

Planning Services

Gateway Determination Report

LGA	Canterbury-Bankstown
PPA	City of Canterbury-Bankstown Council
NAME	Planning proposal to allow residential care facility as an additional permitted use at 20 and 21 Boorea Avenue, Lakemba and amend associated development controls (112 aged care beds)
NUMBER	PP_2018_CBANK_004_00
LEP TO BE AMENDED	Canterbury Local Environmental Plan 2012
ADDRESS	20–21 Boorea Avenue, Lakemba
DESCRIPTION	Lot X DP 377169 and Lot 25 DP 13586
ADEQUACY DATE	8 May 2018
FILE NO.	IRF18/2644
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 add residential care facility as an additional permitted use for the subject site at 20 and 21 Boorea Avenue, Lakemba under the Canterbury Local Environmental Plan 2012, and to increase floor space ratio (FSR) controls from 1:1 to 2:1 on a portion of the site. The proposal would enable the development of a four-storey residential care facility providing up to 112 beds, including 28 dementia-specific beds.

Site description

The planning proposal applies to land at 20 and 21 Boorea Avenue, Lakemba, being Lot 25 DP 13586 and Lot X DP 377169 (Figures 1 and 2, next page).

The site straddles both R4 High Density Residential and IN2 Light Industrial zoned land. Existing development at 20 Boorea Avenue consists of a single-storey residential dwelling, and at 21 Boorea Avenue there is an operational stonemason's yard.

The site is approximately 3200m² in site area and is at the end of Boorea Avenue, which is a terminating cul-de-sac.

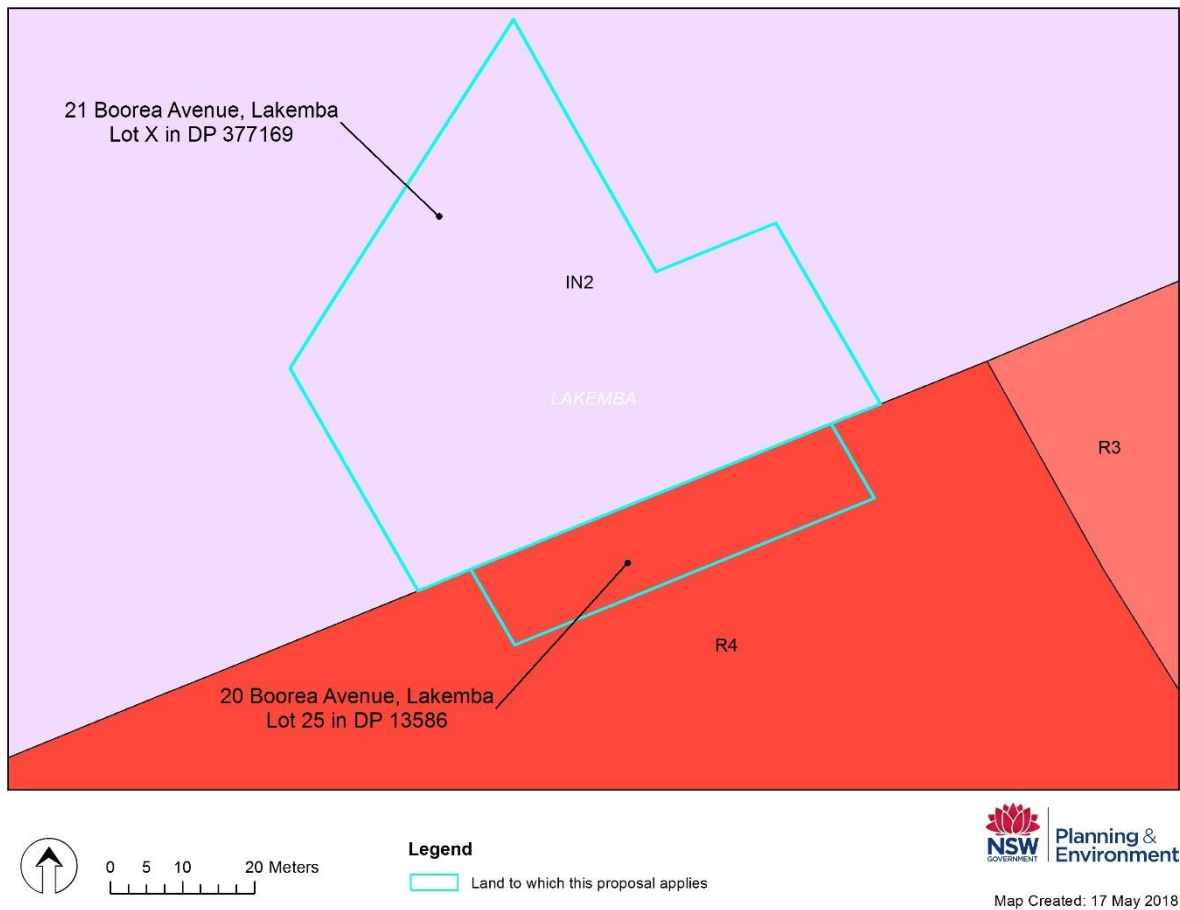


Figure 1: Zones of the site



Figure 2: Aerial photo of the site

Existing planning controls

The site is part zoned IN2 Light Industrial, which forms part of a larger precinct of industrial land, and part R4 High Density Residential. The industrial zoned part of the site is known as 21 Boorea Avenue and remaining part of the site zoned for residential purposes is known as 20 Boorea Avenue.

Much of the land surrounding the site forms part of an industrial precinct that is predominantly used for employment-related purposes, including automotive services, building supplies, warehousing and manufacturing, and is zoned IN2 also.

While forming part of this larger industrial precinct, the industrial part of the site is the only industrial landholding within the precinct that is accessible from Boorea Avenue.

Surrounding area

The rear of the site to the north is bounded by Coxs Creek, a channelised urban stormwater canal. Lakemba Mosque and Lebanese Muslim Association (LMA) facilities adjoin the property to the east, forming a consolidated landholding by the LMA, the applicant to the planning proposal. Directly adjoining the site to the east are additional industrial allotments.

Opposite the site, across Coxs Creek, are the rear yards of other light industrial premises and another building owned by the LMA, which houses its administration offices and other community uses.

To the south, surrounding development on Boorea Avenue generally comprises of one-storey dwellings, with some two-storey residential flat buildings.

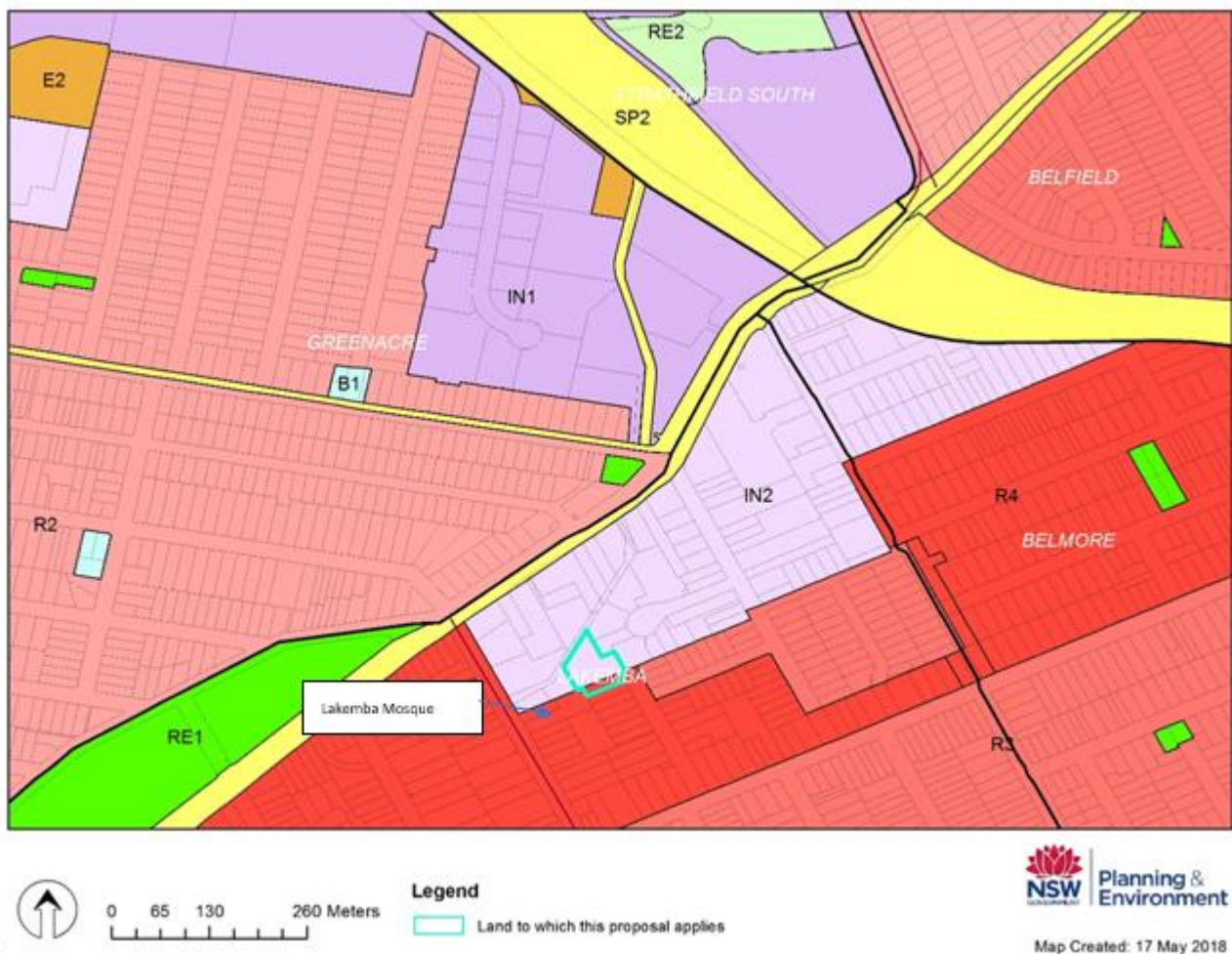


Figure 3: Surrounding area

Summary of recommendation

It is recommended that the planning proposal not proceed as:

- Section 3.8 of the Environmental Planning and Assessment Act 1979 (the Act) requires planning proposals to give effect to the District Plan and this proposal seeks to introduce a residential use onto industrial lands, which is inconsistent with the South District Plan; and
- it is inconsistent with advice from the Greater Sydney Commission (GSC). The GSC advised that planning proposals lodged with the Department after the adoption of the District Plans are to implement the “retain and manage” approach for existing industrial land.

PROPOSAL

Objectives or intended outcomes

The statement of objectives accurately describes the intention of the planning proposal. The proposal intends to amend the Canterbury Local Environmental Plan (LEP) 2012 to enable the development of a four-storey residential care facility providing up to 112 beds, including 28 dementia-specific beds.

Explanation of provisions

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

- add residential care facility as an additional permitted use for the land at 20 and 21 Boorea Avenue, Lakemba; and
- amend the FSR map to increase FSR controls from 1:1 to 2:1 at 21 Boorea Avenue, Lakemba.

The following table summarises the proposed changes:

Site	Existing Zoning	Proposed Zoning	Existing Height	Proposed Height	Existing FSR	Proposed FSR
20 Boorea	R4	R4	8.5m	8.5m	0.75:1	0.75:1
21 Boorea	IN2	IN2	N/A	N/A	1:1	2:1

The proposed building containing the aged care facility building is intended to be entirely located on 21 Boorea Avenue. Number 20 will be used for access and servicing to the building.

Mapping

The planning proposal contains maps that adequately show the subject land and explain the proposed changes to the respective LEP maps for each proposed amendment.

NEED FOR THE PLANNING PROPOSAL

The planning proposal is not a result of any strategic study or report. It is a site-specific, owner-initiated proposal.

Background

This matter was first considered by the Canterbury-Bankstown Independent Hearing and Assessment Panel (IHAP) on 5 December 2017, which recommend the proposal not be

supported due to conflicts with strategic policies adopted by the State government and Council, which seek to preserve industrial land in the South District. At the time of the IHAP decision Planning Priority S9 under the revised Draft South District Plan sought to:

“Manage industrial land in the South District by protecting all industrial zoned land from conversion to residential development, including conversion to mixed-use zones”.

Following the IHAP’s recommendation, the proposal was put to Council on 27 February 2018. The report to Council (**Attachment A**) recommended the proposal not be supported for strategic and site-specific reasons.

Notwithstanding, Council resolved to prepare and submit a planning proposal to the Greater Sydney Commission (GSC) to permit an additional permitted use for the purposes of a residential care facility and to increase the FSR from 1:1 to 2:1 at 21 Boorea Avenue.

STRATEGIC ASSESSMENT

State

The Greater Sydney Region Plan

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

The Greater Sydney Region Plan identifies several key objectives around the need to ensure communities are healthy, resilient and socially connected; and improving housing supply to all groups in the community. The plan notes that future planning must address providing infrastructure and services locally to meet the needs of the changing demographics. This includes health, education services and facilities, as well as accessible neighbourhoods and homes for an increasing proportion of people over 65 years of age.

The proposal clearly addresses these objectives by providing additional housing for aged persons and it is considered that the proposal would generate positive social benefits to members and family of the Lebanese Muslim Association and the wider community.

Given cultural-specific requirements, it is important that aged care is appropriate, accessible and sensitive to the diverse individual needs of older Australians. The proposal acknowledges that there is an acute absence of aged care facilities for people of the Muslim faith and, as such, will enable access to aged care services that are specific to their care needs.

Further, by co-locating the proposed residential care facility with the Lakemba Mosque and associated community facilities, future residents, family members and workers would benefit from the site-specific merits of a multifunctional and intergenerational space that contains shared facilities such as kitchens, prayer rooms and community halls, as well as being near cultural and religious events and festivals.

The proposal is considered inconsistent with the plan’s objective regarding the management of industrial land which states at Action 39:

“Retain and manage industrial and urban services land, in line with the Principles for managing industrial and urban services land, in the South District by safeguarding all industrial zoned land from conversion to residential development, including conversion to mixed-use zones”.

This inconsistency is discussed further below.

District

South District Plan

The GSC released the South District Plan on 18 March 2018 to give effect to the Greater Sydney Regional Plan. The District Plan contains priorities and actions to guide the development and planning of the south district while improving the district's social, economic and environmental assets. The planning proposal was submitted to the Department after the release of the District Plan.

Section 3.8 of the Act requires planning proposal authorities to give effect to any district strategic plan applying to the local government area to which the planning proposal relates. Therefore, this proposal must be considered against the provisions of the South District Plan.

The planning proposal is consistent with several planning priorities in the South District Plan. These include:

- *Planning Priority S3- Providing services and social infrastructure to meet people's changing needs*
- *Planning Priority S4 - Fostering healthy, creative, culturally rich and socially connected communities*
- *Planning Priority S5 - Providing housing supply, choice and affordability, with access to jobs, services and public transport.*

The district plan identifies that an 85 percent proportional increase in people aged 85 and over and a 57 percent increase in the 65-84 age group by 2036. Canterbury Bankstown LGA will see the highest growth in older people with 35,900 additional people aged 65 or over. This growth clearly supports the need for additional housing for older people in this locality.

Co-locating the proposed residential care facility with the Lakemba Mosque and associated community facilities, future residents, family members and workers would benefit from the site-specific merits of a multifunctional and intergenerational space that contains shared facilities such as kitchens, prayer rooms and community halls, as well as being near cultural and religious events and festivals.

These planning priorities focus on the need for stronger communities by encouraging social connectors, housing diversity and walkability. Permitting a residential care facility in this location will achieve the planning priorities of the district plan.

Specifically, the planning proposal is consistent with the above priorities on the basis that it would enable the provision of a residential care facility in very close proximity to support services and facilities such as the mosque, the Lakemba Muslim Association multipurpose centre and a proposed school.

The proponent has also provided information indicating that there is a shortage of residential care facilities in the surrounding areas and in particular a lack of facilities that cater to the Muslim community. The District Plan recognises that Canterbury Bankstown will have the highest growth in older people in the in South District, hence the proposal would support the delivery of additional and suitable accommodation for seniors in the local community.

However, the proposal is inconsistent with the South District Plan's Planning Priority S10 - *retaining and managing industrial and urban services land*. This planning priority states that all industrial land should be safeguarded from conversion to residential development.

The District Plan acknowledges that the current supply of industrial land per capita is below the benchmark of 3m² of urban services land per person in the district, and that this per

capita amount is forecast to decrease up to 2036. Planning Priority S10 sets the approach to managing industrial land, which is that all employment land is to be retained and managed. Action 39 of the plan specifies that this is to be achieved by safeguarding all industrial-zoned land from conversion to residential development, including conversion to mixed-use zones.

To assist in the assessment of planning proposals that contemplate changes of use on industrial zoned land the GSC released its Information Note “Industrial and Urban Services Land (Retail and Manage) – Transition Arrangements” (**Attachment E1**).

This advice states that if a planning proposal is submitted after the adoption of the District Plans being 18 March 2018, then it is to be considered on its strategic and site merits and the policy to retain and manage industrial and urban services land set out in the relevant District Plan is to be applied.

Further advice was sought from the GSC to clarify whether this proposal should proceed on its merits (**Attachment E2**). This advice was that the Commission could not support the proposal as it was inconsistent with the District Plan’s directive to retaining industrial lands as it would lead to loss of industrial lands and place pressure on adjoining industrial land for further rezoning.

The applicant has also stated that the development of the site for the aged care facility would generate approximately 100 full time jobs. Whilst it is acknowledged that the current site is underutilised and would not provide an equivalent number of jobs, the District Plan states that the number of jobs that a proposal may generate should not be the primary objective – rather, it should be a mix of economic outcomes that support the city and population and that the employment lands such as the site at 21 Boorea Avenue should be retain to enable the growth of industrial and employment services employment.

The proposal has additionally not demonstrated that the supply of industrial land in the broader area or within the LGA is sufficient to meet future demand, or that the site is specifically unsuitable for continued use under its current zoning.

There is no alternative to approach available to facilitate the development. A rezoning of land zoned IN2 to facilitate residential development would be inconsistent with Section 3.8 of the Act which requires planning proposals to give effect to the District Plan. The introduction of residential development would be contrary to Priority S10 of the Plan- *retaining and managing industrial and urban services land* which states that all industrial land should be safeguarded from conversion to residential development.

Given that the planning proposal is inconsistent with Priority S10 - *retaining and managing industrial and urban services land* of the South District Plan as it seeks to introduce residential uses onto industrial land, the proposal is not supported to proceed.

Sydney to Bankstown Urban Renewal Corridor Strategy (S2B)

The revised draft Sydenham to Bankstown Urban Renewal Corridor Strategy (the revised Strategy) was placed on public exhibition from June to September 2017. More than 2,800 submissions were received during the exhibition of the revised Strategy. The key issues raised include infrastructure, open space, employment lands, affordable housing, transport and traffic, urban design, heritage and local character.

The subject site is located within the Lakemba station precinct under the revised Strategy. Lakemba was also announced as a Planned Precinct (previously known as Priority Precinct) in June 2017.

Following consideration of the feedback received on the revised Strategy, the Minister wrote to Inner West and Canterbury Bankstown Councils and proposed a new approach to planning for Sydenham to Bankstown.

Under the new approach, the Department will work in partnership with Inner West and Canterbury Bankstown Councils to develop a high-level, principle-based strategy, which will reflect the community's aspirations and Councils' visions for their areas.

The strategy will provide a framework for future development in the Sydenham to Bankstown corridor and guide the detailed planning of the announced Planned Precincts - Canterbury, Campsie, Belmore and Lakemba.

When the high-level strategy is complete, the Department will undertake detailed planning in partnership with Canterbury Bankstown Council for Canterbury, Campsie, Belmore and Lakemba. The Department has commenced discussions with both councils regarding the final strategy and the way forward. As such no plans are in place for this site at present.

Local

Canterbury Economic Development and Employment Strategy (2009)

The *Canterbury Economic Development and Employment Strategy 2009* was prepared in 2008 for the former City of Canterbury Council. The strategy examined employment and employment lands within the former Canterbury LGA boundary and identifies strategies to preserve and enhance these uses. The strategy concludes that the Lakemba Precinct, in which the site is situated, has the opportunity for new employment uses, residential or live-work arrangements. The strategy does not define these uses or where within the Lakemba Precinct the uses should be located.

Notwithstanding, an independent review of the proposal prepared by SGS Economics & Planning presented with Council's report acknowledges that the strategy was prepared under the superseded district plans. The review concludes that based on the policies set out in the Greater Sydney Region Plan and the South District Plan, the proposal to introduce new non-industrial uses into the Lakemba Precinct should not be supported.

Section 9.1 Ministerial Directions

The following section 9.1 Directions are relevant to the planning proposal: 1.1 Business and Industrial Zones; 3.1 Residential Zones; 3.4 Integrating Land Use and Transport; 4.3 Flood Prone Land; and 6.3 Site Specific Provisions.

The proposal is consistent with the relevant section 9.1 Directions expect the following:

Direction 1.1 Business and Industrial Zones

This Direction is relevant to the planning proposal as it will affect land within an existing industrial zone. The proposal is inconsistent with this Direction as it will reduce the total potential floor space area for the industrial uses and urban services.

As previously discussed, the planning proposal does not include a strategic review of industrial land in the area, nor does it address whether the current use on the site is required or whether the land is surplus to requirements.

It is therefore considered that the inconsistency with this Direction is not justified at this point.

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 demands. A planning proposal must locate zones for urban purposes and include provisions that are consistent

with the aims, objectives and principles of the Department's *Improving Transport Choice – Guidelines for Planning Development*.

The proposal is considered to be inconsistent with this Direction as the subject site is more than 800m from Lakemba Station. While the traffic study accompanying the proposal identifies two bus routes in the vicinity of the site, these services provide limited access outside peak hours. One of these bus routes is more than 500m from the site and is therefore not considered accessible given the proposed residential care facility use.

On this basis, the resulting inconsistency with this Direction is not justified at this point.

4.3 Flood Prone Land

This Direction applies to the planning proposal as it will create, remove or alter a zone that affects flood-prone land. The proposal is inconsistent with this Direction as it contains provisions that apply to the flood planning area that permit intensification of development of that land.

The subject site is bordered by Coxs Creek, a channelised urban waterway. Council's report states that this waterway is known to cause significant localised flooding issues.

A flood study accompanies the proposal, but it does not provide sufficient evidence to justify an inconsistency with this Direction. This is because Council's report identifies the site as being partly subject to high-hazard flooding, and recommends detailed site-specific modelling be required to determine the extent affected and the suitability of the site for the proposed use.

Despite this site constraint redevelopment of the site with relevant design considerations could potentially address this issue.

State environmental planning policies (SEPPs)

SEPP (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP)

The planning proposal would likely result in a development application for a residential care facility on the subject site. While the Seniors Housing SEPP relates to development applications and not planning proposals, Council's report questions whether the proposed use would meet the site-based requirement of the SEPP.

Clause 4(a) of the Seniors Housing SEPP provides that it applies to land (among other requirements) only if the following uses are permitted on that land: dwelling houses; residential flat buildings; hospitals; and development of a kind identified in respect of land zoned as special uses.

SEPP No 55 – Remediation of Land (SEPP 55)

SEPP 55 aims to promote the remediation of contaminated land to reduce the risk of harm to people and the environment. The SEPP is relevant to the proposal as the site is occupied by industrial uses and forms part of a larger industrial precinct.

A preliminary contamination and waste collection assessment was carried out and provided with the proposal. It found that the natural soils and bedrock within the sampled portions of the subject site are preliminarily classified as virgin excavated natural material (VENM), as there were no visual indicators of chemical contamination of materials in test pits, and contaminant concentrations were within typical background levels.

Sufficient information has been provided with the planning proposal to demonstrate that it is consistent with the aims and objectives of SEPP 55.

The proposal is otherwise consistent with all other SEPPs and deemed SEPPs.

SITE-SPECIFIC ASSESSMENT

Social

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

It is considered that the proposal would generate positive social benefits to members and family of the Lebanese Muslim Association and the wider community.

Given cultural-specific requirements, it is important that aged care is appropriate, accessible and sensitive to the diverse individual needs of older Australians. The proposal acknowledges that there is an acute absence of aged care facilities for people of the Muslim faith and, as such, will enable access to aged care services that are specific to their care needs.

Further, by co-locating the proposed residential care facility with the Lakemba Mosque and associated community facilities, future residents, family members and workers would benefit from the site-specific merits of a multifunctional and intergenerational space that contains shared facilities such as kitchens, prayer rooms and community halls, as well as being in close proximity to cultural and religious events and festivals.

On 30 May 2018, the applicant provided further information regarding the intention to renew the area and create a multifunctional cultural hub (**Attachment G**).

The applicant's intention is to provide a residential care facility adjoining the Lakemba Mosque, LMA multipurpose centre and a proposed school (**Figure 4**).



Figure 4: Proposed cultural hub (source: applicant letter of 30 May 2018).

It is acknowledged that the subject site represents an opportunity to enhance and support a cultural hub with shared facilities that allows for cultural expression and important social connections.

While it is considered the proposal would result in important positive social impacts, specifically to older Muslim Australians, the proposal has not provided sufficient evidence to demonstrate that this would outweigh the broader strategic issues, such as the loss of industrial-zoned land.

Environmental

Land-use conflict

Given the site is located on a zone boundary between light industrial and residential land-use zones, a land-use conflict already exists. An acoustic assessment was undertaken and provided with the planning proposal. The assessment concludes that acceptable internal noise levels can be achieved in the proposed residential care facility should the building incorporate controls recommended within the acoustic report. Furthermore, if the proposal did proceed the use could also provide a buffer between the other industrial uses and the residential uses adjoining the site in Boorea Avenue.

Flooding and stormwater

As previously noted, Council's report identifies the site as being subject to high-hazard flooding. The Council report does not state that the site is unsuitable, rather that the full extent of potential flooding impacts cannot be ascertained without further detailed modelling. Further work would be required prior to public exhibition to demonstrate that the site could accommodate a residential care facility.

Traffic

The proposal acknowledges that the proposed use will likely result in additional traffic. However, a traffic and parking impact assessment was provided with the proposal that concludes that the surrounding road network operates with a reasonable level of service and can accommodate traffic demand. Council has not raised traffic as an issue in their assessment of the proposal.

Contamination

As previously discussed, while the site has a history of industrial uses and currently accommodates an industrial use, a preliminary waste and contamination assessment has been undertaken and the results would not preclude the matter proceeding. Notwithstanding, it is recommended that if the proposal proceed, the matter be referred to the Environment Protection Authority prior to public exhibition.

Economic

The planning proposal was accompanied by a workforce supply analysis, which demonstrates that the proposed facility would provide employment on the site. The proposal notes that it is likely to generate more than 100 full-time jobs, which is greater than the current use generates.

However, as previously discussed, the proposal has not considered the wider economic impact of the loss of the current use or potential future industrial uses of the site, and how this could affect the LGA and wider district.

Planning Priority S10 and Action 39 of the District plan states "*In updating local environmental plans, councils are to conduct a strategic review of industrial lands*".

Canterbury Bankstown Council has been nominated as a Priority Council and required to seek to align its LEPs with the South District Plan by July 2020. As part of this work,

requires the Council to undertake a Local Housing Strategy, which will be required to identify opportunities and sites for seniors housing.

CONSULTATION

Community

The planning proposal nominates a 28-day time frame for community consultation. However, it is recommended that this proposal not be supported. Therefore, no community consultation is recommended.

If the proposal has been supported, it is considered that a 28-day time frame for community consultation would be appropriate.

Agencies

The planning proposal does not identify any agencies for consultation. However, the following agencies would be required to be consulted if the proposal had been supported to proceed:

- Transport for NSW;
- Roads and Maritime Services;
- Environment Protection Authority;
- Office of Environment and Heritage; and
- State Emergency Service.

TIME FRAME

It is recommended that this planning proposal not be supported. Therefore, no time frame for its completion is recommended. If the proposal had been supported, a 12-month time frame would have been considered appropriate.

LOCAL PLAN-MAKING AUTHORITY

Council has not requested to be the local plan-making authority. If the proposal had been supported, authorisation for plan-making functions would not be issued to Council given the numerous inconsistencies with the strategic planning framework.

CONCLUSION

The subject site represents an opportunity to enhance and support a cultural hub with multifunctional and intergenerational spaces and provides seniors housing which will be required for an ageing population. In this manner the proposal would have social benefits consistent with District Plan priorities that focus on the need for stronger communities by encouraging social connectors, housing diversity and walkability.

Notwithstanding this, the South District Plan establishes the importance of safeguarding all industrial-zoned land from conversion to residential development in the South District, and the proposal has not provided sufficient information to justify the introduction of a residential use on the land. Advice provided by the GSC has reinforced the importance of the protection land for economic and employment purposes. Further to this, to date there has been no LGA or District wide study to demonstrate that there is surplus industrial land. It is noted that a review of industrial land will be undertaken by Council as part of their LEP review.

Due to this inconsistencies with the District Plan it is recommended that the proposal not proceed.

RECOMMENDATION

It is noted that the proposal would result in significant social, cultural and housing benefits, however given the requirement of Part 3.8 of the Act to give effect to the district plan, it is recommended that the delegate of the Greater Sydney Commission determine that the planning proposal should not proceed because:

- it seeks to introduce a residential use onto industrial lands, which is inconsistent with the strategic planning framework under the Greater Sydney Region Plan and the South District Plan; and
- sufficient justification has not been provided for the loss of industrial uses and fails to demonstrate that the supply of industrial land in the Canterbury-Bankstown local government area (LGA) is sufficient to meet future demand of the district and the Greater Sydney region in the form of an endorsed strategy



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