

Planning Services

Gateway Determination Report

LGA	Inner West
RPA	Inner West Council
NAME	Planning proposal to amend the development standards applying to 2-6 Cavill Avenue, Ashfield under Ashfield LEP 2013 to facilitate a high density mixed-use development (285 homes)
NUMBER	PP_2017_IWEST_012_00
LEP TO BE AMENDED	Ashfield Local Environmental Plan 2013
ADDRESS	2-6 Cavill Avenue, Ashfield
DESCRIPTION	Lot 9 DP 940918; Lot 17 DP 168456; Lot 101 DP 234926; Lot 5 DP 6262; Lots 1 and 2 DP 556722; Lot 1 DP 971932; and Lots 1 and 2 DP 6262
RECEIVED	5 September 2017
FILE NO.	17/12297
QA NUMBER	qA418598
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

INTRODUCTION

Description of Planning Proposal

The planning proposal seeks to amend the provisions of Ashfield Local Environment Plan 2013 (LEP) that relate to 2-6 Cavill Avenue (the site), Ashfield to facilitate a high density mixed-use development (up to 285 dwellings) by:

- retaining the 23m (6 storeys) base maximum building height applicable to the site, and identify part of the site as 'Area 1' on the Height of Buildings Map, which provides for a 7m bonus for affordable housing, allowing a maximum height of 30m (8 storeys) on the site;
- increasing the maximum Floor Space Ratio (FSR) from 2:1 to 3:1 over the B4 zoned land;
- suspending the requirements of Clause 4.3(2A) on the site, thereby allowing the top 3m of the maximum building height to be used for purposes other than lift overruns and landscaping; and
- suspending the requirements of Clause 4.3B(3) on the site, thereby removing the need for development within 12m of the Liverpool Road frontage to be restricted to a height of 12m (4 storeys).

The zoning of the site remains unchanged, B4 Mixed Use on most of the site and R2 Low Density Residential on the two access handles.

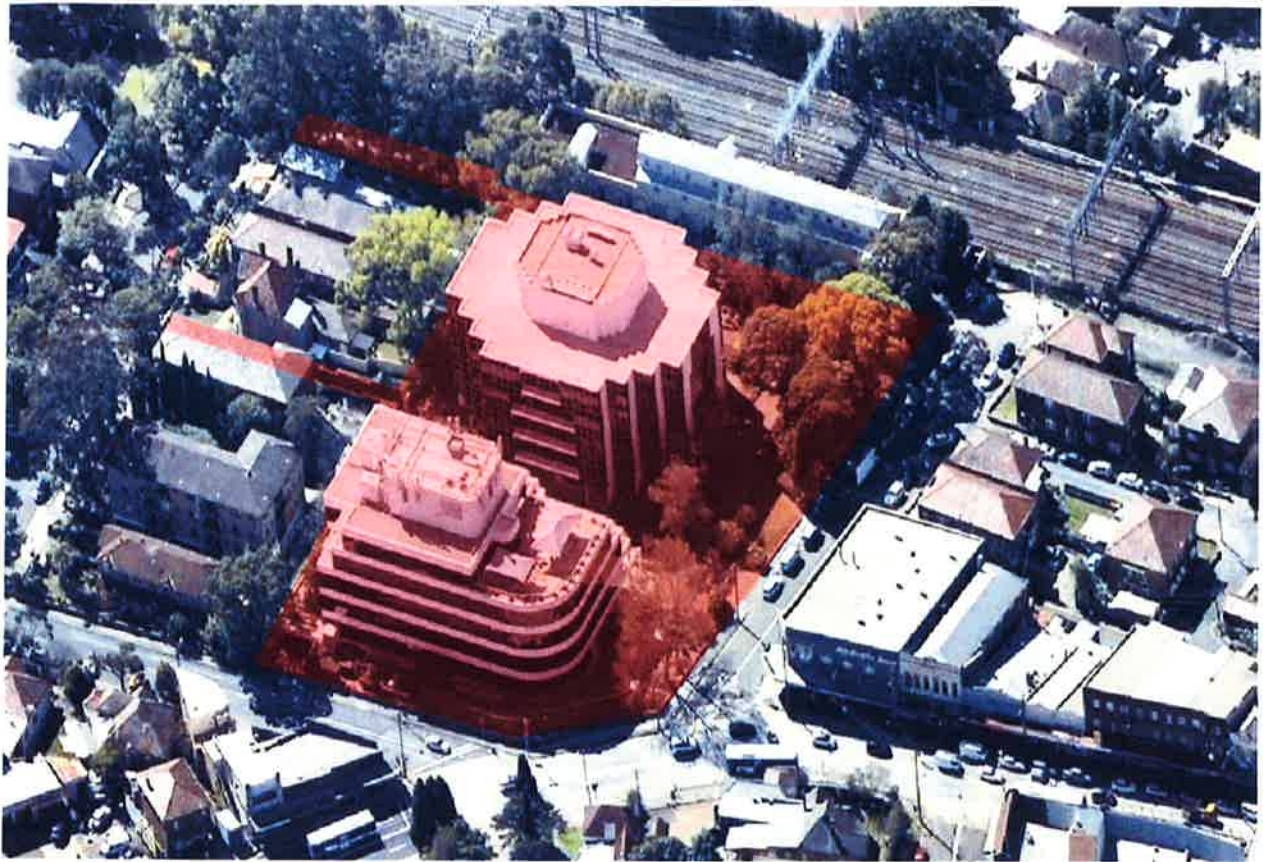
Site Description

The site is located within the suburb of Ashfield in the Inner West Council Local Government Area (LGA). Ashfield is located approximately 9km south west of the Sydney CBD and 7km north west of Sydney International Airport. The site is located on the southern side of the Inner West railway line, approximately 400m to the west of Ashfield Railway Station, on the western edge of the Ashfield Town Centre.



Figure 1: The site within the Ashfield Town Centre
Source: Bates Smart

The site comprises of nine allotments at the corner of Cavill Avenue, Liverpool Road and Thomas Street, legally described as Lot 9 DP 940918, Lot 17 DP 168456, Lot 101 DP 234926, Lot 5 DP 6262, Lots 1 and 2 DP 556722, Lot 1 DP 971932, and Lots 1 and 2 DP 6262. The site is 8,421 square metres and is generally rectangular. Two through-site links give access to The Avenue to the west, between adjacent apartment buildings. The site is flat and contains two approximately 24 metres, 5 storey office buildings built in the 1980s.



The Site

Figure 2: Aerial photo of the site and existing development
Source: Ethos Urban

Surrounding Area

To the east of the site is the Ashfield Town Centre, which comprises a mix of uses and densities, up to 6 storeys, and a range of architectural treatments. The Ashfield Town Centre is predominately zoned B4 Mixed Use and is mostly used for commercial purposes. Current development activity, approvals and plans seek to transition the town centre to an active mixed use precinct incorporating a mix of commercial and residential uses. Land to the south of the site is predominately zoned B4 Mixed Use, containing a mix of uses, including a 3 storey commercial building, a 6 storey residential flat building and low density detached dwellings.

Land to the west of the site is zoned R2 Low Density Residential and comprises 2 and 3 storey residential flat buildings and houses. The land north of the site comprises a 4 storey residential flat building which adjoins the Inner West rail line.

The site is near existing major commercial centres, including Burwood, Sydney Olympic Park, Parramatta, Australian Technology Park, and the Sydney CBD. These centres are located between 4 minutes and 25 minutes away by train or bus, and are expected to grow as major employment centres.

Summary of Recommendation

It is recommended that the planning proposal proceed, subject to conditions.

The proposal will support a high density mixed-use development on the site which reflects market demand in the Ashfield Town Centre. The proposal has strategic merit as it facilitates urban renewal of the site and seeks provide an improved built form outcome in an existing centre, consistent with district and local plans. The proposal will contribute to local housing opportunities in the Ashfield Town Centre and near regional transport connections.

The proposal is justifiably inconsistent with Section 117

Direction 1.1 Business and Industrial Zones, as discussed later in this report.

It is recommended that prior to community consultation, the planning proposal be updated to resolve the permissibility of access to development permitted in the B4 Mixed Use zone across the two access handles which are zoned R2 Low Density Residential and connect the site to The Avenue.

PROPOSAL

Objectives or Intended Outcomes

The statement of objectives adequately describes the intention of the planning proposal. The proposal intends to amend the Ashfield LEP 2013 to enable a high density mixed-use development on the site.

Explanation of Provisions

The explanation of provisions adequately addresses the intended method of achieving the objectives of the planning proposal. The proposal intends to:

- retain the 23m (6 storeys) base maximum building height applicable to the site, and identify part of the site as 'Area 1' on the Height of Buildings Map, providing a 7m bonus for affordable housing, allowing a maximum height of 30m (8 storeys) on the site;
- increase the maximum FSR from 2:1 to 3:1 over the B4 zoned land;
- suspend the requirements of Clause 4.3(2A) on the site, thereby allowing the top 3m of the maximum building height to be used for purposes other than lift overruns and landscaping; and
- suspend the requirements of Clause 4.3B(3) on the site, removing the need for development within 12m of the Liverpool Road frontage to be restricted to a height of 12m (4 storeys).

The zoning of the site remains unchanged, B4 Mixed Use on most of the site and R2 Low Density Residential on the two access handles, and the proposal is consistent with the objectives of both zones.

On 14 September 2017, the proponent contacted the Department noting that under the current proposal, access to uses in the B4 Mixed Use zoned portion of the site could not be legally provided¹. To resolve this Council supports the inclusion of an amendment to Schedule 1 of the Ashfield LEP 2013 permitting the uses permitted with consent in the B4 zone on the access handles of the site which are zoned R2 Low Density Residential.

¹ Land and Environment Court Decisions *Site Plus Pty Ltd v Wollongong City Council* [2014] NSWLEC 125, and *Chamwell v Strathfield Municipal Council* [2008] NSWLEC 4 require that a use must be permissible on land that provides access to another site on which that use is being undertaken.

Mapping

Indicative mapping has been provided with the proposal and is deemed sufficient for community consultation. Maps which comply with the Standard Technical Requirements for SI Datasets and Maps will need to be prepared before the LEP is made.

NEED FOR THE PLANNING PROPOSAL

The site is located on the western edge of the Ashfield Town Centre, which comprises a mix of uses and densities, and presently contains two five storey office buildings. This centre is in the process of undergoing a transition from a traditional shopping strip local centre to an active mixed-use area incorporating a mix of retail and residential land uses. The proposal seeks facilitate urban renewal of the site in line with the existing state and local strategic framework for the area and to provide an improved built form on the site. A planning proposal is the best mechanism to achieve the objective of the proposal to accomplish the urban renewal of the site.

STRATEGIC ASSESSMENT

State Plans

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. The proposal is 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.

The proposal outlines it is consistent with Directions 2.1 and 2.3 through assisting in achieving the following:

- urban renewal and growth within an established centre;
- increased housing variety;
- increased housing in an existing centre, delivering economic, environmental and social benefits; and
- development of urbanised land with low biodiversity.

District Plan

As with *A Plan for Growing Sydney*, the *draft Central District Plan* emphasises the goal to develop a city of housing choice, with communities that are strong, healthy and well connected. The proposal is consistent with the *draft Central District Plan*, specifically 4.3 Improve housing choice and 4.4 Improve housing diversity and affordability, by:

- supporting a mixed-use development that integrates housing and employment opportunities to assist in creating a '30 minute city';
- assisting in meeting the housing target for the Inner West Council to provide an additional 5,900 dwellings by 2021, including opportunities to address pent up demand resulting from past undersupply;
- supporting a range of housing choices and types, including the provision of affordable housing; and
- revitalising a strategically important site in the Ashfield Town Centre to assist in reforming Ashfield as a liveable centre and community hub that benefits from connections to convenient transport links.

Local Plans

Ashfield Urban Planning Strategy 2010

The site is not identified in the *Ashfield Urban Planning Strategy 2010*, however the proposal is consistent as it will:

- continue to focus future housing in the centre, to promote urban renewal in and around the Ashfield Town Centre;
- improve housing choice and housing affordability in the area;
- facilitate the opportunity to live close to transport and shops;
- promote mixed-use development with ground level active, non-residential uses; and
- provide greater capacity on the site to take advantage of access to public transport and provide 'flow on' economic benefits to retailers and support services.

This local strategy has not been endorsed by the Department.

Inner West Affordable Housing Policy

The site is not identified in the *Inner West Affordable Housing Policy*, however the proposal meets an objective of to increase affordable housing as Clause 4.3A(3) of the Ashfield LEP 2013 is proposed to apply to the site. Clause 4.3A(3) requires that:

- the development will contain at least 1 dwelling used for the purpose of affordable rental housing; and
- at least 25% of the additional floor space area resulting from the part of the building that exceeds the maximum height will be used for the purpose of affordable rental housing.

Council's report notes that using the Design Concept drawings, the proposal has potential to provide approximately 18 apartments as affordable rental housing on the site.

Section 117(2) Ministerial Directions

The following S117 Directions are applicable to the proposal:

- 1.1 Business and Industrial Zones;
- 3.1 Residential Zones;
- 3.4 Integrating Land Use and Transport;
- 6.0 Site Specific Provisions; and
- 7.1 Implementation of A Plan for Growing Sydney

The proposal is considered to be consistent with all relevant S117 Directions except Direction 1.1 Business and Industrial Zones.

The proposal is considered to be inconsistent with Direction 1.1 Business and Industrial Zones as the intention to amend the Ashfield LEP 2013 to enable a high density mixed-use development has potential to reduce the total potential floor space area for employment uses in a business zone. However, it is considered to be of minor significance and the inconsistency in the proposal can be justified as:

- the site is already zoned B4 Mixed Use and has the potential to be redeveloped for a combination of residential and commercial uses;
- the site is located on the western edge of the Ashfield Town Centre, positioning it as a transitional site between the centre and surrounding residential communities;
- the redevelopment of the site will facilitate an improved outcome for the presently disjointed retail premises to the east and west on Liverpool Road, providing ground-floor commercial uses that address the street frontage and enforce the corridor of activity leading into the town centre;

- the site is near existing major commercial centres, including Burwood, Sydney Olympic Park, Parramatta, Australian Technology Park, and the Sydney CBD that are expected to grow as major employment centres;
- the economic role and function of Ashfield is currently, and is forecast to, continue to service the day to day needs of the local community;
- the existing State Government tenant of the commercial buildings on site is being relocated to the Parramatta CBD; and
- assessment of the market potential for major commercial and retail developments in Ashfield has revealed that it lacks the amenity, critical mass and economic diversity of a centre to retain major commercial and retail tenants.

State Environmental Planning Policies

The proposal outlines potentially applicable State Environmental Planning Policies (SEPPs) and their relevance to the proposal. The proposal is consistent with all relevant SEPPs.

State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)

The proposal includes provisions which relate to the delivery of affordable rental housing, despite the Inner West Council not being a LGA which SEPP 70 applies to. The Housing & Infrastructure Policy team at the Department have confirmed that the proposal extends an existing local clause to the site and does not contain any provisions that are inconsistent with or contrary to SEPP 70.

SITE SPECIFIC ASSESSMENT

Social

The proposal will result in a positive social outcome by:

- providing of affordable housing on the site;
- increasing the number of dwellings for the Inner West LGA and Ashfield Town Centre, assisting in housing mix, affordability and choice;
- locating homes in proximity of transport, employment, health and education services; and
- providing an activated public domain that offers increased passive surveillance and retail activation.

Environmental

The proposal seeks to facilitate the renewal of a developed site located within an urban area. The proposed development is not expected to have any adverse impacts on critical habitat or threatened species, populations or ecological communities or their habitats.

The proposal has addressed urban design, heritage and traffic and access matters and it is not expected to have any adverse effects on the built environment. The site is located near five local heritage items and a heritage conservation area under the Ashfield LEP 2013. A Heritage Impact Assessment confirmed that given the physical separation between these items and the site, the proposed amendments to Ashfield LEP 2013 are acceptable from a heritage perspective.

Economic

It has been recognised that the proposal may lead to a loss of employment uses on the site, should the site be redeveloped for mixed use to replace the current commercial use. A strategic economic assessment notes that the two office buildings on the site, which have capacity to provide for approximately 500 jobs, are soon to be vacated by the Department of Family and Community Services. The assessment notes that Ashfield is unlikely to attract and retain significant employment growth due to Ashfield's role and function being a local centre.

The proposal is capable of generating positive economic outcomes and support the day to day needs of the local community through:

- the provision of jobs during construction and permanent jobs on the site, capacity for approximately 50 retail jobs in the design concept; and
- flow on effects for shops and services in the region, from the revitalisation of the site and new residents, assisting the local economy.

This matter has been addressed as part of section 117(2) Ministerial Directions and it is considered that the proposal will not have an adverse local economic impact.

CONSULTATION

Community

In accordance with "A Guide to Preparing Local Environmental Plans" (the 'Guide'), the proposal is considered low impact, as the proposal is consistent with the strategic planning framework, is consistent with the surrounding land zoning pattern, presents no issues in regard to servicing, and does not propose reclassification.

Notwithstanding, given the potential for an additional 285 dwellings on the site, and Inner West Council's proposal to exhibit for a minimum of 28 days, it is considered that a community consultation period of 28 days is appropriate and affected and adjoining properties should be notified in writing.

Agencies

Inner West Council have proposed consultation with the Roads and Maritime Services and Sydney Trains. This is considered to be appropriate.

TIMEFRAME

The planning proposal includes a six month project timeframe for completing the LEP. To ensure the RPA has adequate time to complete community consultation, reporting, and legal drafting, it is recommended that a timeframe of nine months is appropriate.

DELEGATION

Council have requested delegation to make the plan. The planning proposal is deemed to be of local significance and Council should therefore be authorised to exercise its delegation.

CONCLUSION

The planning proposal is supported to proceed, subject to conditions as outlined below. The proposal is considered to have planning merit as it facilitates urban renewal of the site, is consistent with strategic State and district plans, will not impact on the viability of the Ashfield Local Centre and includes provisions for affordable housing.

RECOMMENDATION

It is recommended that the delegate of the Secretary agree the inconsistency with Section 117 Direction 1.1 Business and Industrial Zones is justified.

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

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the following public authorities:
 - Roads and Maritime Services
 - Sydney Trains
3. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be authorised to exercise delegation to make this plan.
5. Prior to the commencement of community consultation, the planning proposal is to be updated to resolve the permissibility of access to development permitted in the B4 Mixed Use zone across the two access handles which are zoned R2 Low Density Residential and connect the site to The Avenue.


6/10/2017
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