 1,2 and 3 and the location of the green corridor and public link.

**Figure 22. Option 3 - Key Sites**



### Key Site 1

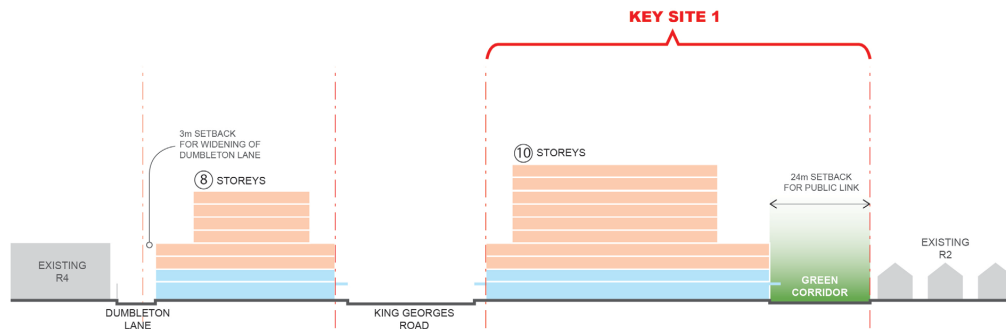
94. The consolidation of Key Site 1 is critical to achieving a site area and configuration that can accommodate a future supermarket and provide a 24m wide setback for a green corridor between Morgan Street and Frederick Avenue.
95. To incentivise amalgamation and the delivery of this public benefit, the following bonus incentives are proposed:
  - Additional building height of 6.2m; and
  - Additional floor space ratio of 1:1.
96. With the bonus incentives, Key Site 1 would have a maximum FSR of 4:1 with maximum building height of 34.4m (8 storeys).
97. These bonus incentives are contingent upon meeting the following criteria:
  - A minimum site area of 8,700sqm;
    - Dedication of the land identified to form part of the green corridor to Council for the purposes of a public road (i.e Lots 19, 20, 44 and 45 in DP12807);
    - Provision of public car parking spaces (subject to needs analysis); and

- Meeting the Design Excellence standards under cl 6.10 of the GRLEP 2021.

98. **Figure 23** provides an indicative section of Key Site 1 which shows:

- Four storey street wall facing King Georges Road and a podium of 4 storeys (two levels of retail/commercial and two levels of residential levels), with 6 storeys of residential above with a setback 12m from the rear boundary.
- 24m setback from R2 zone boundary for provision of a green corridor. This would result in total setback of 36m from residential tower to R2 boundary, which is more generous than ADG requirement of 12m.

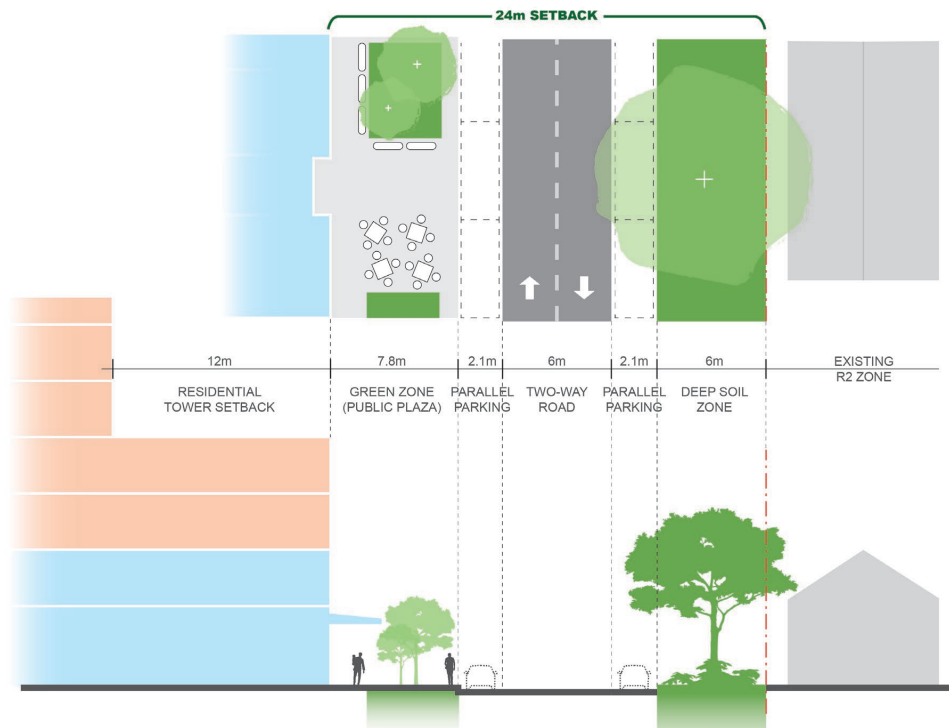
**Figure 23. Option 3 – Key Site 1 indicative section**



99. **Figure 24** provides an indicative plan and section of the green corridor 24m setback from the R2 zone and shows:

- 7.8m Green zone (public plaza) for wide footpaths, outdoor dining, public seating and planters.
- Parallel parking on both sides of a two-way road
- 6m deep soil zone for planting and tree canopy adjoining the R2 zone boundary

**Figure 24 - Option 3 – Key Site 1 indicative plan and section of green corridor**



### Key Site 2

100. The consolidation of Key Site 2 is critical to achieving a site area and configuration that can deliver part of the section of the green corridor between Frederick Avenue and Norfolk Avenue. To incentivise amalgamation and the construction of the green corridor, the following bonus incentives are proposed:

- Additional building height of 6.2m; and
- Additional floor space ratio of 1:1.

101. With the bonus incentives, Key Site 1 would have a maximum FSR of 4:1 with maximum building height of 34.4m (8 storeys).

102. Key Site 2 has a maximum FSR of 3.5:1 with maximum building height of 27.2m (8 storeys) and is required to provide a 24m setback for public benefit.

103. These bonus incentives are contingent upon meeting the following criteria:

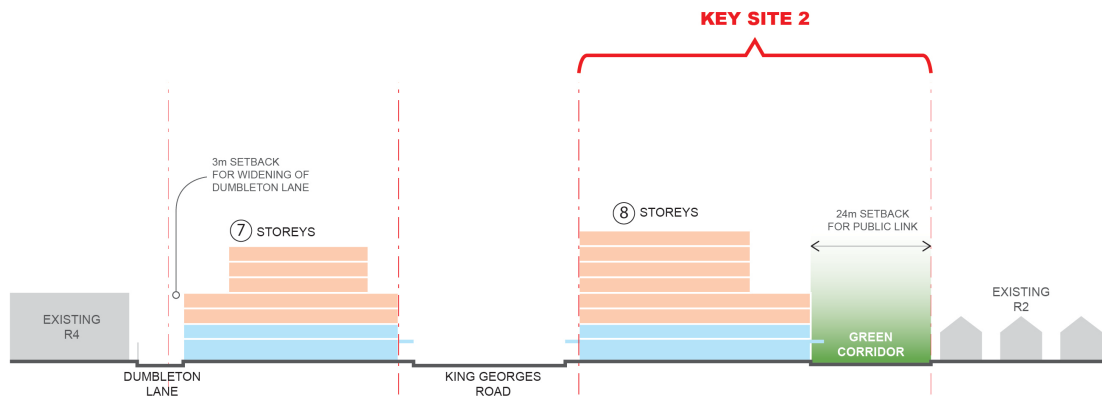
- A minimum site area of 6,850sqm;
- Dedication of the land identified to form part of the green corridor to Council for the purposes of a public road (i.e. Lots 61, 62, 83 and 84 in DP12807);
- Provision of public car parking spaces (subject to needs analysis); and
- Meeting the Design Excellence standards under cl 6.10 of the GRLEP 2021.



104. **Figure 25** provides an indicative section of Key Site 2 which shows:

- A podium of 4 storeys at rear (two levels of retail/commercial and two levels of residential levels), with 4 storeys of residential above with a setback 12m from the rear boundary.
- Provision of 24m setback from R2 zone for green corridor. This would result in total setback of 36m from residential tower to R2 boundary, which is more generous than ADG requirement of 12m.

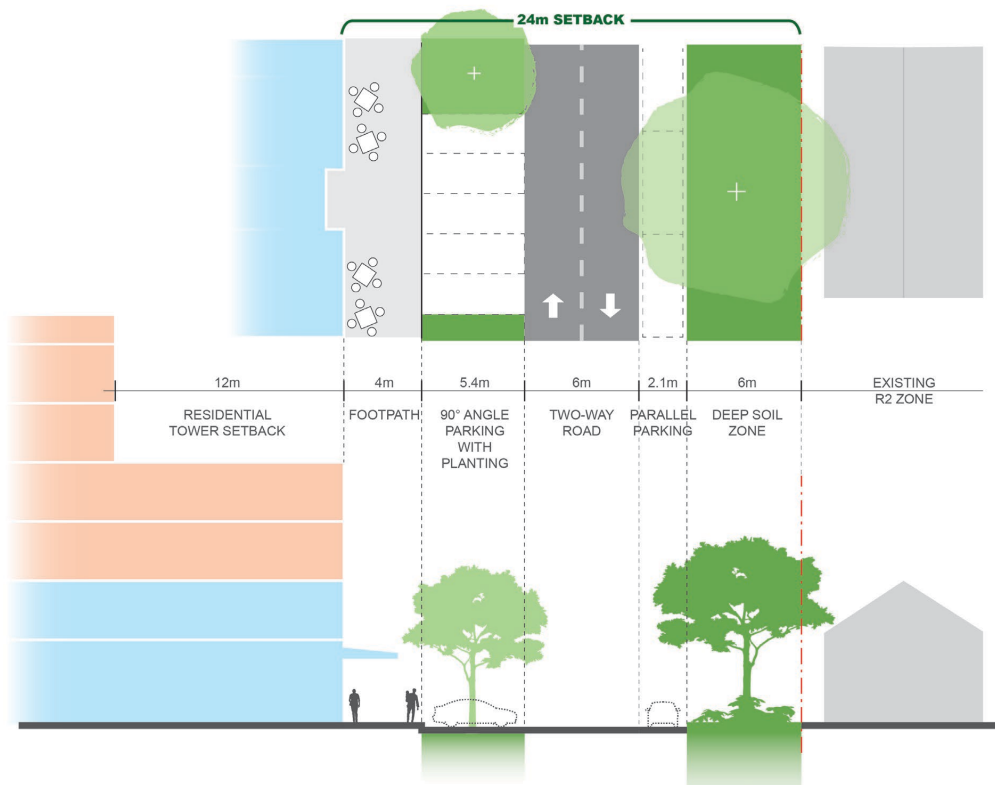
**Figure 25 - Option 3 – Key Site 2 indicative section**



105. **Figure 26** provides an indicative plan and section of key site 2 green corridor 24m setback from the R2 zone and shows:

- 4m wide footpaths for outdoor dining, public seating and planters.
- Parallel parking and 90 degree parking with planting to replace 12 car spaces in Frederick St car park (potential capacity to double the amount of street parking).
- 6m two way road for vehicular access.
- 6m deep soil zone for planting and tree canopy adjoining the R2 zone boundary

**Figure 26. Option 3 – Key Site 2 indicative plan and section of green corridor**



### Key Site 3

106. Consolidation of key site 3 is critical to achieving a site area and configuration that can deliver part of the section of the laneway between Norfolk Avenue and Beresford Avenue. To incentivise amalgamation and the construction of the green corridor, the following bonus incentives are proposed:

- Additional building height of 3.1m; and
- Additional floor space ratio of 0.5:1.

107. Key site 3 has a maximum FSR of 3:1 with maximum building height of 24.1m (7 storeys) and is required to provide a 12m setback for public benefit.

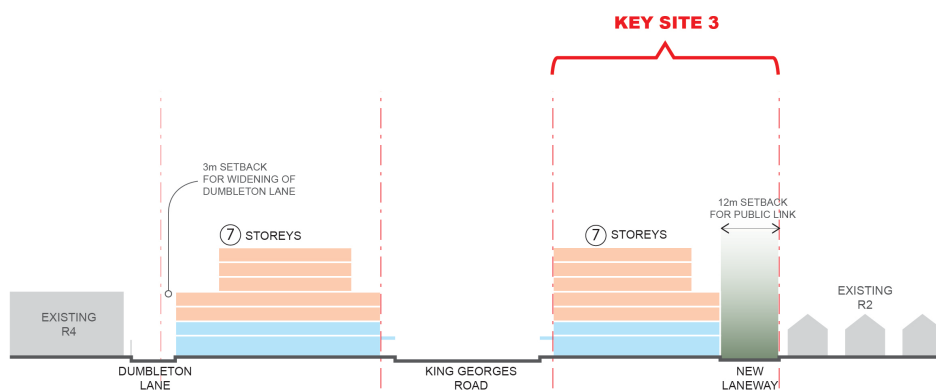
108. These bonus incentives are contingent upon meeting the following criteria:

- A minimum site area of 4,900sqm;
- Dedication of the land identified to provide a public road in the form of a (min) 9.0m wide laneway (i.e. part Lots 94 and 114 in DP12807); and
- Meeting the Design Excellence standards under cl 6.10 of the GRLEP 2021.

109. **Figure 27** provides an indicative section of key site 3 which shows:

- A podium of 4 storeys at rear (two levels of retail/commercial and two levels of residential levels), with 4 storeys of residential above with a setback 6m from the rear boundary.
- Provision of 12m setback from R2 zone for public link. This would result in total setback of 18m from residential tower to R2 boundary, which is more generous than ADG requirement.

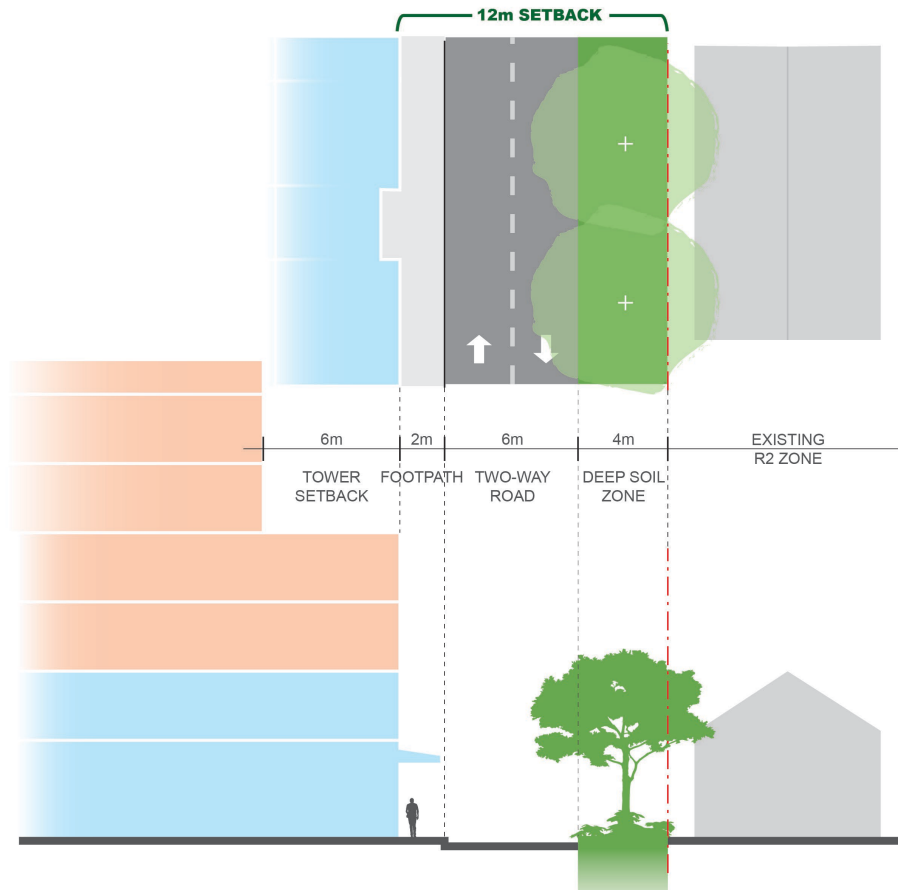
**Figure 27. Option 3 – Key Site 3 indicative section**



110. **Figure 28** provides an indicative plan and section of key site 3, 12m setback for public link and shows:

- 2m wide footpaths for pedestrian access.
- 6m two-way road for vehicular access
- 4m deep soil zone for planting and tree canopy adjoining the R2 zone boundary
- Potential to create bicycle lane within deep soil zone.

**Figure 28. Option 3 – Key Site 3 indicative plan and section of green corridor**



#### **Incentives for non-key sites to deliver identified public benefits**

111. For non-key sites where part of a consolidated site can facilitate the delivery of public benefits identified in the **Table 5** below, Council will consider a bonus additional height of up to 3.1m and FSR up to 0.5:1 as part of the Development Application process. These bonuses will not be available to sites identified as a Key Site.
112. Based on analysis of the centre and outcomes of community consultation, it is clear that the existing cinema in Beverly Hills is one of the key strengths of the centre and a destination that has benefits for the centre's economy and enjoyment of the wider community. Should the existing cinema redevelop, it is proposed to incentivise the re-establishment of a cinema as part of any future redevelopment. Specifically, the following bonuses are proposed:
- Floor space ratio bonus of up to 1:1 to a maximum of 2,000sqm (whichever is the lesser); and
  - Additional building height of 6.2m.
  - To facilitate these bonuses, it is recommended that enabling clauses be introduced under Part 6 of the GRLEP 2021. Additional height and FSR would only be

considered by Council where outstanding design excellence and community benefits are achieved.

113. To incentivise the amalgamation of small sites, a minimum frontage of 20m is required to achieve the base FSR and HOB, otherwise the FSR will be 2:1 and HOB will be 15m.
114. **Table 5** below provides a list of identified benefits to be included in the amended public domain plan.

**Table 5 - Option 3 – public benefit for inclusion in public domain plan**

Identified Public Benefit	Description
New Green Corridor	A new public street providing safe and pleasant pedestrian and cyclist movement, public breakout spaces, deep soil zone for tree canopy and potential linear park, car parking and rear access to lots along King Georges Road.
Advocacy for pedestrian bridge linking East Street, Railway Station and Tooronga Terrace/Warrawee Place	A new pedestrian link across the railway reserve providing new eastern access to the railway station and between the north eastern and south eastern sectors of the study area.
Widening of existing Dumbleton Lane and Cambridge Lane on western side of King Georges Road	Incremental widening of the existing laneway to provide new opportunities for car parking and safer and more enjoyable pedestrian/cycling access.
Warrawee Place Upgrade	Embellishment of Warrawee Place.
New and enhanced pedestrian links between Melvin Street, Dumbleton Lane and King Georges Road	New and enhanced links to improve east west connection between car parking along West Lane and King Georges Road.
General improvements to Streetscape and Connectivity	General upgrades to the streetscape and public realm to facilitate better connectivity and streetscape amenity.

115. **Table 6** indicates the proposed planning controls, bonus FSR and HOB and public benefit required to achieve the bonus.

**Table 6. Option 3 - Proposed planning controls and public benefit**

	Base/ LEP Mapped FSR	Base/ LEP Mapped HOB	Bonus FSR (Up to)	Bonus HOB (Up to)	Public benefit provided for bonus
<b>Key Sites</b>					
<b>Key Site 1</b>	3:1	28m (8 storeys)	1:1 bonus (4:1)	6.2m bonus (34.4m) 10 storeys	24m setback for green corridor between Morgan St and Frederick Ave. Land to be dedicated to Council.
<b>Key Site 2</b>	2.5:1	21m (6 storeys)	1:1 bonus (3.5:1)	6.2m bonus (27.2m) 8 storeys	24m setback for green corridor Portion of East Street between Frederick Ave and Norfolk Ave. Land to be dedicated to Council.



	Base/ LEP Mapped FSR	Base/ LEP Mapped HOB	Bonus FSR (Up to)	Bonus HOB (Up to)	Public benefit provided for bonus
<b>Key Site 3</b>	2.5:1	21m (6 storeys)	0.5:1 bonus (3:1)	3.1m bonus (24.1m) 7 storeys	12m setback for public link between Norfolk Ave and Beresford Ave. Land to be dedicated to Council.
<b>Non-key sites</b>					
<b>Gateway /corner sites</b>	2.5:1	21m (6 storeys)	0.5:1 bonus (3:1)	6.2m bonus (27.2m) 8 storeys	Gateway/corner site to provide design excellence and landscaping
<b>B2 zone western side of KGR with access to Dumbleton Lane</b>	2.5:1	21m (6 storeys)	0.5:1 (3:1)	3.1m bonus (24.1m) 7 storeys	3m laneway widening to existing lane, to allow for public domain improvements and pedestrian accessibility. Land to be dedicated to Council.
<b>Cinema Site (No.447-453 King Georges Road)</b>	2.5:1	21m (6 storeys)	1:1 (3.5:1)	6.2m bonus (27.2m) 8 storeys	<ul style="list-style-type: none"> <li>Re-establish cinema land use and</li> <li>Provide 3m laneway widening to existing Dumbleton Lane, to allow for public domain improvements and pedestrian accessibility. Land to be dedicated to Council.</li> </ul>
<b>519-529 King Georges Road 163-165 Stoney Creek Road (south-western corner Stoney Creek and King Georges Rd)</b>	2.5:1	21m (6 storeys)	0.5:1 bonus (3:1)	3.1m bonus (24.1m) 7 storeys	3m laneway widening to Cambridge Lane for public domain improvements. Land to be dedicated to Council.

116. Option 3 acknowledges the key issues raised and implements the key objectives by:

- Meets the CCS with the renewal of the existing B2 – Local Centre zone and increase in B2 zoned through increased height and density and increase in B2 zoned land.
- Encouraging redevelopment of smaller lots in B2 zone with fragmented ownership on eastern side of King Georges Road by providing incentives to amalgamate key sites and provide key public benefit.
- Creating opportunities for new housing close to transport and services through shop top housing in the existing and expanded B2 zone, and additional height and density in the R4 zone along Edgbaston Road.

- Providing a transition zone between expanded B2 zone and R2 zone through setbacks for green corridor, to minimise potential amenity impacts for the adjoining low density residential area.
- Mechanism to fund infrastructure
- Potential improvements to public domain through re-development of centre and inclusion of infrastructure works in public domain plan and contributions plan.
- Supporting improved connections within and around the centre with green corridor and public link, proposed pedestrian/cycle bridge over rail and improved crossing on King Georges Road. The links over rail and King Georges Road would require consent from Transport for NSW and substantial funding to deliver. Council can advocate for and seek grant funding for these projects.
- Providing opportunity to create a community heart for Beverly Hills through public spaces along green corridor.
- No proposal for Council acquisition of land in the R2 zone.
- Providing guidance for ad hoc planning proposals by establishing vision for centre.
- Assists in addressing the strategic direction set for the centres in the LGA as envisaged by the LSPS.

117. This option may result in the following issues:

- Community opposition to expansion of B2 zone into existing R2 zone land
- May result in inequality in development standards within the B2 zone on north and south of the centre with greater development potential available on the southern side of railway line.
- State Government may approve planning proposals that exceed these development standards (through rezoning review).

#### **Minimum non-residential floor space ratio and calculations**

118. The George River LEP 2021 includes a minimum non-residential (employment) FSR of 0.5:1 for B2 zoned land within Beverly Hills Centre. The Commercial Centres Strategy (CCS) indicates that the current B2 zoned land within Beverly Hills centre results in a non-residential FSR of 0.7:1 and requires an FSR of 0.82:1 to meet the required 2036 demand for future employment floor space.

119. The previous Council report on Beverly Hills Master Plan (12 July 2021) recommended that Council consider a future LEP requirement for non-residential FSR of 0.75:1 in Beverly Hills. This requirement would stem the loss of the non-residential floorspace as sites are redeveloped and ensure capacity to meet the 2036 projections for employment floorspace demand.

120. **Table 7** below provides a yield analysis of the non-residential floor space and dwellings for each option discussed in this report. The minimum non-residential floor space ratio of 0.75:1 has been applied to these calculations.

**Table 7. Option 3 - Calculations for non-residential floor space and dwellings for each option**

	<b>Option 1 Exhibited MP</b>	<b>Option 2 Residents' submission</b>	<b>Option 3 Amended no LRA</b>
<b>Existing non-residential GFA in B2 zone</b>	29,230sqm	29,230sqm	29,230sqm
<b>Proposed non-residential GFA under option</b>	36,831sqm At 0.75:1 FSR	26,882sqm At 0.75:1 FSR	34,279sqm At 0.75:1 FSR
<b>Difference from 2036 non-residential floor space target*</b>	+3,070sqm (meets target and has surplus)	<b>-6,879sqm</b> (shortfall)	+518sqm (meets target and has surplus)
<b>Existing number of dwellings (in areas affected by change)</b>	1,671	84	94
<b>Proposed number of dwellings total</b>	3,171	870	1,309
<b>Number of additional dwellings</b>	1,500	786	1,215

\* *Commercial Centres Strategy – Part 1 Centres Analysis* identifies 33,761sqm of non-residential floor space is needed by 2036. If no expansion to B2-zoned land is proposed, then a minimum 0.82:1 non-residential FSR must be applied to ensure the required employment floor space is provided.

## RECOMMENDATION

### Preferred option to proceed with amended Master Plan for Beverly Hills

121. Option 3 is recommended as the preferred approach as it is able to respond to the key issues arising from submissions to the draft Master Plan, while implementing the key objectives for Beverly Hills by providing opportunities to revitalise the existing B2 centre and address the projected shortfall of non-residential floorspace and improve housing opportunities close to public transport.

122. This option achieves the key objectives for Beverly Hills by:

- Recognising the need to revitalise Beverly Hills centre with a clear vision that provides guidance for future development and ad hoc planning proposals.
- Provides development incentives to renew existing B2 land in the centre, including smaller lots through amalgamation.
- Creating opportunities to meet the 2036 projections for employment floorspace demand for Beverly Hills.
- Acknowledging the community's concerns regarding acquisition and proposing no Council acquisition of sites for public infrastructure. Infrastructure, such as the green corridor and laneway widening will be delivered through development incentives.

- Providing opportunities for new housing close to train station through upzoned areas with B2 shop top housing and increased FSR for some R4 land along northern side of Edgbaston Road.
- Creating public spaces in green corridor to provide informal opportunities for community to meet and gather.
- Delivering new and improved connections within and around the centre, via development incentives to deliver the green corridor, lane widenings and cross links.

123. It is recommended that Council prepare an amended master plan based on Option 3 for public exhibition, including an updated hazard analysis, public domain plan and traffic and parking study to assess the potential impacts of land use uplift on the existing network and to develop mitigation strategies to accommodate the expected growth under this option.

### **Community consultation**

124. Consultation is proposed for the owners and occupiers of properties located within the study area for Beverly Hills Centre. This consultation process will comprise of the following engagement methods:

- Targeted letters to landowners and occupiers
- Fact sheet in plain English and Chinese outlining the proposed changes
- Webinar meetings
- Face to face meetings
- Dedicated email and phone call enquiries

125. The following material will be available during the exhibition period:

- Draft Master Plan
- Traffic and Parking Study
- Public Domain Plan
- Fact sheets

126. All information will be available digitally on Council's YourSay website. Hard copies will be made available at Council offices.

127. Notification of the public exhibition will be through:

- Newspaper advertisement in The Leader
- Exhibition notice on Council's website and social media
- Community engagement project on Council's YourSay website
- Council's social media channels
- Notices in Council offices and libraries
- Letters to all landowners and occupiers in areas where change to planning controls are proposed under the draft Master Plan as well as surrounding areas; and
- Letters to relevant Government agencies.

## NEXT STEPS

128. Following consideration of the submissions received, this report recommends that Council does not proceed with the exhibited draft Master Plan and instead endorses the preparation of an amended Master Plan based on preferred option 3.
129. If endorsed by Council, the amended Master Plan will be prepared, including a traffic and parking study, amended hazard analysis and public domain plan based on Option 3.
130. The amended documentation will then be placed on exhibition.
131. An indicative timeline is shown in **Table 8** below.

**Table 8 – Timeline**

Action	Indicative Timeline
Report to Environment and Planning Committee on the amended Master Plan – funding will be required to proceed with the preferred approach	November 2022
Minutes of Environment and Planning Committee referred to Council for adoption – with Budget approved	November 2022
Appointment of consultants to review viability, conduct the traffic assessment, amended hazard analysis and prepare public domain plans	December 2022
Preparation for draft Master Plan exhibition	February – March 2023
Exhibition of draft Master Plan	April to June 2023
Consideration of submissions and briefing to Councillors	July to August 2023
Report to Environment and Planning Committee for a resolution to adopt the amended Draft Master Plan	September 2023

132. It is noted that the project timeline is indicative and may be amended due to funding and reporting timeframes.

## FINANCIAL IMPLICATIONS

133. Council should note:
  - a. In the FY22/23 it has allocated \$100,000 to Traffic Studies covering both Beverly Hills and Mortdale Local Centres.
  - b. \$21,000 from LEP Program Stage 3 has been utilised to prepare Option 3 in this report.
  - c. In respect of grant monies from the Department of Planning and Environment only \$6,600.00 is remaining to finalise the Beverly Hills Hazard Report.
134. Therefore, additional funding is required:
  - a. If more than one option is endorsed for exhibition for additional modelling work and updates to associated studies with an estimated cost of \$220,000.
  - b. For the community engagement program for the exhibition of the draft master plan with estimated cost of \$25,000.

## RISK IMPLICATIONS

135. There is a risk of not proceeding with a planning proposal for Beverly Hills, as it could result in:



- Ad-hoc planning proposals being submitted which may not align with the future vision for Beverly Hills Centre with limited ability to deliver required infrastructure and public benefits.
  - No development or renewal within Beverly Hills Centre which may result in continuing decline in amenity with ageing buildings and poor public domain, reducing the liveability of the surrounding area, and the desirability of the Centre for investment.
  - Potential decline in existing infrastructure with limited opportunities to improve traffic and parking situation due to no contributions plan or funding mechanisms.
  - Limited capacity to meet future employment floorspace demand, potentially resulting in demand shifting to other centres.
136. The Moomba to Sydney High Pressure Ethane Gas Pipeline is a high-pressure dangerous goods pipeline located within the study area for Beverly Hills Master Plan. Land use safety and development near pipelines is an emerging and evolving planning issue as Sydney's population and housing density increases. Clause 66C of State Environmental Planning Policy (Infrastructure) 2007 (known as the Infrastructure SEPP) require councils to assess the level of risk when considering development near the pipelines, to ensure that risks to people, property and the pipelines are within acceptable levels.
137. Five sites within the master plan study area are identified as having a higher level of risk from the pipeline. A range of planning tools are available to help minimise and manage the risk from the pipeline, including exploring alternative land uses for identified sites, including LEP provisions for affected sites, and providing design guidance on site planning in the DCP.
138. It is recommended that once Council endorses its preferred option for the amended draft master plan, that further modelling be undertaken to determine the level of risk and whether the affected sites change.
139. There is also the risk of the DPE requesting the return of funds that it gave to Council for the preparation of the hazard analysis (\$33,000).

## FILE REFERENCE

17/640

## ATTACHMENTS

- Attachment 1 ENV030-21 Adoption of Beverly Hills Town Centre Master Plan 2021 - Environment and Planning Committee Report - 12 July 2021 - *published in separate document*
- Attachment 2 ENV009-19 - Environment and Planning Committee Report - Beverly Hills Master Plan Phase 1 - 8 April 2019 - *published in separate document*
- Attachment 3 Beverly Hills Master Plan - Review of Alternate Planning Options October 2022 - *published in separate document*

**Item:** ENV008-23 Oatley Park Plan of Management and Master Plan - Public Exhibition

**Author:** Strategic Planner

**Directorate:** Environment and Planning

**Matter Type:** Committee Reports

ENV008-23

**RECOMMENDATION:**

- (a) That Council notify the draft Plan of Management and Master Plan to the Department of Planning and Environment, as landowner of part of the land under section 39 of the Local Government Act 1993 to obtain owner's consent prior to public exhibition.
- (b) That Council seek written consent from NSW Department of Planning and Environment to adopt the draft Plan of Management, in accordance with section 3.23(6) of the Crown Land Management Act 2016.
- (c) That Council lodge a submission to Crown Lands on Lot 542 Lot 727277 (Oatley Baths) requesting that Council be appointed Crown Land Managers.
- (d) That Council delegates authority to the General Manager to make any further amendments to the draft Oatley Park Plan of Management and Master Plan to address any points raised by the Department of Planning and Environment.
- (e) That Council endorse the draft Oatley Park Plan of Management and Master Plan for public exhibition (following receipt of the Crown landowner's consent) for a period of not less than 28 days, in accordance with section 38 of the Local Government Act 1993.

**EXECUTIVE SUMMARY**

1. A draft Plan of Management (**Attachment 1**) and Master Plan (**Attachment 2**) have been prepared for Oatley Park by Thomas Berrill Landscape Design Pty Ltd in conjunction with Council officers.
2. Community engagement was undertaken to raise awareness of the preparation of the draft Plan of Management and Master Plan and to develop a vision for the Park with opportunities for input by the community, Council officers and Councillors.
3. The draft Plan of Management has been developed to determine and guide how Oatley Park will be used, improved upon and managed in the future. It identifies Council's goals and vision, establishes direction for planning and resource management allowing Council to set priorities when preparing work programs.
4. This report recommends that the draft Plan of Management and Master Plan be placed on public exhibition for a minimum 28 days in order to receive feedback from the local community in accordance with the requirements of the Local Government Act 1993.

5. This report recommends that prior to the draft Plan of Management and Masterplan being placed on public exhibition, that it be forwarded to Department of Planning and Environment (DPE) as a landowner of Crown Reserve R500166 (Lot 13 DP 752056) for consent to exhibit the Plan of Management and Master Plan. Oatley Baths (Lot 542 DP727277) is mentioned within Plan of Management and Master Plan, but the care, control and management is under the Crown (State of NSW) and consent is not needed.

## BACKGROUND

6. This Plan of Management applies to Oatley Park, which is located in the Southern Suburbs of Sydney between Lugarno and Hurstville. The park is situated on a peninsula, as three of the Park's boundaries are defined by water. Dame Mary Gilmore Road forms the Park's eastern boundary, which is the only land in direct contact with the park.
7. Oatley Park comprises of 2 lots (**Table 1**). **Figure 1** displays the extent of Oatley Park.

ENV008-23

Lot and DP	Owner
Lot 13 in DP752056 (Oatley Park)	Crown Reserve No.500166 – State of NSW
Lot 542 in DP727277 (Oatley Baths)	State of NSW

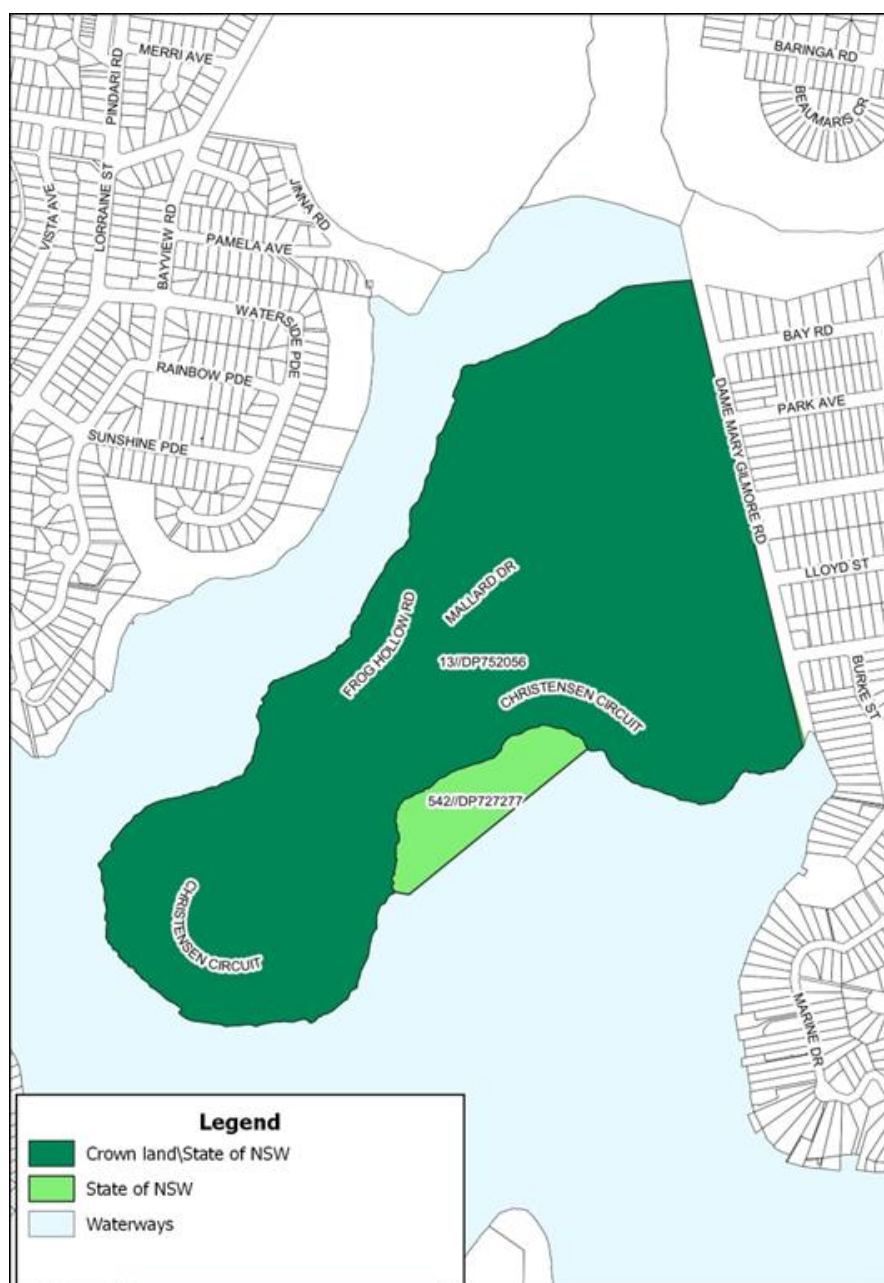


Figure 1 – Oatley Park

8. Council is Crown Land Manager for Lot 13 in DP752056 (R500166) (Oatley Park). The crown is the land manager for Lot 542 in DP727277 (Oatley Baths). The Plan of Management and Master Plan does not govern Oatley Baths.
9. Council officers explored the possibility for Council to be appointed as Crown Land Manager for Lot 542 in DP727277 (Oatley Baths). Advice from Crown Lands received on 28 March 2023 states the Department of Planning and Environment will consider adding Lot 542 DP 727277 to existing dedication (Reserve 500166) at Oatley Park subject to the provision of Native Title information to the Department.
10. The Crown Land Management Act 2016 (CLM Act) commenced on 1 July 2018. The CLM Act introduces significant changes to the management of Crown Land by councils. Councils are now required to manage dedicated or reserved Crown Land as if it were public land under the Local Government Act 1993.
11. With the legislation changes to the Crown Land, Council is required to submit the draft Plan of Management to NSW Department of Planning and Environment, as representative owner of part of the land under section 39 of the Local Government Act 1993.
12. Council is also required to seek the Departments written consent to adopt the draft Plan of Management under clause 70B of CLM Regulation. Consent to adopt can be obtained at the same time as notifying the landowner of the draft plan.
13. In July 2021, Council engaged Thomas Berrill Landscape Design to prepare a draft Plan of Management and Master Plan for Oatley Park.
14. Community engagement was undertaken in February 2022 to raise awareness of the Draft Plans preparation and to allow the community to have input into the Draft Plans' preparation via:
  - "Your Say" webpage, phone and/or email contact with known stakeholders or user groups
  - Social media via Georges River Council Facebook page;
  - Online survey form
  - Direct letterbox drops to properties adjoining Oatley Park
  - Online visioning workshop or key stakeholders and community
15. A total of 446 community members completed the survey and nominated the following areas and facilities as those they most frequently used:
  - Walking and cycling trails
  - Lookouts
  - Jewfish Bay Baths
  - Steamroller Park
  - Castle

16. Respondents identified the following improvements that could make their experience more enjoyable at the Park:
- Maintenance of walking and cycling tracks
  - Speed Control on the roads
  - Provide a mountain bike track
  - No activities that damage the bushland
  - Improved management of parking
17. A detailed analysis of the feedback received was completed, which has informed the preparation of the draft Plan of Management and draft Master Plan.

### **Councillor Briefing 16 May 2022**

18. The draft Master Plan for Oatley Park was the subject of a briefing to the Councillors on 16 May 2022.
19. A summary of the issues raised includes:
- Concerns on the impacts of having events at the Castle?
  - A question regarding what works are suggested for the Castle

Officer response – Further studies will be required e.g.- Engineering, heritage etc to know what works will be required. The following action is within the Draft Plan of Management

*Action 3.19 - Undertake structural and hydraulic engineering investigations to determine any required works to ensure building is structurally sound and safe for public access and undertake recommended works.*

- Concern regarding having a mountain bike track within the fire trail outside Oatley Park.

Officer Response – Refer to paragraph 19 to 20 below.

### **Off road mountain biking**

20. At its meeting on 28 November 2022 Council considered the Generic Plans of Management and resolved in relation to Oatley Park as follows:
- (f) That Council not proceed with undertaking any detailed site environmental and recreational feasibility studies to determine if Oatley Park should be pursued for any new off-road bike facilities", given the severe threats which those facilities would present to the environment"*

21. As a result of the above resolution an off-road mountain bike track within Oatley Park has not been included in the Oatley Park Plan of Management and Master Plan.

### **DRAFT PLAN OF MANAGEMENT**

22. The Plan of Management has been prepared under the provisions of both the Local Government Act 1993 and the CLM Act and provides the statutory requirements, clear guidelines and designation of areas, to enhance the use of the open space and minimise any conflict between existing and future user groups.



23. The key objective of the Plan of Management is to provide a clear strategic direction for the future management and use of the open space.
24. The draft Oatley Park Plan of Management is structured in five parts as follows:

**SECTION 1 – INTRODUCTION** – introduces Oatley Park and provides land classification (zoning and land categorisation) objectives and Principles of Crown land management.

**SECTION 2 - DESCRIPTION OF OATLEY PARK** – describes the key site characteristics of Oatley Park. It includes the park's development and history, characteristics of Oatley Park, management and management zones of the Park, Community feedback and Leases and licences.

**SECTION 3 - BASIS FOR MANAGEMENT** - This section provides an overview of the relevant State legislation along with Georges River Council strategies and policies.

**SECTION 4 - MANAGEMENT OF OATLEY PARK** – provides the Action Plan for Oatley Park. This is the basis for implementation of the Plan of Management. The priorities have been assigned according to the specific action's relative importance and priority for upgrading or improvement.

**SECTION 5 - IMPLEMENTATION AND REVIEW** - considers the implementation of this Plan of Management and contains information on evaluation and reviewing the Plan of Management.

## Land Categorisation

25. Section 36(4) of the Local Government Act 1993 requires that community land be categorised according to the five categories of sportsground, park, area of cultural significance, natural area or general community use. The natural area category is further divided into five sub-categories – bushland, wetland, escarpment, watercourse, or foreshore.
26. The CLM Act provides that this same requirement for categorisation now also applies to Crown reserves under the control of a 'Councils Crown Land Manager.
27. The breakdown of the land categorization of Oatley Park is as follows and as shown in **Figure 2:**
- Park Zone - Steamroller Park, the Castle, Baths as well as the picnic areas between the two. It also includes the formalised garden beds at the entrance gates off Oatley Park Avenue and the sealed road network.
  - Sportsground -The Sportsground zone incorporates the Sports Oval near the Oatley Park Avenue entrance, and the amenities and infrastructure contained therein.
  - Bushland - Under Section 36(5) of the LG Act, Natural Areas are required to be further categorised as bushland, wetland, escarpment, watercourse, or foreshore. The Natural Area zone of Oatley Park is classified as Bushland as it is predominantly covered with remnant indigenous flora. This Bushland zoning includes all the land not categorise as Park or Sportsground, and specifically

incorporates all remnant bushland, walking tracks, fire trails and lookouts. It also includes some car parking areas, and small barbeque areas contained therein.

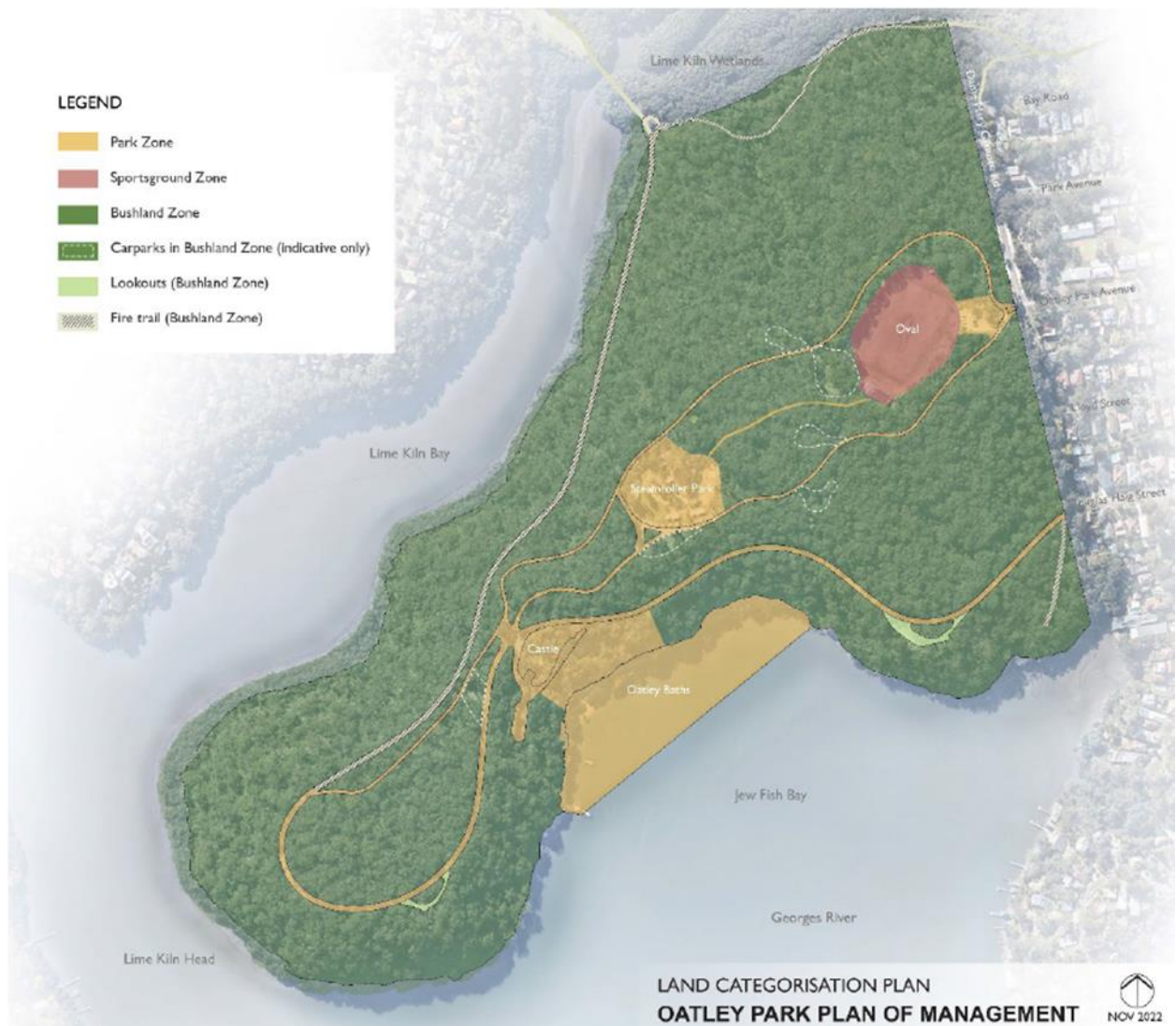


Figure 2 – Land Categorisation

28. Council is no longer required to hold a public hearing about proposed plans of management (under section 40A of the Local Government Act 1993) where the proposed plan would alter the land categorisations assigned to Crown Land. This exemption is pursuant to clause 70A of the Crown Land Management Regulation 2018.

## DRAFT MASTER PLAN

29. A Master Plan (refer to **Attachment 2**) is an overarching spatial layout used to guide the development of land. The Master Plan is integral to the Plan of Management and will inform the Action Plan, Staging Plan and Costings.
30. It provides a range of compatible recreation/community opportunities and improves landscaping and accessibility to site in response to the needs and values expressed by the community.
31. The Master Plan principles and recommended draft actions are as follows:

Ecology – (refer to **Figure 3**)

- Improve the ecological quality and diversity.
- Provide additional support for Bushcare groups.
- Protect and enhance the existing threatened flora and fauna species on site.





Figure 3 – Bushland draft actions  
Safety (refer to Figure 4)

- Increase general safety for the users of the site.



- Improve safety associated with the interface between vehicles, road cyclists and pedestrians.
- Upgrade facilities for the public users (including disabled and elderly) of Oatley Baths.

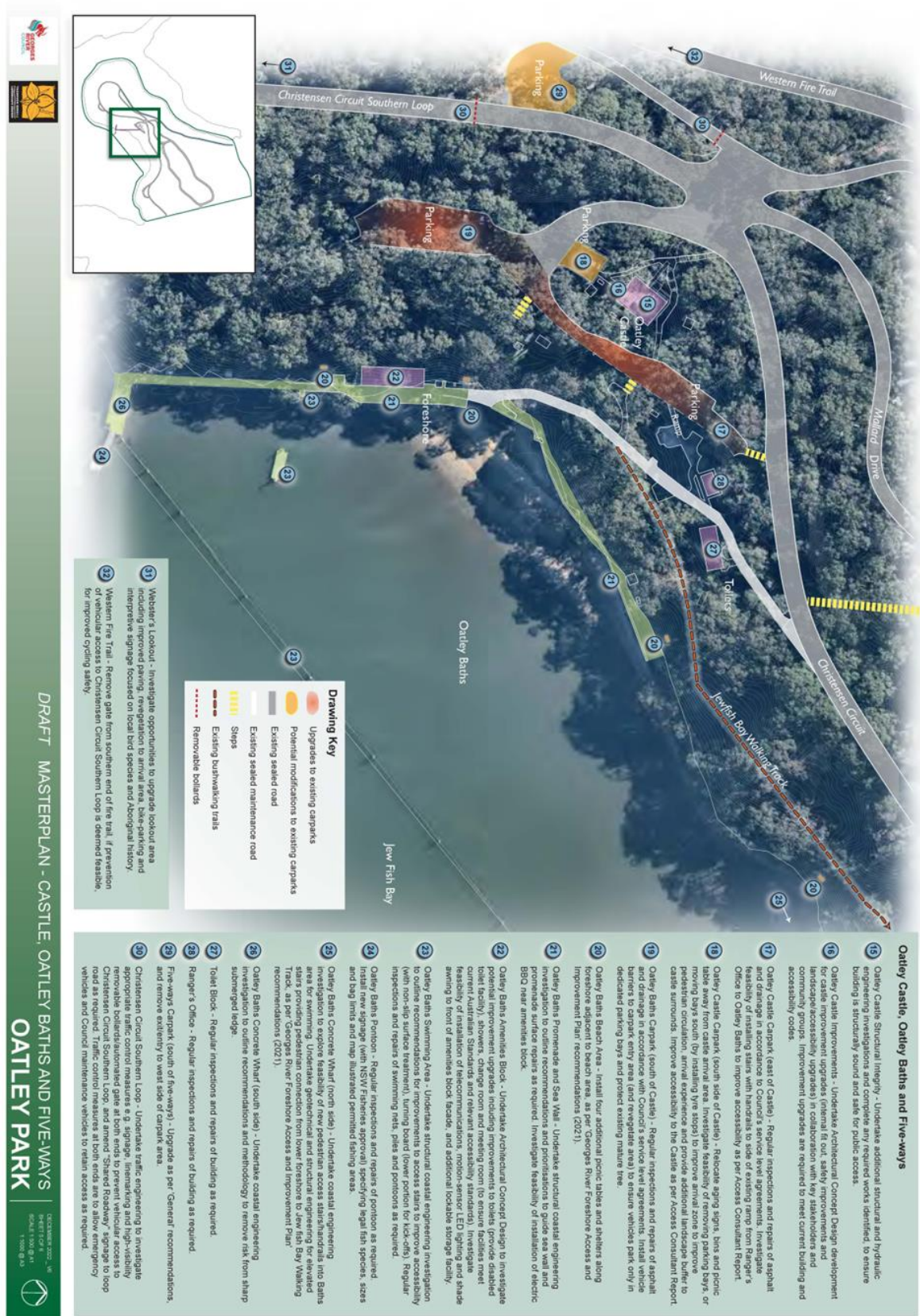


Figure 4 – Oatley Castle, Oatley Baths and Five-ways draft actions  
Public Amenity (refer to Figure 5)

- Consolidate and improve existing pedestrian paths through the Park.



- Enhance the existing play facilities to enhance and diversify the playground experience.
- Develop a cohesive suite of landscape infrastructure to be progressively implemented.
- Implement additional way-finding, regulatory and interpretive signage.



Figure 5 – Oatley Bush Park Playground (Steamroller Playground) draft actions  
Active Sports (refer to Figure 6)



- Retain and improve active recreation facilities.
- Provide enhanced facilities for bush-walkers.
- Increase public visitation by providing enhanced and varied facilities for public health.



Figure 6 – Main Entry and Sporting Oval draft actions

## Native Title

32. Native Title is a requirement for Council Crown land managers to obtain written advice from a qualified native title manager that the Plan of Management covers Crown Land that is not 'excluded land'.
33. Excluded land is defined in the CLM Act to include:
- (a) *land subject to an approved determination of native title (as defined in the Native Title Act 1993 of the Commonwealth) that has determined that:*
  - (b) *all native title rights and interests in relation to the land have been extinguished, or*
  - (c) *there are no native title rights and interests in relation to the land,*
  - (d) *land where all native title rights and interests in relation to the land have been surrendered under an indigenous land use agreement (as defined in the Native Title Act 1993 of the Commonwealth) registered under that Act,*
  - (e) *an area of land to which section 24FA protection (as defined in the Native Title Act 1993 of the Commonwealth) applies,*
  - (f) *land where all native title rights and interests in relation to the land have been compulsorily acquired,*
  - (g) *land for which a native title certificate is in effect.*
34. **Attachment 3** is the written Native Title advice for Oatley Park (Lot 13 DP 752056 being Reserve No 500166). In summary, the advice states that the draft Plan of Management complies with the applicable provisions of the Native Title Act 1993.
35. If this report is adopted Native Title information will need to be provided to the Department of Planning and Environment regarding Lot 542 DP 727277 (Oatley Baths).

## Next Steps

36. If Council resolves to endorse the Oatley Park Plan of Management and Master Plan for public exhibition the following steps are anticipated:
- Council refers the draft Oatley Park Plan of Management to Department of Planning and Environment as the land owners in accordance with section 39 of the Local Government Act 1993 seeking landowner's consent and endorsed to exhibit.
  - Once landowner approval is provided, the draft Oatley Park Plan of Management and Master Plan will be placed on public exhibition for a period of no less than 28 days and allow submissions to be received up until 42 days.
  - A revised draft Oatley Park Plan of Management and Master Plan will be prepared which addresses comments raised during the public exhibition.
  - The draft Oatley Park Plan of Management and Master Plan will be reported back to Council for adoption early 2024.

## FINANCIAL IMPLICATIONS

37. The preparation of the Plan of Management and Master Plan is within budget allocation.

## RISK IMPLICATIONS

38. No risks identified.




## COMMUNITY ENGAGEMENT

39. Extensive preliminary engagement was undertaken with the community and stakeholders to raise awareness of the Draft Plan's preparation and provide opportunities for input.
40. The draft Oatley Plan of Management and Master Plan will be placed on public exhibition for a period of no less than 28 days in accordance with section 38 of the Local Government Act 1993.
41. The public notice will be for a period of not less than 42 days after the date on which the draft plan and Master Plan is placed on public exhibition during which submissions may be made to the Council.

## FILE REFERENCE

D23/26637

## ATTACHMENTS

- Attachment 1  Oatley Park POM\_Draft-V6\_17.01.23 - *published in separate document*
- Attachment 2  230117\_Oatley Park\_MasterPlan\_V6 - *published in separate document*
- Attachment 3  Native Title - Oatley Park - *published in separate document*

**Item:** ENV009-23 Glenlee - Response to Council Resolution - NM010-23 Glenlee - 27 February 2023

**Author:** Manager Strategic Planning

**Directorate:** Environment and Planning

**Matter Type:** Committee Reports

ENV009-23

**RECOMMENDATION:**

That Council receive and note the information provided on Recommendations 3 to 6 of the GML Heritage - Heritage Assessment Report Glenlee, 80 Boronia Parade Lugarno.

**EXECUTIVE SUMMARY**

1. This report provides an update in respect of Council's resolution (NM010-23) dated 27 February 2023 on Glenlee, 80 Boronia Parade Lugarno.

**BACKGROUND**

2. Council resolved (NM010-23) on 27 February 2023 as follows:
  - (a) *That Council note the advice of the Minister for Environment and Heritage to Council dated 7 February 2023 which:*
    - i. *fails to acknowledge the Minister's right to grant access to 'Glenlee' for the purposes of carrying out inspections for Aboriginal and natural heritage assessment; and*
    - ii. *declines Council's request to grant a new Interim Heritage Order.*
  - (b) *That Council endorse that, following the NSW Government election on 25 March 2023, the Acting General Manager requests a meeting with the new Minister for Environment and Heritage in order to conduct further discussions concerning the future of this significant property, including:*
    - i. *authorising access for the purpose of conducting the necessary Aboriginal and natural heritage assessments,*
    - ii. *the subsequent granting of a new Interim Heritage Order, and*
    - iii. *the provision of funds towards the acquisition of the property.*
  - (c) *That the General Manager provide a further report to Council on the recommendations made in the Heritage Assessment report dated 11th April 2022 compiled by GML Heritage Consultants. These being:*
    - i. *a comprehensive conservation management plan be commissioned to provide guidance for appropriate future use and conservation of the heritage values of the site";*
    - ii. *the Inventory Sheet at Appendix 'B' be added to the State Heritage Inventory Database, once the site has been listed as a heritage item;*
    - iii. *further consultation be undertaken with the local Aboriginal community to better understand local social and intangible connections; and*



*iv. the Aboriginal objects held within the house be inspected (these were not sighted by GML or the MLALC), confirmed to be Aboriginal objects (or otherwise), and an attempt at understanding provenance be made.*

*(d) That the General Manager:*

*i. forward a copy of the letter from the Metropolitan Local Aboriginal Land Council (MLALC) to Georges River Council dated 26 July 2021 to the Hon. Tanya Plibersek, MP, Minister for Environment and Water and the Hon. Linda Burney MP, Minister for Indigenous Australians so that both ministers are fully informed as to the extremely high level of significance of the Aboriginal objects and places located at 'Glenlee'; and*

*ii. request that both Commonwealth ministers be asked to consider the contents of that letter in their deliberations made subsequent to Council resolution NM099-22 made on 19 December 2022.*

### **THE GML HERITAGE - HERITAGE ASSESSMENT REPORT FOR GLENLEE – Response to recommendations 3 to 6**

3. Resolution (c) above relates to Recommendations 3 to 6 of the GML Heritage assessment Report for Glenlee. The following response is provided:

**Recommendation 3:** A comprehensive conservation management plan be commissioned to provide guidance for appropriate future use and conservation of the heritage values of the site.

Response: A conservation management plan (CMP) is prepared by the owners of the site in response to the lodgement of a development application for a heritage listed site.

At this stage Council does not have a DA before it and therefore cannot request a CMP. Furthermore, Council has been denied access to the site.

**Recommendation 4:** The Inventory Sheet at Appendix B be added to the State Heritage Inventory database once the site has been listed as a heritage item.

Response: The inventory sheet was added and is available at <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=6000321>

**Recommendation 5:** Further consultation be undertaken with the local Aboriginal community to better understand local social and intangible connections.

Response: Council has written to the Local Land Council and despite follow up by Council officers, a response from the Local Land Council has not yet been received.

Council officers have commenced the process of a formal referral to the Council's Aboriginal Advisory Committee.

**Recommendation 6:** The Aboriginal objects held within the house be inspected (these were not sighted by GML or the MLALC), confirmed to be Aboriginal objects (or otherwise), and an attempt at understanding provenance be made.

Response: The owners of the site have denied access to Council to inspect the Aboriginal objects within the house.

On 12 January 2023, Council wrote to the Minister for Environment and Heritage formally requesting:

- (a) The Minister's authorisation under Section 148 of the Heritage Act 1977 for access to the property for the purposes of carrying out inspections for Aboriginal and natural heritage assessment; and
- (b) That a new Interim Heritage Order be placed over the property.

4. On 7 February 2023, Council received a letter from the Minister for Environment and Heritage advising that the Heritage Act 1977 does not permit the Minister to extend an IHO beyond its duration of 12 months.
5. The Minister noted that Glenlee has been listed as a local heritage item in the Georges River LEP 2021 and there is currently no proposal before Council that would threaten the heritage significance of the site. Accordingly, it is appropriate that Heritage NSW and Council continue to seek the owner's consent to access the property. The Minister also advised that Heritage NSW contacted the owners on 30 January 2023 seeking permission to access Glenlee. Heritage NSW will continue to engage with the owners regarding potential State Heritage Register listing and provide updates to the Heritage Council as part of its process.

**Other Action Taken**

6. In response to Resolution (d) above, Council forwarded letters to the Hon. Tanya Plibersek, MP, Minister for Environment and Water on 8 March 2023 and the Hon. Linda Burney MP, Minister for Indigenous Australians on 15 March 2023 attaching a copy of the letter from the Metropolitan Local Aboriginal Land Council (MLALC) to Georges River Council dated 26 July, 2021 and requesting that both Commonwealth ministers be asked to consider the contents of that letter in their deliberations made subsequent to Council resolution NM099-22 made on 19 December, 2022.
7. No reply has been received at the time of preparing this report.

**FINANCIAL IMPLICATIONS**

8. No budget impact for this report.

**RISK IMPLICATIONS**

9. No risks identified.

**FILE REFERENCE**

D23/67025

**Item:** ENV010-23 Certification Campaign

**Author:** Director Environment and Planning

**Directorate:** Environment and Planning

**Matter Type:** Committee Reports

ENV010-23

**Recommendation:**

- (a) That Council notes the outcome of the community engagement program undertaken to inform a set of actions and recommendation for the State Government and Council to improve the processes and procedures of the certification sector.
- (b) That the General Manager write to the relevant State Ministers requesting:
  - i. The Department of Fair Trading dedicates sufficient resources to assist the community with enquiries regarding developments where a Private Certifier has been appointed as the Principal Certifying Authority (PCA).
  - ii. The functionality of the NSW Planning Portal is improved to enable greater public visibility in relation to:
    - lodgement of documents, certificates and plans.
    - lodgement of complaints and a requirement for a response from the PCA.
  - iii. The creation of new penalty notice offence categories under the Environmental Planning and Assessment Act 1979 for matters such as:
    - PCA not responding appropriately to complaints
    - PCA for non-compliance and breaching the provisions of approvals and relevant legislation.
  - iv. The introduction of co-regulator provisions authorising Council staff to fine individual certifiers for issuing a CDC, CC or OC for non-compliance and breaching the provisions of approvals and relevant legislation.
  - v. Requesting an expansion of the role of the Office of the Building Commissioner to address all building types.
- (c) That the General Manager commence a program to implement the following actions:
  - i. The development of a new framework for managing sites controlled by private certifiers including the development of a policy and set of procedures which outlines the role of the Certifier, Council and Department of Fair Trading in relation to addressing issues relating to development approvals and building sites managed by a private certifier.
  - ii. Provide redacted CDC, CC and OC plans (and related documents) on the Georges River Council (GRC) Website - the Application Tracker.
  - iii. Create a customer service category in Customer Request Management System (CiA) for Private Certification issues.
  - iv. Improve information regarding the role of private certification and Council on our website
  - v. Explore the creation of a service to assist residents resolve civil disputes.
- (d) That a further report be submitted to Council providing information on the resources and financial implications of implementing the actions of:
  - i. The redaction of CDC, CC and OC plans and placing the documentation on the GRC Website - Application DA Tracker.
  - ii. Creating and maintaining a register on complaints relating to Private Certifiers.
  - iii. The establishment of a service to assist residents resolve civil disputes.
- (e) That the General Manager and SSROC lodge a submission to the Building Commission and Department of Fair Trading regarding:

- i. a joint project to develop a policy and procedures which outlines the role of the Certifier, Council and Department of Fair Trading in relation to addressing issues relating to development approvals and building sites managed by a private certifier.
  - ii. a joint approach by Council and Department of Fair Trading to regulate certifiers
  - iii. a review of the functions of the Planning Portal
- (f) That an update on the Council's certification campaign is provided to residents, community, industry groups and other organisations involved in the engagement program and certification campaign.
- (g) That the General Manager write to local state members and relevant ministers asking for their support on the need to improve the certification system.

## EXECUTIVE SUMMARY

1. This report provides an update on the program being undertaken to activate improvements within the certification industry, in particular development approvals and building activity on sites managed by private certifiers.
2. This report provides information on the community engagement that was undertaken to hear stories and understand issues/ experiences that community has on dealing with development and building sites managed by private certifiers.
3. The information received from this engagement process and research/analysis undertaken by Council staff has resulted in a set of actions relating to the amendment of State Government legislation and processes and improvements to Council's processes and procedures.
4. This report seeks Council's endorsement for a set of recommendations to be directed and actioned by State Government and actioned by Council.

## BACKGROUND

5. The role of private certifiers, the level of construction activity and the impact on the community has been an issue within the Georges River Local Government Area for a number of years. Council has written to the appropriate ministers on numerous occasions requesting change to the legislation to improve processes associated with the certification sector. Unfortunately, no action has resulted from these requests for change.
6. Private Certifiers are managing a significant portion of development in the LGA. In the last financial year, private certifiers were responsible for issuing over 90% of all complying development certificates (CDC) and construction certificates (CC) in the Georges River Council area. A total of 524 CDCs and 267 CC's were managed by private certifiers compared to 29 CDCs and 27 CC's managed by Council.
7. The use of private certifiers in the approval of complying development certificates and construction certificates and the subsequent management of the construction for development such as dwelling houses, dual occupancies and secondary dwellings is an area of great concern to our community.
8. The key concerns and issues that have been raised by the community are:
  - residents do not know a development is occurring next door or in the street until the day the building works start.
  - development appears not to comply with the legislation and the relevant policies - e.g., stormwater and trees.

- the development site and construction process are not managed properly - concerns relating to site management and construction hours.
  - the building appears not to comply with the approved plans and poor construction practices.
  - Council does not step in to address and resolve their complaints.
9. The legislation states that when a private certifier is the Principal Certifying Authority (PCA) for a development they are responsible for conducting inspections and ensuring building and construction complies with the approvals. As the private certifier is the independent regulatory, Council has limited jurisdiction over the site and Council is obliged to direct resident enquiries to private certifiers to address the issue.
10. To address the community's concerns and frustration, in August 2022 Council resolved to commence a campaign to improve development and building practices on sites, especially sites managed by private certifiers. The objective of the campaign was to address and advocate for change to the legislation and process and procedures to achieve
- an accountable certification processes.
  - a complaints framework that guarantees action and resolution for residents, the community and Council.
11. The approach to the campaign was:
- review and update the website pages relating to Private Certifiers.
  - collect community stories and experiences they have had with building sites and construction activity managed by private certifiers.
  - investigate and analyse stories.
  - review and amend Council's processes and procedures.
  - lobby Government for amendments to legislation, processes and procedures.

## COMMUNITY ENGAGEMENT

12. To assist Council staff in understanding the issues raised by the community in relation to certification industry, in particular development approvals and building activity on sites managed by a private certifier, an engagement program was undertaken between 24 November to 9 January 2023.
13. The engagement methods were:
- two focus groups (workshops) to assist to define the messaging and guide the engagement with the community.
  - place advertisements in the local paper.
  - collect community stories through the Council's Your say page.
  - interview members of the community, if requested.
  - hold discussions with industry group.
  - submit letters to relevant Government agencies, local government organisations and councils.
14. The key data from the engagement program are as follows
- focus group – 64 people attended
  - facebook and instagram reaches - 1,787
  - stories submitted - 37
  - meeting with the CEO of the Association of Accredited Certifiers



- letters to relevant Minister, LGNSW and ROCs
- verbal presentation to SSROC General Managers Meeting

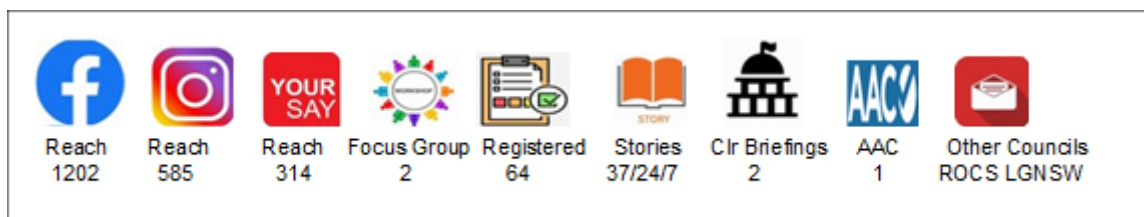


Figure 1: Engagement &amp; Consultation statistics

16. The issues identified from the 37 stories were placed into twelve (12) categories being:

- PC uncooperative (12),
- stronger controls for Council (9),
- neighbours not notified (8),
- Council intervened due to breaches (7),
- no PC details out front (7),
- environmental concerns (6),
- no plans shown or deviated from original plans (6),
- impedes neighbour privacy (5),
- PC delegates to others (5),
- building abandoned (4),
- NSW to fund better audit and regulation processes (3) and
- used PC for easier approval (1).

Note: Many of the stories crossed over several categories. This information is illustrated in the graph below

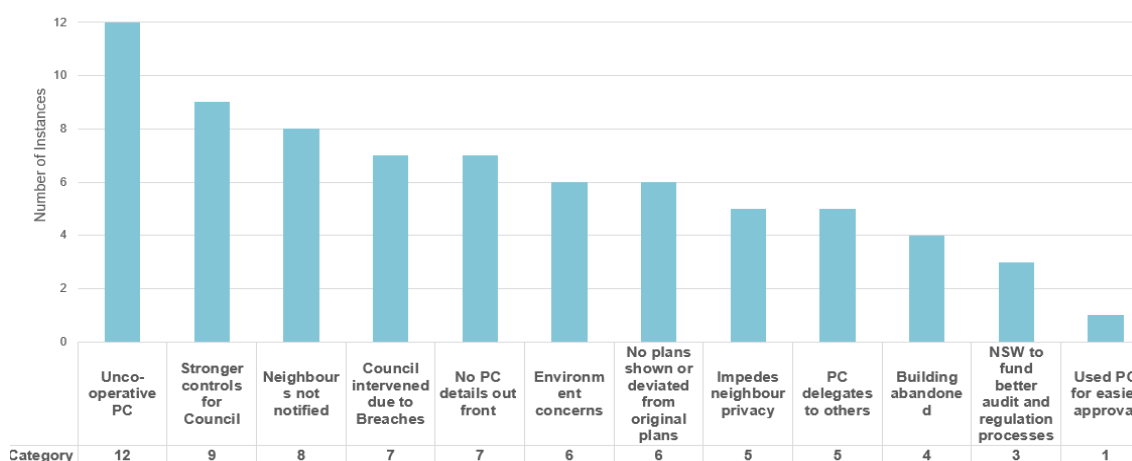


Figure 2: Engagement &amp; Consultation statistics

## ACTIONS AND RECOMMENDATION FOR CHANGE

17. Taking into account the issues raised by the community, the information from the industry groups, consideration of the processes/ procedures and issues faced by Council and a review of the legislation relating to the certification sector, a set of actions have been developed for submission to the State Government and for consideration by Council. The actions are listed below.

State Government

18. The following actions would be submitted to the State Government for consideration:

- The establishment of a dedicated team within the Department of Fair Trading to assist the community with enquiries regarding developments where a Private Certifier has been appointed as the Principal Certifying Authority (PCA).
- The Planning Portal is upgraded to improve functionality and ensure greater public visibility in areas such as:
  - documents, certificates, and plans.
  - lodgement of complaints to be actioned by the PCA.
  - the use of a standard template for Complaint Inspection Reports by the PCA.
  - a requirement that the Complaint Inspection reports to be lodged by the PCA within two days of undertaking an inspection/ investigation.

18. New penalty categories introduced to penalise a PCA for non-compliance with provisions of the legislation such as breaching conditions of consent.

19. Amendment to the legislation:

- to authorise Councils to fine/ penalise a PCA for non-compliance with the legislation
- to require that a PCA must notify Council when any notice issued is outstanding.

20. Expand the role of the Office of the Building Commissioner to address all building types - in particular Class 1 buildings.

Council

21. The following actions are submitted to Council for consideration:

- Development of a new framework for managing sites controlled by private certifiers - this involves:
- Legal advice is obtained to define the role of Council when a site is managed by a private certifier
- Based on this advice - review our processes and procedures and update Council's website
- Develop a Policy which clearly articulates Council's role in relation to development sites where a private certifier has been appointed.
- Provide training to the Customer Service Team to better enable the servicing of enquiries relating to Private PCA matters.
- Publish redacted CDC plans in the GRC Website Application Tracker.
- Create a new customer service category in its Customer Request Management System (CiA) for Private PCA requests which will provide data on the complaints logged relating to private certification issues.
- Explore the creation of a service to assist residents resolve civil disputes - e.g., fences, storm water etc.

**FINANCIAL IMPLICATIONS**

22. A number of the actions outlined above have resource and budgetary implications to Council - in particular:

- The redaction of CDC plans and placing the documentation on the GRC Website Application Tracker - noting that over 550 CDCs are lodged each year with Council.

- Creating and maintaining a register on complaints on Private PCAs
- The establishment of a service to assist residents resolve civil disputes.

23. If Council adopted the resolutions of this report, a further report will be submitted to Council providing information on the implementation of these actions including the resource assessment and financial implications.

### **MEETING WITH BUILDING COMMISSIONER**

24. On 22 March 2023 senior staff of Southern Regional Organisation of Councils (SSROC), the General Manager and Director Environment and Planning met with the Building Commissioner (David Chandler) and his staff. The purpose of the meeting was to outline the concerns and issues faced by councils and the community in relation to developments and building sites managed certifiers.

25. Georges River Council outlined the following issues:

- 85% of development in GRC area relates to class 1 buildings (Dwelling houses etc)
- The issue for the GRC community is the need for greater transparency with the management of a building site and dealing with complaints – especially sites managed by private certifiers.
- Frustration that builders and certifiers are not responding to complaints and issues raised by residents
- The community is frustrated that neither Council nor Fair Trading will take a proactive role in resolving or taking on their issues
- The functionality of the portal could be improved.

26. Council's suggestions to the Commission were:

- GRC will draft a Policy and procedures document that outlines the role of Council in dealing with sites managed by a Private Certifier. This document could also include/detail the role of Fair Trading. GRC suggested that Council and Dept. of Fair Trading develop this Policy and procedure document together as a pilot project. The documents could form a template for use by other councils.
- GRC suggested that the Planning Portal include:
  - Documentation on building sites is available for the public to access.
  - A new function relating to complaints inspection procedures and reporting.
- Councils should be given the ability to fine Certifiers for breaching the Act, in relation to issuing CDC, CC & OC that breach conditions of consent or legislation. It was noted that councils do not want to regulate Certifiers as this role should remain with Fair Trading.

27. Commissioners Response and actions to progress the above suggestions:

- That Council and the Department of Fair Trading enter into a joint/pilot project to develop a policy and set of procedures providing information and details on the role of the certifier, Council, and the Department in relation to addressing issues relating to development approvals and the management of building sites managed by a private certifier for Class 1 Buildings.

- That the Building Commission and Department of Fair Trading explore a co-regulatory approach between councils and the Department to regulate certifiers for breaches to provision of the legislation.
- That the Building Commission and Department of Fair Trading accept Council's submission requesting improvements to the functions of the Planning Portal to address matters such as greater access of information on CDCs for the public and the action of complaints.

## **RISK IMPLICATIONS**

28. The key risks for Council in not commencing a program for improvements to the certification process and procedures, in particular sites managed by a private PCA are:
- Reputational issues for Council that the Council staff are not addressing poor building and development practices for the residents of the LGA
  - Continued confusion for the role of the Dept of Fair Trading and the Council staff in addressing concerns of a development site managed by a certifier.
  - The Certification industry and individual certifiers accusing and legally challenging Council for interfering on a site managed by a certifier
  - Council resources unnecessarily allocated to resolving issues that should be dealt with the certifier or the Dept of Fair Trading
  - An unsafe work environment due to the continuation of the criticism and abuse of staff from residents and community members

## **NEXT STEPS**

29. The following next steps are proposed to progress the campaign for improvements to the certification system
- The General Manager and SSROC lodge a joint submission to the Building Commission and Department of Fair Trading regarding the project to develop policy and procedures relating to the certification of Class 1 buildings, joint regulatory approach to regulating certifiers and a review of the functions of the Planning Portal
  - The General Manager and SSRCO meet with LGNSW to discuss the joint project with Dept of Fair Trading and request of a joint regulatory approach to regulating certifiers
  - The residents, community, industry groups and other organisations are provided an update of the project via:
    - In E-news and 'Your Say page'
    - Letters/ email
  - The General Manager write to the relevant Ministers and State Agencies and arrange meetings to discuss the actions and recommendations
  - That Council's representation on the need to improve the certification system is encouraged to the relevant State Ministers

## **FILE REFERENCE**

D23/71010

**Item:** ENV011-23 Amendment No. 4 to the Georges River Development Control Plan 2021 for 143 Stoney Creek Road, Beverly Hills

**Author:** Senior Strategic Planner

**Directorate:** Environment and Planning

**Matter Type:** Committee Reports

ENV011-23

**RECOMMENDATION:**

- a) That Council endorse the proposed amendments (Amendment No.4) to the Georges River Development Control Plan 2021 for 143 Stoney Creek Road, Beverly Hills for public exhibition.
- b) That Council publicly exhibit Amendment No.4 to the Georges River Development Control Plan 2021, (whether or not concurrently with the associated Planning Proposal, subject to the NSW Department of Planning and Environment's timeframes for the exhibition of the Planning Proposal), in accordance with the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021.
- c) That Council endorse that the General Manager may make minor modifications to correct any numerical, typographical, interpretation and formatting errors, if required, in preparation for the public exhibition of Amendment No. 4 to the Georges River Development Control Plan 2021.
- d) That Council advise the NSW Department of Planning and Environment of its decision.
- e) That a further report be submitted to Council following the public exhibition period.

**EXECUTIVE SUMMARY**

1. On 17 November 2021, the proponent, Sutherland and Associates Planning, submitted a Planning Proposal (PP2021/0002) for 143 Stoney Creek Road, Beverly Hills (the "subject site") to amend the *Georges River Local Environmental Plan 2021 (GRLEP 2021)* to permit the following additional land uses:
  - Commercial premises.
  - Centre-based childcare facility.
  - Health service facility; and
  - Veterinary hospital.
2. On 23 February 2022, Council advised the proponent to reconsider the redundant SP2 Infrastructure zoning of the subject site and include maximum floor space ratio and maximum height controls for the site.
3. On 19 April 2022, the proponent submitted a revised Planning Proposal with Council to amend the *GRLEP 2021* to:
  - Rezone the site from part SP2 Infrastructure (Public Administration) and part R2 Low Density Residential to R4 High Density Residential.
  - Include "business premises" and "office premises" as additional permitted uses in Schedule 1.



- Introduce a maximum floor space ratio (FSR) of 1.4:1; and
  - Introduce a maximum building height of 16m.
4. On 6 October 2022, the proponent lodged a Rezoning Review request with the NSW Department of Planning and Environment (the Department).
  5. On 13 December 2022, the Sydney South Planning Panel (the Panel) considered the Rezoning Review request along with the advice provided by Council and recommended that the Planning Proposal should be submitted for a Gateway Determination as it demonstrated strategic and site-specific merit.
  6. The Panel recommended that the LEP amendment to the *GRLEP 2021* (Amendment No. 6) and the site specific DCP (Amendment No. 4 to the *Georges River Local Environmental Plan 2021*) (*GRDCP 2021*) be supported subject to the inclusion of the provision of minimum lot sizes in the LEP Amendment consistent with the R4 High Density Residential zone. Refer to the Panel letter in **Attachment 1**.
  7. In accordance with Section 3.32(1) of the *Environmental Planning and Assessment Act 1979* (*EP&A Act*), the Panel as delegate of the Minister for Planning determined to appoint itself as the Planning Proposal Authority (PPA) for this Planning Proposal.
  8. Subsequently, the Panel has delegated the local plan making authority (LPMA) to the Agile Planning team within the Department who will be conducting the exhibition and review of submissions for the Planning Proposal. Council has no role in the rezoning process.
  9. In accordance with section 3.34(2) of the *EP&A Act*, the Department issued a Gateway Determination (GD) on 2 March 2023, advising that an amendment to the *GRLEP 2021* to rezone the land and introduce FSR, height of building, minimum lot size controls and additional permitted uses, should proceed subject to conditions. Refer to the Gateway Determination in **Attachment 2**.
  10. The site specific DCP amendment (Amendment No.4 to the *GRDCP 2021*) has been prepared by the proponent in conjunction with Council officers. Amendment No.4 contains built form and design provisions to guide the redevelopment of the subject site. Refer to Amendment No. 4 in **Attachment 3**.
  11. This report seeks Council's endorsement of this site-specific DCP amendment and for it to be placed on public exhibition. The exhibition may not be undertaken concurrently with the Planning Proposal, due to the Department's timeframes for the exhibition of the Planning Proposal.

## BACKGROUND

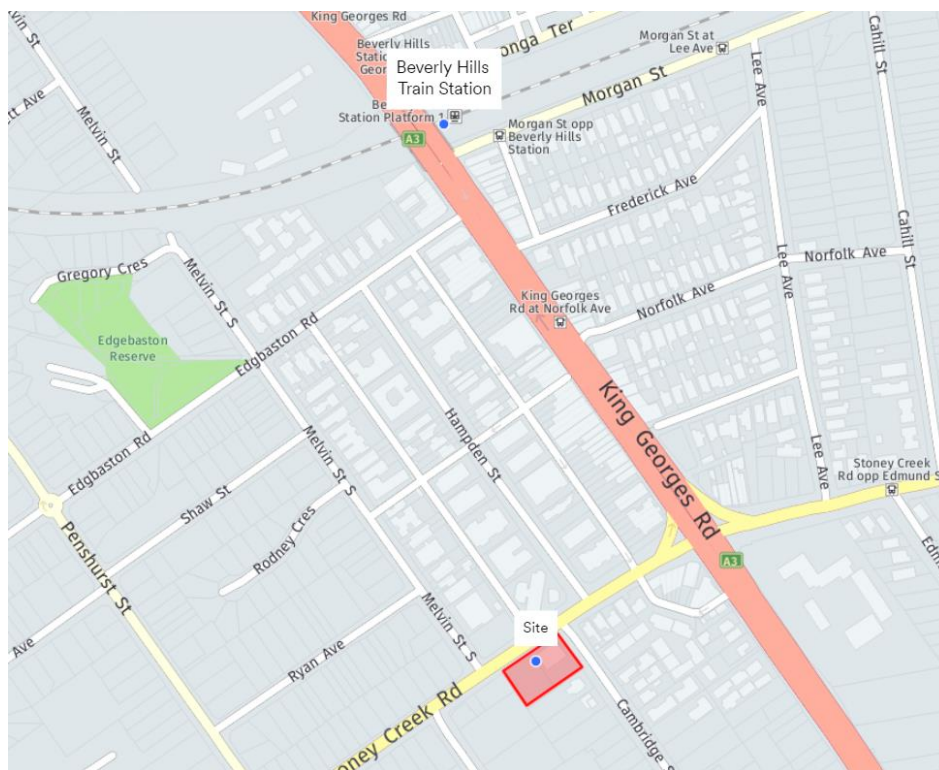
## The Site



ENV011-23

**Figure 1 - Aerial image of the site (Source: Nearmap)**

12. The site is located on the corner of Stoney Creek Road and Cambridge Street, Beverly Hills (**Figure 1**) and is approximately 100m from Beverly Hills local centre, and 400m from Beverly Hills Train Station (**Figure 2**).



**Figure 2. Location of the site (Source: Nearmap)**



13. The site contains a single storey building historically used as a Roads and Traffic Authority (RTA) administration centre with the remainder of the site occupied by a hard stand car park for approximately 40 cars. The site was sold by the NSW State Government in mid-2018.
14. During the peak of the COVID-19 pandemic in 2020-21, the site was used as a COVID-19 PCR testing centre (**Figure 3**).



**Figure 3 - The subject site – viewed from the corner of Stoney Creek Road and Cambridge Street looking southwest (Source: Google Streetview)**

15. On 10 June 2020, Cambridge Unit Developments lodged a development application (DA2020/0227) for 143 Stoney Creek Road, Beverly Hills (the “subject site”) for demolition and construction of a three-storey medical centre, comprising an FSR of 1.4:1, a maximum building height of 16m, three levels of basement carparking for 114 vehicles, and a flood chamber. On 21 February 2021, the development application was granted consent by the Panel. **Figure 4** illustrates the approved concept.



**Figure 4 - CGI of approved development design concept viewed from Stoney Creek Road (Source: Planning Proposal)**

16. The subject site has a split zoning and is part zoned SP2 Infrastructure (Public Administration) and part R2 Low Density Residential under the *GRLEP 2021* (**Figure 5**).



**Figure 5 - Current Zoning (Source: Georges River LEP 2021)**

17. The part of the site zoned SP2 Infrastructure has no height controls commensurate with the SP2 Infrastructure zone, while the part that is zoned R2 Low Density Residential has a maximum height of 9m (**Figure 6**).



**Figure 6 - Current Height of Buildings (Source: Georges River LEP 2021)**

18. The part of the site zoned SP2 Infrastructure has no Floor Space Ratio (FSR) controls commensurate with the SP2 Infrastructure zone, while the part that is zoned R2 Low Density Residential has a maximum FSR of 0.55:1 (**Figure 7**).





**Figure 7 – Current Floor Space Ratio (FSR) (Source: Georges River LEP 2021)**

19. The part of the site zoned SP2 Infrastructure has no minimum lot size controls commensurate with the SP2 Infrastructure zone, while the part that is zoned R2 Low Density Residential has a minimum lot size of 450sqm (**Figure 8**).



**Figure 8 - Current Minimum Lot Size (Source: Georges River LEP 2021)**

### Flooding Issues with the Site

20. The subject site is identified as within the Flood Planning Area and includes a Sydney Water stormwater culvert.
21. The approved DA for the medical centre required the construction of a flood storage chamber between the basement level and ground floor.

### Site Contamination

22. Following Council's request to demonstrate that the subject site is suitable for residential use, the proponent submitted a Detailed Site Investigation (DSI) for the subject site. The DSI concluded that the site was suitable for a proposed mixed-use development including commercial, residential and childcare centre uses. Council staff reviewed this DSI and were satisfied with it. However, a Remediation Action Plan will be required to be submitted with any Development Application on the site that involves excavation at or beyond the depth of the groundwater table, and/or has the ability to influence the nature or depth of the groundwater table.
23. The site specific DCP (Amendment No. 4) to *GRDCP 2021* (refer to **Attachment 3** to this Report) includes a section on Contamination which includes a control requiring a Remediation Action Plan at the Development Application stage.

### Background of the Planning Proposal (PP2021/0002) and Rezoning Review

24. The following table (**Table 1**) summarises the background of the Planning Proposal (PP2021/0002) to date:

Date	Action
May 2019	<ul style="list-style-type: none"> <li>Pre-Lodgement Planning Proposal meeting with Council officers.</li> <li>Concept design for rezoning to B4 - Mixed Use with a maximum FSR 3:1 and 35m maximum height.</li> <li>Proposed uses included a childcare centre, retail uses and residential shop top dwellings.</li> <li>Council officers advised they could not support the concept and to consider deferring until the draft master plan for Beverly Hills was prepared.</li> </ul>
October 2019	<ul style="list-style-type: none"> <li>Council advised the proponent the subject site would not be included in the draft master plan for Beverly Hills</li> <li>Council's Planning Proposal for the <i>GRLEP 2021</i> intended to rezone the SP2 Infrastructure (Public Administration) portion of the site to the adjoining R2 Low Density Residential zone and apply the associated development standards.</li> <li>The intent of this rezoning was to rezone the SP2 Infrastructure (Public Administration) zone to ensure a consistent approach across the Georges River LGA.</li> </ul>
March 2020	The Department issued a Gateway Determination (GD) for the <i>GRLEP 2021</i> to reinstate the existing SP2 zone, due to the lack of a preliminary contamination study in accordance with the <i>State Environmental Planning Policy 55 (Remediation of Land)</i> Planning Guidelines.
June 2020	The proponent lodged a Development Application for construction of a 3-storey medical centre with approximately 3,400 square metres with a FSR of 1.4:1 and 16m height and basement carparking for 114 car spaces including realignment of a Sydney Water stormwater culvert.
February 2021	The DA was approved by the Panel as it is classified as regional development under the <i>State Environmental Planning Policy (State and Regional Development) 2011</i> .

Date	Action
8 November 2021	The proponent lodged a Planning Proposal request with Council to introduce the following additional permissible uses on the site: <ul style="list-style-type: none"> <li>Commercial premises;</li> <li>Centre-based childcare facility;</li> <li>Health services facility; and</li> <li>Veterinary hospital.</li> </ul>
February 2022	<ul style="list-style-type: none"> <li>Meeting with proponent and Council staff on the Planning Proposal.</li> <li>Council provided advice on the Planning Proposal in relation to the existing land use zone SP2 Infrastructure (Public Administration) being considered unsuitable as the special purpose land use is no longer operating on the site. It was recommended that the proponent consider an alternative land use zone that is compatible with the surrounding land uses and proposed future land uses.</li> <li>Council also advised the proponent to consider the requirements of the Department's new Practice Notes on Planning Agreements.</li> </ul>
19 April 2022	The proponent submitted an amended Planning Proposal seeking to: <ul style="list-style-type: none"> <li>Rezone the site from part SP2 Infrastructure (Public Administration) and part R2 Low Density Residential to R4 High Density Residential;</li> <li>Include "business premises" and "office premises" as additional permitted uses in Schedule 1;</li> <li>Introduce a maximum floor space ratio (FSR) of 1.4:1; and</li> <li>Introduce a maximum building height of 16m.</li> </ul>
June 2022	Council officers requested the proponent to provide additional information in relation to a residential flat building concept plan to demonstrate compliance with the Apartment Design Guideline (ADG).
July 2022	The proponent provided: <ul style="list-style-type: none"> <li>Additional information including concept plans for a residential flat development, flood and risk impact assessment, traffic assessment and detailed site investigation report.</li> <li>Council provided a preliminary list of the infrastructure works and community facilities that would address the additional demand and impacts. Council also met with the proponent to discuss these public benefits.</li> </ul>
October 2022	The proponent sought legal advice and declined to make a VPA offer.
6 October 2022	The proponent lodged a Rezoning Review.
15 December 2022	Rezoning Review Determination: <ul style="list-style-type: none"> <li>The Panel considered that the Planning Proposal demonstrates strategic and site-specific merit however, the Panel was of the view that Council should consider a review of its Development Contributions Plan.</li> <li>The Panel recommended that the LEP amendment and site specific DCP be supported; subject to the inclusion of minimum lot sizes in the instrument consistent with the R4 zone.</li> <li>The Panel as a delegate of the Minister of Planning determined to appoint itself as the Planning Proposal Authority (PPA) for this Planning Proposal as Council did not present a view on retaining the role of the PPA.</li> </ul>
January 2023	The proponent amended the Planning Proposal to address the recommendations of the Panel to introduce a proposed minimum lot size of 1,000m <sup>2</sup> for the site consistent with the R4 zone.
3 February 2023	The Panel submitted the updated proposal to the Department for a GD.
2 March 2023	<ul style="list-style-type: none"> <li>The Department determined that the Planning Proposal should proceed</li> </ul>

Date	Action
	<p>subject to the conditions in the GD (<b>Attachment 2</b>).</p> <ul style="list-style-type: none"> <li>The proposed LEP is to be finalised within 9 months of the date of the GD.</li> </ul>

**Table 1: Background of the Planning Proposal (PP2021/0002) and Rezoning Review**

## The Planning Proposal

25. The primary objective of the Planning Proposal is to expand the land uses permissible on the site.

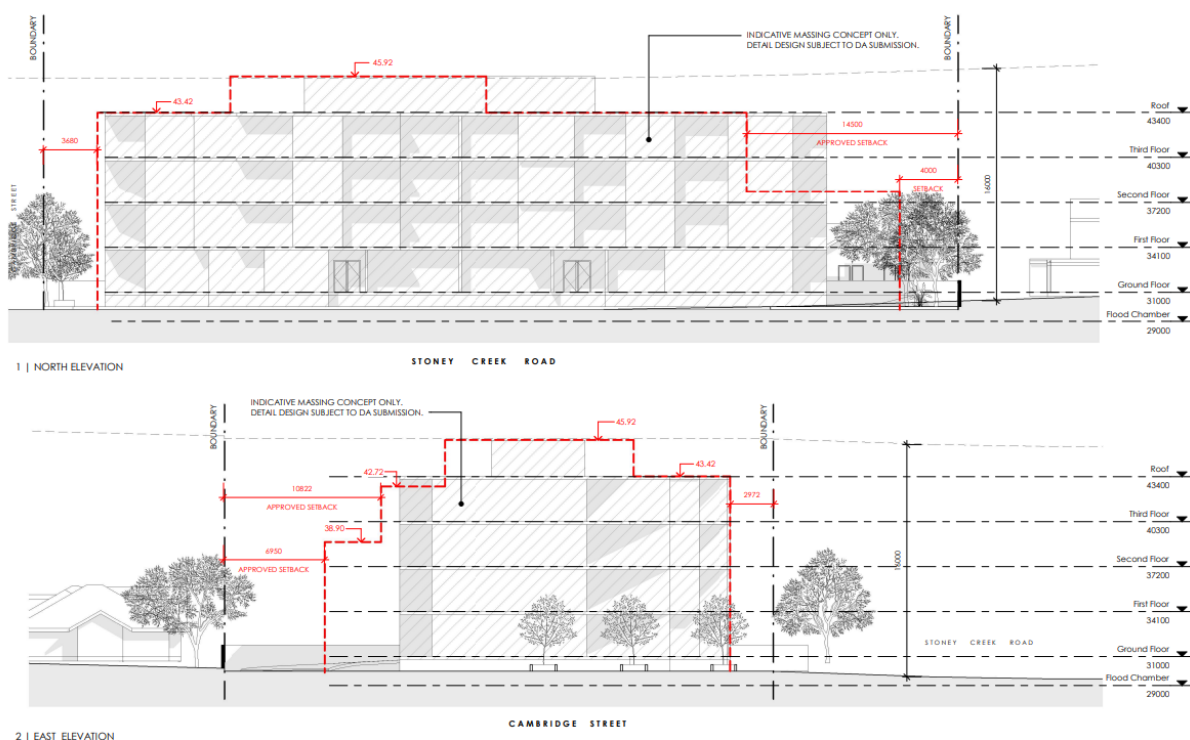
26. The Planning Proposal seeks to amend the *GRLEP 2021* as follows:

- Rezone the site from part SP2 Infrastructure (Public Administration) and part R2 Low Density Residential to R4 High Density Residential.
- Include 'business premises' and 'office premises' as additional permitted uses under Schedule 1.
- Introduce a maximum floorspace ratio (FSR) of 1.4:1; and
- Introduce a maximum building height of 16 metres.

27. The Planning Proposal is supported by a Planning Concept & Site Analysis (prepared by Ionic Management in May 2022), which demonstrates the site's suitability to accommodate a potential residential flat building in accordance with the proposed development controls.

28. The indicative concept scheme (refer to **Figure 9**) has been prepared by Ionic Management to illustrate the potential development outcomes for a residential flat building, consistent with the proposed amended controls. The key features of the concept design proposal comprise:

- 4 storey residential flat building, comprising of approximately 3,435sqm of gross floor area.
- Indicative yield of 38 dwellings based on a mix of 1-bed, 2-bed and 3-bed housing development; and
- 2 levels of basement carparking (accommodating 71 car spaces).



**Figure 9 - North and East elevations of a potential Residential Flat Building concept for the subject site (Source: Extract from Planning Concept & Site Analysis, Ionic Management, May 2022)**

### Proposed Planning Controls

29. The site is zoned part R2 Low Density Residential and part SP2 Infrastructure (Public Administration) and is proposed to be zoned R4 High Density Residential under the *GRLEP 2021* as shown in **Figure 10**.



**Figure 10 - Proposed Zoning (Source: Planning Proposal, January 2023)**

30. The subject site currently has no height controls (for SP2 land) and 9m (for R2 land). The proposed height is 16m under the *GRLEP 2021* as shown in **Figure 11**.



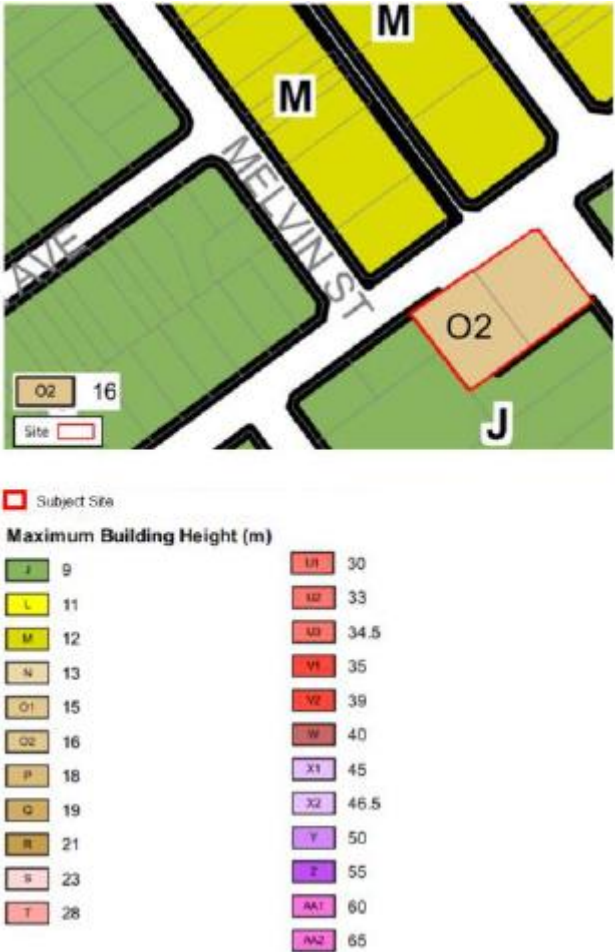


Figure 11 - Proposed Height of Buildings (Source: Planning Proposal, January 2023)

31. The subject site currently has no FSR controls (for SP2 land) and 0.55:1 (for R2 land). The proposed FSR for the subject site is 1.4:1 under the *GRLEP 2021* as shown in **Figure 12**.



**Figure 12 - Proposed FSR (Source: Planning Proposal, January 2023)**

32. The subject site currently has no minimum lot size controls (for SP2 land) and 450sqm (for R2 land). The proposed minimum lot size control for the subject site is 1000sqm under the *GRLEP 2021* as shown in **Figure 13**.



**Figure 13 - Proposed FSR (Source: Planning Proposal, January 2023)**

### **Voluntary Planning Agreement (VPA)**

33. In accordance with Council's *Voluntary Planning Agreements Policy*, Council requested that the proponent submit a VPA offer in conjunction with the Planning Proposal to address infrastructure demands from the proposed development. Council provided a preliminary list of the infrastructure works and community facilities that would address the additional demand and impacts. Council also met with the proponent to discuss these public benefits. The proponent submitted that a VPA was not warranted and provided legal advice to support their position. They declined to provide a VPA offer in conjunction with the Planning Proposal.

34. Council's submission to the Panel on the Planning Proposal (Rezoning Review) presented why a VPA offer was considered necessary. The Panel in its determination stated that Council should consider a review of its Development Contributions Plan. As a result, a VPA is not being progressed as a VPA is a voluntary agreement between a Council and a developer. A review of Council's Development Contributions Plan is also not considered possible due to the limited time to review a Contributions Plan within the Planning Proposal process.

### **Amendment No. 4 to the Georges River DCP 2021 (GRDCP 2021)**

35. As with most site-specific Planning Proposals, a site specific DCP has been prepared to accompany the change in planning controls. The proponent and Council officers worked together to prepare a DCP amendment to guide any future development of the subject site.

36. The DCP has been prepared based on the following aims and objectives:

- (a) Develop a high-quality built form that responds to the existing and future context.
- (b) Ensure the built form outcomes provide an appropriate transition and setback from adjacent sites to preserve their amenity.
- (c) Establish specific flood planning controls for the site.

37. The key elements addressed in the DCP include:

- Built form and setbacks – to establish the desired spatial proportions of the street, define the street edge, and indicate appropriate setbacks to streets; to ensure a comfortable urban scale of development.
- Vehicular access and car parking – to provide adequate facilities for parking for residents and visitors and to promote the use of public transport facilities, bicycles and walking as an alternative to private motor vehicles.
- Contamination – to ensure that the development of contaminated or potentially contaminated land does not pose a risk to human health or the environment.
- Stormwater Management - to mitigate any negative environmental impacts arising from the management of rainwater and stormwater from the site and reduce the risk to human life and property from flooding to acceptable levels.
- Waste Management – to promote the use of recycled and recyclable materials in the design, construction and operation of buildings and land use activities and to maximise waste minimisation, material separation and resource recovery in all stages of development (demolition, design, construction) and its on-going operation.

38. The DCP Amendment will be known as Amendment No.4 of the *GRDCP 2021* and will be inserted into Part 10 – Precincts as Section 10.4 - 143 Stoney Creek Road, Beverly Hills (refer to **Attachment 3**).

39. As a result of preparing the new Section 10.4, a number of formatting and administrative changes have been proposed to various sections of the *GRDCP 2021* as outlined in **Table 2** below.

Section	Proposed Amendments
1 Introduction	Minor formatting changes.
2 Application Process	Minor formatting changes.
3 General Planning Considerations	Minor formatting changes.
4 General Land Use	Minor formatting changes.
5 Residential Locality Statements	Minor formatting changes.
6.1 Low Density Residential Controls	Minor formatting changes.
6.2 Medium Density Residential Controls	Minor formatting changes.
6.3 High Density Residential Controls	Minor formatting changes.
6.4 Ancillary Development	Minor formatting changes.
6.5 Foreshore Locality Controls	Minor formatting changes.
7 Business Precincts	Minor formatting changes.

Section	Proposed Amendments
8. Kogarah Town Centre	Minor formatting changes.
9. Industrial Development	Minor formatting changes.
10 Precincts	Insertion of new section: <b>Section 10.4 – 143 Stoney Creek Road, Beverly Hills</b> Key elements of the site specific controls in Section 10.4 have been outlined above.
Appendices	Minor formatting changes.
Glossary	Minor formatting changes.

**Table 2 – Proposed Amendments (Amendment No. 4) to the GRDCP 2021**

### Public Exhibition of the Planning Proposal and DCP Amendment

40. The public exhibition of the Planning Proposal is being managed by the Agile Planning team of the Department who will be conducting the exhibition, sending letters to the surrounding residents and reviewing submissions for the Planning Proposal. Council has no role in the rezoning process.
41. The site specific DCP amendment (Amendment No. 4 to the *GRDCP 2021*) has been prepared by the proponent in conjunction with Council officers and Council is managing the public exhibition of the DCP.
42. This report seeks endorsement of this site-specific DCP amendment and for it to be placed on public exhibition, whether or not concurrently with the Planning Proposal, subject to the Department's timeframes for the exhibition of the Planning Proposal. The simultaneous exhibitions of the *GRDCP 2021* and the Planning Proposal will make the amendments easier for the community to understand.

### Next Steps – Public Exhibition

43. The next steps in finalising Amendment No.4 to the *GRDCP 2021* and the anticipated timeframes are tabulated below:

Task	Anticipated Timeframe
Report to the Environment and Planning Committee on Amendment No. 4 to the <i>GRDCP 2021</i> for public exhibition	11 April 2023 (this report)
Report to Council on Amendment No. 4 to the <i>GRDCP 2021</i> for public exhibition	24 April 2023
Public exhibition of Amendment No. 4 to the <i>GRDCP 2021</i> concurrently with the Planning Proposal (subject to the Department's timeframes for the exhibition of the Planning Proposal)	May 2023



Task	Anticipated Timeframe
Report to Council on submissions received on Amendment No.4 to the <i>GRDCP 2021</i> and seeking endorsement for its adoption. Note: The DCP will become effective when the Planning Proposal is finalised/gazetted.	July 2023

## FINANCIAL IMPLICATIONS

44. No budget impact for this report.

45. In accordance with Council's Fees and Charges, the proponent will be required to cover the cost of the exhibition of the DCP (Amendment No. 4).

## RISK IMPLICATIONS

46. No risks identified.

## COMMUNITY ENGAGEMENT

47. The proposed amendments to the *GRDCP 2021* for 143 Stoney Creek Road, Beverly Hills (Amendment No. 4) will be publicly exhibited in accordance with the *Environmental Planning and Assessment Act 1979* and its *Regulations 2021* whether or not concurrently with the Planning Proposal, subject to the Department's timeframes for the exhibition of the Planning Proposal.

48. Notification of the public exhibition will be undertaken through:




- Notification letters to adjoining landowners.
- Newspaper advertisement in The Leader.
- Community engagement project webpage on Council's Your Say website; and
- Exhibition material displayed at Council's Georges River Customer Service Centre in Hurstville, and Hurstville and Clive James (Kogarah) Libraries.

49. A further report will be submitted to Council following the public exhibition period.

## FILE REFERENCE

SF23/1691

## ATTACHMENTS

- Attachment [↓1](#)  Panel letter - RR-2022-26 Record of Decision FINAL
- Attachment [↓2](#)  Gateway Determination - 143 Stoney Creek Road, Beverly Hills
- Attachment [↓3](#)  Amendment No. 4 to GRDCP 2021 - 143 Stoney Creek Road, Beverly Hills



Planning  
Panels

## REZONING REVIEW

### RECORD OF DECISION

STRATEGIC PLANNING PANEL of the  
SYDNEY SOUTH PLANNING PANEL

DATE OF DECISION	15 December 2022
DATE OF MEETING	13 December 2022
PANEL MEMBERS	Helen Lochhead (Chair), Glennis James, Donna Rygate
APOLOGIES	None
DECLARATIONS OF INTEREST	Nick Katris and Sam Stratikopoulos declared a conflict of interest having previously voted on the matter at council.

## REZONING REVIEW

**Rezoning Review - RR-2022--26- PP-2021-6630** – 143 Stoney Creek Road Beverly Hills - Rezone subject site from SP2/R2 to R4 High Density Residential, introduce a FSR of 1.4:1, introduce a maximum building height of 16m and introduce 'Office Premises' and 'Business Premises' as additional permitted uses under Schedule 1 of the Georges River Local Environmental Plan 2021.

Reason for Review:

- ☐ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☒ The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

## PANEL CONSIDERATION AND DECISION

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

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

- ☒ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- ☐ **should not** be submitted for a Gateway determination because the proposal has
  - ☐ not demonstrated strategic merit
  - ☐ has demonstrated strategic merit but not site specific merit




The decision was unanimous.

## REASONS FOR THE DECISION

The Panel considers that the Planning Proposal demonstrates strategic and site-specific merit however in coming to this decision, the Panel was of the view that the Council should consider a review of its Development Contributions Plan.

The Panel recommends that the LEP amendment and site specific DCP be supported subject to the inclusion of minimum lot sizes in the instrument consistent with the R4 zone.

The Council was consulted and did not express a view on retaining the PPA role. In accordance with Section 3.32(1) of the *Environmental Planning and Assessment Act 1979*, the Planning Panel as delegate of the Minister for Planning has therefore determined to appoint itself as the PPA for this planning proposal.

PANEL MEMBERS	
Helen Lochhead (Chair) 	Glennis James 
Donna Rygate 	

SCHEDULE 1		
1	<b>PANEL REF – LGA – DEPARTMENT REF - ADDRESS</b>	Rezoning Review - RR-2022--26- PP-2021-6630 – 143 Stoney Creek Road Beverly Hill
2	<b>LEP TO BE AMENDED</b>	Georges River Local Environmental Plan 2021.
3	<b>PROPOSED INSTRUMENT</b>	The proposal seeks to rezone the subject site from SP2/R2 to R4 High Density Residential, introduce a FSR of 1.4:1, introduce a maximum building height of 16m and introduce 'Office Premises' and 'Business Premises' as additional permitted uses under Schedule 1 of the Georges River Local Environmental Plan 2021.
4	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>Rezoning review request documentation</li> <li>Briefing report from Department of Planning and Environment and associated attachments A, A1-A7, B, B1-B4 and C.</li> </ul>
5	<b>BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li><b>Briefing with Department of Planning and Environment (DPE): 1.15pm 13/12/2022</b> <ul style="list-style-type: none"> <li>Panel members in attendance: Helen Lochhead (Chair), Glennis James, Donna Rygate</li> <li>DPE staff in attendance: Kendall Clydsdale, Claire Mirow, Bailey Williams, Leanne Harris, Lisa Kennedy and Sharon Edwards</li> </ul> </li> <li><b>Key issues discussed:</b> <ul style="list-style-type: none"> <li>Site and surrounds</li> <li>Existing land-use context and LEP provisions</li> <li>Intended land-use outcomes</li> <li>Current DA approval on the site</li> <li>Flooding and proximity to ethane pipeline</li> <li>Other potential land-use outcomes</li> <li>Proposed controls</li> <li>Beverly Hills Masterplan</li> <li>Key policies, plans and strategies</li> <li>Council comments and recommendations</li> </ul> </li> <li><b>Briefing with Council: 1.45pm 13/12/2022</b> <ul style="list-style-type: none"> <li>Panel members in attendance: Helen Lochhead (Chair), Glennis James, Donna Rygate</li> <li>DPE staff in attendance: Kendall Clydsdale, Claire Mirow, Bailey Williams, Leanne Harris, Lisa Kennedy and Sharon Edwards</li> <li>Council representatives in attendance: Catherine McMahon, Meryl Bishop, Stephanie Lum, Henry Huynh, and Rebecca Lau</li> </ul> </li> </ul>

		<p><b>Key issues discussed:</b></p> <ul style="list-style-type: none"><li>○ Site and surrounds</li><li>○ Existing LEP provisions</li><li>○ Proposed controls</li><li>○ Current approval</li><li>○ Original and amended PP</li><li>○ Strategic merit</li><li>○ Draft Beverly Hills Masterplan</li><li>○ Stormwater and flooding</li><li>○ Site specific DCP and site constraints</li><li>○ Lack of VPA and details regarding the value of contributions and shortfall in local infrastructure</li></ul> <p>• <b>Briefing with Proponent:</b> 2.30pm 13/12/2022</p> <ul style="list-style-type: none"><li>○ Panel members in attendance: Helen Lochhead (Chair), Glennis James, Donna Rygate</li><li>○ DPE staff in attendance: Kendall Clydsdale, Claire Mirow, Bailey Williams, Leanne Harris, Sharon Edwards and Lisa Kennedy</li><li>○ Proponent representatives in attendance: Aaron Sutherland, Chris Ryan</li></ul> <p>Key issues discussed</p> <ul style="list-style-type: none"><li>○ Background and existing planning controls</li><li>○ Existing approval</li><li>○ Initial and amended PP</li><li>○ Lack of VPA and reasoning for not offering one</li><li>○ Need for the PP</li><li>○ Strategic merit</li><li>○ Applicant not having access to Council's Hill PDA report</li></ul>
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Department of Planning and Environment

## Gateway Determination

**Planning proposal (Department Ref: PP-2021-6630):** 143 Stoney Creek Road, Beverly Hills – to rezone the subject site from part SP2 and part R2 to R4 High Density Residential; introduce a FSR of 1.4.1:1; introduce a maximum height of building of 16m; introduce a minimum lot size of 1000m<sup>2</sup>; and introduce 'office premises' and 'business premises' as additional permitted uses under Schedule 1 of the Georges River Local Environmental Plan 2021.

I, the Executive Director, Metro East and South, at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Georges River Local Environmental Plan 2021 to rezone the land and introduce FSR, height of building, minimum lot size controls and additional permitted uses, should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
  - (a) Include reference to 'office premises' as a proposed additional permitted use, to accord with the standard definitions in the Standard Instrument (Local Environmental Plans) Order 2006.
  - (b) address the consistency of the proposal with the Georges River Community Strategic Plan (*Working Together for a better future – Community Strategic Plan 2022-2032*)
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2022) and must be made publicly available for a minimum of 20 days; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2022).

Exhibition should commence within 3 months following the date of the gateway determination.

3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
  - i. Transport for NSW
  - ii. Sydney Water
  - iii. NSW State Emergency Service
  - iv. NSW Department of Planning and Environment's, Environment and Heritage branch



Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.

4. Prior to any finalisation, the proposal and relevant technical studies must be updated (as required and in consideration of agency comments received during consultation) to address the following flood matters in the context of potential high density residential development and the land uses permitted in the R4 High Density Residential zone:
  - i. Consistency and/or justification with all applicable Direction 4.1 Flooding requirements;
  - ii. The full range of flooding events on the site, up to a Probable Maximum Flood (PMF) event;
  - iii. Identify and map all flooding hazards associated with the full range of flooding events up to PMF;
  - iv. Any flooding impacts which may arise from cut and fill on the site;
  - v. Any flooding impacts (on and off-site) which may arise from development which may occur within a 1% AEP and PMF impacted area of the site;
  - vi. Climate change impacts; and
  - vii. Evacuation management for the site.
5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge the planning proposal authority from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. Given the nature of the proposal, the Sydney South Planning Panel is not authorised to be the local plan-making authority.
7. The timeframe for completing the LEP is 9 months from the date of Gateway determination.

Date 2<sup>nd</sup> day of March 2023.



**Amanda Harvey**  
**Executive Director, Metro East and South**  
**Planning and Land Use Strategy**  
**Department of Planning and Environment**

**Delegate of the Minister for Planning and**  
**Homes**

## Amendment to Georges River Development Control Plan – Proposed Part 10.3 for 143 Stoney Creek Road, Beverly Hills

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## 10.3 143 Stoney Creek Road, Beverly Hills

### 10.3.1 Introduction

This section contains built form and design provisions to guide the redevelopment of 143 Stoney Creek Road, Beverly Hills (the 'Site'). The Site has a history as a former public administration building and was previously zoned SP2 – Infrastructure (Public Administration) and R2 – Low Density Residential. The Site was the subject of a Planning Proposal (Georges River Local Environmental Plan 2021 (Amendment No. XX) that rezoned the Site to R4 - High Density Residential.

#### 1. Land to apply

These controls apply to land at 143 Stoney Creek Road, Beverly Hills, being legally described as Lot 2 in DP1205598 and Lot 3 in DP1205598.



Figure 1: Site that is subject to this section of the DCP outlined in red

#### 2. Relationships to other documents and planning policies

Where relevant, these provisions should be read in conjunction with the following:

- The NSW Government's *Apartment Design Guide*;

- *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development*; and
- *Georges River Local Environmental Plan 2021*.

This section also needs to be read in conjunction with the following parts of this DCP:

- Part 1 – Introduction
- Part 2 – Application Process for Georges River DCP 2021
- Part 3 – General Planning Considerations
- Part 4 – General Land Use
- Part 6 – Residential Controls
- Appendices

Development within the Site must comply with all other applicable parts of the DCP. If there is a discrepancy between Section 10.3 and other parts of the DCP, the controls in Section 10.3 will always prevail.

### 3. Purpose and objectives

The purpose of this section is to provide a detailed guide for future redevelopment at 143 Stoney Creek Road, Beverly Hills.

The aims and objectives of this Plan are to:

- (a) Develop a high quality built form that responds to the existing and future context.
- (b) Ensure the built form outcomes provide an appropriate transition and setback from adjacent sites to preserve their amenity.
- (c) Establish specific flood planning controls for the Site.

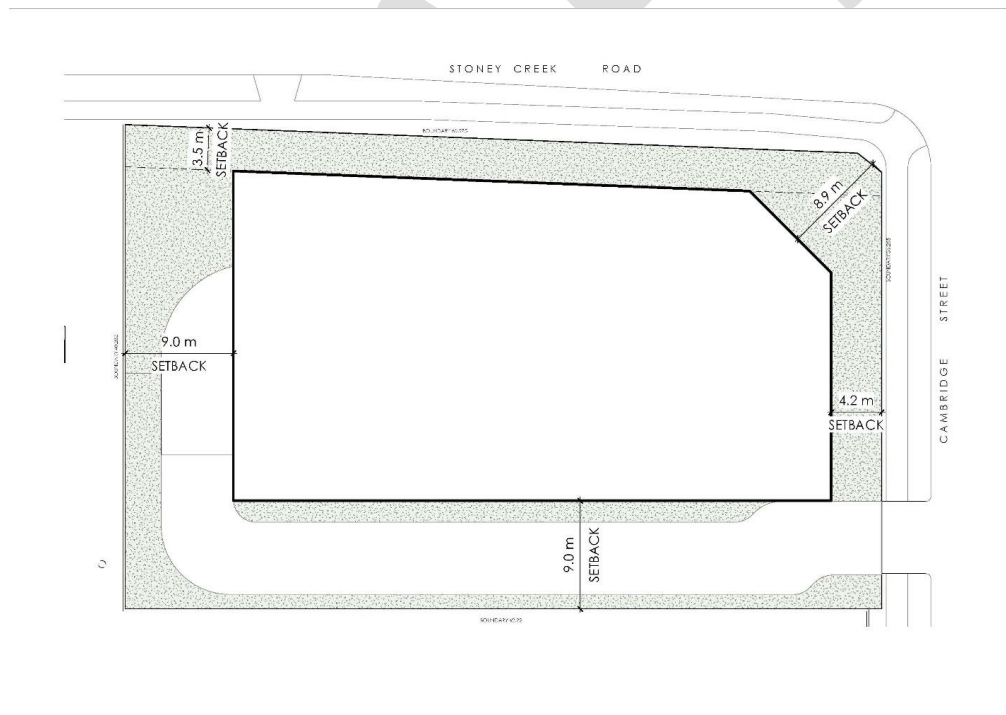
#### 10.3.2 Built form and setbacks

##### Objectives

- (a) Establish the desired spatial proportions of the street and define the street edge.
- (b) Ensure setbacks to streets are appropriate for the street widths and functions to ensure a comfortable urban scale of development.
- (c) Preserve and enhance the low density street settings.
- (d) Provide visual and acoustic privacy for adjacent properties.
- (e) Control overshadowing of adjacent properties.
- (f) Provide deep soil zones for planting of canopy trees and landscaping.
- (g) Mitigate the visual intrusion of building bulk on neighbouring properties.

## Controls

1. The development to be erected on the Site shall have a maximum building height of 16 metres being the maximum height shown for the land on the Height of Buildings Map of the *Georges River Local Environmental Plan 2021*.
2. The maximum floor space ratio for a building on the Site shall not exceed 1.4:1 being the floor space ratio shown on the Floor Space Ratio Map of the *Georges River Local Environmental Plan 2021*.
3. Minimum setbacks and separation distances for all levels above ground are to be provided in accordance with **Figure 2**.
4. A minimum front setback of 3.5m should be provided along Stoney Creek Road and 4.2m shall be provided along Cambridge Street to maintain the streetscape character and site context.
5. Notwithstanding the minimum setbacks specified above and in **Figure 2**, setbacks may need to be increased to comply with the separation distances in the NSW Government's *Apartment Design Guide*.



**Figure 2:** Setback Map



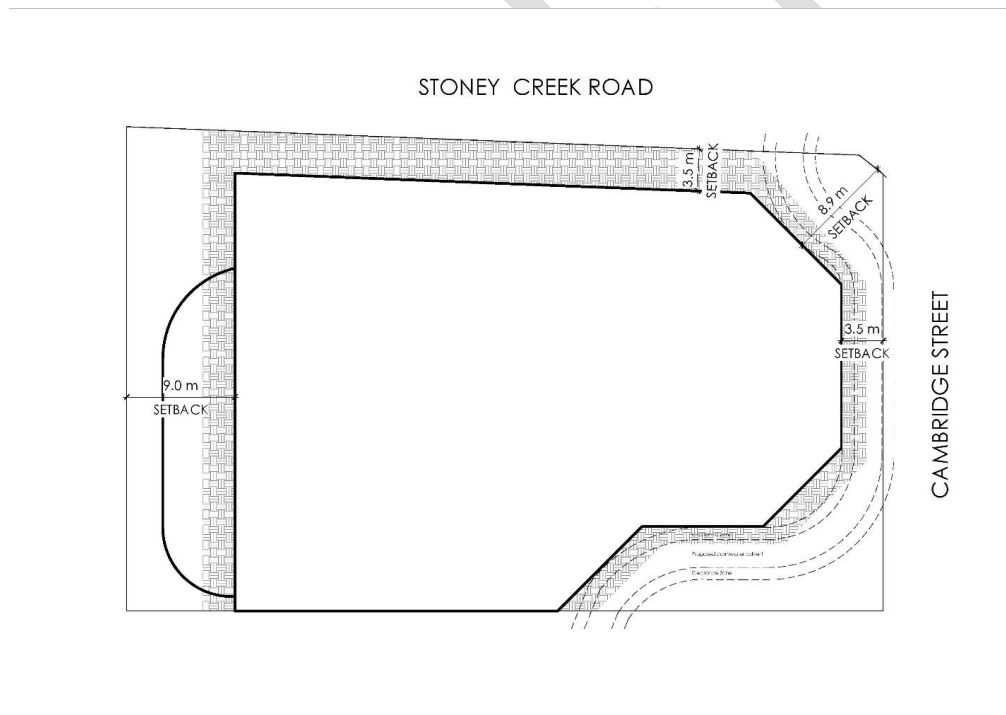
### 10.3.3 Vehicular access and car parking

#### Objectives

- Provide adequate facilities for parking for residents and visitors.
- Promote the use of public transport facilities and bicycles and walking as an alternative to private motor vehicles.
- Minimise the potential for vehicular/pedestrian conflict.

#### Controls

- Car parking rates in accordance with Section 3.13 Parking Access and Transport of the GRDCP 2021.
- The basement must not extend beyond the setbacks from site boundaries as illustrated in **Figure 3** to achieve a stormwater management design which also satisfies Sydney Water's infrastructure operational and maintenance requirements.



**Figure 3: Basement Car Parking Envelope**

- The vehicle access point to the Site shall be from Cambridge Street in accordance with **Figure 2** to achieve safety, minimise conflicts between pedestrians and vehicles and create a high quality streetscape to Stoney Creek Road.

4. A Traffic Impact Statement must be provided to support the Development Application.

Note: Refer to Section 6.3.9 Vehicular Access, Parking and Circulation of the GRDCP 2021.

### 10.3.4 Contamination

#### Objectives

- (a) Ensure that the development of contaminated or potentially contaminated land does not pose a risk to human health or the environment.

#### Controls

1. A remediation action plan is required to be submitted with any Development Application that involves the excavation at or beyond the depth of the groundwater table, and/or has the ability to influence the nature or depth of the groundwater table.
2. Controls for the management of contaminated land are outlined in Section 3.6 Contaminated Land of the GRDCP 2021.

### 10.3.5 Stormwater Management

#### Objectives

- (a) To reduce stormwater quantity and improve stormwater quality prior to exiting the Site.
- (b) To reduce the risk to human life and property from flooding to acceptable levels.
- (c) To mitigate any negative environmental impacts arising from the management of rainwater and stormwater from the Site.

#### Controls

1. Where a new development proposes to divert the existing Sydney Water Reinforced Concrete Box Culvert (RCBC) (with dimensions of 1.981m wide by 1.219m high), the replacement RCBC is to have internal dimensions of 2.1m (wide) by 1.5m (high), or as required by Sydney Water.
2. Any development proposing basement parking and the diversion of the RCBC will require the construction of a flood storage chamber as an interstitial level between the basement and ground floor, with sufficient capacity of approximately 2000 cubic metres (to be determined through flood modelling) to limit off-site impacts and improve site flood behaviour as indicatively illustrated in **Figures 4 and 5** below.
3. The basement must not extend beyond the setbacks from site boundaries as illustrated in **Figure 3** to achieve a stormwater management design which also satisfies Sydney Water's infrastructure operational and maintenance requirements.

4. The basement carpark entry threshold is to be set at a minimum of the 1% AEP level plus a freeboard of 500mm. All other openings to the basement including the carpark intake and exhaust, basement carpark stairwells and lift shafts are to be positioned at or above the Probable Maximum Flood (PMF) level.
5. A stormwater management system is to be provided in accordance with the requirements of the *Georges River Stormwater Management Policy 2020* (or its successor).



Figure 4: Plan of Indicative Flood Chamber

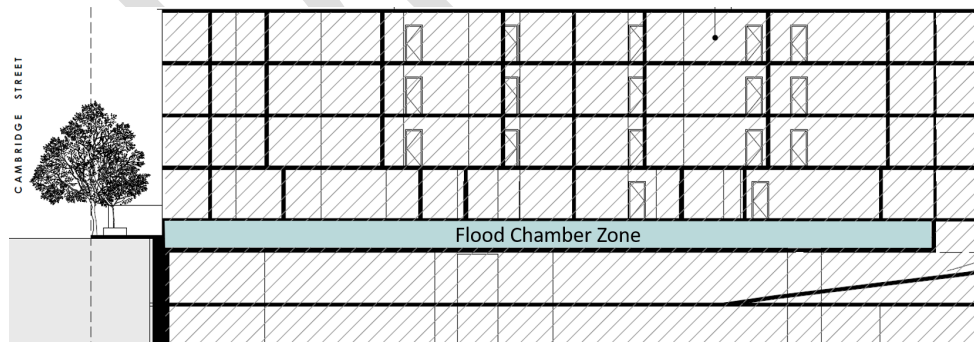


Figure 5: Section of Indicative Flood Chamber

### 10.3.6 Waste Management

\*Note: The following waste management controls are from the draft amendment to GRDCP - Appendix 4 controls - Waste management. (In the event that this PP proceeds to gateway prior to the adoption of the Council led DCP amendment, then the following controls apply.)

#### Objectives

- (a) Promote the use of recycled and recyclable materials in the design, construction and operation of buildings and land use activities;
- (b) Maximise waste minimisation, material separation and resource recovery in all stages of development (demolition, design, construction) and on-going operations of developments;
- (c) Require the design and construction of waste and recycling storage facilities that are:
  - i. Of an adequate size;
  - ii. Appropriately designed for the intended uses and capacity;
  - iii. Hygienic and safe to access;
  - iv. In compliance with any occupational health and safety requirements;
  - v. Visually compatible with their surroundings, and;
  - vi. Minimise noise transfer.
- (d) Minimise the environmental impact of poorly designed waste and recycling storage facilities or from the poor management of those facilities;
- (e) Provide on-going controls for waste handling and minimisation in all premises;
- (f) Ensure source separation of recyclables and organic waste, minimising waste generation and maximising recovery from each dwelling;
- (g) Ensure efficient waste management practices from each dwelling with regards to managing bulky waste materials for kerbside clean-up services;
- (h) Ensure the appropriate on-site storage of all bins for each dwelling whether bins are stored within individual dwellings or within a common storage area;
- (i) Ensure that the storage of bins or bulky waste for each dwelling does not impact negatively on the visual amenity of the area;
- (j) Ensure that the storage of bins for each dwelling does not impact negatively on the neighbouring properties; and
- (k) Ensure Councils contracted waste collection vehicle(s) can access and service every development to provide essential waste collection services. Applicants should be aware that this is still an access requirement even if proposing services be provided by private waste contractors, to ensure Council can provide a service in the likely event that residents elect the Council waste service during ongoing use of the development.

#### Controls

### Collection points

1. The collection point is to be nominated in the Waste Management Plan (WMP) and must be level, free of obstructions and allow sufficient height clearance to enable the safe mechanical pick-up and set down of bins and bulky waste.
2. The location of the proposed collection point(s) are to be detailed on the Development Application plans/drawing and in the WMP submitted to Council. Collection points for residential and non-residential waste may be shared, but methods for managing collection times of non-residential waste must be outlined within the WMP.
3. Collection and vehicle access points are not to be located adjacent or close to a habitable area where practicable.
4. Waste storage and recycling areas are to be easily accessible for the purpose of collection and servicing where practicable. The access pathway for transporting bins between a storage point and the collection point is to be level and free of steps or kerbs. It must include a rolling kerbside if the applicant is proposing to use the Wheel Out Wheel Back (WOWB) service. Maximum unassisted manual handling distance between the storage point and the collection point and surface grades for the movements of the bins are determined by the bin size, as per **Table 1**.

**Table 1. Handling distance and design standards**

Bin Capacity	Up to 360L	660L-1100L	Bulky waste
Maximum Distance (metres)	30	5	5
Maximum surface grades	1:14	1:24*	1:24
Step or kerbside	None	None	None

\* Reduced gradients of 1:14 may be considered when bins are moved with the assistance of a bin tug device.

**Note:** Any proposed variations to the above require further assessment and discussion with Georges River Council prior to Development Application submission. The Applicant can also consider the use of equipment to aid the movement of bins and outline such equipment in the WMP, and ensure storage of such equipment is indicated in Architectural Plans.

5. The collection point is to be located where the waste collection vehicle(s) can stand safely.
6. Collection vehicles must be able to service the development without the need to travel any distance in reverse – all vehicular movements must be in a forward moving direction. If a collection vehicle is required to reverse to complete a collection service, this must be discussed with Georges River Council prior to Development Application lodgement and detailed in both the Development Application's Traffic Management Plan and WMP.



7. Waste collection and loading is to be accommodated within new developments in order of preference:
  - i. Collection point at ground level and off-street within the confines of private property within a safe vehicular circulation system.
  - ii. Collection point at ground level within the confines of private property in a dedicated collection or loading bay.
  - iii. Collection point at ground level and storage areas as per **Table 1** above to enable a WOWB service.
  - iv. Collection point from in the building's basement (below ground level).

### Onsite Collection

8. Developments of 7 or more residential or commercial units are to provide on-site collection of bins and bulky clean-up waste materials by collection contractor vehicles, either by way of:
  - i. A loading dock to enable onsite vehicular access for a waste collection vehicle; or
  - ii. A design that enables the provision of the WOWB service.
9. All collection of non-residential waste is to be conducted on-site where practicable. Consideration may be given to smaller developments (commercial only) where this is not possible and will be assessed by Council on a case-by-case basis only.
10. The property owner or authorised representative must indemnify Council and its waste collection contractor(s) against damage to private property prior to waste collection services commencing.
11. All externally located on-site collection points are to be constructed within 15 metres from the property boundary whereby direct access is provided for Council's waste collection contractors to enable the movement of bins and bulky waste. Pin code security systems are required to enable direct access on collection days, enabling the WOWB service.
12. The following allowances are to be made for the nominated collection point:
  - i. A minimum vertical clearance of 4 metres, including clearances of all ducts, pipes and other services;
  - ii. A minimum width of any loading areas of 2.5 metres;
  - iii. A minimum turning area for a 12 metre long waste collection vehicle or provision for a truck turntable; and
  - iv. Surfaces to enable a maximum payload of 23 tonnes.
13. Waste storage and recycling areas are to be easily accessible for the purpose of collection and servicing where practicable. In the event that this cannot be achieved, each collection point is to be easily accessible from the nominated waste and recycling storage area. The access pathway for transporting bins between a storage point and the collection point is to be level and free of steps or kerbs. The maximum unassisted manual handling distance between the storage point and the collection point for bins is:
  - i. 30 metres for two-wheeled Mobile Garbage Bins;
  - ii. 15 meters for four-wheeled Mobile Garbage Bins; and

- iii. 3 metres for bulk bins (on castors).

**Note:** Any proposed variations to the above require further assessment and discussion with Georges River Council prior to Development Application submission.

14. The collection point is to be located where the collection vehicle(s) can stand safely.
15. Entry and exit of a collection vehicle from a site must be in a forward direction. It is acceptable to use a vehicle turntable to accomplish this. If a vehicle turntable is used, it must have a 30-tonne capacity and meet the specifications above.
16. If the designated kerbside collection point is on a State or Regional Road, within a marked Clearway zone, or in a CBD area, the development is subject to the provisions of Onsite Collection.

### *Bin and Bulky Waste Storage*

17. The WMP is to identify the storage areas, collection points, collection methods, and management systems for both residential and non-residential waste streams.
18. Sufficient space is to be allocated inside each residence/unit for the storage of at least two days' generation of waste, recycling and organics, including a space for a kitchen caddy or similar in the kitchen for the separate collection of food waste.
19. The common waste and recycling storage area is to provide space for waste, recycling (commingled recycling, paper, and cardboard bins as separate) and organics mobile garbage bins as well as a separate storage area for bulky clean-up waste materials.
20. Storage space for mobile garbage bins will be calculated based on a once or twice weekly collection of each stream by Council's collection contractor, and the following generation rates:
  - i. general waste generated at 120L per unit per week, collected a maximum of twice per week;
  - ii. commingled recycling generated at 120L per unit per week, collected a maximum of once per week; and
  - iii. organics generated at a minimum of 25L organics per unit per week, collected a maximum of once per week. If the expected organics waste generation rate for a development is less than 240L in total, storage for at least 1x240L organics bin must be provided and be easily accessible to every residential unit at the development.
21. All residential bins are to be provided by Council after construction is completed and a written request submitted by the Strata/Building Manager to Council. The size of bins provided by Council may vary depending on the availability at the time.
22. Storage for paper and cardboard bins must be provided by all developments with 51 or more units, at the following ratio:
  - i. From 51 to 100 units: a minimum size of 16m<sup>2</sup>.

- ii. Over 100 units: a minimum of  $16\text{m}^2 + 2\text{m}^2$  per 50 additional units above 150 units (or part thereof).
- 23. A lockable cage, designated screened area or, room in or attached to the bin storage area is to be dedicated for bulky waste (bulky clean-up materials such as couches, mattresses and furniture). The space should be appropriate with the minimum total space provided as follows:
  - i. Up to 20 units: a minimum of  $4\text{m}^2$ .
  - ii. From 21 to 50 units: a minimum size of  $10\text{m}^2$ .
  - iii. From 51 to 100 units: a minimum size of  $16\text{m}^2$ .
  - iv. Over 100 units: a minimum of  $16\text{m}^2 + 2\text{m}^2$  per 50 additional units above 150 units (or part thereof).
- 24. If the development is proposing use of 660L or 1,100L bins or the development consists of 21 or more residential units, the design must support the use of bulk bins by allowing a suitable path of bin travel and door widths to enable the use of 660L and/or 1,100L bins.
- 25. Additional space must be provided for recycling other waste streams such as electrical waste and textile waste in all developments of 51 or more units. A minimum area of  $6\text{m}^2$  is required for other recycling infrastructure. This space must be in or attached to the waste storage or bulky waste materials storage area or at the collection point and be accessible by residents.
- 26. The path and distance of travel from each dwelling to their nominated waste disposal areas, including bulky waste disposal is required to be indicated within the WMP and corroborated on the plans/drawings. The maximum walking distance from any entrance of a residential dwelling to the waste disposal areas must not exceed 30 metres and should be located close to lifts and/or stairwells. Additional waste disposal locations may be required for buildings in order not to exceed the maximum travel distance.
- 27. Maximum unassisted manual handling distance between the storage point and the collection point and surface grades for the movements of the bins are determined by the bin size, as per **Table 1**. Path of travel for the bins and bulky waste must be free from stairs, adequately lit, a suitable width (including all doorways and entry points, or hallways) to allow the movement of 1100L bulk bins and utilise rolling kerbsides if required, to facilitate movement of bulk bins.
- 28. Bin wash area up to  $3\text{m}^2$  must be provided inside residential and commercial bin rooms to allow for the mobile garbage bins to be washed and maintained to prevent odour and vermin issues. The bin wash area must allow for hot and cold water access, with suitable drainage to sewer.
- 29. Double door access (at least 2500mm) must be provided into the bulky waste storage area, with a wide range of opening to enable ease of manoeuvring large bulky waste such as furniture without doors as obstructions. Bin rooms door access must be at least 1700mm for 240L bins and 2500mm for larger sizes.

30. Doors on waste rooms should always be able to be opened from inside. It is preferable that doors open outwards. Doors should be able to be locked in an open position to facilitate the movement of bins and bulky waste. For handling bulky waste and bulky bins, it is recommended to fit doorways with galvanised iron to protect them from damage.
31. All waste and bin storage areas must be constructed from approved materials, that are smooth, easily cleanable, non-absorbent, impervious, water resistant and durable. All surfaces should be finished with a light colour.
32. The ceiling height of waste storage facilities must be a minimum of 2100mm.
33. The floor must not be slippery; constructed of concrete at least 75mm thick or other approved material.
34. The floor must be graded and drained to the appropriate drainage outlet connected to sewer, the water must not be discharged into stormwater drainage. All areas around the designated waste and bin storage areas must be bunded and appropriately sloped for drainage.
35. All facilities must be well lit and fitted with artificial sensor lighting. Provision for appropriate lighting must be made to enable the residents to dispose of their waste and allow collection staff to perform the service safely.
36. All waste facilities must be appropriately ventilated to comply with the Building Code of Australia AS1668.4. Ventilation openings should be protected from flies and vermin and located as near to the ceiling or floor as possible, but away from habitable/occupied areas of the development.
37. Waste storage must be weather isolated and must allow for storage of general waste and organics bins in an area protected from sunlight to prevent odour.
38. Waste facilities must comply with fire safety, including material quality, fire isolation and fire alarms.
39. Waste storage areas are to be located, constructed and maintained in a manner that will prevent the entry of vermin, minimise odour and noise.
40. If the storage area is in a secure street-level holding area, a Georges River Council-approved digital pin code key system or swipe cards will be required where necessary to allow a WOWB service to be provided. All costs for this system are to be borne by the property management. In situations whereby a key or lock system is changed by the managing body, Georges River Council must be provided with 2 weeks' notice prior to the change, to enable continuation of collection services.
41. Where a residential development and non-residential development occupy the same site, the waste and recycling handling and storage systems for residential waste and non-residential waste are to be separate, secured and self-contained. Commercial and retail tenants are not permitted to access residential waste and recycling storage area(s) or

interim storage containers, or chutes used for residential waste and recycling and vice versa.

42. For non-residential uses, interim waste storage containers for waste and recycling are to be located on each occupied floor sufficient for at least two day's generation of waste and recycling. Provision is to be made in cleaning contracts for this material to be transferred to a central waste and recycling storage area at least once daily.
43. Applicants may propose a private waste collection contractor for the ongoing service of the development once operational, however, this does not exempt the development from any requirements outlined in this DCP or other relevant regulations, including vehicle access requirements. Domestic waste management charges will still be applied in line with the *Local Government Act 1993*. Council reserves the right to cancel waste collection services in the instance of repeat gross contamination of bins or if collection requirements are not met, requiring the Owners Corporation/Building Manager to engage private waste collection services at cost to the residents.
44. Private waste collection services are to occur entirely within the confines of private property with bins or bulky waste originating from commercial tenants prohibited from being placed on public land. Private waste collection services must occur in a source separated manner with all wastes collected separately according to the following streams: general waste, commingled recycling and organics at a minimum.

### Chute Systems

45. A dual-chute system (two separate chutes, one for waste and one for recycling) or a single chute system with diverter technology must be constructed for buildings with more than six storeys. Bins for the storage of at least two days' worth of organic waste must be provided on each occupied floor, adjacent to any chute system.
46. A single chute system can be used in buildings with less than six storeys. In this case, mobile garbage bin(s) for recycling and organics are to be provided in the chute room on each occupied level, at a ratio to allow for the storage of at least two days' worth of recycling and organics generated on each occupied level. The mobile garbage bins are to be rotated with empty bins daily by the managing body.
47. An alternative to point 46 above, a development can propose use of a single chute system with a diverter technology.
48. Chutes are to be provided with an opening on each floor, designed to be used by all residents and enclosed within a chute room. Chutes are not to open onto any habitable space and chute openings are to have an effective self-sealing system.
49. Chutes are to terminate in a bin storage area and discharge directly into a waste, recycling or organics mobile garbage bin provided by Georges River Council (stamped and labelled) in a manner designed to avoid spillage and overflow. Protective skirting between chute and containers is permitted to prevent spillage and minimise dust or spray.



50. For safety reasons, residents are not permitted to access the area where the chute discharges. All chute discharge rooms must be secured and locked or, alternatively, all mechanical parts of waste management equipment must be securely screened.
51. The total maximum travel distance from any residential dwelling entry to a chute system on any given storey is not to exceed 30 metres. Additional chutes may be required for buildings in order not to exceed the maximum travel distance.
52. A chute room with opening is required on each occupied floor of a development utilising a chute system.
53. The chute room will include (in addition to space for recycling mobile garbage bins as required):
  - i. The chute inlet hopper;
  - ii. Space for spare mobile garbage bin (in case of chute failure) allowing for at least one 240L mobile garbage bin per waste stream for each six residences serviced by that chute – which in the event of a chute failure would be required to be rotated up to twice daily by the managing body; and
  - iii. Space for large cardboard and/or kerbside clean-up materials to reduce the likelihood of blockages in chutes.
54. Each chute room is to provide access for all persons. Chute rooms are to allow sufficient space to permit easy opening of the chute and chute room door and the storage and manoeuvring of mobile garbage bins. The floor must be sealed and free from steps.
55. Chute rooms are to display instructions on the use of the waste chutes for each relevant waste stream, including instructions not to dispose hazardous and large bulky waste materials into the chute, and what materials can be placed in the container(s) provided.
56. Responsibility for cleaning and operating chute rooms rests with the managing body. The applicant can consider linear/rotating tracks at the chute discharge area to assist with bin management in order to maintain a clean and sanitary chute discharge room.
57. Chutes if installed must be certified in design to be constructed to meet the minimum performance requirements for both airborne and impact noise protection, to avoid excessive noise and vibration to habitable areas.
58. Chute systems must be cylindrical and free from bends or corners so as to prevent waste blockages. Management, operation and cleanliness of the chutes is the responsibility of the Body Corporate/Building Manager.
59. Residential chutes are not to carry waste from non-residential developments. A separate chute system must be considered for non-residential components of a development if applicable or necessary.

### *Collection Access - General*

60. Collection points accessed by waste collection vehicles for both residential and non-residential waste and recycling may be shared.

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