

Planning Proposal to amend Canterbury Local Environmental Plan 2012 to rezone 149 – 171 Milton Street, Ashbury from IN2 Light Industrial to R4 High Density Residential and amend associated development standards (465 dwellings, 0 employment)

Proposal Title :	Planning Proposal to amend Canterbury Local Environmental Plan 2012 to rezone 149 – 171 Milton Street, Ashbury from IN2 Light Industrial to R4 High Density Residential and amend associated development standards (465 dwellings, 0 employment)		
Proposal Summary :	The planning proposal seeks to rezone 149-171 Milton Street, Ashbury from IN2 Light Industrial to R4 High Density Residential, increase the Floor Space Ratio from 1:1 to 1.1:1 and apply a range of building heights across the site to enable residential redevelopment of an appropriate bulk and scale.		
PP Number :	PP_2017_CBANK_001_00	Dop File No :	16/15056

Proposal Details

Date Planning Proposal Received :	26-Jun-2017	LGA covered :	Canterbury-Bankstown
Region :	Metro(CBD)	RPA :	Canterbury-Bankstown Council
State Electorate :	CANTERBURY	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	149-163 Milton Street		
Suburb :	Ashbury	City :	NSW
Land Parcel :	Lots B&C DP30778	Postcode :	2193
Street :	165-171 Milton Street		
Suburb :	Ashbury	City :	NSW
Land Parcel :	Lot A DP30778	Postcode :	2193

DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro South subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	465
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **To the best of the knowledge of the regional team, the Department's Code of Practice in relation to the communications and meetings with Lobbyists has been complied with. Sydney East has not met with any lobbyist in relation to this proposal, nor has the Director been advised of any meetings between other Departmental officers and lobbyists concerning this proposal**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : **THE SITE AND CONTEXT**

The subject site is known as 149-171 Milton Street, Ashbury and is located approximately 1.4km from the Ashfield local centre. Ashfield, Croydon and Canterbury train stations are located between 1.5km and 1.8km from the site and the nearest local centre is Croydon Park, 1km to the west.

The site is currently zoned IN2 Light Industrial and comprises a number of commercial and warehouse buildings ranging in height from 2-4 storeys. The site is irregularly shaped and is approximately 6,367m² in size. The subject land is immediately adjacent residential zoned land (R2 Low Density Residential) to the north, east and south which has a maximum building height of 8.5 metres and comprises the Ashbury Heritage Conservation Area (HCA). The site also adjoins WH Wagener Oval (Whitfield Reserve) to the south west which is zoned RE1 Public Recreation and is largely utilised for sporting purposes. The subject site and adjoining reserve were once the site of a brickworks and the associated brick pit.

PREVIOUS PROPOSALS

The site has been subject to a number of planning proposals since being identified as suitable for high density residential rezoning in Canterbury City Council's Towards 2032 – Canterbury Economic and Employment Strategy (2009). The two land owners have made multiple proposals to Council, with various iterations to the proposed height and FSR.

The last proposal applied to the northern portion of the site (149-163 Milton Street, Ashbury) and sought to rezone the land from IN2 Light Industrial to R4 High Density Residential;

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introduce a maximum building height of part 12 metres, part 15.5 metres and part 34 metres and increase the floor space ratio from 1:1 to 2:1.

The proposal was not supported by Council (at its meeting on 27 September 2016) and the proposal was subject to a rezoning review. In considering the proposal, the Sydney South Planning Panel concluded that it would not be supported for the following reasons:

- the proposal only addressed the northern portion of the industrial precinct, and would not achieve co-ordinated development for residential use;
- the bulk and scale of the proposed development would provide an unsatisfactory transition to the low density, predominantly single storey adjacent development within the Ashbury Heritage Conservation Area; and
- the proposed density was inappropriate given the sites distance from urban services and amenities.

Council subsequently engaged independent urban design consultants which has led to an independently developed Council proposal for the site as a whole, at a lower scale and intensity than sought by the land owners.

External Supporting
Notes :

PROPOSED CONTROLS

The current proposal seeks to rezone 149-171 Milton Street, Ashbury from IN2 Light Industrial to R4 High Density Residential; increase the floor space ratio from 1:1 to 1:1.1; and introduce a maximum building height of part 8.5m, part 11m, part 14m, part 18m and part 21m.

The development controls are informed by the GMU Urban Design Assessment report (Attachment 9 of the proposal) which considered the following:

- use of building height planes to conceal bulk and scale of the new development;
- establishment of a common access point to Milton Street via opening a new road;
- access to individual buildings for emergency services;
- maintenance of low-scale character of the Ashbury Heritage Conservation area; and
- the sites location in the surrounding context and access to public transport.

As a result, the current proposal has addressed many of the concerns raised by the Panel regarding the previous proposal.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The statement of objectives accurately describes the intention of the planning proposal. The proposal intends to amend Canterbury LEP 2012 in order to facilitate high density residential development at 149 -171 Milton Street, Ashbury. The proposal seeks to allow an appropriate height and scale that is commensurate to the surrounding built form being predominantly single-storey detached dwellings.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : The explanation of provisions adequately addresses the intended method of achieving the objectives of the planning proposal. The proposal intends to amend CLEP 2012 by:

- rezoning the land from IN2 Light Industrial to R4 High Density;
- amending the Floor Space Ratio from 1.0:1 to 1.1:1; and
- amending the Height of Building Map to 8.5m, 11m, 14m, 18m and 21m across the site.

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Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)
SEPP No 55—Remediation of Land
SEPP No 65—Design Quality of Residential Flat Development
SEPP (Building Sustainability Index: BASIX) 2004**

e) List any other matters that need to be considered :

The proposal is considered to be consistent with all relevant S117 Directions except in relation to the following:

Direction 1.1 Business and Industrial Zones.

This Direction applies to the planning proposal as it will affect land within an existing industrial zone. The proposal is considered to be inconsistent with this direction as it will reduce the total potential floor space area for industrial uses in an industrial zone.

Council's assessment against this direction notes that the site is unlikely to attract new uses with a similar employment profile to the current use, which is in the process of exiting the site. Council has undertaken economic modelling which indicates detrimental effects to the City's economy from the loss of this employment land and the economic gain and consumption from additional residential is insufficient to offset the loss of rezoning the land.

Notwithstanding, the proposal states that despite this net loss of economic activity from the LGA as a whole, the site is considered unlikely to attract replacement uses with an economic benefit similar to the existing use, so that retention of the site as an industrial zone is unlikely to achieve a net economic benefit in the short to medium term. Similarly, given the surrounding low density residential context and relatively isolated nature of site, a residential use is considered to be a more appropriate future use. The inconsistency is therefore considered to be of minor significance.

Direction 3.4 Integrating Land Use and Transport

This Direction aims to ensure that development improves access to housing, jobs and services, increase choice of available transport and reduce travel demand. A planning proposal must locate zones for urban purposes and include provisions that are consistent with the aims, objectives and principles of Improving Transport Choice – Guidelines for Planning and Development.

The proposal notes that it is inconsistent with the objects and principles of the appropriate guidelines, given the site is more than an acceptable walking distance of 800m to Ashfield Station. However, Council have identified two bus routes that service the site, which are considered to provide reasonable access during peak times, but relatively low levels of services outside the peaks. Council have addressed this issue in part, by reducing the proposed development to a size appropriate to the level of access.

The inconsistency with this Direction is considered to remain outstanding until Council can demonstrate the objects of this Direction can be met. Consultation with Transport for NSW and Roads and Maritime Services (RMS) will be required in this regard.

The proposal is otherwise consistent with all other S117 Directions.

SEPPS

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SEPP 55 - Remediation of Land

This SEPP is relevant to the proposal as the site is currently occupied by industrial buildings and formally used as a brickworks. The proposal states that the site has been subject to Phase 1 Preliminary Site Investigations as part of a previous proposal. It is stated that land contamination issues can be satisfactorily managed and that further detailed assessments will be provided with any future development applications. These studies will need to be included in the proposal prior to public exhibition and consultation with the EPA will be required to demonstrate the site can support the proposed residential use. The proposal is therefore considered to be satisfactory in regard to this matter subject to consultation with the EPA to confirm the suitability of the site for residential purposes.

SEPP (Infrastructure) 2007

This SEPP is relevant as the proposal outlines development for residential purposes that comprises 300 or more dwellings with access to a road. It is recommended that consultation is undertaken with Transport for NSW and Roads and Maritime Services to address any specific requirements of the SEPP that may be deemed applicable at the rezoning stage.

SEPP No. 65 – Design Quality of Residential Flat Development

Council has advised that SEPP 65 Design guidelines and principles underpin the current development concept design. However, in order to ensure the principles within the GMU Urban Design Report can be achieved, it is recommended that Council be advised that it should consider incorporating flexible provisions regarding compliance with the proposed height limits where compliance with the intent of the GMU Report can be demonstrated. This is to prevent the exact boundaries between different height limits that have been identified impeding the most appropriate outcome in terms of built form and scale, amenity and density, and to reduce reliance on clause 4.6 of Canterbury LEP 2012 to vary heights at DA stage or the need for a future LEP amendment.

The planning proposal considers the relevance and consistency of all other SEPPs and does not identify any relevant inconsistencies that need to be addressed.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The planning proposal contains maps which adequately show the subject land and explain the proposed changes to the respective LEP maps for each proposed amendment. These maps are adequate for exhibition purposes. Maps which comply with the Standard Technical Requirements for SI LEP Maps will need to be prepared before the LEP is made.

Community consultation - s55(2)(e)

Has community consultation been proposed?

Comment :

The Planning Proposal indicates that community consultation will be undertaken and nominates a 28 - day consultation timeframe. This is considered an appropriate time-frame given and in accordance with "A Guide to Preparing Local Environmental Plans" (the 'Guide'), affected and adjoining landowners should be notified in writing

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

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Overall adequacy of the proposal

Does the proposal meet the adequacy criteria?

If No, comment :

Time Line

The planning proposal includes a project timeline which estimates the completion of the planning proposal in February 2018. A twelve (12) month timeline is considered appropriate to ensure the RPA has adequate time to complete the exhibition, reporting, legal drafting and making of the plan.

Delegation

Council has requested a Written Authorisation to Exercise Delegation of the Minister's powers under s59 of the Environmental Planning and Assessment Act 1979 for this matter. It is considered appropriate that an authorisation be granted to Council as the proposal is essentially a local planning issue in accordance with Council's local strategy.

Overall Adequacy

The planning proposal satisfies the adequacy criteria by:

1. Providing appropriate objectives and intended outcomes.
2. Providing a suitable explanation of the provisions proposed for the LEP to achieve the outcomes.
3. Providing an adequate justification for the proposal.
4. Outlining a proposed community consultation program.
5. Providing a project time line

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

The Canterbury Local Environmental Plan 2012 is the principle LEP and was published on 21 December 2012.

Assessment Criteria

Need for planning proposal :

The planning proposal is not a direct result of any strategic study or report endorsed by the Department, however the site was identified as suitable for rezoning to High Density Residential in the former Canterbury City Council's Towards 2032 – City of Canterbury Economic Development & Employment Strategy (2009) (Towards 2032). The proposal to amend the LEP and maps as discussed above is the best means of achieving the intent of the proposal.

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Consistency with strategic planning framework :

A Plan for Growing Sydney

A Plan for Growing Sydney is intended to guide land use planning decisions for the next 20 years and presents a strategy for accommodating Sydney's forecast population growth over this time.

Action 1.9.2 "Support Key Industrial Precincts with Appropriate Planning Controls", stipulates that Government will assess new proposals to convert existing industrial zoned land to other uses under the Industrial Lands Strategic Assessment Checklist. Whilst Council have not provided their own assessment, it is considered the proposal satisfies the requirements of the checklist for the following reasons:

- Whilst the proposal is inconsistent with State strategies relating to the protection and retention of employment lands, Council's Towards 2032 employment strategy identified the site as being suitable for rezoning.
- The site does not form part of a significant industrial precinct or have direct access to key economic infrastructure. The subject land is a remnant industrial site which Council considers unlikely to attract new uses with a similar employment profile to the current use, which is in the process of exiting the site.
- The site represents 0.35% of the industrial land supply within the South District. The rezoning would not significantly impact upon the industrial land stocks within the region and the ability to meet future demand for industrial land activity.
- The proposed rezoning would not significantly impact upon the achievement of regional or local government area employment capacity targets and employment objectives as the site only represents 0.35% of total industrial zoned land in the District.
- The site is surrounded by the Ashbury Heritage Conservation Area and the present IN2 Light Industrial Precinct is considered to be inconsistent and out of character with the immediate low density residential context. The proposal represents an opportunity to improve the amenity of the area and introduce a built form that is commensurate to the surrounding Heritage Conservation Area.
- The proposal will contribute to improving housing choice and diversity in the area, and assist Council in reaching their housing targets as outlined in the draft South District Plan.

The proposal is therefore considered to be consistent with the actions and outcomes of A Plan for Growing Sydney. Specifically, the proposal is considered to be consistent with Direction 2.1 Accelerate housing supply across Sydney and Direction 2.3 Improve housing choice to suit different needs and lifestyles.

Draft South District Plan

As with A Plan for Growing Sydney, the Draft South District Plan emphasises the importance of employment and urban services land to Sydney's productivity. In response to continued pressure to rezone these areas to residential, the draft Plan recommends that a precautionary approach be applied to rezoning employment lands.

As noted above, the subject land is contained within a relatively small remnant industrial precinct which is isolated within a low density residential context of recognised distinctive character. It is considered that the present zoning of IN2 Light Industrial is inconsistent and out of character with the immediate surrounds and a residential zoning is more appropriate. This is supported by both the Canterbury Employment and Development Strategy (2009) and Canterbury Residential Development Strategy (2013).

As the proposal is considered to be consistent with A Plan for Growing Sydney and the Industrial Lands Strategic Assessment Checklist, a precautionary approach has been applied and the proposal is considered to be consistent with the intent of the draft Plan, and will assist Council to meet Canterbury-Bankstown's five-year housing target of 13,250 dwellings and provide housing diversity that is relevant to the needs of the existing and future population.

Towards 2032: Canterbury Economic Development and Employment Strategy 2009

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Environmental social
economic impacts :

The proposal is consistent with Council's Towards 2032: Canterbury Economic Development and Employment Strategy 2009 (Towards 2032). The Strategy identified the site as being suitable for high density residential, given the land is a remnant isolated industrial precinct, surrounded by residential uses.

ENVIRONMENTAL

The site is located within an established urban area in metropolitan Sydney. The proposed development is not expected to have any adverse impacts on critical habitat or threatened species, populations or ecological communities or their habitats.

Contamination

Given the former industrial use of the site (brickworks and current light industrial uses) and the adjacent landfill (former brick pit and currently WH Wagener Oval) there is potential for contaminated material to be uncovered during the proposed development. The proposal notes that the site has been subject to Phase 1 Preliminary Site Investigations as part of a previous proposal. It is noted that land contamination issues appear to be manageable and that further detailed assessments will be provided with any future development applications. The Phase 1 Preliminary Site investigations should be made available during public exhibition of the proposal.

Another issue to be addressed due to the site's former use, are ongoing leachate issues, which the proposal notes can be adequately dealt with at development application stage.

As discussed previously, it is considered appropriate to refer the proposal to the EPA regarding these issues to confirm the suitability of the site for future residential purposes.

Geotechnical

Site stability issues are present due to the adjacent void (estimated to be 27-30m) which is now land filled and forms the adjoining sports oval. It is also noted that the water table is shallow with known ground water movement. Both of these issues are intended to be addressed through a site specific DCP. Relevant Geotechnical studies should be made available with the proposal for consultation.

Flooding and Stormwater Management

Although the site is not identified on Council's Flood Planning Map as being subject to flooding, there is a known overland flow path that impacts the south-east corner of the property. Future development on the site must accommodate this overland flow path and ensure that it does not negatively impact flooding for neighbouring properties. The proposal intends to manage this through a site specific DCP that requires preparation of a stormwater management plan.

The proposal further states that the stormwater management plans must demonstrate both the required on-site stormwater detention systems and drainage infrastructure to manage both the drainage and overland flow issues.

It is considered these issues can be appropriately managed at development application stage, however studies that have informed the proposal should be added prior to public exhibition.

Traffic

Whilst the proposed development would generate significant traffic and parking demand, the existing and former uses on the site have significant existing traffic generation and generally insufficient parking provision. A Traffic Engineering Review was provided with the proposal which noted that the overall impacts on traffic levels to the surrounding road network will be similar to the existing situation, however the distribution of the peaks will change. As such, the proposal seeks to provide a common access point to Milton Street, along the common boundary of Lot A and B of DP30778, with an intersection controlled by a new roundabout.

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The proposal notes that redevelopment of the site provides an opportunity to manage and improve the current traffic situation on Milton Street and lessen the demand for on-street parking by providing sufficient visitor parking on-site. Consultation with the RMS will be required to ensure traffic impacts can be appropriately managed.

Transport and Accessibility

As noted previously, the subject land is located over 1.4km from Ashfield Centre and railway station. The proposal acknowledges there are a general lack of facilities in the area, reflective of the predominantly low density residential character. There are two bus routes that service the site, which are considered to provide reasonable access during peak times, but relatively low levels of services outside the peaks. It is recommended that this issue be referred to Transport for NSW and RMS to ensure Council can demonstrate that transport issues can be adequately addressed and to meet the requirements of section 117 Direction 3.4 Integrating Land Use and Transport.

Infrastructure Provision

It is considered the planning proposal is unlikely to require upgrades to existing public infrastructure, however Council has noted that consultation with key services providers will be undertaken prior to public exhibition.

Heritage

The site is located within a sensitive built form context, as it is immediately adjacent the Ashbury Heritage Conservation Area, with common boundaries to properties within the Conservation Area to the south and east, as well as across Milton Street.

No Heritage Impact Assessment was provided as part of the current proposal; however, the Urban Design Assessment Report considers the proposed residential use to be more compatible with the existing heritage context than the existing industrial uses.

Further, Canterbury-Bankstown Council are proposing a site-specific DCP to enact recommendations from the GMU Urban Design Assessment Report to ensure the bulk and scale of future development is visually compatible and architecturally sympathetic to the existing heritage conservation area. Similarly, the built form controls within the planning proposal have been informed by building height planes to achieve maximum perceived building heights of a comparable scale to the adjoining residences.

It is considered that the proposed development will be of a reasonable density and scale to appropriately respond to the surrounding land uses and will not adversely impact the amenity for the adjoining properties. Notwithstanding, Council is to consult with the Office of Environment and Heritage (OEH) with regards to this matter.

SOCIAL AND ECONOMIC

The planning proposal has given consideration to social and economic impacts of the proposed amendment. The proposal will facilitate the development of up to 465 new dwellings, providing additional housing supply in an area where growth has been traditionally limited due the surrounding heritage context. A diversity of housing typology is considered to facilitate housing choice for new and existing residents, and respond more appropriately to the surrounding distinctive character than current uses on the site. Moreover, the current proposal provides an opportunity to improve the amenity and accessibility to public open space (WH Wagener Oval), contributing to positive living environments and wellbeing for existing residents.

As previously discussed, Council has undertaken economic modelling of the impact of the proposal on employment and economic activity within the former council area, and it is initially considered to generate a net economic loss to the LGA. Notwithstanding, this loss is considered to be marginal given the isolated location of the site and the low likelihood of attracting comparable long-term replacement uses.

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Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Office of Environment and Heritage
Transport for NSW
Transport for NSW - Roads and Maritime Services
Sydney Water
Adjoining LGAs
Other**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **Public Authority consultation 56(2)(d) to also include:**

- **Environmental Protection Authority**
- **Inner West Council**

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning proposal Milton Street Ashbury - June_2017 (revised).pdf	Proposal	Yes
Cover Letter to Department.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

Additional Information : **It is recommended that the planning proposal proceed subject to the following conditions:**

- 1. Prior to the commencement of community consultation, the planning proposal is to be updated for clarification on the following:**

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- a) include relevant supporting background studies that have informed the planning proposal;
- b) ensure discussion in Section B and C are applicable to the current proposal; and
- c) remove reference to Lot 1 DP205503.

2. Community Consultation is required under sections 56(2)(c) and 57 of the Act as follows:

- a) The planning proposal must be made publicly available for a minimum of 28 days;
- b) The relevant planning 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 section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2016).

3. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:

- a) Roads and Maritime Services
- b) Transport for NSW
- c) Sydney Water
- d) Environmental Protection Authority
- e) Inner West Council
- f) Ausgrid
- g) NSW Office of Environment and Heritage

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

It is also recommended that:

- The Secretary's delegate determines the inconsistency with s117 Direction 1.1 Business and Industrial Zones is justified as it is of minor significance.
- The Secretary's delegate note the outstanding inconsistency of the proposal with s117 Direction 3.4 Integrating Land Use and Transport and;
- That a written authorisation to exercise plan making delegations be issued to Canterbury-Bankstown Council.

Supporting Reasons :

The reasons for the recommendation are as follows:

- 1. The proposal will facilitate additional housing supply and diversity in an area with limited and homogenous housing stock.
- 2. The proposal is generally consistent with the strategic planning framework and the inconsistencies are considered capable of being adequately addressed.

Signature:



Printed Name:

Craig Diss

Date:

12/7/17

