

PLANNING PROPOSAL TO AMEND CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

149-171Milton Street, Ashbury



June 2017

Table of Contents

SECTION		Page
	Executive Summary	4
1.	Land Description and Characteristics	6
2	Subject site	6
3	Existing development	6
4	Transport context	7
5	The proposal	12
6	Objectives or intended outcomes	12
7	Explanation of the provisions – Proposed Amendments	13
8	Justification	14
9	Mapping	30
10	Community Consultation	30
11	Project Timeline	31
ATTACHMENTS		
1	Information Checklist	32
2	State Environmental Planning Policies	34
3	Section 117 Directions	38
4	Evaluation Criteria for the Delegation of Plan Making Functions	42
5	Delegated plan making reporting template	44
6	Maps	46
7	Council Resolution 27 September 2016	52
8	Site Photos 8 November 2016	54
9	Independent Urban Design Analysis	62
10	Traffic Advice	64

Executive Summary

Council received planning proposal requests for adjoining sites at 149-163 Milton Street (received 20 May 2015) and 165-171 Milton Street (received 8 September 2014) in the suburb of Ashbury. With the exception of the subject sites and the adjoining Whitfield Reserve, the suburb of Ashbury is entirely contained within a Heritage Conservation Area under Canterbury Local Environmental Plan (LEP) 2012.

The subject sites and the adjoining reserve were once the site of brickworks and the associated brick pit and the subject sites are both currently zoned IN2 Light Industrial and are occupied by light industrial/warehouse uses. These uses have either ceased operation or are intending to vacate the sites in the near future. The adjoining Whitfield Reserve occupies the site of the former Brick Pit and is zoned RE1 Public Recreation.

Previous economic assessment of the subject sites on behalf of the former Canterbury City Council as part of the *Towards 2032 – Canterbury Economic and Employment Strategy* indicated that the sites represented an isolated pocket of employment land in an otherwise residential area and that they were unlikely to remain as employment lands once the current land uses ceased. As such, the sites were identified as potentially suitable for rezoning to R4High Density Residential or another similar use.

The submitted planning proposal requests sought to change the zoning of the land from IN2 Light Industrial to R4 High Density Residential, introduce a range of new height limits on the site to permit multi-storey apartment buildings to increase floor space ratio from 1.0:1 to over twice that amount. The proponents for either site made multiple submissions showing numerous iterations of their proposals. Council engaged independent urban design consultants to assist in the consideration of these requests for planning proposals, and this ultimately led to an independently developed proposal at a much reduced scale than submitted by either proponent.

At the meeting on 27 September 2016 it was resolved by Council that the submitted planning proposal requests be rejected, however the sites could be rezoned to R4 High Density Residential, with a lesser maximum building height and a slight increase to the maximum Floor Space Ratio (FSR) from 1.0:1 to 1.1:1.

Consequently, this planning proposal has been prepared to apply to both sites, with a masterplan to be developed in an integrated manner following advice received from the independent urban design consultants.

This proposal seeks to manage building height and bulk in the context of the surrounding development pattern of predominantly single-storey detached bungalows by way of stepping building heights within identified height planes viewed from Milton and Trevenar Streets, as well as from the private open space of the adjoining dwellings. This is intended to contain the

proposed new development within the landscape (as both sites fall significantly from Milton Street) so as to preserve the amenity of adjoining residences and the sense of scale and fine-grained built form pattern in the adjoining streetscapes contained within the Ashbury Heritage Conservation Area.

It also aims to manage access to future residential flat buildings by way of a common access point to Milton Street (potentially opening a new road) and providing for a new roundabout on Milton Street as well as for individual building entries within the sites.

The planning proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 and the Department of Planning and Infrastructure's "*A guide to preparing planning proposals*". A Gateway Determination under Section 56 of the Act is requested.

1. Land Description and Characteristics

The planning proposal applies to land located at 149-171 Milton Street, Ashbury, which is pictured in Figure 1 (over page) and described in more detail below.

Table 1: Property Description and Current Land Use

Address	Property Description	Current Land Use
149-163 Milton Street, Ashbury	Lots B&C in DP 30778 and Lot 1 in DP205503	Former Chubb Security services, warehousing and administration
165-171 Milton Street, Ashbury	Lot A in DP 30778	Former Tyre warehousing and distribution "Tyres 4 U", now "Complete Fire Door Specialists".

2. Subject Site

The subject site is known as 149-163 Milton Street and 165-171 Milton Street, Ashbury and is located on the western side of Milton Street. The sites back onto Whitfield Reserve, a public park in the ownership of Canterbury-Bankstown Council, which includes WH Wagener Oval. The sites border residential development fronting Milton Street and Trevenar Street in Ashbury (contained within Ashbury Heritage Conservation Area) as well as sites fronting Milton Street and Yabsley Avenue, Ashfield (contained within Inner West Council Area).

The site is irregularly shaped with frontages of 61.5m to Croydon Street and 8.6m to Railway Parade. The land has a site area of 6,366.9m².

The sites are currently zoned IN2 Light Industrial under Canterbury Local Environmental Plan 2012.

3 Existing Development

The subject sites are currently occupied by a number of commercial and warehouse buildings ranging in height from 2-4 storeys. The site coverage is high and most of the sites are covered by hardstand. The commercial buildings are however set back from the Milton Street frontage and there is some existing landscaping incorporating grass and mature trees in front of these buildings. There are extensive surface and undercroft car parks and service areas on site, with most of the land not covered by buildings given over to vehicular circulation and parking. This forms a sharp contrast to the surrounding development discussed further below.

Surrounding development is predominantly single-storey detached bungalows, zoned R2 Low Density Residential. Those areas of inter-war bungalows within Canterbury-Bankstown Local

Government Area are included in the Ashbury Heritage Conservation Area, established under Canterbury Local Environmental Plan. Similar development to the north, within the Inner West Council Local Government Area is also zoned R2 Low Density Residential although not subject to a Heritage Conservation Area.

Whitfield Reserve is zoned RE1 Public Recreation and also not subject to the Ashbury Heritage Conservation Area. Whitfield Reserve is largely developed for active sporting purposes, and is a landfill site, with the playing field roughly corresponding to the extent of the former brick pit. WH Wagener Oval is used by Western Suburbs Australian Rules Football Club, primarily for junior fixtures. There is an earthen embankment surrounding the oval on the western side, which aims to divert stormwater from the subject sites from accumulating on the playing surface and subsequently leaching into the landfill. This affects the stormwater drainage of the subject sites (which discharge stormwater into Whitfield Reserve) and consequently, the redevelopment potential.

4. Transport Context

Ashbury is located approximately 8.5 km south-west from the Sydney CBD and 3.6 km south-east from the strategic centre of Burwood (by car). The nearest local centres connected to the railway network are Ashfield (1.5km walk distance), Croydon (1.8km) and Canterbury (1.8km) stations and the nearest local centre is Croydon Park (1km to the west).

The majority of the suburb of Ashbury is in a Heritage Conservation Area (HCA) for predominantly single storey bungalows built between 1900 and 1940. The southern site shares two common boundaries with residential properties in the Heritage Conservation Area, with potential heritage impacts arising from visual intrusion of new development into the HCA. The suburb of Ashbury is predominantly zoned R2 Low Density Residential and mostly contained within the Ashbury Heritage Conservation Area.

Ashbury is a residential suburb relying on local centres in adjoining suburbs to meet its retail, community and commercial needs. The sites are the only light industrial area in the suburb Ashbury.

The sites are not located within the walkable catchment of the closest rail stations (being more than 1.4km distant from Ashfield Station) and are not in close proximity to a major commercial area, giving the sites a predominantly suburban context.



Figure 1: Site Aerial Photograph

Photos of the site and its surrounds taken on 8 November 2016 are provided at Attachment 8 for additional context.

The zoning map in Figure 3 below illustrates the existing zoning of the site under the Canterbury LEP 2012, along with the adjacent zones.



Figure 3: Existing zoning under Canterbury Local Environmental Plan 2012

5. The proposal

It is expected that applications for residential flat buildings be submitted once the land zoning and new development standards are in place.

The applicants for both sites made numerous planning proposal submissions seeking high-density residential development outcomes. Council has determined not to support the extent and density of development sought by the applicants and at the Council meeting of 27 September 2016, formally refused their planning proposal requests. However Council is of the opinion that

high density residential development, albeit at a lower scale and intensity than sought by the site owners would represent an appropriate development outcome for the sites. Accordingly, Council resolved to prepare this planning proposal with a new development scenario as recommended by independent consultants.

This possible development scenario is based on the following considerations:

- The sites location in the surrounding context
- Access to public transport and local facilities and services
- Maintenance of the low-scale character of the Ashbury Heritage Conservation Area and its setting
- Use of building height planes to conceal the bulk and scale of new development behind existing single-storey bungalows in the Ashbury Heritage Conservation Area
- Establishment of a common access point to Milton Street via opening a new road
- Access to individual buildings for emergency services, deliveries, visitors and removalists
- Ensure post development ground levels enable the sites to be free-draining

A copy of the urban design review is included at **Attachment 4**.

6. Objectives or Intended Outcomes

The objective of the Planning Proposal is to amend the Canterbury LEP 2012 in order to facilitate high density residential development on the sites at 149-163 Milton Street and 165-171 Milton Street, Ashbury. The proposed increase in FSR would facilitate residential redevelopment opportunity of the site. The proposal is to increase building height to facilitate maximum redevelopment to six storeys (plus rooftop plant), with development tapering in height to a maximum of two storeys where immediately adjacent to existing development in a Low Density Residential Zone. It is intended that a maximum of 2 storeys of new development will be perceived by adjoining neighbours in Milton Street.

The intended outcomes of the Planning Proposal are as follows:

1. Amendment to Floor Space Ratio

An amendment to the CLEP 2012 is sought in order to increase the permissible FSR on the site from the current 1.0:1 to 1.1:1. This is consistent with the findings of the independent Urban Design Consultant appointed by Council.

2. Amendment to height of buildings map

The planning proposal requests an increase in building height to facilitate maximum redevelopment to six storeys (plus rooftop plant), with development tapering in height to a maximum of two storeys where immediately adjacent to existing development in a Low Density Residential Zone. The building heights would be graduated in accordance with the building height planes recommended in the report by GM Urban Design and Architecture.

Should a Gateway Determination be issued to proceed, further work would be undertaken to establish a height control in metres. This has not been done yet due to a lack of detailed information about the existing ground levels, but it should be noted that the intended outcome is a maximum height of six storeys with an allowance for rooftop plant equipment.

The table below shows a summary of the proposed changes being sought:

Standard	Current	Proposed
Zone	IN2 Light Industrial	R4 High Density Residential
Building Height	N/A (controlled by Canterbury DCP 2012)	8.5m, 11m, 14m, 18m and 21m
Floor Space Ratio	1.0:1	1.1:1

7. Explanation of Provisions

The planning proposal seeks to amend the Canterbury LEP 2012 as it applies to the subject site, as per the table below:

1. Amend the Land Zoning (LZN) Map (Sheet LZN_004) as per table 1.

Table 1 – LZN Map changes

<i>Current (Canterbury LEP 2012)</i>	<i>Proposed LEP amendment</i>
IN2 Light Industrial Zone	R4 High Density Residential Zone

2. Amend the Height of Building (HOB) Map (Sheet HOB_004) as per table 2.

Table 2 – HOB Map changes

<i>Current (Canterbury LEP 2012)</i>	<i>Proposed LEP amendment</i>
No control (Building Height regulated by CDCP 2012)	8.5m, 11m, 14m, 18m and 21m

3. Amend the Floor Space Ratio Map (FSR_010) as per table 3

Table 3 – FSR Map Changes

<i>Current (Canterbury LEP 2012)</i>	<i>Proposed LEP amendment</i>
N 1.0:1	N 1.1:1

8. Justifications

SECTION A: Need for the Planning Proposal

1. Is the planning proposal the result of any strategic study or report?

The planning proposal is primarily a response to applications made by the owners of two adjoining Light Industrial zoned properties on Milton Street in Ashbury, seeking to rezone the properties to R4 High Density Residential. In 2009, the former Canterbury City Council commissioned the *Towards 2032 – City of Canterbury Economic Development & Employment Strategy*, that identified the sites as suitable for rezoning to High Density Residential.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes or is there a better way?

Yes. Amending the Canterbury LEP 2012 through this planning proposal is the best means of permitting a higher density residential development on the site.

SECTION B: Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The Strategic planning context for consideration of this Planning Proposal is A Plan for Growing Sydney (December 2014). This has been effectively supplanted by the Draft South District Plan by the Greater Sydney Commission, which is now the primary sub- regional strategy for the District, in which the site lies. A new set of strategic framework assessment criteria apply to the site, based on the Draft South District Plan. It is noted that the northern border of the site is also the border between the South District and the Central District, so relevant aspects of the Central District Plan have been considered as part of the site's strategic context.

The planning proposal is considered to be consistent with the goals and directions of this plan. The compliance of the planning proposal in this respect is set out in the **Table 2** below.

Table 2: Consistency with strategic planning framework

Strategic Merit Test Assessment Criteria	Comment
a) Does the proposal have site specific merit? Is it:	
Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment <i>Note: A draft regional plan outside of the Greater Sydney Region, district plan within the Greater Sydney Region or corridor/precinct plan that has been released for public comment by the Minister for Planning, Greater Sydney Commission or Department of Planning and Environment does not form the basis for the Strategic Merit Test where the Minister for Planning, Greater Sydney Commission or Department of Planning and Environment announces that there is to be another exhibition of, or it is not proposed to finalise, that draft regional, district or corridor/precinct plan.</i>	The South District Plan includes use of the precautionary principle in the rezoning of employment lands. Whilst Council's <i>Towards 2032: Canterbury Economic Development and Employment Strategy, 2009</i>, had indicated that the site could be rezoned to R4 High Density Residential once the then current uses had ceased. The South District Plan also directs that redevelopment for higher intensities should be in highly accessible locations, nominating areas within Urban Renewal Corridors as appropriate (typically within 1km of strategic and district centres with good transport connectivity). The subject site is not within a 1km radius of a strategic or district centre (the closest being Campsie- almost 2km distant). The nearest urban renewal corridors are the Bankstown-Sydenham corridor (approximately 800m to the outer edge of the corridor) and Parramatta Road (approximately 2km distant in the Central District). The site is in a transition zone where infill development would be more appropriate. The setting of the site- low-density residential and the Ashbury Heritage Conservation Area acts in part as a determinant for the size and scale of built form proposed. The planning proposal aims to strike a balance between maintenance of the heritage and character values of the Ashbury Conservation Area and a commercially viable development yield that

	recognises the opportunity presented by two large consolidated landholdings.
Consistent with a relevant local council strategy that has been endorsed by the Department	Following preparation of Council's Towards 2032: Canterbury Economic Development and Employment Strategy, 2009, planning controls in the industrial areas were reviewed, as part of Canterbury LEP 2012. The strategy included specific recommendations for the subject land indicating that it could be rezoned to R4 High Density Residential and recommended a development intensity of 3-4 storeys. Although this study is not formally endorsed by the Department, Council notes that it has been referenced in the preparation of the District Plan. Council is supportive of the rezoning to R4 High Density Residential as it deems that it is unlikely that similar employment uses will reoccupy these sites longer term, now that the long-term tenants have left.
Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls <i>There will be a presumption against a Rezoning Review request that seeks to amend LEP controls that are less than 5 years old, unless the proposal can clearly justify that it meets the Strategic Merit Test</i>	- There is no new investment in the Ashbury locality that would warrant a change to existing planning controls beyond the level that Council has supported. The site is relatively distant from both the Sydney South West Metro and the WestConnex motorway (being in excess of 2km from each of these infrastructure projects); so much so that it would not be reasonable to infer that these projects should determine the intensity of land use on the subject site. - The planning controls for the site are less than five years old and the Draft South District Plan indicates changing demographic trends that show anticipated population growth in all age cohorts and dwelling structures within the City of Canterbury-Bankstown, higher than those used to inform Canterbury LEP 2012. It is anticipated that the planning proposal will contribute to the anticipated dwelling target in the north-eastern suburbs of the LGA, especially Ashbury, which has limited opportunities for new dwellings due to heritage and zoning constraints.
b) Does the proposal have site-specific merit, having regard to:	Comment
The natural environment (including known significant environmental values, resources and hazards) and,	- The subject site is fully developed, containing several large buildings with warehouse, office and workshop components. The majority of the site is either under building or hardstand, however there are landscaped areas fronting Milton Street and some mature trees on the edge of the site. The surrounding context of the site is an established urban area dominated by detached bungalows in the Ashbury Heritage Conservation Area, with the adjacent park used for active recreation (Australian Rules Football) on a closed landfill site (W H Wagener Oval). - The former industrial use of the site (it was a

	brickworks prior to the current light industrial uses) and the adjacent landfill (the former brick pit), make geotechnical, contamination and stormwater management relevant considerations. It is considered that these constraints can be appropriately addressed through site management measures.
The existing uses and any likely future uses of land in the vicinity of the proposal, and	Detailed analysis of sight lines was carried out in respect of the site from the public domain, which demonstrated that development ranging from 1-6 storeys was more appropriate in the setting than a blanket application of this height limit, as the fall of the land could be used to conceal development up to six storeys whilst maintaining the appearance of two storey development from Milton Street. When combined with the amenity impacts and additional demand placed on facilities and services (such as Ashbury Public School), Council determined that this intensity of development was appropriate and the Administrator resolved to prepare a planning proposal on this basis.
The services and infrastructure that are or will be available to meet the demands arising from the proposal and any future proposed financial arrangements for infrastructure provision.	It is proposed that the planning proposal include consultation with infrastructure providers during the exhibition period. The area is already well provided for with infrastructure as it is fully developed for urban purposes.

4. Is the Planning Proposal consistent with the local Council's community strategic plan, or other local strategic plan?

Council's Community Strategic Plan 2014-2023 (Community Plan) which was adopted in February 2014 sets the vision for the former Canterbury LGA into the next decade and aims to promote sustainable living. The Community Plan sets out long term goals under five key themes being:

- Attractive city;
- Stronger community;
- Healthy environment;
- Strategic leadership; and
- Improving Council

The planning proposal is consistent with Council's Community Strategic Plan. It helps achieve the objective of '*Attractive City*' through the development of a high density residential development and '*Balanced Urban Development*' through the appropriate location of new housing as a replacement for industrial uses that are moving from the area.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. See **Attachment 2**.

6. Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?

Yes. See **Attachment 3**.

SECTION C: Environmental, social and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Development of the sites is unlikely to impact on Critical Habitats, Threatened Species or Populations; owing to the previously developed nature of the proposal (former brick works). The site is currently fully occupied by commercial buildings such as offices and warehouses.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The planning proposal relates to urban land that will be converted from one urban use (warehouses and administration, and associated light industry) into another urban use (residential flat buildings). The environmental impacts of the proposal could include:

- Out of Centre Development
- Built Form and Heritage Impacts
- Potential Loss of Employment Land
- Impacts arising from changes to site levels and drainage regime
- Potential impacts on the adjacent former landfill site (WH Wagener Oval within Whitfield Reserve)
- Transport, Accessibility and Traffic Impacts

These issues and the proposed strategies to manage them are discussed in the following subsections:

Out of Centre Development

Out of centre development – the sites are not within walking distance from centres and railway stations and are located in a suburban context of predominantly single-storey detached dwellings. Council aims to manage this issue by reducing the proposed dwelling yield from a proposed 835 dwellings to approximately 465 dwellings, by setting key development standards at lower levels than proposed by the applicants. This reduced density will create less demand for centre based facilities and services, thus reducing demand in favour of more accessible locations.

Built Form Impacts

The site is located within a sensitive built form context, as it is immediately adjacent to 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. The surrounding area is contained within the R2 Low Density Residential Zone (both in Canterbury Bankstown and the adjoining area within Inner West Council).

The following key built form management guidelines on the site have been identified to ensure that new development in the Milton Street Precinct integrates well into the surrounding context. It is envisaged that these guidelines would form the basis of a precinct-specific Development Control Plan amendment.

For the precinct / both sites, there should be:

- *A sensitive transition to the context and responsive built form across the 'Milton Street Precinct'.*
- *A Floor Space Ratio of no more than 1.1:1.*
- *2-storey fine-grained building typology (townhouse, semis) with single storey interface along the Milton Street frontage.*
- *3-storey (maximum) buildings from existing ground line with fine-grained façade articulation (contemporary apartments with expressed party walls) and recessed top storey (away from line of sight viewed from the middle of adjoining dwelling backyards) to northern and southern boundaries of the precinct/ residential interfaces.*
- *Final ground levels to reflect existing ground levels or the level of the berm on the adjoining Council land to minimise excavation. These levels should be confirmed with Council, as it will impact upon groundwater level, overland flow paths and exposure of pre-existing contaminants.*
- *Good amenity to ground level apartments, including adequate natural light and outlook. Subterranean units should be avoided.*
- *Buildings should be no more than 60 metres in total length, articulated to break up bulk and recesses for articulation should be at least 6m wide and 2m deep.*
- *No buildings protruding above the line of sight viewing over existing single-storey bungalows from Milton and Trevenar Streets.*
- *A single new road to provide access to both sites – no driveway access to Milton Street. An internal loop road within each site to access individual buildings from the ground level. Location and road configuration to be confirmed with Council and provide waste management details to demonstrate that the proposal schemes can satisfy the Council's waste management controls, emergency services requirements and street addressing requirements.*
- *A skilfully designed internal loop that is integrated as a share zone not interrupting pedestrian movement and activity in the communal open spaces. Preferably operated as a one-way road system, subject to manoeuvrings of emergency vehicles, connecting a series of basement car park entries to individual buildings.*
- *Deep soil zone along the western boundary/ the edge facing the oval with a minimum of 6m to allow the growth of mature trees. Retain as many existing trees in this area and on the oval berm as possible to provide privacy screening and softening of this edge.*
- *Further detail provided on typical floorplan layout, extent of basement carpark and entries, apartment mix and car space schedules, sectional diagrams across the sites, view analyses, waste management, stormwater and traffic engineering solutions.*

- *Detail Shadow Diagrams provided to understand the level of overshadowing impact of the development on surrounding dwellings and oval, in comparison to existing conditions.*
- *Further design development to focus on architectural language and expression, introduction of quality materials and roof forms to achieve design excellence and a sympathetic response to the existing surrounding character.*
- *Proposed development needs to address bulk and scale, to ensure that the development will be 'visually compatible' and architecturally sympathetic in its finer design details with the existing local context of Yabsley Avenue, Milton and Trevenar Streets and the heritage conservation area.*
- *The developments should demonstrate how they provide a reasonable buffer, scale and articulation of forms when viewing from the oval and the Milton St*

For the Northern site (149-163 Milton Street), there should be:

- *A maximum height of no more than RL+57.0 with the exception of plant level (non-habitable) above recessed away from line of sight viewing from Milton and Trevenar Streets and a perceived height of 6 storeys.*
- *Simpler, rectilinear shapes to the proposed Block 4 and 5 in place of the curvilinear shapes.*
- *Greater separation distance (at least 18m) between buildings adjacent to the 2 communal courtyards, allow two view corridors from the site to the oval and provide a meaningful recreational space for the development.*
- *Detailed overshadow and solar access diagrams provided to confirm that the built form and communal open space meet the ADG requirements. Further articulation for the currently proposed built form will be required.*
- *Illustrated landscape and basement plans confirming the extent of deep soil zone. GMU suggests providing adequate deep soil to the northern setback zone, the Milton Street front setback and western setback to the oval to allow for significant tree planting, buffering and to enhance the character. Opportunities to provide deep soil to the proposed communal courtyard should be maximised.*

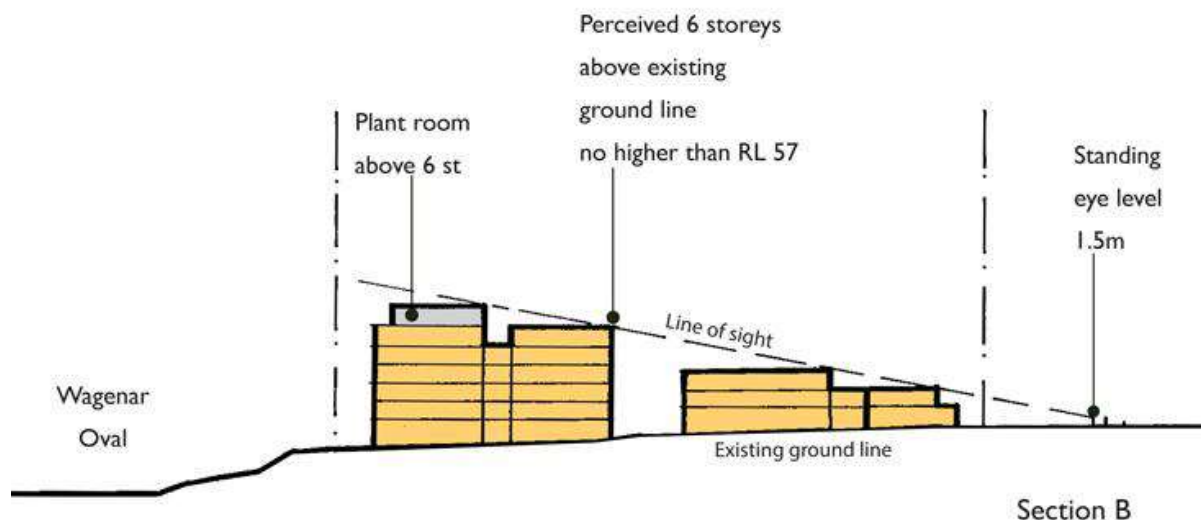


Figure 4 - Section B-Section across from Milton St to the Oval near entry access road (source GM Urban Design & Architecture)

For the Southern site, there should be:

- *A maximum height of no more than RL+56.5 with the exception of plant level (non-habitable) above recessed away from line of sight viewing from Milton and Trevenar Streets and a perceived height of storeys. (Refer to Section B below)*
- *A reduced built form for Building E. Instead of a 6-storey building, a 4-storey built form with breaks and perceived height of 2-2.5 storeys, viewed from the middle of neighbouring backyards is considered to be more appropriate. Top level this building should be recessed away from this line of sight.*
- *An increased setback of 12m to the eastern façade of Building D (south west corner of the site).*

Precinct edges.

- *Based on the overall configuration of footprints, location of built form on the site, the proposals have the potential to have a transformative effect on the current uses available on the site, subject to appropriate refinement on height.*

An image of the recommended concept design for the sites is included at *Figure 5* below:



Figure 5 Recommended Master plan for Milton Street sites

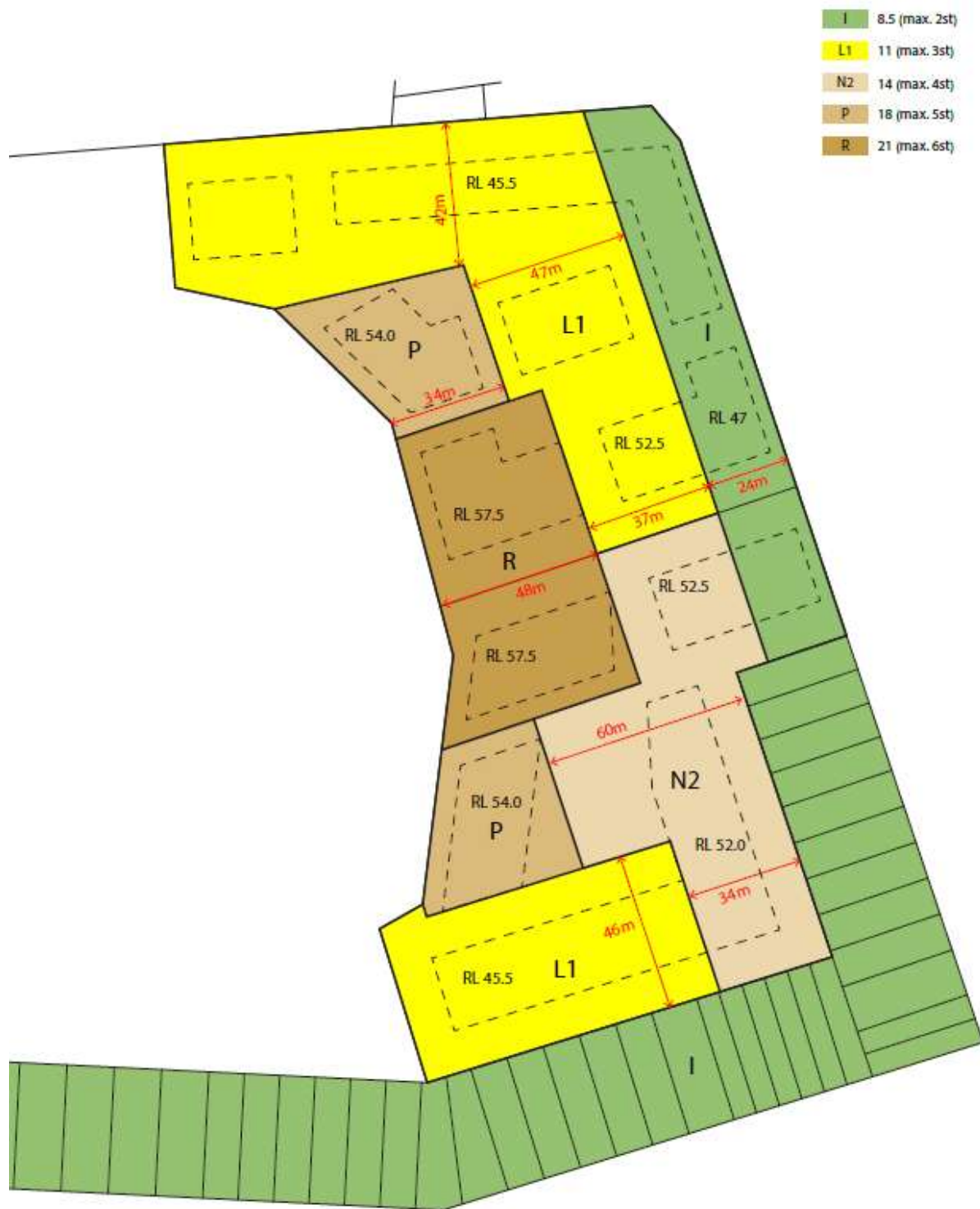


Figure 6 Indicative representation of Masterplan with building height zones

With respect to potential impacts on and interface with the adjoining Ashbury Heritage Conservation Area, development was proposed up to six storeys immediately adjacent to the HCA (although some changes in level were proposed to lower the site levels below that of the

adjoining residences). Advice from Council's Heritage Advisor indicated that development directly interfacing with existing dwellings (rear of dwellings fronting Milton Street and Trevenar Street), should be no more than 1-2 storeys in height to maintain the sense of setting and scale in the Heritage Conservation Area. This issue has been addressed by using building height planes to achieve maximum perceived building heights of a comparable scale to the adjoining existing residences and utilising the lower scale buildings to conceal higher structures that are located further down the hill. Figure 6 shows how this concept translates into building heights and relative levels.

Potential loss of employment land

Although these sites were identified as suitable for rezoning to residential uses, Council needs to be mindful of the cumulative loss of employment lands across the Local Government Area. Potential impacts of changes to site levels- both sites propose extensive earthworks to establish new ground levels for the post-development situation and extensive basement carparks are also proposed. Site stability and groundwater management are key issues for both sites. A void of considerable depth (estimated 27-30m) exists immediately to the west of the subject sites, namely the former brickpit (now landfilled). The edge of the former excavation is very close to the property boundary in several locations and creates challenges for excavation and building footings in the immediate vicinity of the former brick pit.

It is proposed to manage these issues by way of a site-specific Development Control Plan Amendment that:

- Requires the post development finished ground levels to closely approximate those of the existing site and the adjoining sites as far as practicable.
- Limits building basement footprints to the envelopes of the buildings above and limits basement depth to a single storey below ground level (the site is affected by groundwater movement and second basement levels may be below the water table).

Impacts arising from a change in site levels and drainage levels

Given the sites industrial nature and previous development history, there is the potential for contaminated material to be uncovered through the development process. The proponents have prepared a Phase 1 Preliminary Site Investigation report in accordance with the requirements of SEPP 55. Investigations to date have been limited by the extent of existing buildings on site. Land contamination issues appear to be manageable in redevelopment of the subject land. Further detailed assessments will be required in association with any future development applications. All future development will need to be carried out in accordance with the relevant legislation and technical guidelines to ensure appropriate remediation of any contaminants discovered through the development process.

The site is not affected by riverine or creek-based flooding and is not indicated on Council's Flood Planning Map. The site is located between 34m and 41m AHD. The site is affected in the south-eastern corner by an Overland Flow Path, which will need to be accommodated in future

development, and which also burdens adjacent properties. Development will need to ensure that flooding of adjacent properties is not increased as a result of any changes to the overland flow regime. This can be managed through site specific controls in a Development Control Plan amendment that specifies preparation of stormwater management plans for the subject sites.

Both sites drain away from Milton Street and onto the adjoining Council-owned Whitfield Reserve. New drainage systems need to be installed to address both on-site drainage and overland flow. The applicants have proposed lowering site levels below that of the land to which the site must drain. Suitable stormwater detention systems need to be considered in the site design, and will need to be addressed further in subsequent development applications. This can be managed through site specific controls in a Development Control Plan amendment that specifies preparation of stormwater management plans for the subject sites.

Potential impacts on the adjacent former landfill

WH Wagener Oval is a former landfill, which was closed around 50 years ago. There are ongoing leachate management issues and the proposed development will need to ensure that it does not worsen the current on site issues for this former landfill and that building excavation does not compromise the structural integrity of the landfill.

The site was formerly a brickworks, site contamination needs to be fully addressed prior to residential occupation. To date, Phase 1 contamination assessments have been undertaken which do not identify any major contamination issues, however more detailed assessments will need to be carried out in conjunction with any subsequent development applications should rezoning occur.

Transport, Accessibility and Parking

The sites are located a long way (over 1.4 km) from Ashfield Centre and railway station. There is a general lack of facilities in the area as reflecting its current predominantly low density character, which (as proposed) will increase travel demand as this development will be similar to the most intensive development that currently exists in the former City of Canterbury area. There are two bus routes that service the site, one operating between Canterbury and Ashfield (Route 493) and another between Campsie and the CBD (Route 413). These services provide reasonable access during peak times (AM & PM) but relatively low levels of service outside the peaks. As such they provide a degree of public transport accessibility, but not at a level to warrant consideration of the proposal as Transit Oriented Development. In light of this situation, maximal development outcomes are not considered appropriate on these sites relative to those opportunities potentially available in the Bankstown – Sydenham Corridor, and Council has reduced the potential yields on these sites accordingly.

The redevelopment of the sites will provide the opportunity for a through – site link to WH Wagener Oval via the opening of the new road as a new east-west connection to this park from

Milton Street. This will provide benefit to existing as well as future residents as the only access points to WH Wagener Oval are currently from Whitfield Avenue.

The introduction of the roundabout at the new road junction with Milton Street will assist in the improvement of pedestrian and cyclist safety, by slowing traffic in the vicinity of the site and the bus stops especially given the projected increase in pedestrians crossing Milton Street to access the bus stops in the post – development scenario. Redevelopment of the site will also significantly lessen demand for on-street parking (by greater provision of off- street parking) thus potentially freeing up greater road space for cyclist use.

Whilst the proposed development would in itself generate significant traffic and parking demand, it is notable that the existing and former uses on the have significant existing traffic generation and generally insufficient parking provision, creating strong on-street parking demand.

The overall development impacts of the site on the traffic levels of Milton Street and the surrounding network will be similar to the existing situation (due to the relatively high employment levels of the existing uses), however the distribution of the peaks will change, with right turn movements into and out of the site potentially becoming problematic. This was confirmed by advice received from McLaren Traffic Engineering in 2015. As such it is proposed that a single point of access to both sites be provided by way of opening a new road from Milton Street along the common boundary between the sites and that all vehicular access to future development be provided from this road. There is the opportunity to mitigate the current situation on Milton Street to improve traffic and parking through redevelopment of the site and the adjoining one in a coordinated manner, and lessening the demand for on-street parking by providing sufficient visitor parking on-site. The intersection with Milton Street should be controlled by a new roundabout.

In order to develop the sites in a coordinated manner, the following traffic and parking principles are to guide development:

- No direct driveway access to Milton Street, or basement entries directly fronting the street.
- No vehicular access to Yabsley Avenue
- A new access road is to be opened at the common boundary to the sites, with site access provided by internal loop roads from this new road.
- A new roundabout is to be provided in Milton Street at the junction with the proposed new road. This roundabout will manage right turn movements in and out of the subject site as well as provide a low speed segment in Milton Street between the new junction and the existing roundabout in Trevenar Street. This low speed segment is required due to the expected increase in pedestrian crossing movements accessing the bus stop on the opposite side of Milton Street.

- Individual buildings to have their own basements and entry ramps – large common basements with extensive underground circulation systems are not supported.
- Internal road design and building access is to comply with requirements for emergency vehicle access, waste collection guidelines and vehicular servicing guidelines (access for Heavy Rigid Vehicle as well as removalist vans, trades vehicles).
- To provide equal access to both the northern and southern portions of the site, an internal access road layout in the form of a “T-road” from the roundabout, consistent with Council’s vision for the site. The access roads will measure 8.0m wide with 10m radius turning bulbs or 20m diameter, 5m wide one-way loop roads on either end of the “T-road”, adequate for a Heavy Rigid Vehicle to circulate.
- Internal loop road to take form of shared zone where practicable and to provide at-grade visitor parking.

9. How has the planning proposal adequately addressed any social and economic effects?

There are also potential social impacts arising from introducing a different demographic component (residents of new development) into an area that is predominantly low-density detached housing. This may have implications for social mixing and potential friction between new and existing groups in the local area, particularly as this locality is not well served with social infrastructure, which may lead to increased competition for access to limited services. There is potential for additional enrolment demand at Ashbury Public School and other schools in the area. No assessments of the likely social impacts and any suggested mitigation measures were included in the planning proposal material.

Council’s Economic Development Branch has reviewed the proposal as well as undertaken economic modelling of the impact of the proposal on employment and economic activity within the former City of Canterbury. This model showed that the proposal would lead to a net economic loss to the former City of Canterbury, which would only be partially offset by the increased economic demand generated by the future residents. Economic modelling of different scenarios for the site showed the proposed re-zoning will have a largely negative impact on economic value in the LGA. Only under the most generous (least likely) assumptions, is the proposal projected to generate economic value (i.e. greater economic activity than the current situation). At face value, the proposed re-zoning erodes economic value in the LGA; however, this is considered marginal as the sites are isolated from other Employment lands within the LGA and the likelihood of long-term replacement uses of similar or greater economic value to the local economy is deemed to be low.

With regard to potential impacts of the loss of employment land from the LGA – the Towards 2032 Economic Development and Employment Strategy for the former city of Canterbury identifies this precinct as an area to be rezoned to residential uses should the existing uses cease.

Social and economic effects can be adequately addressed by the application of the development controls contained in Canterbury LEP 2012 and Canterbury DCP 2012 as part of the development assessment process.

SECTION D: State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

Yes. The site is well serviced by public transport and open space. Ashbury is an existing suburb with a range of urban infrastructure and facilities. The site is close to Ashbury Public School in Trevenar Street. The planning proposal does not generate any apparent need to upgrade or improve public infrastructure. Consultation with key service providers can occur as part of the planning proposal exhibition process.

11. What are the views of the State and Commonwealth public authorities consulted in accordance with the gateway determination?

There are no identified State or Commonwealth interests associated with this site or which are identified as being directly impacted upon by development of the site; however consultation with State or Commonwealth Authorities has not yet occurred with respect to this matter.

9. Mapping

The following maps (**Attachment 6**) have been prepared to support the planning proposal:

- Existing Land Zoning Map
- Existing Height of Building Map
- Existing Floor Space Ratio Map
- Proposed Land Zoning Map
- Proposed Height of Building Map
- Proposed Floor Space Ratio Map

Please note that further work will be required should a positive Gateway Determination be issued to establish exact maximum building heights in metres, although the intended outcome is for six storeys for the tallest buildings with additional allowance for rooftop plant.

10. Community Consultation

The following community consultation will occur should the planning proposal receive a Gateway Determination:

- Notification in the Canterbury-Bankstown Council column which appears in local newspapers.
- Notification letters to any relevant State Agencies or authorities nominated by the Department.
- Notification letters sent to directly affected, adjoining and nearby property owners.
- Advertising of the proposal on Council's website and at Council's Administration Building.
- Copies of the Planning Proposal will be made available at Council's Administration Building, on the Canterbury Council website.

It is recommended that consultation occur with the following agencies if a Gateway Determination is issued to proceed:

- Transport for NSW
- Roads and Traffic Authority
- Sydney Water
- Environmental Protection Authority
- Inner West Council
- Ausgrid

Given the size of the site and the planning changes sought, it is proposed to have a 28 day exhibition period to enable adequate time for consultation to take place.

10. PROJECT TIMELINE

This is outlined in the table below:

Planning proposal stage	Timeframe
Gateway determination	July 2017
Government Agency Consultation	August 2017
Public exhibition period	August 2017
RPA Assessment of Planning Proposal and Exhibition outcomes	November 2017
Submission of endorsed LEP to DP&E for finalisation	December 2017
RPA Decision to make the LEP Amendment (if delegated)	February 2018
Forwarding of LEP Amendment to DP&E for Notification (if delegated)	February 2018

Attachment 1. Information Checklist

Attachment 2. State Environmental Planning Policies

State Environmental Planning Proposal	Comments
SEPP 1 – Development Standards	Not Applicable
SEPP 14 – Coast Wetlands	Not Applicable
SEPP 15 – Rural Landscaping	Not Applicable
SEPP 19 – Bushfire in Urban Areas	Not Applicable
SEPP 21 – Caravan Parks	Not Applicable
SEPP 26 – Littoral Rainforests	Not Applicable
SEPP 29 – Western Sydney Recreation Area	Not Applicable
SEPP 30 – Intensive Agriculture	Not Applicable
SEPP 32 – Urban Consolidation (Redevelopment of Urban Land)	Consistent
SEPP 33 – Hazardous and Offensive Development	Not Applicable
SEPP 36 – Manufactured Home Estates	Not Applicable
SEPP 39 – Spit Island Bird Habitat	Not Applicable
SEPP 44 – Moore Park Showground	Not Applicable
SEPP 50 – Canal Estate Development	Not Applicable
SEPP 52 – Farm Dams and other works in Land and Water Management Plan Areas	Not Applicable
SEPP 55 – Remediation of Land	Consistent
SEPP 59 – Central Western Sydney Regional Open Space and Residential	Not Applicable
SEPP 62 – Sustainable Aquaculture	Not Applicable
SEPP 64 – Advertising and Signage	Not Applicable

SEPP 65 – Design Quality of Residential Flat building	The planning proposal seeks to amend the planning controls to permit a residential development that would be subject to the SEPP. Any future development application should consider the relevant provisions of the SEPP.
SEPP 70 – Affordable Housing	Not Applicable
SEPP 71 – Coastal Protection	Not Applicable
SEPP (Affordable Rental Housing) 2009	Not Applicable
SEPP (Building Sustainability Index BASIX) 2004	The planning proposal seeks to amend the planning controls to permit a residential development that would be subject to the SEPP. Any future development application should consider the relevant provisions of this SEPP.
SEPP (Exempt and Complying) 2008	Not Applicable
SEPP (Housing for Seniors or People with a Disability) 2004	Not Applicable
SEPP (Infrastructure) 2007	Not Applicable
SEPP (Kosciusko National Park – Alpine Resorts) 2007	Not Applicable
SEPP (Major Developments)	Not Applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not Applicable
SEPP (Miscellaneous Consent Provisions) 2007	Not Applicable.
SEPP (Penrith Lakes Scheme) 1989	Not Applicable
SEPP (Port Botany and Port Kembla) 2013	Not Applicable
SEPP (Rural Lands) 2008	Not Applicable
SEPP (SEPP 53 Transitional Provisions) 2011	Not Applicable
SEPP (State and Regional Development) 2011	Not Applicable
SEPP (Drinking Water Catchment) 2011	Not Applicable
SEPP (Urban Renewal) 2010	Not Applicable

SEPP (Western Sydney Employment Area) 2009	Not Applicable
SEPP (Sydney Western Parklands) 2009	Not Applicable

Attachment 3. Section 117 Directions

Section 117 Directions	Consistency	Comments
<i>Employment and Resources</i>		
1.1 Business and Industrial Zones	Consistent	The proposal reduces the total potential floorspace for employment uses in industrial zones. The former Canterbury Council's Economic Development Unit has undertaken a peer review of this economic assessment as well as carried out their own economic modelling of the proposal and its effects on the Canterbury Economy. The Council assessment notes that the sites are unlikely to attract new uses with a similar employment profile to the current use, which is in the process of exiting the site. This economic modelling shows detrimental effects to the City's economy from the loss of this employment land. The economic gains as well as any increase in economic consumption from the additional residents has been modelled and found to be insufficient to offset the loss of economic value generated by retaining the land in its current zoning. Despite this net loss of economic activity from the LGA as a whole, the sites are considered unlikely to attract replacement uses with an economic benefit similar to the existing use, so that retention of the site in industrial zoning is unlikely to achieve a net economic benefit in the medium to long term.
<i>Housing, Infrastructure and Urban Development</i>		
3.1 Residential zones	Consistent	The direction applies when a relevant planning authority prepares a planning proposal that will affect land within any zone in which significant residential development is permitted or proposed to be permitted. It is considered that the planning proposal is inconsistent with this Ministerial Direction as follows: • The planning proposal encourages a variety and choice of housing types by zoning land to the R4 High Density Residential Zone increasing the supply of apartment dwellings in the Ashbury locality. • The planning proposal contributes to efficient use of infrastructure and services by providing for additional housing in an area already serviced for urban development, however it also introduces inefficiency as the sites are remote from recognised centres and railway stations, meaning that the sites are not well served by either social infrastructure or public transport. • The planning proposal will have no discernable effects on the environment or resource lands. • The planning proposal will contribute an increase in the choice of building types and locations in the housing market by increasing apartment supply. However the sites are not in an area currently or

proposed to be zoned for high density residential development (The Canterbury Residential Development Strategy does not recommend intensification in this part of the city).

- The planning proposal will make a contribution to more efficient use of existing infrastructure and services by increasing dwelling supply in an area that is already provided with infrastructure and services; however the current level of public transport and social infrastructure provision may be insufficient for the additional population proposed by the applicants. The sites are in an area not currently scheduled to be provided with additional public transport or social infrastructure based on projected demand under the current zoning.
- The planning proposal would make a minor contribution to the reduction of land consumption at the urban fringe by providing a small increase in the dwelling capacity of Ashbury, an infill development area, which may have a small dwelling substitution effect.
- The planning proposal is subject to the design requirements under SEPP 65 and the Residential Flat Design Code. The proponent has provided indicative plans of the site with nominal building heights. Council has engaged independent Urban Designers to review the proponent's submissions and identify built form parameters. Compliance with the Residential Flat Design Code for any future proposal would necessitate redesign of the proposal as submitted and may lead to a reduction in the anticipated dwelling yield (as submitted by the proponents).
- The land subject to this planning proposal has been previously developed for many years. As such, adequate service capacity will be able to be provided in anticipated of this site redeveloping, however any required upgrades would be at the expense of the proponent. No detailed investigations of current servicing capacity have been undertaken at this time.
- The intent of the planning proposal is to increase the permissible residential density of the land to which it applies, by rezoning it to a land use category that permits residential flat buildings and mixed use retail/residential buildings.
- Submissions aimed at justifying this proposal was prepared submitted to Council by Mecone and Urbis respectively on behalf of the proponents. The submission included a concept massing showing an indicative development of the sites at a density of 2.0:1. This density is considered excessive, and
- The Direction states the circumstances by which a planning proposal may be inconsistent with the direction, including the tests of justification for such inconsistency. The planning proposal does not

		demonstrate sufficient grounds for allowing an inconsistency with the Direction.
3.4 Integrating Land Use and Transport	Consistent	The planning proposal is consistent with the Direction as the site can make a small improvement access to housing, jobs and services by walking, cycling and public transport and the reduction car dependence, however the densities proposed by the applicants are excessive. The sites are more than the accepted walking catchment distance of 800m to Ashfield Station and there are no high frequency public transport services within 400m of the subject site (although the site does have direct access to buses on Milton Street). The proposal is inconsistent with Improving Public Transport Choice – Guidelines for Planning and Development and The Right Place for Business and Services Planning Policy, which direct development of this density to locations within or immediately adjacent to centres at public transport nodes (i.e. railway stations with high frequency services and/or bus interchanges). The inconsistency is however minor and whilst there is a case for conversion to high density residential, the extent of redevelopment sought (10 storeys and 2:1 FSR is not justified by the level of available access to transport and services.
4.1 Acid Sulfate Soils	Not Relevant	The sites are not mapped as having potential for Acid Sulfate Soils, and its elevated position makes the occurrence of such soils highly unlikely.
4.3 Flood Prone Land	Not Relevant	The sites are in an elevated position and are not exposed to mainstream flooding. There is some minor overland flow flooding on the site, however this can be adequately managed through redevelopment, will appropriate allowances for overland flow and piped drainage.
7.1 Implementation of A Plan for Growing Sydney	Consistent	An assessment of the consistency of the planning proposal with A Plan for Growing Sydney has been carried out and the planning proposal has been found to be consistent with the Plan, as an infill site. However the site does not possess all the desired attributes for a maximal development outcome.

Attachment 4. Evaluation Criteria for the Delegation of Plan Making Functions

Attachment 5. Delegated Plan Making Reporting Template

Attachment6. Maps

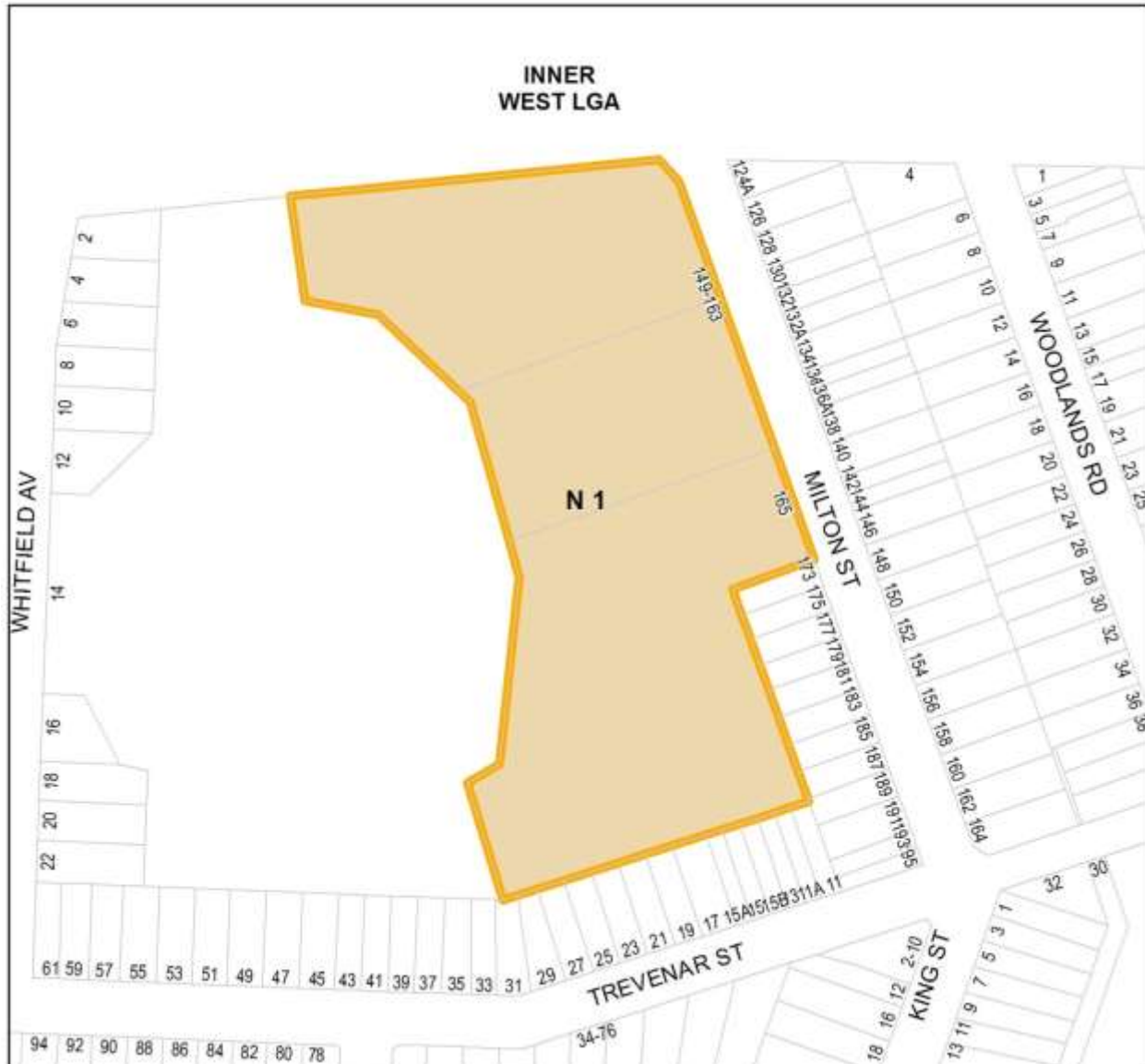
Map 1: Existing Land Zoning Map (LZN)



Map 2: Existing Height of Building (HoB)



Map 3: Existing Floor Space Ratio Map



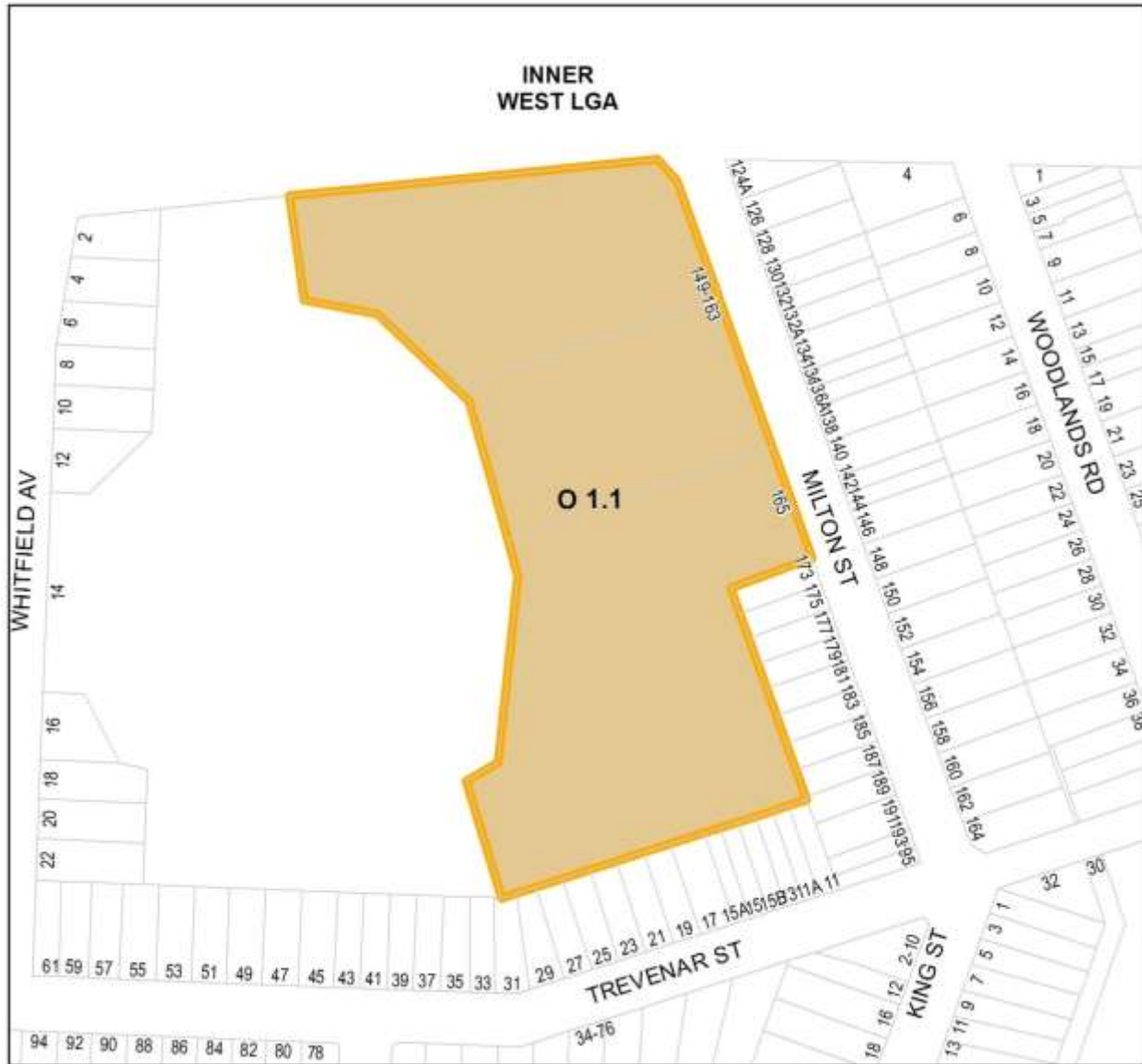
Map 4: Proposed Land Zoning Map (LZN)



Map 5: Proposed Height of Building Map



Map 6: Proposed Floor Space Ratio Map



Attachment 7. Council Resolution 27 September 2016

Attachment 8. Site Photos 8 November 2016



Figure 7: 149-163 Milton Street Frontage (former Chubb Site)



Figure 8: 149-163 Milton Street Frontage (former Chubb site)



Figure 9: 149-163 Milton Street Frontage showing existing access (former Chubb Site)



Figure 10: 165-171 Milton Street Frontage (former Tyres 4U site)



Figure 11: 165-171 Milton Street Transition to Adjoining Ashbury HCA (former Tyres 4 U site)



Figure 12: Milton Street Streetscape in Ashbury HCA - consistent bungalow scale



Figure 13: Trevenar Street in Ashbury HCA - consistent bungalow scale



Figure 14: View to rear of 149-163 Milton Street across WH Wagener Oval



Figure 15: View to rear of 165-171 Milton Street across WH Wagener Oval



Figure 16: Rear of properties in Trevenar Street showing overland flow path

Attachment 9. Independent Urban Design Analysis

Attachment 10. Traffic Advice