



New South Wales

State Environmental Planning Policy Amendment (Homebush Transport Oriented Development Precinct) 2024

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

PAUL SCULLY, MP
Minister for Planning and Public Spaces

State Environmental Planning Policy Amendment (Homebush Transport Oriented Development Precinct) 2024

under the

Environmental Planning and Assessment Act 1979

1 Name of policy

This policy is *State Environmental Planning Policy Amendment (Homebush Transport Oriented Development Precinct) 2024*.

2 Commencement

This policy commences on the day on which it is published on the NSW legislation website.

3 Repeal of policy

This policy is repealed at the beginning of the day following the day on which this policy commences.

4 Maps

The maps adopted by the following local environmental plans are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this policy—

- (a) *Canada Bay Local Environmental Plan 2013*,
- (b) *Strathfield Local Environmental Plan 2012*.

Schedule 1 Amendment of Canada Bay Local Environmental Plan 2013

[1] Clause 1.8A Savings provision relating to development applications

Insert after clause 1.8A(4)—

- (5) A development application made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Homebush Transport Oriented Development Precinct) 2024* must be determined as if that policy had not commenced.

[2] Clause 5.1 Relevant acquisition authority

Insert in appropriate order in clause 5.1(2), table—

Zone MU1 Mixed Use and marked “Classified road”	Transport for NSW
Zone RE1 Public Recreation and marked “Classified road”	Transport for NSW
Zone E3 Productivity Support and marked “Classified road”	Transport for NSW

[3] Clause 5.1A Development on land intended to be acquired for public purposes

Insert in appropriate order in clause 5.1A, table—

Zone MU1 Mixed Use and marked “Classified road”	Roads
Zone RE1 Public Recreation and marked “Classified road”	Roads
Zone E3 Productivity Support and marked “Classified road”	Roads

[4] Part 6 Additional local provisions

Insert at the end of the part, with appropriate clause numbering—

Calculation of floor space ratio for land at 17 George Street, North Strathfield

- (1) This clause applies to land identified on the Key Sites Map as “Area 54”.
- (2) In calculating a floor space ratio under clause 4.5 for a building on land to which this clause applies, floor area used for the following purposes may be excluded from the gross floor area of the building—
- community facilities,
 - educational establishments,
 - information and education facilities.

[5] Clause 8.7 Pedestrian link and road requirements

Omit clause 8.7(2), definition of *pedestrian link*.

[6] Part 9

Insert after Part 8—

Part 9 Homebush Transport Oriented Development Precinct

Division 1 General

9.1 Definitions

In this part—

Homebush TOD Precinct means the land to which this part applies.

Homebush Transport Oriented Development Precinct Design Guide means the *Homebush Transport Oriented Development Precinct Design Guide* published by the Department in November 2024.

9.2 Application of part

This part applies to land identified as “Homebush TOD Precinct” on the Key Sites Map.

9.3 Design guide

Development consent must not be granted for development on land to which this part applies unless the consent authority has considered the *Homebush Transport Oriented Development Precinct Design Guide*.

9.4 Design excellence

- (1) The objective of this clause is to deliver the highest standard of architectural and urban design.
- (2) This clause applies to development on land to which this part applies involving—
 - (a) the erection of a new building that will have 3 or more storeys or a building height of at least 12m, or
 - (b) external alterations to an existing building that—
 - (i) has 3 or more storeys or a building height of at least 12m, or
 - (ii) will have 3 or more storeys or a building height of at least 12m as a result of the development.
- (3) Development consent must not be granted for development on land to which this part applies unless the consent authority is satisfied the development exhibits design excellence.
- (4) In considering whether the development exhibits design excellence, the consent authority must consider the following—
 - (a) the requirements of the *Homebush Transport Oriented Development Precinct Design Guide*,
 - (b) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - (c) whether the form and external appearance of the development will improve the quality and amenity of the public domain,
 - (d) whether the development detrimentally impacts on view corridors,
 - (e) how the development responds to the physical and cultural connection of the local Aboriginal community to the land,
 - (f) how the development addresses the following—
 - (i) the suitability of the land for development,

- (ii) existing and proposed uses and use mix,
- (iii) heritage issues and streetscape constraints,
- (iv) Aboriginal cultural heritage,
- (v) the relationship of the development with other development, existing or proposed, on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
- (vi) bulk, massing and modulation of buildings,
- (vii) street frontage heights,
- (viii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
- (ix) the achievement of the principles of ecologically sustainable development,
- (x) pedestrian, cycle, vehicular and service access, circulation and requirements,
- (xi) the impact on, and proposed improvements to, the public domain,
- (xii) achieving appropriate interfaces at ground level between the building and the public domain,
- (xiii) excellence and integration of landscape design.

9.5 Affordable housing contributions scheme for Homebush TOD Precinct

- (1) In this clause, the *Homebush TOD Precinct Affordable Housing Principles* are as follows—
 - (a) affordable housing must be provided and managed to accommodate a diverse residential population within areas representative of all income groups in the Homebush TOD Precinct,
 - (b) affordable housing must be rented to tenants at rents that do not exceed a benchmark of 30% of actual household income,
 - (c) dwellings provided for affordable housing must be managed to maintain their continued use as affordable housing,
 - (d) the Council must use the following received by or on behalf of the Council to improve or replace, or provide additional, affordable housing in the Homebush TOD Precinct—
 - (i) rent from affordable housing, excluding landlords' expenses, such as management and maintenance costs and rates and taxes payable in connection with the dwellings,
 - (ii) money from the disposal of affordable housing,
 - (e) affordable housing must consist of dwellings constructed to a standard that, in the opinion of the consent authority, is consistent with the same type of dwellings forming part of the proposed development that are not intended to be used as affordable housing, particularly in relation to internal fittings and finishes, solar access and privacy.
- (2) This clause applies to development on land identified as “Affordable Housing Contribution Area—Homebush TOD Precinct” on the Affordable Housing Contribution Scheme Map resulting in—
 - (a) the erection of a new building with more than 200m² of gross floor area used for the purposes of residential accommodation, or
 - (b) alterations to an existing building that result in at least 200m² of additional gross floor area used for the purposes of residential accommodation.

- (3) This clause does not apply to development for the purposes of boarding houses, community housing, group homes, hostels or public housing.
- (4) Development consent must not be granted to development to which this clause applies unless the consent authority has considered the following—
 - (a) the Homebush TOD Precinct Affordable Housing Principles,
 - (b) the impact of the development on the existing mix and likely future mix of residential accommodation in the Homebush TOD Precinct.
- (5) The consent authority may, when granting development consent to development to which this clause applies, impose a condition requiring an affordable housing contribution equivalent to the contribution specified in subclause (6).
- (6) The contribution for development is the amount of gross floor area equivalent to the percentage, shown for the land on the Affordable Housing Contribution Scheme Map, of the gross floor area of the residential component of the development.
- (7) A condition imposed under this clause must permit a person to satisfy the condition by—
 - (a) a dedication, in favour of the Council, of land comprising 1 or more dwellings, each having a gross floor area of at least 50m², and a monetary contribution, paid to the Council, for any remainder, or
 - (b) a monetary contribution, paid to the Council, of equivalent value to the gross floor area specified in subclause (6).
- (8) The rate at which a monetary contribution is taken to be equivalent to floor area for the purposes of this clause must be calculated by reference to the market value of dwellings of a similar size to the dwellings in the proposed development.
- (9) In this clause—

community housing has the same meaning as in the *Community Housing Providers National Law (NSW)*.

public housing has the same meaning as in the *Housing Act 2001*.

Division 2 Incentive floor space and building height for key sites

9.6 Application of division

- (1) This division applies to Areas 36–66.
- (2) A reference in this division to a numbered Area is a reference to land identified as an “Area” with that number on the Key Sites Map.

9.7 Additional floor space and building heights

- (1) The objective of this clause is to encourage additional development in the Homebush TOD Precinct coordinated with an adequate access network and recreation areas.
- (2) A building on land to which this division applies may have a height of up to the building height shown for the land on the Incentive Height of Buildings Map.
- (3) The floor space ratio of buildings on a site on land to which this division applies may be up to the floor space ratio shown for the land on the Incentive Floor Space Ratio Map.

- (4) Subclauses (2) and (3) do not apply unless the consent authority is satisfied that—
- (a) the requirements specified in clauses 9.8 and 9.9 will be met in relation to the development, and
 - (b) the development includes adequate provision for one or both of the following—
 - (i) recreation areas that are configured and located in a way that is appropriate for the recreational purposes of the Precinct,
 - (ii) an access network that is configured and located in a way that will allow a suitable level of connectivity within the Precinct, and
 - (c) for development on land in Area 54—at least 3,000m² of floor area on the site will be used for the purposes of community facilities.

Note— See also clause 9.3.

9.8 Minimum site area requirements

Column 2 of the following table specifies the minimum site area for each Area specified in Column 1—

Column 1	Column 2
Area on Key Sites Map	Minimum site area (m ²)
36	2,800
37	3,100
38	3,500
39	3,800
40	3,900
41	3,700
42	3,400
43	3,800
44	3,600
45	3,700
46	3,900
47	4,500
48	4,700
49	2,300
50	4,500
51	4,300
52	4,100
53	3,800
54	16,400
55	3,200
56	2,800
57	2,600

Column 1	Column 2
Area on Key Sites Map	Minimum site area (m²)
58	2,500
59	52,000
60	1,700
61	9,600
62	2,600
63	4,300
64	2,400
65	2,100
66	4,500

9.9 Publicly accessible open space and roads

Column 2 of the following table specifies, for each Area specified in Column 1, the minimum amount of the site area that must be used for 1 or more of the following purposes—

- (a) pedestrian links,
- (b) public open space,
- (c) roads.

Column 1	Column 2
Area on Key Sites Map	Minimum area (m²)
36	550
37	500
38	700
39	900
40	1,650
41	750
42	1,100
43	900
44	750
45	750
46	1,000
47	1,200
48	1,350
49	290
50	1,250
51	1,050
52	1,200
53	900

Column 1	Column 2
Area on Key Sites Map	Minimum area (m ²)
54	7,750
55	450
56	400
57	450
58	900
59	13,150
60	100
61	3,750
62	950
63	1,450
64	500
65	400
66	600

[7] Schedule 5 Environmental heritage

Omit item no I108 from Part 1. Insert in appropriate order—

Strathfield	Inter-war flats	41 Everton Road	SP 13821	Local	I548
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[8] Dictionary

Insert in alphabetical order—

Homebush TOD Precinct, for Part 9—see clause 9.1.

Homebush Transport Oriented Development Precinct Design Guide, for Part 9—see clause 9.1.

pedestrian link includes the following—

- (a) a footpath,
- (b) a shared cycle and pedestrian pathway,
- (c) a shared zone within the meaning of the *Road Rules 2014*.

Schedule 2 Amendment of Strathfield Local Environmental Plan 2012

[1] Clause 1.8A Savings provision relating to development applications

Insert at the end of clause 1.8A, before the note—

- (2) A development application made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Homebush Transport Oriented Development Precinct) 2024* must be determined as if that policy had not commenced.

[2] Clauses 4.3A, 4.4(1)(f), 4.4A and 6.9

Omit the provisions.

[3] Clause 4.4(1)(e)(ii)

Omit “development,”. Insert instead “development.”

[4] Clause 5.1 Relevant acquisition authority

Insert in appropriate order in clause 5.1(2), table—

Zone MU1 Mixed Use and marked “Classified road”	Transport for NSW
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[5] Clause 5.1A Development on land intended to be acquired for public purposes

Insert in appropriate order in clause 5.1A, table—

Zone MU1 Mixed Use and marked “Classified road”	Roads
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[6] Part 6 Additional local provisions

Insert at the end of the part, with appropriate clause numbering—

Development on land near WestConnex Underwood Road Ventilation Facility

- (1) This clause applies to land identified as “Land affected by WestConnex Underwood Road Ventilation Facility” on the Locality and Site Identification Map.
- (2) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied—
- (a) the development will not adversely affect the dispersal of emissions from the WestConnex Underwood Road Ventilation Facility, and
- (b) persons using buildings resulting from the development will not be unduly affected by the emissions.

[7] Part 7

Insert after Part 6—

Part 7 Homebush Transport Oriented Development Precinct

Division 1 General

7.1 Definitions

In this part—

Homebush TOD Precinct means the land to which this part applies.

Homebush Transport Oriented Development Precinct Design Guide means the *Homebush Transport Oriented Development Precinct Design Guide* published by the Department in November 2024.

7.2 Application of part

This part applies to land identified as “Homebush TOD Precinct” on the Key Sites Map.

7.3 Design guide

Development consent must not be granted for development on land to which this part applies unless the consent authority has considered the *Homebush Transport Oriented Development Precinct Design Guide*.

7.4 Design excellence

- (1) The objective of this clause is to deliver the highest standard of architectural and urban design.
- (2) This clause applies to development on land to which this part applies involving—
 - (a) the erection of a new building that will have 3 or more storeys or a building height of at least 12m, or
 - (b) external alterations to an existing building that—
 - (i) has 3 or more storeys or a building height of at least 12m, or
 - (ii) will have 3 or more storeys or a building height of at least 12m as a result of the development.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied that the development exhibits design excellence.
- (4) In considering whether the development exhibits design excellence, the consent authority must consider the following—
 - (a) the requirements of the *Homebush Transport Oriented Development Precinct Design Guide*,
 - (b) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - (c) whether the form and external appearance of the development will improve the quality and amenity of the public domain,
 - (d) whether the development detrimentally impacts on view corridors,
 - (e) how the development responds to the physical and cultural connection of the local Aboriginal community to the land,
 - (f) how the development addresses the following—
 - (i) the suitability of the land for development,

- (ii) existing and proposed uses and use mix,
- (iii) heritage issues and streetscape constraints,
- (iv) Aboriginal cultural heritage,
- (v) the relationship of the development with other development, existing or proposed, on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
- (vi) bulk, massing and modulation of buildings,
- (vii) street frontage heights,
- (viii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
- (ix) the achievement of the principles of ecologically sustainable development,
- (x) pedestrian, cycle, vehicular and service access, circulation and requirements,
- (xi) the impact on, and proposed improvements to, the public domain,
- (xii) achieving appropriate interfaces at ground level between the building and the public domain,
- (xiii) excellence and integration of landscape design.

7.5 Affordable housing contributions scheme for Homebush TOD Precinct

- (1) In this clause, the *Homebush TOD Precinct Affordable Housing Principles* are as follows—
 - (a) affordable housing must be provided and managed to accommodate a diverse residential population within areas representative of all income groups in the Homebush TOD Precinct,
 - (b) affordable housing must be rented to tenants at rents that do not exceed a benchmark of 30% of actual household income,
 - (c) dwellings provided for affordable housing must be managed to maintain their continued use as affordable housing,
 - (d) the Council must use the following, received by or on behalf of the Council, to improve or replace, or provide additional, affordable housing in the Homebush TOD Precinct—
 - (i) rent from affordable housing, excluding landlords' expenses, such as management and maintenance costs and rates and taxes payable in connection with the dwellings,
 - (ii) money from the disposal of affordable housing,
 - (e) affordable housing must consist of dwellings constructed to a standard that, in the opinion of the consent authority, is consistent with the same type of dwellings forming part of the development that are not intended to be used as affordable housing, particularly in relation to internal fittings and finishes, solar access and privacy.
- (2) This clause applies to development on land identified as “Affordable Housing Contribution Area—Homebush TOD Precinct” on the Affordable Housing Contribution Scheme Map resulting in—
 - (a) the erection of a new building with more than 200m² of gross floor area used for the purposes of residential accommodation, or
 - (b) alterations to an existing building that result in at least 200m² of additional gross floor area used for the purposes of residential accommodation.

- (3) This clause does not apply to development for the purposes of boarding houses, community housing, group homes, hostels or public housing.
- (4) Development consent must not be granted to development to which this clause applies unless the consent authority has considered the following—
 - (a) the Homebush TOD Precinct Affordable Housing Principles,
 - (b) the impact of the development on the existing mix and likely future mix of residential accommodation in the Homebush TOD Precinct.
- (5) The consent authority may, when granting development consent to development to which this clause applies, impose a condition requiring an affordable housing contribution equivalent to the contribution specified in subclause (6).
- (6) The contribution for development on land is the amount of gross floor area equivalent to percentage, shown for the land on the Affordable Housing Contribution Scheme Map, of the gross floor area of the residential component of the development.
- (7) A condition imposed under this clause must permit a person to satisfy the condition by—
 - (a) a dedication, in favour of the Council, of land comprising 1 or more dwellings, each having a gross floor area of at least 50m², and a monetary contribution, paid to the Council, for any remainder, or
 - (b) a monetary contribution, paid to the Council, of equivalent value to the gross floor area specified in subclause (6).
- (8) The rate at which a monetary contribution is taken to be equivalent to floor area for the purposes of this clause must be calculated by reference to the market value of dwellings of a similar size to the dwellings in the proposed development.
- (9) In this clause—

community housing has the same meaning as in the *Community Housing Providers National Law (NSW)*.

public housing has the same meaning as in the *Housing Act 2001*.

7.6 Active street frontages

- (1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages.
- (2) This clause applies to land identified as “Active street frontage” on the Active Street Frontages Map.
- (3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied the building will have an active street frontage after its erection or change of use.
- (4) Despite subclause (3), an active street frontage is not required for a part of a building that is used for any of the following—
 - (a) access for fire services,
 - (b) electrical services,
 - (c) entrances and lobbies, including as part of mixed use development,
 - (d) vehicular access.

- (5) In this clause, a building has an ***active street frontage*** if all premises on the ground floor of the building facing the street are used for the purposes of one or more of the following—
- (a) amusement centres,
 - (b) centre-based child care facilities,
 - (c) commercial premises,
 - (d) community facilities,
 - (e) educational establishments,
 - (f) entertainment facilities,
 - (g) function centres,
 - (h) information and education facilities,
 - (i) light industries,
 - (j) medical centres,
 - (k) public administration buildings,
 - (l) recreation facilities (indoor),
 - (m) registered clubs,
 - (n) veterinary hospitals.

Division 2 Incentive floor space and building height for key sites

7.7 Application of division

- (1) This division applies to Areas 1–12.
- (2) A reference in this division to a numbered Area is a reference to land identified as an “Area” with that number on the Key Sites Map.

7.8 Additional floor space and building heights

- (1) The objective of this clause is to encourage additional development in the Homebush TOD Precinct coordinated with an adequate access network and recreation areas.
- (2) A building on land to which this division applies may have a height of up to the building height shown for the land on the Incentive Height of Buildings Map.
- (3) The floor space ratio of buildings on a site on land to which this division applies may be up to the floor space ratio shown for the land on the Incentive Floor Space Ratio Map.
- (4) Subclauses (2) and (3) do not apply unless the consent authority is satisfied —
 - (a) the requirements specified in clauses 7.9 and 7.10 will be met in relation to the development, and
 - (b) the development includes adequate provision for one or both of the following—
 - (i) recreation areas that are configured and located in a way that is appropriate for the recreational purposes of the Precinct,
 - (ii) an access network that is configured and located in a way that will allow a suitable level of connectivity within the Precinct.

Note— See also clause 7.3.

7.9 Minimum site area requirements

Column 2 of the following table specifies the minimum site area for each Area specified in Column 1—

Column 1	Column 2
Area on Key Sites Map	Minimum site area (m²)
1	5,700
2	3,800
3	3,000
4	2,900
5	2,300
6	8,100
7	9,000
8	13,600
9	8,200
10	7,400
11	4,800
12	2,400

7.10 Publicly accessible open space and roads

- (1) Column 2 of the following table specifies, for each Area specified in Column 1, the minimum amount of the site area that must be used for 1 or more of the following purposes—
- (a) pedestrian links,
 - (b) public open space,
 - (c) roads.

Column 1	Column 2
Area on Key Sites Map	Minimum area (m²)
1	2,450
2	1,650
3	600
4	600
5	450
6	3,900
7	4,100
8	3,800
9	3,650
10	1,750
11	3,100
12	500

- (2) In this clause—
pedestrian link includes the following—
- (a) a footpath,
 - (b) a shared cycle and pedestrian pathway,
 - (c) a shared zone within the meaning of the *Road Rules 2014*.

[8] Schedule 1 Additional permitted uses

Insert at the end of the schedule, with appropriate clause numbering—

Use of land at 1–5 Underwood Road, Homebush

- (1) This clause applies to Lot 100, DP 1042833, 1–5 Underwood Road, Homebush.
- (2) Development for the purposes of retail premises is permitted with development consent.

[9] Dictionary

Insert in alphabetical order—

Active Street Frontages Map means the Strathfield Local Environmental Plan 2012 Active Street Frontages Map.

Affordable Housing Contribution Scheme Map means the Strathfield Local Environmental Plan 2012 Affordable Housing Contribution Scheme Map.

Homebush TOD Precinct, for Part 7—see clause 7.1.

Homebush Transport Oriented Development Precinct Design Guide, for Part 7—see clause 7.1.

Incentive Floor Space Ratio Map means the Strathfield Local Environmental Plan 2012 Incentive Floor Space Ratio Map.

Incentive Height of Buildings Map means the Strathfield Local Environmental Plan 2012 Incentive Height of Buildings Map.

Locality and Site Identification Map means the Strathfield Local Environmental Plan 2012 Locality and Site Identification Map.