
Planning Matters - 28 November 2017

ITEM 5.4 **913-925 Punchbowl Road and 21 Canterbury Road,
Punchbowl**

AUTHOR **Planning**

PURPOSE AND BACKGROUND

Council received an applicant initiated planning proposal from Club Punchbowl to amend Bankstown Local Environmental Plan 2015 to allow future mixed use development at the properties 913-925 Punchbowl Road and 21 Canterbury Road, Punchbowl with 1.8:1 FSR and maximum building height of 17 metres (5 storeys).

Council's Independent Hearing Assessment Panel has considered the planning proposal and supports the proposal being submitted to the Greater Sydney Commission for a Gateway Determination, subject to the completion of additional studies, and preparation of DCP amendments to support the planning proposal.

At the meeting on 24 October 2017, Council resolved that the matter be deferred for a Councillor briefing and a further report be submitted to the next available Council meeting.

Should Council decide to proceed with the planning proposal, the next step would be to submit a planning proposal to the Greater Sydney Commission. If Council receives a Gateway Determination to proceed, the technical studies outlined in this report would be undertaken and the planning proposal would be exhibited for public comment. Following the exhibition, the matter would be reported back to Council outlining submissions received and seeking a decision on how to proceed.

ISSUE

To consider the application to amend Bankstown Local Environmental Plan 2015 for the properties at 913-925 Punchbowl Road and 21 Canterbury Road, Punchbowl.

RECOMMENDATION That -

1. Council prepare and submit a planning proposal to the Greater Sydney Commission to seek a Gateway Determination that will:
 - (a) Rezone the properties at 913 to 921B Punchbowl Road in Punchbowl from Zone R2 Low Density Residential to Zone B1 Neighbourhood Centre, subject to determining whether any retail or commercial uses are necessary for the area north of the drainage easement section of the site along Punchbowl Road (noting that residential flat buildings are permissible in the B1 zone).
 - (b) Permit a maximum 17 metre building height and a maximum 1.8:1 FSR. This should include a consideration of different height levels across the site, in

association with relevant FSRs across the site (but achieving the same potential yield), including specific treatment of the zone interface between the northern part of the site and the R2 zoning to address adverse amenity impacts.

- (c) Do not apply the Lot Size Map to the properties at 913–921B Punchbowl Road as the Lot Size Map does not apply to Zone B1 Neighbourhood Centre (if the site was to have a residential zoning which allowed residential flat buildings).
- 2. Subject to approval from the Greater Sydney Commission, Council exhibit the planning proposal, and the matter be reported to Council following the exhibition – outlining any submissions received and the way forward.
- 3. Council prepare and exhibit DCP amendments to support the planning proposal, and the matter be reported to Council prior to exhibition.
- 4. Council delegate authority to the General Manager to complete the actions outlined in the recommendations of this report.

ATTACHMENTS

- A. Previous Report to Council - 24 October 2017

POLICY IMPACT

This matter has no policy implications for Council.

FINANCIAL IMPACT

This matter has no financial implications for Council.

COMMUNITY IMPACT

Should Council support the submission of the planning proposal, the planning proposal will be prepared to be consistent with the recommendations of this report, which will include the need for additional studies to investigate the following issues after a Gateway Determination is received from the Greater Sydney Commission:

- the zone interface to the north of the site where the zone would change from proposed Zone B1 to Zone R2 Low Density Residential land.
- whether the proposed changes to height and FSR should be more specifically detailed across the site but still achieve the proposed yields, such as development controls to step the building heights back from the property boundary.
- whether retail/commercial is necessary to the north of the easement along Punchbowl Road.
- specific provisions to include affordable housing with any other public infrastructure such as pedestrian access ways.

The Gateway Determination will outline the impact assessment requirements for the planning proposal, including confirmation on whether Council's proposed additional studies are required. The additional studies will inform any potential changes to the planning proposal and the future development controls for the site. The recommendations of the studies and any changes to the planning proposal will be reported to Council prior to the exhibition.

DETAILED INFORMATION

REPORT

Council is in receipt of an application to amend Bankstown Local Environmental Plan 2015 for the site at 913-925 Punchbowl Road and 21 Canterbury Road in Punchbowl to:

Properties	Current zone	Proposed zone	Current building height	Proposed building height	Current floor space ratio	Proposed floor space ratio
913–919 Punchbowl Road	Zone R2	Zone B1	9 metres (2 storeys)	17 metres (5 storeys)	0.5:1	1.8:1
921–921B Punchbowl Road	Zone R2	Zone B1	9 metres (2 storeys)	17 metres (5 storeys)	0.5:1	1.8:1
923–925 Punchbowl Road	Zone B1 & Zone SP2	No change	11 metres (2 storeys plus attic)	17 metres (5 storeys)	1:1	1.8:1
21 Canterbury Road	Zone B1 & Zone SP2	No change	11 metres (2 storeys plus attic)	17 metres (5 storeys)	1:1	1.8:1

A copy of the applicant's planning proposal and supporting documents are available at Attachment C-I.

The Independent Hearing Assessment Panel (IHAP) considered the proposal at its meeting on 4 September 2017 and supports the proposal being submitted to the Greater Sydney Commission for a Gateway Determination, subject to the completion of additional studies post-Gateway, and preparation of DCP amendments to support the planning proposal. A copy of the minutes of the IHAP meeting is available at Attachment B.

Description of the site and local context

The site (20,461m² in area) is located at the corner of Canterbury and Punchbowl Roads in Punchbowl and comprises the following properties:

Property Address	Lot and DP	Area	Zone	Ownership
913 Punchbowl Road	Lot B DP 378634	961m ²	Zone R2 Low Density Residential	Private
915 Punchbowl Road	Lot 2 DP 21524	664 m ²	Zone R2 Low Density Residential	Private
917 Punchbowl Road	Lot 3 DP 21524	651m ²	Zone R2 Low Density Residential	Private
919 Punchbowl Road	Lot 4 DP 21524	651m ²	Zone R2 Low Density Residential	Private
921 Punchbowl Road	Lot 6 DP 5245	3,870m ²	Zone R2 Low Density Residential	Club Punchbowl
921A Punchbowl Road	Lot A DP 378634	3,863m ²	Zone R2 Low Density Residential	Club Punchbowl
921B Punchbowl Road	Lot D DP 382627	1,948m ²	Zone R2 Low Density Residential	Club Punchbowl
923 Punchbowl Road	Lot 15 DP 132440	3,876m ²	Zone B1 Neighbourhood Centre	Club Punchbowl
925 Punchbowl Road	Lot 1 DP 236825	588m ²	Zone B1 Neighbourhood Centre / Zone SP2 Infrastructure (Road Infrastructure Facility)	Club Punchbowl
21 Canterbury Road	Lot 14 DP 132440	3,389m ²	Zone B1 Neighbourhood Centre / Zone SP2 Infrastructure (Road Infrastructure Facility)	Club Punchbowl

The properties at 921–925 Punchbowl Road and 21 Canterbury Road contain a registered club, known as Club Punchbowl. The properties at 913–919 Punchbowl Road contain privately owned dwelling houses.

The site is subject to electricity and drainage easements, road widening reservations, and noise exposure from Canterbury and Punchbowl Roads.

In relation to local context, the site is located 1.2km from the Punchbowl railway station. The low-rise suburban neighbourhood surround the site with some commercial premises to the south and west, and Punchbowl Park to the east.



Figure 1: Site and local context

Justification

The Council Report to the Independent Hearing Assessment Panel as shown in Attachment A provides detailed assessment of the justification of the planning proposal.

In summary, the planning proposal is generally consistent with the recommendations for the site in the adopted North East Local Area Plan (LAP), which was adopted by former Bankstown Council on 11 May 2016. At the time of the adoption of the LAP, Club Punchbowl site did not include the additional residential properties at 913-919 Punchbowl Road. The LAP identifies the Club Punchbowl site as being part of the Canterbury Road Enterprise Corridor with recommendations to rezone Zone R2 Low Density Residential land to Zone B1 Neighbourhood Centre with 1.8:1 for consolidated site, otherwise 1:1 FSR to apply.

The site is currently part of Council's planning proposal for the Local Area Plans, however, the property owner has decided to lodge a separate planning proposal to expedite the process and to include the additional properties at 913-919 Punchbowl Road.

Independent Hearing and Assessment Panel (IHAP)

The Independent Hearing and Assessment Panel (IHAP) considered Council's report on 4 September 2017. In accordance with the Charter, the Panel is to consider planning proposal requests and recommend whether the matter should proceed to a Gateway Determination. Council's report to the IHAP included the following recommendation:

1. *That the application to amend Bankstown Local Environmental Plan 2015 should proceed to Gateway subject to the following provisions:*
 - (a) *Rezone the properties at 913–921B Punchbowl Road in Punchbowl from Zone R2 Low Density Residential to Zone B1 Neighbourhood Centre.*
 - (b) *Permit a maximum 17 metre building height and a maximum 1.8:1 FSR.*
 - (c) *Apply a site specific provision to the properties at 913–925 Punchbowl Road and 21 Canterbury Road. This provision will require the properties to consolidate into a single site if development is to achieve the maximum 1.8:1 FSR. Otherwise a maximum 1:1 FSR will apply.*
 - (d) *Do not apply the Lot Size Map to the properties at 913–921B Punchbowl Road as the Lot Size Map does not apply to Zone B1 Neighbourhood Centre.*
2. *Prepare DCP Amendments to support the planning proposal.*

The Panel's comments and recommendation are:

The Panel agrees with the proposed recommendation based on the development potential for the site. However the Panel is concerned that a number of matters be addressed at an early stage including:

- a) *the impacts from future development at the zone interface to the north of the site where the zone would change from proposed B1 to residential;*
- b) *whether the proposed changes to height and FSR should be more specifically detailed to achieve different heights and different FSRs across the site (this would also assist in treating the zone interface) but still achieving across the site the proposed yields;*
- c) *whether retail/commercial is necessary to the north of the easement part of the site along Punchbowl Road;*
- d) *specific provisions to include affordable housing along with any other public infrastructure such as pedestrian access ways that the applicant may be considering.*

The Panel has suggested that these matters be included in the recommendation for the gateway determination, so that they are then picked up to be addressed in the further studies that are to follow the gateway review from the Department.

IHAP Recommendation

The Panel agrees with the Council Staff report subject to the recommendation being amended as follows:

1. *Amend 1(a) to read as follows:*

“Rezone the properties at 913 to 921B Punchbowl Road in Punchbowl from Zone R2 Low Density Residential to Zone B1 Neighbourhood Centre, subject to determining whether any retail or commercial uses are necessary for the area north of the drainage easement section of the site along Punchbowl Road (noting that residential flat buildings are permissible in the B1 zone).”

2. *Amend 1(b) to read as follows:*

“Permit a maximum 17 metre building height and a maximum 1.8:1 FSR. This should include a consideration of different height levels across the site, in association with relevant FSRs across the site (but achieving the same potential yield), including specific treatment of the zone interface between the northern part of the site and the R2 zoning to address adverse amenity impacts.”

3. *Delete 1(c).*

4. *Amend 1(d) by adding the following words at the end of the sentence “(if the site was to have a residential zoning which allowed residential flat buildings)”.*

The Council report to the Independent Hearing and Assessment Panel and the minutes regarding the matter are shown in Attachments A and B.

Additional studies post-Gateway

The IHAP has recommended changes to the Council officer's recommendation to reinforce the recommendations in Council's report to the IHAP to complete the following additional studies post-Gateway:

A key issue is managing the likely environmental effects as a result of the proposal. An assessment identifies the need for additional information post-Gateway should Council decide to proceed with a planning proposal. The additional information includes:

- *Urban design peer review. The intended outcomes of the peer review are:*
 - *To consider the distribution of the proposed building envelope based on the new site configuration.*
 - *To ensure there are appropriate buffers to busy roads and electricity / drainage easements to achieve a healthy built environment.*
 - *To ensure there is an appropriate built form transition to neighbouring low-rise dwelling houses.*
 - *To assess whether there is appropriate infrastructure to facilitate enhanced walking and cycling to key destinations, namely the Punchbowl Small Village Centre and Punchbowl Park.*
 - *To consider deep soil zones.*
- *Local retail study.*
- *Remediation Action Plan.*
- *Acid sulphate soils assessment.*
- *Consultation with the Roads and Maritime Services.*

In addition to the studies outlined above, the IHAP raised the need to investigate the provision of affordable housing and other community infrastructure, such as pedestrian access way. As such, a community infrastructure investigation and study will be required post-Gateway.

Council will enter into a cost recovery agreement with the property owner to fund the additional studies post-Gateway, in accordance with Council's Fees and Charges.

Briefing sessions

At the meeting on 24 October 2017, Council deferred this matter subject to briefing sessions. Four briefing sessions were held on 31 October, 6 and 8 November 2017 to discuss the planning proposal and the additional studies to be completed following the Gateway Determination. The key issues discussed were:

- Justification will be required to extend Zone B1 Neighbourhood Centre to determine the viability of additional retail space in the area.

This issue will be investigated as part of the proposed local retail study following the Gateway Determination.

- Investigate parameters for the future development on the site to ensure that:
 - the impacts on the adjoining residential properties are managed.
 - there are safe connections from the site to the surrounding services and community facilities, such as Punchbowl Station, Punchbowl Park and schools.
 - the site includes practical communal open spaces.
 - the residential and commercial land uses are separated.
 - there is sufficient setback from the high voltage electricity infrastructure to the future buildings.

These issues will be investigated as part of the proposed urban design peer review following the Gateway Determination in consultation with the electricity infrastructure operator. The recommendations of the study will include development controls to be inserted into the Bankstown Development Control Plan 2015 (DCP). The DCP amendments will be exhibited with the planning proposal.

Next Step

The next step is to submit a planning proposal to the Greater Sydney Commission to seek a Gateway Determination. The planning proposal will request the following amendments to Bankstown Local Environmental Plan 2015:

- Amend the Zoning Map by rezoning the properties at 913–921B Punchbowl Road in Punchbowl from Zone R2 Low Density Residential to Zone B1 Neighbourhood Centre.
- Amend the Floor Space Ratio Map by applying a maximum 1.8:1 FSR to the site.
- Amend the Height of Buildings Map by allowing a maximum 17 metre building height on the site.
- Amend the Lot Size Map by excluding the site as it does not apply to Zone B1 Neighbourhood Centre.

Once the Gateway Determination is received, Council will enter into a cost recovery agreement with the applicant to undertake the additional studies outlined in this report – urban design peer review, affordable housing, community infrastructure needs, local retail needs, remediation action plan, and acid sulfate soils assessment.

Subject to the findings of the additional studies, the appropriate site specific DCP amendments will be prepared and exhibited concurrently with the planning proposal. Following the exhibition, both the planning proposal and the DCP amendments will be reported to Council to decide whether to proceed.

At this time, Council has not received any offer of public benefit from the applicant as part of the planning proposal. However, if the findings of the additional studies requires the provision of affordable housing and community infrastructure, Council officers will negotiate the terms of the public benefit in the form of a draft voluntary planning agreement (VPA) and the draft VPA will be separately reported to Council for consideration.