

Planning Services

Gateway Determination Report

LGA	Canterbury-Bankstown
PPA	Canterbury-Bankstown Council
NAME	Planning proposal to rezone land at 89-95 Karne Street North, Narwee from R3 Medium Density Residential to B1 Neighbourhood Centre and amend associated development controls (6 homes, 0 jobs)
NUMBER	PP_2018_CBANK_003_00
LEP TO BE AMENDED	Canterbury Local Environmental Plan 2012
ADDRESS	89-95 Karne Street North, Narwee
DESCRIPTION	Lot 1 DP 815357 Lot 4 DP 29784 Lot 5 DP29784 Lot 6 DP 29784
RECEIVED	27 March 2018
FILE NO.	IRF18/1896
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

INTRODUCTION

Description of planning proposal

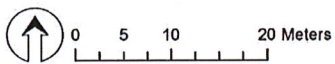
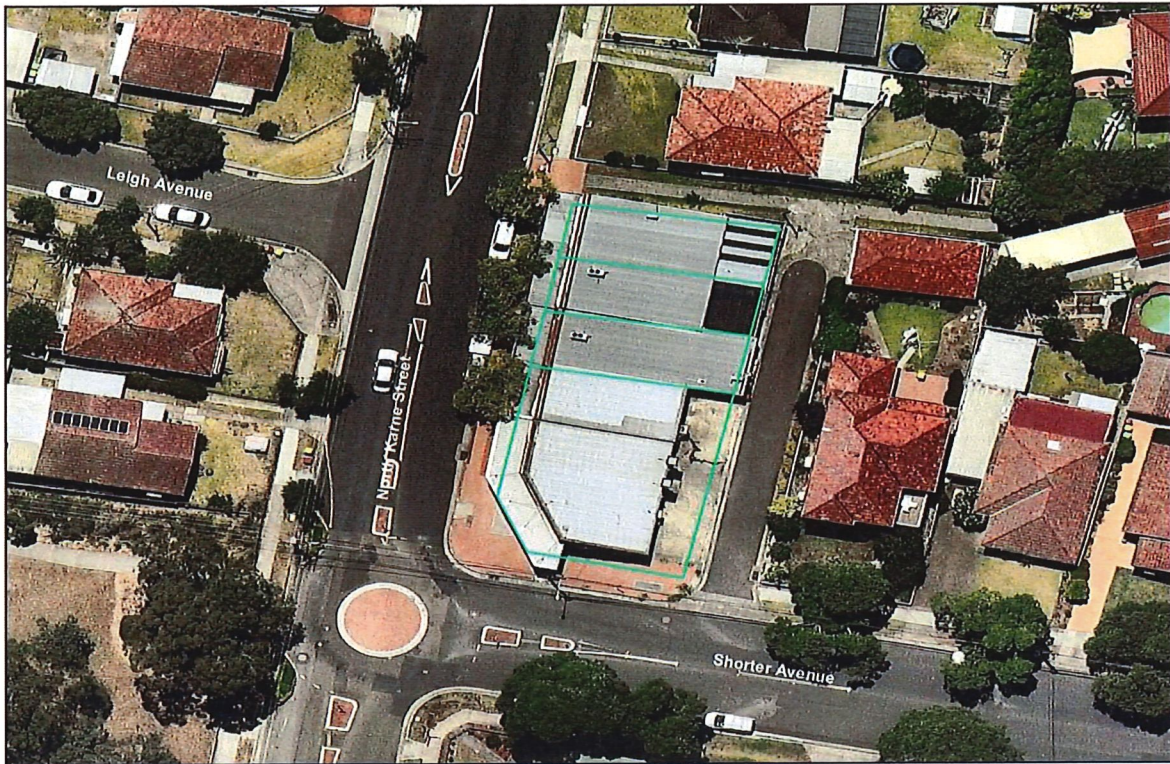
The planning proposal seeks to rezone land at 89-95 Karne Street North, Narwee from R3 Medium Density Residential to B1 Neighbourhood Centre and amend associated height and floor space controls.

Site description

The planning proposal applies to land at 89-91, 93, 93A and 95 Karne Street North in Narwee. The subject site is approximately 700m² and is on the corner of Karne Street North and Shorter Avenue, with a private laneway at the rear of the site (Figure 1, next page). Existing development on the site comprises single-storey retail premises including a restaurant and day spa.

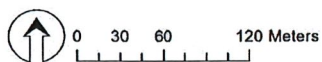
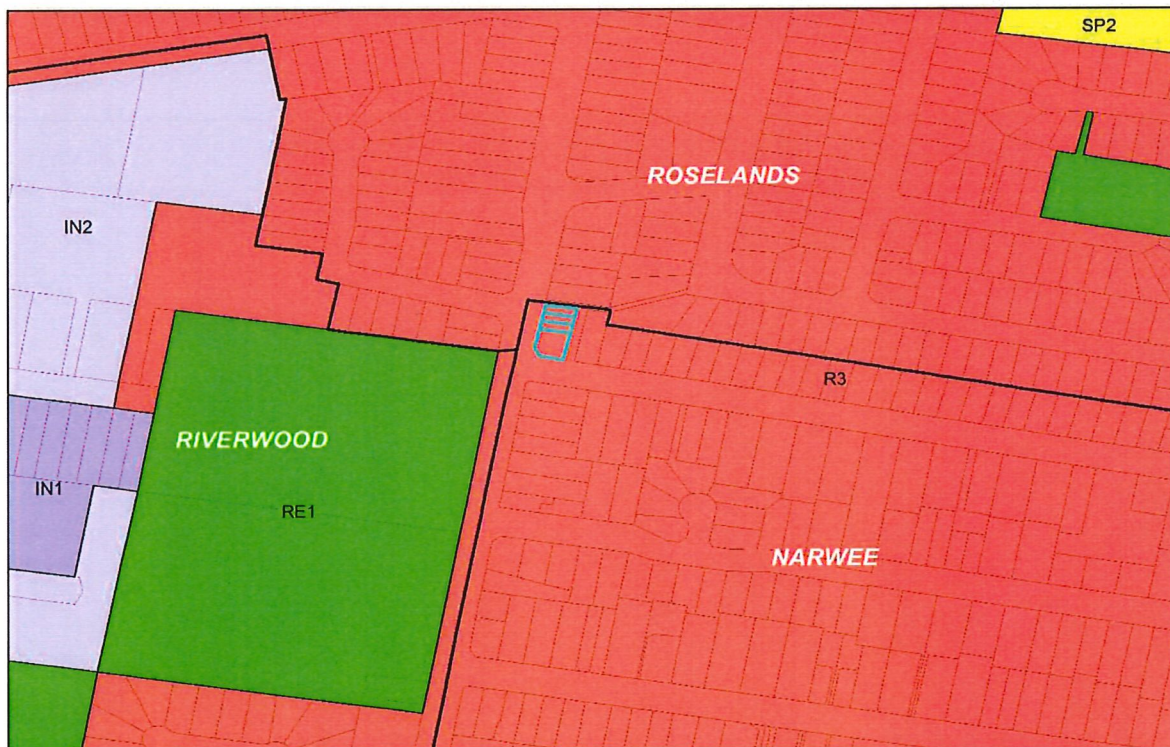
Existing planning controls

The site is zoned R3 Medium Density Residential (Figure 2, next page), with a maximum permitted building height of 8.5m and floor space ratio (FSR) of 0.5:1. Council has identified that this is an anomaly in the Canterbury Local Environmental Plan (LEP) 2012 and the objectives of the B1 Neighbourhood Centre are more reflective of the existing small-scale retail uses on the site and existing height and FSR (Figure 3 and 4, page 3).



Legend
 Land to which this proposal applies

Figure 1: Subject site.



Legend
 Land to which this proposal applies

Figure 2: Site zoning map.



Figure 3: The site as viewed from the south-west (source: Council report dated 27 February 2018).



Figure 4: The northern portion of the site as viewed from Karne Street (source: Council report dated 27 February 2018).

Surrounding area

The site is located at the junction of three suburbs: Narwee; Riverwood; and Roselands. The site is situated to the north of the M5 South West Motorway, approximately 1.3km to the south of Roselands shopping centre and 1.3km north-west of Narwee train station (Figure 5, next page).

Surrounding development comprises one-storey and two-storey dwellings and is primarily zoned R3 Medium Density Residential. Bennett Park and Riverwood

Business Park are located to the south-west, providing open space and employment opportunities close to the site.

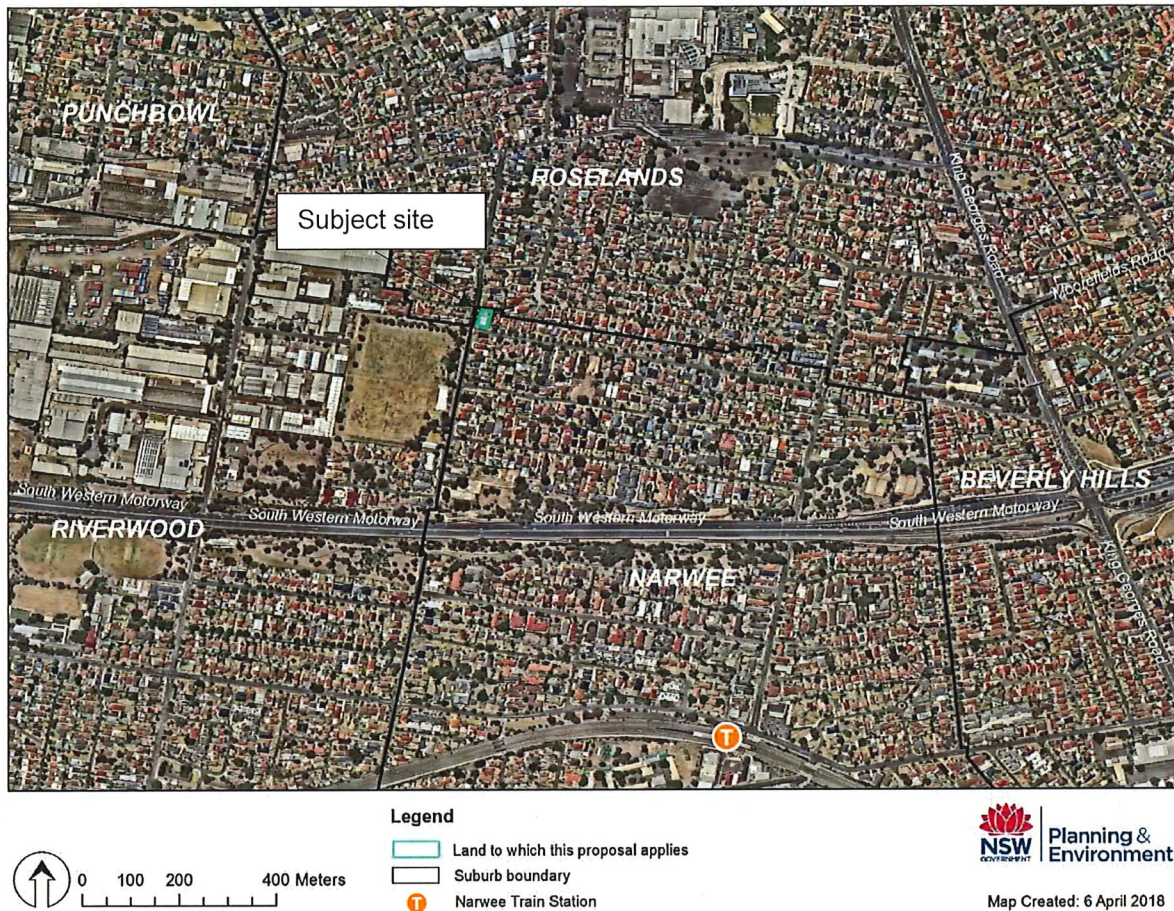


Figure 5: Surrounding area.

Summary of recommendation

It is recommended that the proposal proceed subject to conditions because:

- the B1 Neighbourhood Centre zone is considered to be the most appropriate zone given the current and likely future uses of the site;
- it seeks to facilitate redevelopment of the site for the purposes of shop-top housing, reinforcing the role of an existing neighbourhood centre in an area well-serviced by public transport and open space; and
- the proposal is consistent with the strategic planning framework.

PROPOSAL

Objectives or intended outcomes

The statement of objectives accurately describes the intention of the planning proposal. The proposal intends to amend the Canterbury LEP 2012 to formalise an existing zoning land use anomaly and to enable the redevelopment of the site for shop-top housing.

Explanation of provisions

The explanation of provisions adequately addresses the intended method of achieving the objectives of the planning proposal. The proposal intends to amend the Canterbury LEP 2012 as follows:

- rezone the site from R3 Medium Density Residential to B1 Neighbourhood Centre;
- apply a maximum 10m height of buildings control;
- apply an appropriate FSR control on the site (this is to be determined prior to public exhibition); and
- remove the site from the lot size map as minimum lot sizes do not apply to the B1 Neighbourhood Centre zone in the Canterbury LEP 2012.

Mapping

The planning proposal contains maps that adequately show the subject land and explain the proposed changes to the respective LEP maps for each proposed amendment, except in relation to the proposed FSR. Once an appropriate FSR is determined, the proposal should be updated to include the relevant FSR map.

Maps that comply with the Standard Technical Requirements for Standard Instrument LEP Maps will need to be prepared before the LEP is made.

NEED FOR THE PLANNING PROPOSAL

The planning proposal is not a result of any strategic study or report.

The proposal seeks to formalise an existing zoning/land use anomaly and to enable the redevelopment of the site. The proposed B1 zone is considered to better align with the existing use on the site (shops) and the proposed development is considered to be compatible with the surrounding residential neighbourhood in terms of scale and intensity of non-residential use (Figure 6).



Figure 6: Diagram showing concept street elevation along Karne Street (source: Council report).

The existing level of retail would not be able to be maintained in the current R3 Medium Density Residential zone should the site be redeveloped as this zone does not allow shop-top housing and only allows a maximum of 100m² of gross floor area for commercial purposes if a combined residential/commercial building is proposed.

The B1 zone is considered to be the most appropriate zone given the current and future uses of the site. The proposed increase in maximum building height is

considered compatible with the surrounding area and reflective of the B1 zone in the wider Canterbury-Bankstown area.

The proposal is the best way to achieve the intended outcomes of the planning proposal as it will formalise an existing zoning anomaly and enable the redevelopment of the site for shop-top housing.

The applicant initially sought to amend the FSR from 0.5:1 to no FSR. This is consistent with the B1 Neighbourhood Centre zone under the Canterbury LEP 2012. Notwithstanding, Council considered that an appropriate FSR be applied given Council's new policy direction to apply FSR controls for mixed-use development in business zones. This policy is in draft form and is a result of the Canterbury Road Review.

Council is seeking to engage an independent design firm to carry out an urban design analysis to determine an appropriate FSR for the site. The proposal is to be updated to reflect the findings prior to public exhibition should an FSR be recommended.

To monitor Council's progress in meeting the time frame for completing the LEP, a condition requiring Council to forward the updated proposal to the Department of Planning and Environment within two months of the Gateway determination being issued is considered appropriate.

STRATEGIC ASSESSMENT

State

Greater Sydney Region Plan

The Greater Sydney Region Plan was released by the Greater Sydney Commission on 18 March 2018. It provides a 40-year vision for the Greater Sydney region and is designed to inform district plans, local plans and the assessment of planning proposals.

The proposal is consistent with the objectives and actions in the plan, particularly *Objective 10 – Greater housing supply*, *Objective 11 – Housing is more diverse and affordable* and *Objective 12 – Great places that bring people together*.

The proposal references the plan in its draft format. A condition requiring the proposal to be updated to reference the final plan prior to public exhibition will be included in the Gateway determination.

District

South District Plan

The Greater Sydney Commission released the South District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the South District while improving the district's social, economic and environmental assets.

The proposal seeks to enable redevelopment of the site for the purposes of shop-top housing. The proposed B1 zone will enable the retention of the existing retail uses on the site while providing up to six additional dwellings. This will contribute incrementally to Council's housing target, provide better housing choice and enable the renewal of the Narwee local neighbourhood centre. The proposal is considered to be consistent with the plan, particularly *Planning Priority S5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport* and *Planning Priority S6 – Creating and renewing great places and local centres, and respecting the District's heritage*.

Local

Canterbury Community Strategic Plan

Council's Community Strategic Plan 2014-2023 was adopted in 2014 and sets the vision for the former Canterbury LGA. The proposal notes that the proposed controls correlate with the community's long-term goals, particularly the vision of Canterbury being an "attractive city" through the development of shop-top housing with an active retail frontage to the street, and "balanced urban development" through the appropriate location of new housing close to public transport and shopping facilities. The proposal is considered to be consistent with the community plan.

Section 9.1 Ministerial Directions

The following section 9.1 Directions are relevant to the planning proposal:

- 1.1 Business and Industrial Zones;
- 3.1 Residential Zones;
- 3.4 Integrating Land Use and Transport;
- 4.3 Flood Prone Land; and
- 7.1 Implementation of A Plan for Growing Sydney.

Direction 3.1 Residential Zones

This Direction seeks to encourage a variety and choice of housing types to provide for existing and future housing needs. This Direction applies to the planning proposal as it will affect land within a residential zone.

While the proposal seeks to rezone the land from a residential zone to a business zone, shop-top housing is permissible in the B1 zone and concept plans submitted to Council indicate that the site will be redeveloped for mixed-use purposes, providing an additional six dwellings on the site. The proposal is therefore considered to be consistent with this Direction.

Direction 4.3 Flood Prone Land

This Direction applies to the planning proposal as it will alter a zone that affects flood-prone land. The subject site is not affected by the 100-year flood level, but it is affected by overland flow.

The proposal states that there is no previous history of flooding or obstruction of overland flow paths in the area. The existing building envelope and building dimensions are not proposed to be altered at ground level, and the proposal states that existing overland flow paths will likely remain unaltered.

It is considered that given the low risk of flooding and the retention of existing overland flow paths on the site, the management of flood risk can be appropriately addressed at development application stage. Therefore, the Secretary's delegate can be satisfied that the inconsistency can be justified by the terms of the Direction.

The proposal is considered to be consistent with all other relevant section 9.1 Directions.

State environmental planning policies

The proposal is considered to be consistent with all SEPPs and deemed SEPPs.

SITE-SPECIFIC ASSESSMENT

Social

Social impacts are the potential consequences experienced by people due to the changes proposed by the planning proposal. These impacts can be negative or positive and can be experienced differently by different people in the community.

The proposal is expected to result in positive social impacts for the community by providing additional housing choice in an area that is currently limited to one-storey and two-storey detached dwellings. While six additional apartment dwellings may be a nominal increase, it will provide a more affordable housing option for young people, key workers or residents wishing to age in place and downsize from larger dwellings.

Environmental

The planning proposal will not affect any critical habitat or threatened species, populations or ecological communities or their habitats, nor is it expected to have any adverse environmental impacts.

Built form

Concept plans submitted to Council with the proposal show a two-storey mixed-use development that will be of similar scale to existing two-storey dwellings in the surrounding area. Council notes that any existing development on the site will be subject to applicable controls in the Canterbury Development Control Plan 2012, which will also ensure any future development integrates with the surrounding neighbourhood.

The site could potentially accommodate a three-storey flat-roof built form within the proposed 10m height limit; however, this is subject to detailed urban design analysis and the agreed upon FSR.

Economic

It is considered the proposal will have a small positive economic impact by providing additional housing and reinforcing the role of the existing neighbourhood centre in a location serviced by public transport and local open space.

CONSULTATION

Community

The planning proposal indicates that community consultation will be undertaken and nominates a 28-day consultation time frame. This is considered appropriate given community participation requirements under schedule 1 of the *Environmental Planning and Assessment Act 1979*.

Agencies

No consultation is required with public authorities under section 3.34 (2)(d) of the Act.

TIME FRAME

Council has stated that a time frame of 12 months is required for the completion of the LEP. However, due to the minor nature of the proposal, it is considered that a nine-month time frame is appropriate. A condition requiring Council to update the timeline will be included as a condition of the Gateway determination.

LOCAL PLAN-MAKING AUTHORITY

Council has provided an evaluation criterion for the delegation of plan-making functions. It is considered that Council should be authorised to be the local plan-making authority as the planning proposal to formalise an existing zoning/land use anomaly is a local planning matter.

CONCLUSION

It is recommended that the planning proposal should proceed subject to conditions for the following reasons:

- the B1 Neighbourhood Centre zone is considered to be the most appropriate zone given the current and likely future uses of the site;
- it seeks to facilitate redevelopment of the site for the purposes of shop-top housing, reinforcing the role of an existing neighbourhood centre in an area well-served by public transport and open space; and
- the proposal is consistent with the strategic planning framework.


RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistency with section 9.1 Direction 4.3 Flood Prone Land is minor.

It is recommended that the delegate of the Greater Sydney Commission determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be amended to:
 - (a) reflect the updated *Environmental Planning and Assessment Act 1979*;
 - (b) demonstrate consistency with the Greater Sydney Region Plan;
 - (c) update the timeline to reflect a nine-month time frame for completion of the LEP; and
 - (d) include a proposed FSR and FSR maps should an FSR be deemed necessary.
2. Prior to community consultation, the revised planning proposal is to be forwarded to the Department for review within two months of receiving the Gateway determination.
3. The planning proposal should be made available for community consultation for a minimum of 28 days.
4. The time frame for completing the LEP is to be nine months from the date of the Gateway determination.
5. Given the nature of the planning proposal, Council should be the local plan-making authority.


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