
Canterbury Bankstown Local Planning Panel - 3 April 2019

ITEM 7 **Application to amend Bankstown Local Environmental Plan 2015: 1–17 Segers Avenue, Padstow**

AUTHOR **Planning**

PURPOSE AND BACKGROUND

Council is in receipt of an application to prepare a planning proposal for the site at 1–17 Segers Avenue, Padstow. The application seeks to rezone the site from Zone R2 Low Density Residential (two storeys / 0.5:1 FSR) to Zone B2 Local Centre (6 storeys / 2.5:1 FSR).

In relation to the proposed zone and building envelope, Council’s assessment findings indicate the proposal has strategic merit subject to implementing the recommendations of the urban design peer review as outlined in this report.

In relation to infrastructure improvements, the proposal to widen the Council lane (Padstow Pathway) is supported to better link the site to the Padstow Park Public School and railway station. An appropriate mechanism is required to realise the infrastructure improvements in a timely manner, together with further analysis on other social infrastructure needs arising from the proposal. This would ordinarily involve a planning agreement to legally capture the public benefits. The proposal does not include a planning agreement at this point.

ISSUE

The Local Planning Panel is requested to recommend whether a planning proposal for the site at 1–17 Segers Avenue in Padstow should proceed to Gateway in accordance with the Local Planning Panels Direction, issued by the Minister for Planning.

RECOMMENDATION That -

1. The application to amend Bankstown Local Environmental Plan 2015 proceed to Gateway subject to the following:
 - (a) Rezone the site to Zone B2 Local Centre.
 - (b) Permit a maximum 2.5:1 FSR subject to:
 - (i) Requiring a minimum 40 metre lot width at the front building line to facilitate higher quality built form and urban design outcomes; and
 - (ii) Applying a minimum 0.5:1 FSR for the purposes of commercial development on the ground floor.Otherwise a maximum 2:1 FSR would apply.
 - (c) Permit a maximum 23 metre building height (six storeys). Any part of the building within two metres of the height limit is solely for the purposes of equipment servicing the building (such as plant, lift motor rooms, fire stairs and the like).

2. The Gateway process should require further analysis on local infrastructure needs to manage the likely effects of the proposal.
3. Council seek authority from the Department of Planning & Environment to exercise the delegation in relation to the plan making functions under section 3.36(2) of the Environmental Planning & Assessment Act 1979.
4. Council prepare a site specific DCP Amendment.

ATTACHMENTS

- A. Assessment Findings

POLICY IMPACT

This matter has no policy implications for Council.

FINANCIAL IMPACT

At this stage, this matter has no financial implications for Council.

COMMUNITY IMPACT

The application seeks to widen the Council lane, known as the Padstow Pathway at 5C Segers Avenue, Padstow. Whilst Council's assessment findings support this proposal, the findings also identify the need for a Social Impact and Community Needs Assessment to investigate other local infrastructure needs arising from the proposal.

DETAILED INFORMATION

SITE DESCRIPTION

The site at 1–17 Segers Avenue, Padstow comprises the following properties as shown in Figure 1. The Council lane (known as the Padstow Pathway, 5C Segers Avenue) divides the properties into two sites.

Sites	Property Address	Property Description	Current Zone	Site Area	
North	1 Segers Avenue	Lot 650, DP 1107732	Zone R2 Low Density Residential	312m ²	
	1A Segers Avenue	Lot 651, DP 1107732	Zone R2 Low Density Residential	312m ²	
	3 Segers Avenue	Lot 21, DP 20572	Zone R2 Low Density Residential	598m ²	
	5 Segers Avenue	Lot 221, DP 132286	Zone R2 Low Density Residential	543m ²	
				Site (North) Area	1,765 m²
South	7 Segers Avenue	Lot 23, DP 660642	Zone R2 Low Density Residential	498m ²	
	9 Segers Avenue	Lot 1, DP 385374	Zone R2 Low Density Residential	598m ²	
		Lot 24, DP 20572	Zone R2 Low Density Residential	633m ²	
	11 Segers Avenue	Lot 25, DP 20572	Zone R2 Low Density Residential	702m ²	
	13 Segers Avenue	Lot 26, DP 20572	Zone R2 Low Density Residential	782m ²	
	15 Segers Avenue	Lot 27, DP 20572	Zone R2 Low Density Residential	855m ²	
	17 Segers Avenue	Lot 18, DP 16608	Zone R2 Low Density Residential	892m ²	
				Site (South) Area	4,960m²
Both sites				Total Area	6,725m²

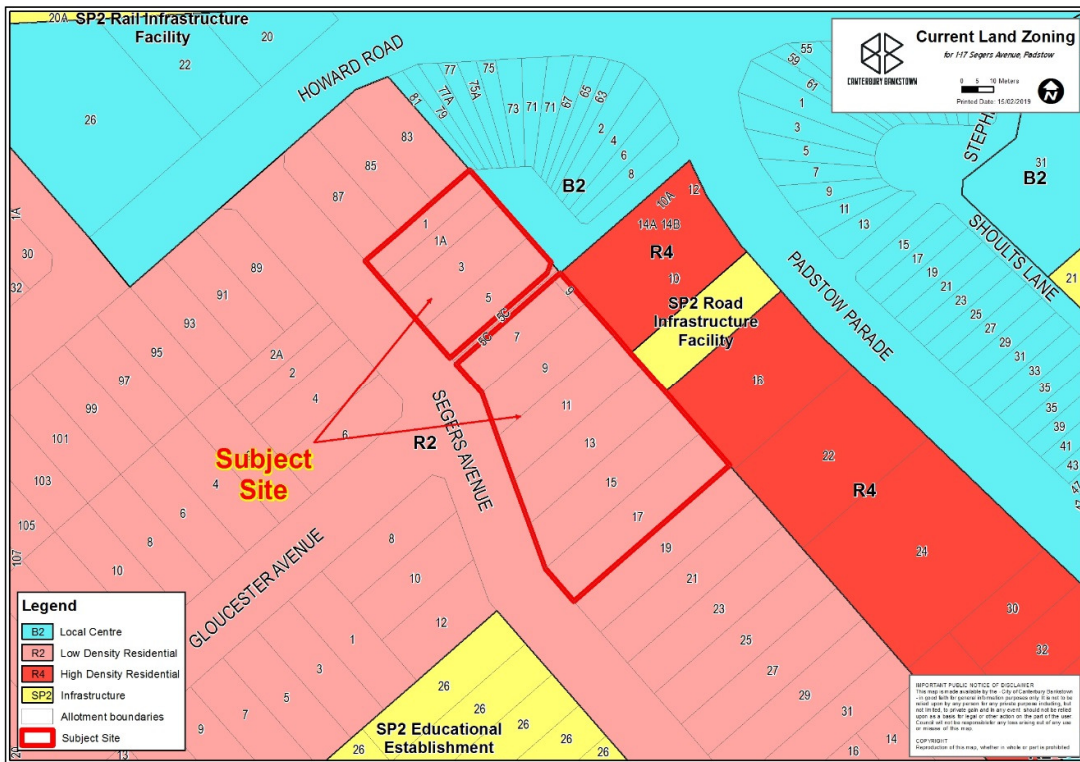
The site forms part of the low density residential area and is zoned R2 Low Density Residential under Bankstown Local Environmental Plan 2015. Single and two storey dwelling houses and a dual occupancy currently occupy the site. Adjacent to the site are dwellings houses and the Padstow Park Public School.

In relation to local context, the site adjoins the Padstow Village Centre (Zones B2/R4) to the east. A four storey limit applies to the village centre. The Council lane (Padstow Pathway) links the site to the railway station.

Figure 1: Site Map



Figure 2: Existing Zoning Map



PROPOSAL

In September 2018, Council received an application to amend Bankstown Local Environmental Plan 2015 as follows:

1–17 Segers Avenue	Current controls	Proposed controls
Zone	R2 Low Density Residential	B2 Local Centre
Maximum FSR	0.5:1	2.5:1
Maximum building height	9 metres (2 storeys)	24 metres (6 storeys)

The application includes a planning proposal report, urban design report, economic impact assessment, concept design and traffic study. The application also includes additional information in response to Council’s urban design and economic impact peer reviews. These documents have been provided to the Local Planning Panel.

The concept design proposes a mixed use development in the form of six storey buildings with:

- A mix of commercial spaces and dwellings on the ground floor and first level.
- Dwellings on the upper levels.
- 234 parking spaces on the basement level and ground floor.
- Improvements to the Council lane (Padstow Pathway).

Figure 3–Application’s concept design, viewed from Segers Avenue



Figure 4—Existing Floor Space Ratio



Figure 5—Application's Proposed Floor Space Ratio

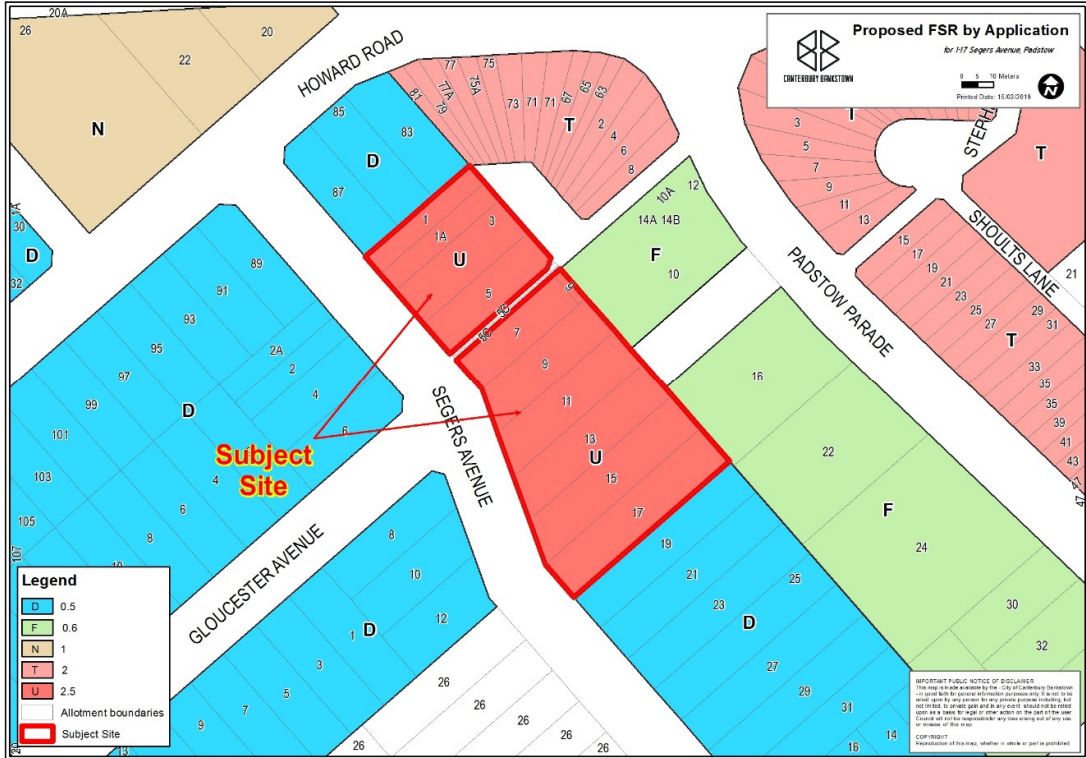


Figure 6—Existing Building Height



Figure 7—Application's Proposed Building Height



CONSIDERATIONS

Based on the Environmental Planning & Assessment Act 1979 and the Department of Planning & Environment's guidelines, the following key policies are relevant to Council's assessment of the application:

- Greater Sydney Region Plan
- South District Plan
- State Environmental Planning Policies
- Ministerial Directions
- Council's South East Local Area Plan
- Department of Planning and Environment's publications: *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

SUMMARY

In relation to the proposed zone and building envelope, Council's assessment findings indicate the proposal has strategic merit subject to implementing the recommendations of the urban design peer review as follows (refer to Figures 8–9):

Controls	Current controls	Recommended controls based on peer reviews
Zone	R2 Low Density Residential	B2 Local Centre
FSR	0.5:1	2.5:1, including a minimum 0.5:1 FSR for the purposes of commercial development on the ground floor.
Building height	9 metres (2 storeys)	23 metres (6 storeys). Any part of the building within 2 metres of the height limit is solely for the purposes of equipment servicing the building (such as plant, lift motor rooms, fire stairs and the like).
Street setback (western boundary)	5.5 metres	3 metres (levels 1–4) and 6 metres (levels 5–6)
Side setback (northern and southern boundaries)	0.9 metre	Nil setback (northern boundary) and 6–9 metres (southern boundary)
Rear setback (eastern boundary)	Determined by the private open space	3–6 metres

Should Council decide to proceed with a planning proposal, the planning proposal would incorporate the above recommendations.

Within the business zones, Council also applies a minimum lot width requirement to facilitate higher quality built form and urban design outcomes. In this regard, it is proposed to require a minimum 40 metre lot width at the front building line if development is to achieve the maximum floor space ratio. Otherwise a maximum 2:1 FSR would apply.

In relation to local context, the urban design peer review recommends ‘that the properties within the block defined by Padstow Parade, Howard Road, Segers Avenue and Faraday Road have a building height of 4 storeys as a consistent scale, with additional height to 6 storeys on 1–17 Segers Avenue’ (Urban Design Peer Review, page 13).

To address the inconsistencies in planning controls with adjoining and surrounding sites, a building height review of the remainder of the block would occur as part of the Comprehensive LEP Review process.

In relation to infrastructure improvements, Council’s assessment findings support the proposed widening of the Council lane (Padstow Pathway) to better link the site to the Padstow Park Public School and railway station.

The findings also identify the need for a Social Impact and Community Needs Assessment to investigate other social infrastructure needs arising from the proposal. In this regard, an appropriate mechanism is required to realise these infrastructure works in a timely manner. This may involve a planning agreement to legally capture the public benefits.

Council’s Assessment Findings are shown in Attachment A, the economic impact peer review is shown in Attachment B, and the urban design peer review is shown in Attachments C–D.

Figure 8–Recommended Floor Space Ratio Map (2.5:1, including a minimum 0.5:1 FSR for the purposes of commercial development on the ground floor)



Figure 9—Recommended Height of Buildings Map



ASSESSMENT

Proposed Business Zone

The application proposes to rezone the site from Zone R2 Low Density Residential to Zone B2 Local Centre, and is supported by an Economic Impact Assessment Report (EIA). In March 2019, the proponent provided additional information, which concludes that the proposed business zone would result in net community benefits, namely increased retail and commercial choice, increased mixed uses in proximity to the railway station, and improvements to the public domain.

As part of the assessment process, Council must consider the Greater Sydney Region Plan and Ministerial Direction 1.1 (Business and Industrial Zones). The State policies encourage employment growth in suitable locations.

Council commissioned an independent specialist to undertake an economic impact peer review to determine whether the proposed business zone is appropriate. The independent specialist reviewed the application and in a letter dated March 2019, concludes that the proposed B2 Local Centre business zone is considered appropriate.

Proposed Building Envelope

The application proposes a six storey building envelope (2.5:1 FSR / 24 metre building height), and is supported by an Urban Design Report and concept design.

As part of the assessment process, Council must consider the Greater Sydney Region Plan, South District Plan, SEPP 65 and other relevant State policies. The State policies require the proposal to be of a good design standard.

Council commissioned an independent specialist to undertake an urban design peer review to determine whether the proposed building envelope is appropriate. The independent specialist reviewed the application and in a report dated March 2019, recommends the following changes to Council's built form controls (based on the proposed business zone for the site):

Proposed FSR

Current FSR control	Application's proposed FSR	Recommended FSR based on peer review
0.5:1	2.5:1	2.5:1, including a minimum 0.5:1 FSR for the purposes of commercial development on the ground floor

The urban design peer review supports the proposed 2.5:1 FSR provided:

- The ground floor is limited to commercial floor space (equivalent to 0.5:1 FSR). As the site is being rezoned to a business zone, active street frontages to the Council lane (Padstow Pathway) and Segers Avenue is desirable.
- The ground floor is limited to servicing access only. Car parking should be limited to the basement levels to better activate the ground floor.

Should Council decide to proceed with a planning proposal, the planning proposal would implement the recommendations of the urban design peer review.

Within the business zones, Council also applies a minimum lot width requirement to facilitate higher quality built form and urban design outcomes. In this regard, it is proposed to require a minimum 40 metre lot width at the front building line if development is to achieve the maximum floor space ratio. Otherwise a maximum 2:1 FSR would apply.

Proposed Building Height

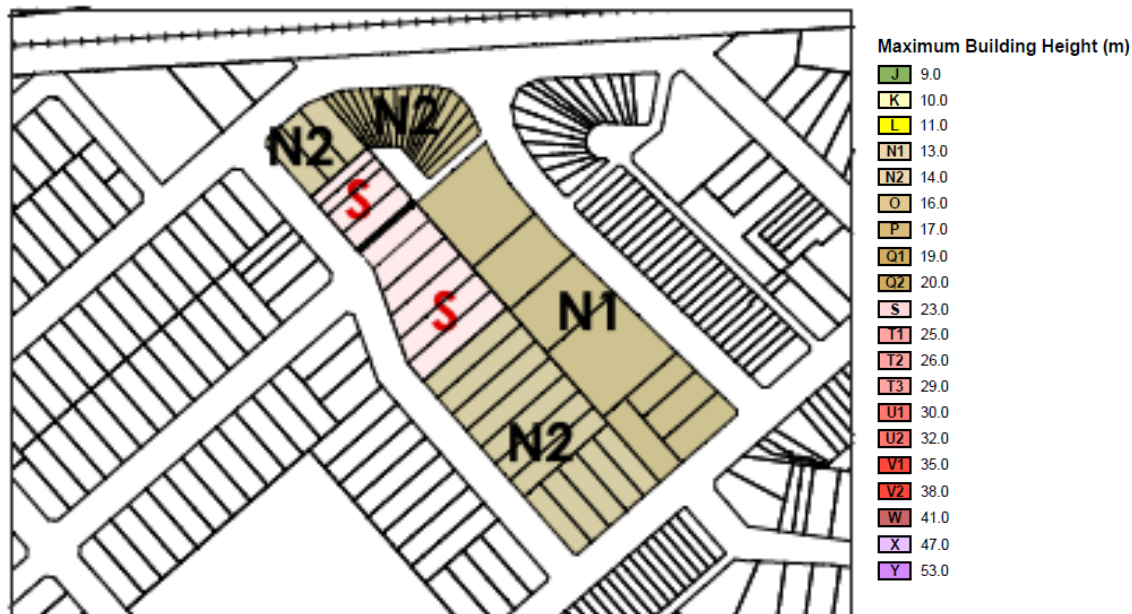
Current building height control	Application's proposed building height	Recommended height based on peer review
9 metres (2 storeys + attic)	24 metres (6 storeys)	23 metres (6 storeys), with a requirement that any part of the building within 2 metres of the height limit is solely for the purposes of equipment servicing the building.

In relation to local context, the urban design peer review supports a six storey height limit with the recommendation that:

The block defined by Padstow Parade, Howard Road, Segers Avenue and Faraday Road have a building height of 4 storeys as a consistent scale, with additional height to 6 storeys on 1–17 Segers Avenue. This sits well within the existing context established by

the 4 storey blocks of units developed at 16–24 Padstow Parade, as well as the scale of the car park at 10 Padstow Parade. The retail corner transitioning between Padstow Parade and Howard Road would benefit from this uplift to 4 storeys. Heights along the southern end of Segers Avenue, currently occupied by one and two storey single residential properties, would also fit well within a 4 storey context, immediately adjacent to the retail/commercial hub of Padstow (Urban Design Peer Review, page 13).

Figure 10–Recommended building height changes (urban design peer review)



Should Council decide to proceed with a planning proposal, the planning proposal would apply a maximum 23 metre building height, noting there is a two metre allowance for equipment servicing the building (such as plant, lift motor rooms, fire stairs and the like).

Proposed Setbacks

DCP Controls	Current controls	Application's proposed controls	Recommended controls based on peer review
Street setback (western boundary)	5.5 metres	Nil–4.5 metres	3 metres (ground floor + levels 1–3) and 6 metres (levels 4–5)
Side setback (northern and southern boundaries)	0.9 metre	Nil–3 metres (northern boundary) and nil–9 metres (southern boundary)	Nil setback (northern boundary) and 6–9 metres (southern boundary)
Rear setback (eastern boundary)	Determined by the private open space	Nil–4 metres at the closest points to the boundary	3–6 metres at the closest points to the boundary

The proponent was provided an opportunity to comment on Council's urban design peer review. In a letter dated March 2019, the proponent concurred with most of the recommended suggestions, with the exception of the recommended 3 metre rear setback to the eastern boundary. The proponent considers a nil setback is achievable for the following reason:

It is considered that the nil setback adjacent to the car park is preferred as it avoids any visual and acoustic impacts from the car park whilst also avoiding light spill. A 3 metre setback would essentially provide a 'dead zone' as any unit design would avoid having an outlook to a car park. It is also noted that the concept design does not rely on the northern orientation to the car park to achieve the solar access requirements of the ADG (70%). In contrast, the concept scheme allows for an open aspect to the central courtyard or to the widened landscaped courtyard/laneway. The concept proposal also does not rely upon the 3 metre setback to achieve the 60% requirement for cross ventilation.

Council's independent specialist reviewed the additional information submitted by the proponent, and in a letter dated March 2019 confirmed that the recommendation for a minimum 3 metre rear setback to the eastern boundary remains unchanged. According to the urban design peer review *'the proposed approach of building on the eastern boundary of the commuter car park would create a permanent blank wall visible from Padstow Parade above the car park. A small setback allowing for windows and articulation would be better'* (Urban Design Peer Review, page 11).

Should Council decide to proceed with a planning proposal, the planning proposal would implement the recommendations of the urban design peer review.

Infrastructure Needs

The application is proposing to widen the Council lane that links the site to Padstow Parade. The lane, known as the Padstow Pathway is located at 5C Segers Avenue. The application comments that a planning agreement is not required as the development application process could enforce the lane widening requirements. At this point, the application does not include a planning agreement or any other proposed infrastructure upgrades.

Should Council decide to proceed with a planning proposal, Council may also resolve to commence discussions with the proponent to prepare a planning agreement. The planning agreement would be exhibited jointly with the planning proposal.

The urban design peer review supports the proposed lane widening as it has the potential to link the Padstow Park Public School to the railway station with an attractive, active and largely car-free pedestrian link, subject to:

- Widening the lane from 3 metres to 6 metres at street level.
- Requiring continuous active retail frontages along the lane to provide pedestrian amenity and safety.
- Providing a pedestrian crossing (at the Gloucester Street intersection) to contribute to a safe journey from the school to the railway station.

Whilst Council's assessment findings support this proposal, the findings also identify the need for a Social Impact and Community Needs Assessment to investigate other local infrastructure needs arising from the proposal. In this regard, an appropriate mechanism is required to realise these infrastructure works in a timely manner. This may involve a planning agreement to legally capture the public benefits.