
Planning Matters - 30 April 2019

**ITEM 5.2 Application to Amend Bankstown Local Environmental Plan
2015: 1–17 Segers Avenue, Padstow**

AUTHOR Planning

PURPOSE AND BACKGROUND

This report considers a planning proposal application to amend the zoning, floor space ratio and building height controls for the site at 1–17 Segers Avenue, Padstow.

ISSUE

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

Council's assessment indicates the proposal has strategic merit subject to implementing the recommendations of an independent urban design peer review. The Local Planning Panel considered Council's assessment on 3 April 2019. The Panel, while noting Council's position on the matter, recommended it form part of the broader new LEP process.

Although the Local Planning Panel's recommendation is noted, this report recommends proceeding. The strategic location of the site is considered appropriate for the proposal to proceed to Gateway for the reasons outlined in this report.

RECOMMENDATION That -

1. Council prepare and submit a planning proposal to the Department of Planning to seek a Gateway Determination for the following amendments to Bankstown Local Environmental Plan 2015:
 - (a) Rezone 1, 1A, 3, 5, 7, 9, 11, 13, 15 and 17 Segers Avenue, Padstow from Zone R2 Low Density Residential to Zone B2 Local Centre.
 - (b) Permit a maximum 2.5:1 floor space ratio 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 floor space ratio 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).
 - (d) Require active street frontages along Segers Avenue and Padstow Pathway.
2. The Gateway process should require further investigations on infrastructure needs to manage the likely effects of the proposal.

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3. Council seek authority from the Department of Planning to exercise the delegation in relation to the plan making functions under section 3.36(2) of the Environmental Planning & Assessment Act 1979.
4. Subject to the issue of a Gateway Determination, Council exhibit the planning proposal.
5. Council prepare and concurrently exhibit DCP Amendments to support the planning proposal, and the matter be reported to Council following the exhibition.

ATTACHMENTS

- A. Council's Economic Impact Peer Review
- B. Council's Urban Design Peer Review
- C. Recommended Zoning, FSR and Building Height Changes
- D. Canterbury Bankstown Local Planning Panel - Report, 3 April 2019
- E. Canterbury Bankstown Local Planning Panel - Report, 3 April 2019 (Assessment Findings)
- F. Canterbury Bankstown Local Planning Panel - Minutes, 3 April 2019

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POLICY IMPACT

In relation to the proposed building height, this matter is consistent with Council's South East Local Area Plan. In relation to the proposed zone and floor space ratio, Council's assessment indicates the proposal has strategic merit subject to implementing the recommendations of an independent urban design peer review.

FINANCIAL IMPACT

A Social Impact and Community Needs Assessment is recommended to investigate local infrastructure needs arising from the proposal. Findings from the investigations would be considered as a basis to be negotiated with the proponent.

COMMUNITY IMPACT

The recommendations of this report are considered to appropriately manage amenity impacts such as overshadowing. To address the inconsistencies in planning controls with adjoining and surrounding sites, a building height review of the remainder of the block (bound by Padstow Parade, Howard Road, Segers Avenue and Faraday Road) would occur as part of the Comprehensive LEP Review process.

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DETAILED INFORMATION

Site Description

The site at 1–17 Segers Avenue, Padstow comprises the following properties (6,158m² site area) as shown in Figure 1:

Part of the site located north of the Council lane

Property Address	Property Description	Site Area
1 Segers Avenue	Lot 650, DP 1107732	312m ²
1A Segers Avenue	Lot 651, DP 1107732	312m ²
3 Segers Avenue	Lot 21, DP 20572	598m ²
5 Segers Avenue	Lot 221, DP 132286	543m ²
		Total = 1,765m ²

Part of the site located south of the Council lane

Property Address	Property Description	Site Area
7 Segers Avenue	Lot 23, DP 660642	498m ²
9 Segers Avenue	Lot 1, DP 385374	664m ²
	Lot 24, DP 20572	
11 Segers Avenue	Lot 25, DP 20572	702m ²
13 Segers Avenue	Lot 26, DP 20572	782m ²
15 Segers Avenue	Lot 27, DP 20572	855m ²
17 Segers Avenue	Lot 18, DP 16608	892m ²
		Total = 4,393m ²

The site forms part of the low density residential area and is zoned R2 Low Density Residential under Bankstown Local Environmental Plan 2015. The current building envelope controls permit a maximum 0.5:1 FSR and 9 metre building height (two storeys). Low-rise dwelling houses and a dual occupancy currently occupy the site.

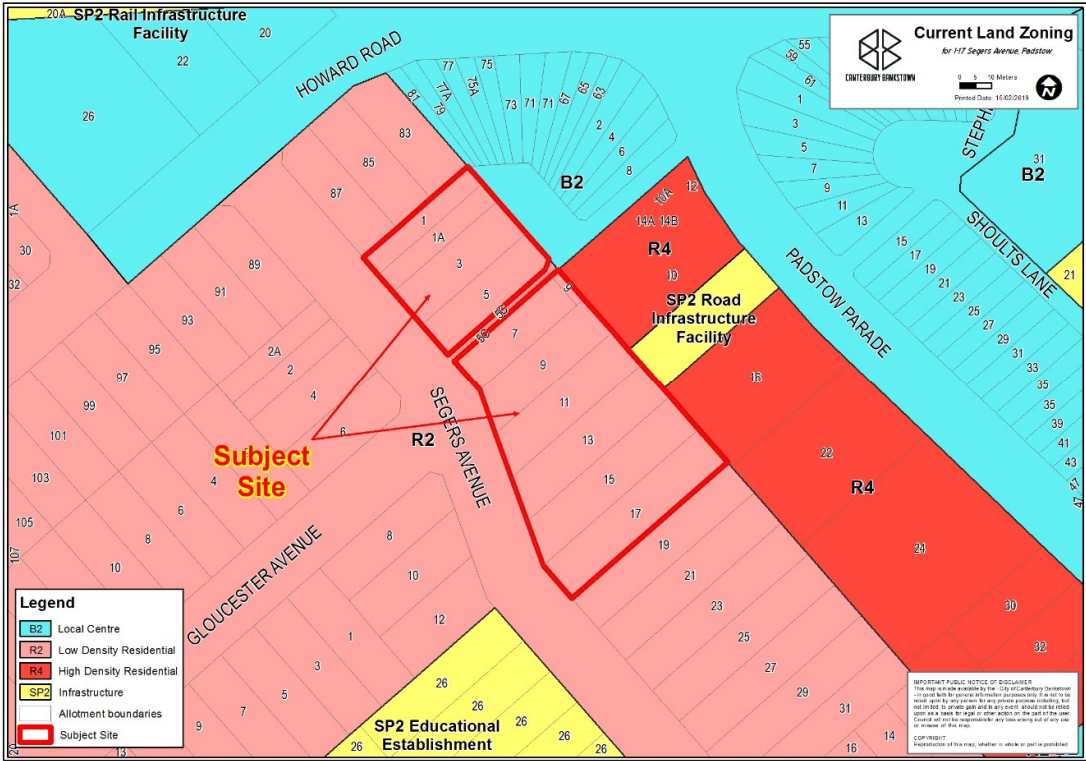
The site does not include the Council lane, known as the Padstow Pathway (5C Segers Avenue). The lane divides the properties into two parts.

In relation to local context, the site adjoins the Padstow Village Centre to the east. The low-rise village centre is zoned B2 Local Centre (1:1–2:1 FSR / four storeys) and R4 High Density Residential (0.6:1 FSR / four storeys). The Council lane (Padstow Pathway) links the site to the railway station. To the west are low-rise dwelling houses and the Padstow Park Public School.

Figure 1: Site Map



Figure 2: Current Land Zoning Map



Background–South East Local Area Plan

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At the Extraordinary Meeting of 11 May 2016, the former Bankstown City Council adopted the South East Local Area Plan. The intended outcomes of the South East Local Area Plan are to set out the vision and spatial context for the local area, specify the best ways to accommodate residential and employment growth to 2031 and outline the delivery of supporting infrastructure, facilities and open space.

The South East Local Area Plan (Action L2) proposed to rezone the site from Zone R2 Low Density Residential (0.5:1 FSR / two storeys) to Zone R4 High Density Residential (1.5:1 FSR / six storeys). The intended outcome is to allow medium-rise living choices within a short walking distance of the commercial core and local services.

Figure 3: South East Local Area Plan – Indicative Height Distribution for the Padstow Village Centre



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However at the Ordinary Meeting of 24 July 2018, Council resolved not to proceed with a planning proposal to implement the South East Local Area Plan. In response to Council's decision, the proponent submitted a planning proposal application to rezone the site to a B2 Local Centre business zone (2.5:1 FSR / six storeys).

Planning Proposal Application

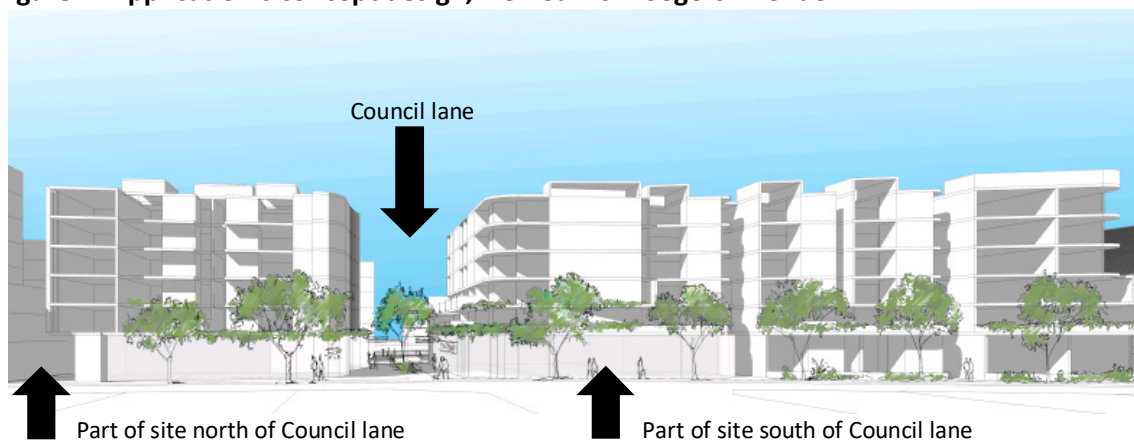
The application proposes to amend the following development controls under Bankstown Local Environmental Plan 2015 for the site at 1–17 Segers Avenue, Padstow:

Development controls	Current controls	South East LAP's proposed controls	Application's proposed controls
Zone	R2 Low Density Residential	R4 High Density Residential	B2 Local Centre
Maximum FSR	0.5:1	1.5:1	2.5:1
Maximum building height	9 metres (two storeys)	20 metres (six storeys)	24 metres (six storeys)

The application proposes a concept design consisting of:

- Shop top housing (six storeys) on the part of the site north of the Council lane (1–5 Segers Avenue) with ground floor shops and 47 dwellings on the upper levels.
- Shop top housing (six storeys) on the part of the site south of the Council lane (7–17 Segers Avenue) with ground floor shops and 96 dwellings on the upper levels.
- 234 parking spaces on the basement level and ground floor.
- Improvements to the Council lane (Padstow Pathway) to occur at the DA stage.

Figure 4: Application's concept design, viewed from Segers Avenue



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Assessment Findings

Council's assessment indicates the proposal has strategic merit subject to implementing the recommendations of an independent urban design peer review. In summary, quality design and adequate infrastructure provision are critical if the proposal is to justify a higher FSR and building height on the site.

Proposed business zone

Council commissioned an independent specialist to undertake an economic impact peer review to determine whether the proposed business zone is appropriate, as shown in Attachment A. The peer review considered key policies such as the Greater Sydney Region Plan, South District Plan, State Environmental Planning Policies and Ministerial Directions. The peer review concludes that the proposed B2 Local Centre business zone is considered appropriate.

Proposed building envelope controls

Council commissioned an independent specialist to undertake an urban design peer review to determine whether the proposed building envelope controls are appropriate, as shown in Attachment B. The peer review considered key policies such as the Greater Sydney Region Plan, South District Plan, State Environmental Planning Policies and Ministerial Directions. The peer review recommends the following building envelope controls based on the proposed B2 Local Centre business zone for the site, as shown in Attachment C:

Development controls	Current controls	Application's proposed controls	Recommended controls based on urban design peer review
Maximum FSR	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.
Maximum building height	9 metres (two storeys)	24 metres (six storeys)	23 metres (six 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	Nil-4.5 metres	3 metres (levels 1-4) and 6 metres (levels 5-6)
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

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In addition, the 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 are 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 and DCP Amendments would implement the recommendations of the 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 infrastructure

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.

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 supports this proposal, the assessment also identifies the need for a Social Impact and Community Needs Assessment and Revised Traffic Study 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.

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

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Local Planning Panel

In accordance with the Local Planning Panels Direction, issued by the Minister for Planning, the Local Planning Panel considered the application and Council's assessment on 3 April 2019, as shown in Attachments D–E. The Panel's recommendation, as shown in Attachment F, is:

1. *The Panel recommends that the planning proposal not proceed to Gateway determination.*
2. *The Panel considers that the proposal is premature.*
3. *The proposal should be considered in light of (a) the Council's local strategic planning statement; and (b) future town centre studies.*
4. *The proposal does not have site specific merit when looked at in isolation with the surrounding neighbourhood.*
5. *A development control plan is required to be prepared before further consideration of the proposed rezoning of the site. That DCP must ensure delivery of the widening of the through site link.*

Although the Local Planning Panel's recommendation is noted, this report recommends proceeding. The strategic location of the site is considered appropriate for the proposal to proceed to Gateway. The site adjoins the Council lane (Padstow Pathway) and there is the opportunity to improve this mid-block connection to support future growth in the Padstow Village Centre.

The Gateway process would enable Council to formally consult with the community and to commence investigations into the local infrastructure needs arising from the proposal. The exhibition process and additional information would inform a comprehensive review of the proposal prior to reporting the matter to Council for determination.

To address the inconsistencies in planning controls with adjoining and surrounding sites, a building height review of the remainder of the block (bound by Padstow Parade, Howard Road, Segers Avenue and Faraday Road) would occur as part of the broader new LEP process.

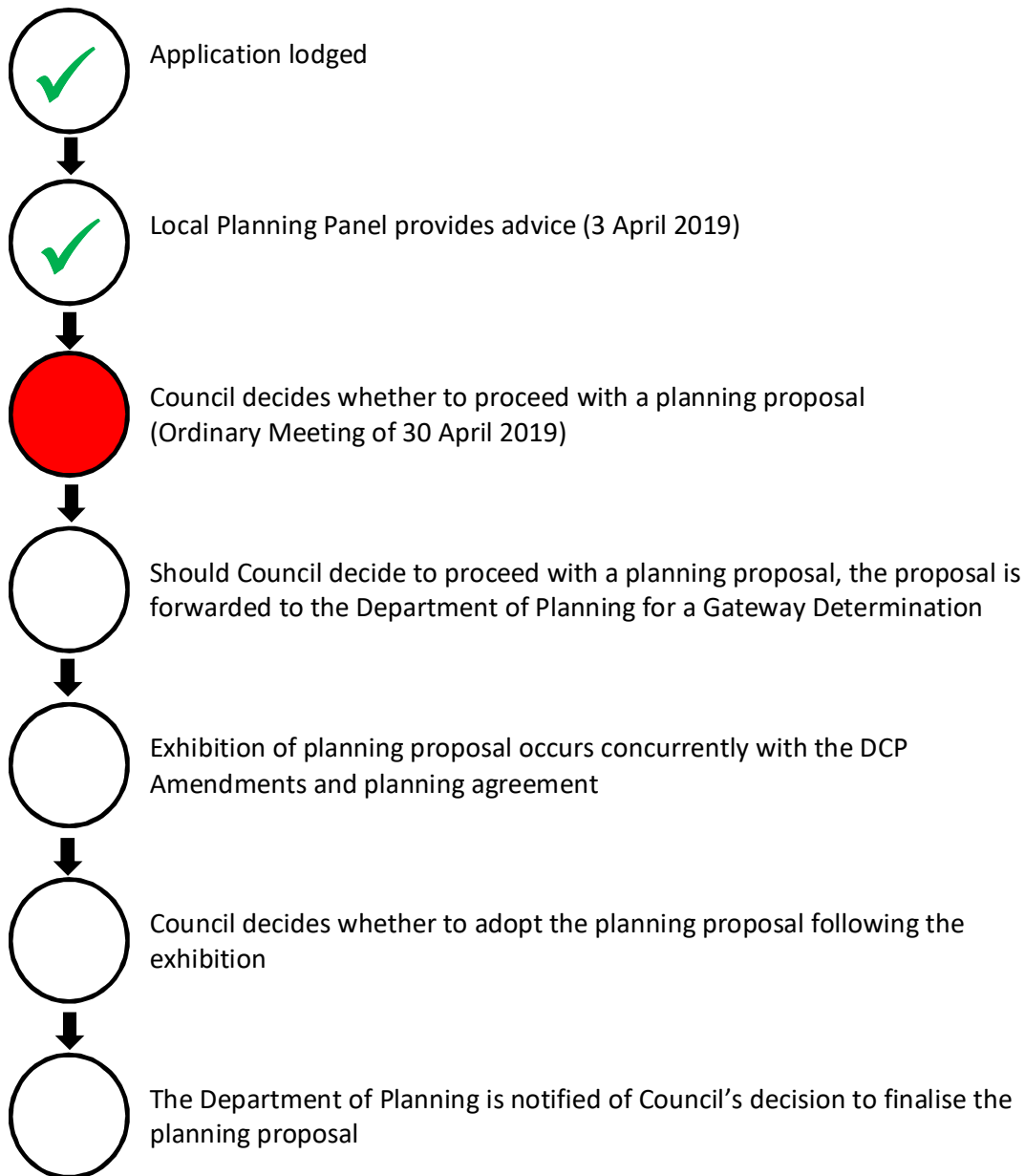
Next Steps

The next step is to prepare and submit a planning proposal to the Department of Planning to seek a Gateway Determination. The planning proposal would request amendments to Bankstown Local Environmental Plan 2015 and additional studies as outlined in this report. It is also proposed to prepare DCP Amendments and planning agreement to support the planning proposal.

Following the exhibition of the planning proposal and supporting documents, the outcomes would be reported to Council.

Figure 5: Gateway process

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It is noted that should Council decide to defer or not proceed with a planning proposal, the proponent has appeal rights.