

5 June 2025

Liam Frayne  
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Dear Mr Frayne

**SEARs: 3B-11 Loftus Street, 1-5 Burton Street, 10-12 Gipps Street, Concord**

I write in relation to 3B-11 Loftus Street, 1-5 Burton Street and 10-12 Gipps Street, Concord (the Site) and the recent request for Secretary's Environmental Assessment Requirements (SEARs).

The subject proposal involves a change to planning policy through an amendment to the *Canada Bay Local Environmental Plan 2013* and a State Significant Development Application (SSDA). It is important that an early view be formed as to the strategic and site-specific merit of the proposal in accordance with the Department of Planning, Housing and Infrastructure's *Local Environmental Plan Making Guideline*.

*Background*

Council has reviewed and assessed various proposals for the Site. This involved a Scoping Proposal, Planning Proposal (PP-2024-2715), advice from the Local Planning Panel, input from specialist consultants, and a report to Council on 15 April 2025. Whilst the Planning Proposal was withdrawn on 8 May 2025, Council considered a further report on 20 May 2025 and resolved for a local clause to be added to the *Canada Bay Local Environmental Plan 2013* to prohibit any additional overshadowing of Concord Oval between 11am and 2pm midwinter.

The Site is located within Stage 2 of the *Parramatta Road Corridor Urban Transformation Strategy* (PRCUTS) and Council has been working on a planning proposal (PP-2024-1595) to rezone the precinct since March 2022. This has involved the preparation of specialist studies, a Planning Proposal, advice from the Local Planning Panel and a Gateway Determination from the Department of Planning, Housing and Infrastructure. Council is currently finalising the Proposal for public exhibition.

*Overshadowing of Concord Oval*

The new proposal for the Site involves a significant increase in height and density in comparison to PRCUTS and will result in significant additional overshadowing of Concord Oval.

Concord Oval is an important public open space and part of the Concord Community and Sports Precinct, and was reopened in 2022 after extensive State Government-funded renovations (as part of the *Parramatta Road Urban Amenity Improvement Program*). Concord Oval is an important public asset providing recreational amenity for the LGA and future residents. Concord Oval also houses the Centre of Excellence for the West Tigers NRL team, and Council has a written agreement with West Tigers that requires the playing field to be maintained to a professional standard.

Council's revised Stage 2 Planning Proposal that is informed by an alternative concept for the Site (which significantly increased the heights above the PRCUTS), cast no additional overshadowing onto Concord Oval between 11am and 2pm midwinter.

The proposal states that overshadowing will be addressed in the design development of the project. The significant shadow cast across the Oval cannot be eliminated through detailed design of a building. It is also noted that the 'Existing PRCUTS Shadow Line' indicated in the Scoping Proposal is the shadow cast by the existing grandstand building, not the shadow cast by a proposal that is compliant with the building heights and densities as outlined in the PRCUTS Planning and Design Guidelines.

Given the significant inconsistency with PRCUTS (and the associated 9.1 Planning Direction) combined with the unacceptable amount of overshadowing of public open space, the proposal requires significant revision to the building height before proceeding to a SSDA.

**Any State Significant Development Application must ensure that no additional overshadowing of Concord Oval occur between the hours of 11am and 2pm in midwinter.**

#### *Request for SEARs*

In addition to the Site Specific SEARs for residential development, it is requested that the EIS address the matters outlined below:

#### *Statutory and strategic context*

The EIS be prepared in accordance with the:

- *Local Environmental Plan Making Guidelines*, including an assessment of the strategic and site-specific merit of the proposal.

In addition to the statutory requirements in the industry specific SEARs, the EIS should address consistency with:

- the recommended amendments to the *Cananda Bay Local Environmental Plan 2013* adopted by Council on 20 May 2025 that will prohibit any additional overshadowing of Concord Oval between 11am and 2pm midwinter;
- Council's precinct-wide PRCUTS Stage 2 Planning Proposal;

- 9.1 Ministerial Planning Directions, particularly Direction 1.5 relating to the *PRCUTS*;
- *PRCUTS* Planning and Design Guidelines, specifically the requirement for podiums and for tower floor plates of a maximum of 750sqm Gross Floor Area;
- the objectives of *A Metropolis of Three Cities*, including Objective 31 'Public open space is accessible, protected and enhanced';
- the Planning Priorities of the *Eastern City District Plan*, including E18 'Delivering high quality open space'.

*Consistent application of controls for land within the Parramatta Road Corridor*

The *Canada Bay Local Environmental Plan 2013* includes Part 8 that applies to all land within the 2016-2023 Release Area. Part 8 includes local clauses to ensure the delivery of identified infrastructure (via incentive building heights and floor space ratios), sustainability incentives and maximum car parking rates. DPHI has endorsed the application of Part 8 to all land within the remainder of the Corridor in the City of Canada Bay, including the subject site. Any SSDA and concurrent rezoning should be consistent with this approach.

- The EIS should demonstrate how the proposal aligns with the requirements of Part 8 of the *Canada Bay Local Environmental Plan 2013*, including the application of incentive Height and Floor Space Ratio in exchange for the delivery of the proposed new road.

*Traffic and Transport*

A through-site roadway is proposed to be delivered. This is consistent with Council-endorsed strategy to support the movement of vehicles and active transport within the local road network.

The EIS needs to address:

- provisions proposed to deliver the proposed roadway through amendment to Part 8 of the *Canada Bay Local Environmental Plan 2013*;
- address the Traffic and Transport Study and Action Plan prepared by Bitzios on behalf of Strathfield, Burwood and Canada Bay Councils;
- undertake detailed assessment of the existing and future performance of key intersections providing access to the site, supported by appropriate modelling and analysis (i.e. SIDRA). These intersections must include, but not be limited to:
  - Burwood Road/Burton Street;
  - Burwood Road/Parramatta Road;
  - Burwood Road/Gipps Street.

### *Affordable Housing*

- Testing be undertaken to determine the capacity of the Site to deliver additional affordable housing in accordance with the Eastern City District Plan, PRCUTS, the Canada Bay Local Strategic Planning Statement and in accordance with Clause 6.12 of the *Canada Bay Local Environmental Plan 2013*.
- Where affordable housing is proposed, the EIS should confirm the quantum of affordable housing to be provided through an amendment to the *Canada Bay Affordable Housing Contribution Scheme*.

### *Design Quality*

The PRCUTS requires the application of design excellence to sites that front public open space and proposals that exceed four storeys in height. Given the scale and density of the proposed development, it is requested that a competitive design competition occur prior to the lodgement of a SSDA. This is consistent with the endorsed PRCUTS Stage 2 Planning Proposal.

- The EIS should demonstrate that the development or concept approval has been subject to a competitive design process and in accordance with an endorsed brief and Design Excellence Strategy.

### *Public Domain*

The EIS is to include concept plans to illustrate the upgrade of the public domain consistent with Council's specifications. The plans are to illustrate the site's frontages to Burton Street, Loftus Street, Gipps Street and the extension of 'Moreton Street', extending a minimum of 5m past the site's frontages to the middle of the roads.

### *Engagement*

The applicant engage with Council prior to lodgement of an SSDA to seek feedback on both strategic and site-specific merit of the Proposal, and more detailed feedback on the SSDA scheme.

### *Other*

The EIS shall address other applicable Departmental SEARs requirements in relation to public space, trees and landscaping, flooding risk, contamination and remediation, waste management, social impact, ecological sustainable development and hazards and risks.

Council would welcome the opportunity to provide further input on any proposal that is progressed for the Site.

Should you have any enquiries in relation to this matter, please contact Shannon Anderson, Manager Statutory Planning on 9911 6441 or Paul Dewar, Manager Strategic Planning on 9911 6402.

Yours faithfully

A handwritten signature in black ink, appearing to read 'm. cologna', written in a cursive style.

Monica Cologna  
**Director, Environment and Planning**