

## Planning and Assessment

IRF20/3156

### Plan finalisation report

**Local government area:** City of Canterbury-Bankstown

#### 1. NAME OF DRAFT LEP

Canterbury Local Environmental Plan 2012 (Amendment No 19).

#### 2. SITE DESCRIPTION

The planning proposal applies to land at 5-9 Croydon Street, Lakemba (the site). The site comprises the following lots:

- 5-7 Croydon Street: Lot B DP 365853, Lot B DP 357959, Lot 2 DP 971844, and Lot 1 DP 974686;
- 7A Croydon Street: Lot A DP 357959; and
- 9 Croydon Street: Lot A1 DP 372287.

The site is irregular in shape with a total land area of 6,366.9sqm. It has a frontage of 61.5m to Croydon Street, and a small secondary frontage to Railway Parade of 8.6m.



**Figure 1:** Site Map, with the subject site outlined in red (source: Nearmap)

Adjoining the site to the north is a range of one to three-storey buildings fronting Lakemba Street. These buildings accommodate shops, a Greek Community Club and the Lakemba Community Services Centre. Opposite the site to the east on Croydon Street are two and three-storey residential flat buildings. Adjoining the southern boundary of the site are three and four-storey residential flat buildings, a single storey community centre, a single storey doctor's surgery, and one and two-storey dwelling houses. Two, two-storey residential flat buildings and public open space known as Jubilee Reserve adjoins the rear of the site to the west.

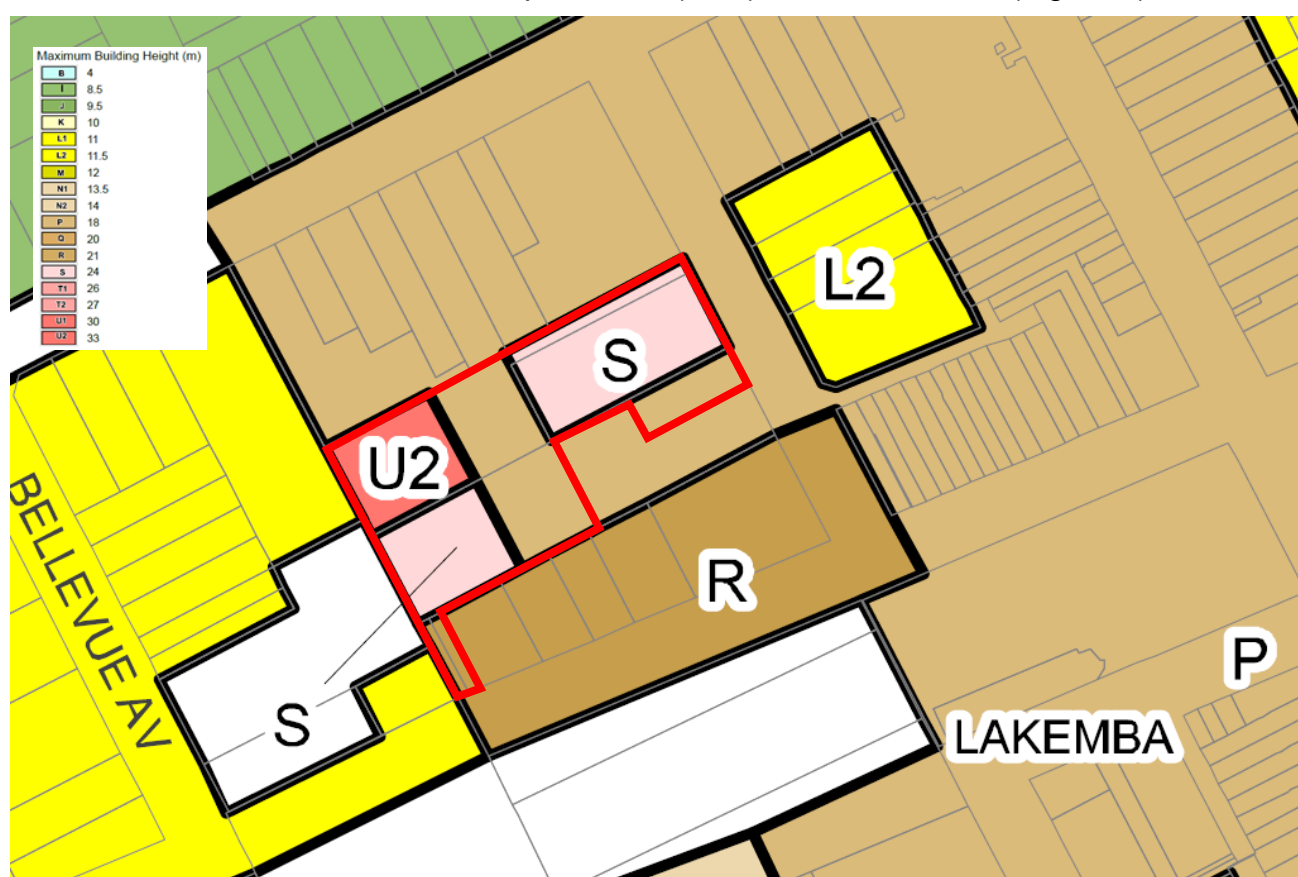
The area is characterised by both residential and commercial uses housed in buildings up to six storeys in height. The site is located approximately 250 metres (m) from the Lakemba town centre and 130m from Lakemba railway station.

The site is currently zoned R4 High Density Residential under the Canterbury Local Environmental Plan (LEP) 2012 with a maximum height of 18m and maximum floor space ratio of 1.6:1.

### 3. PURPOSE OF PLAN

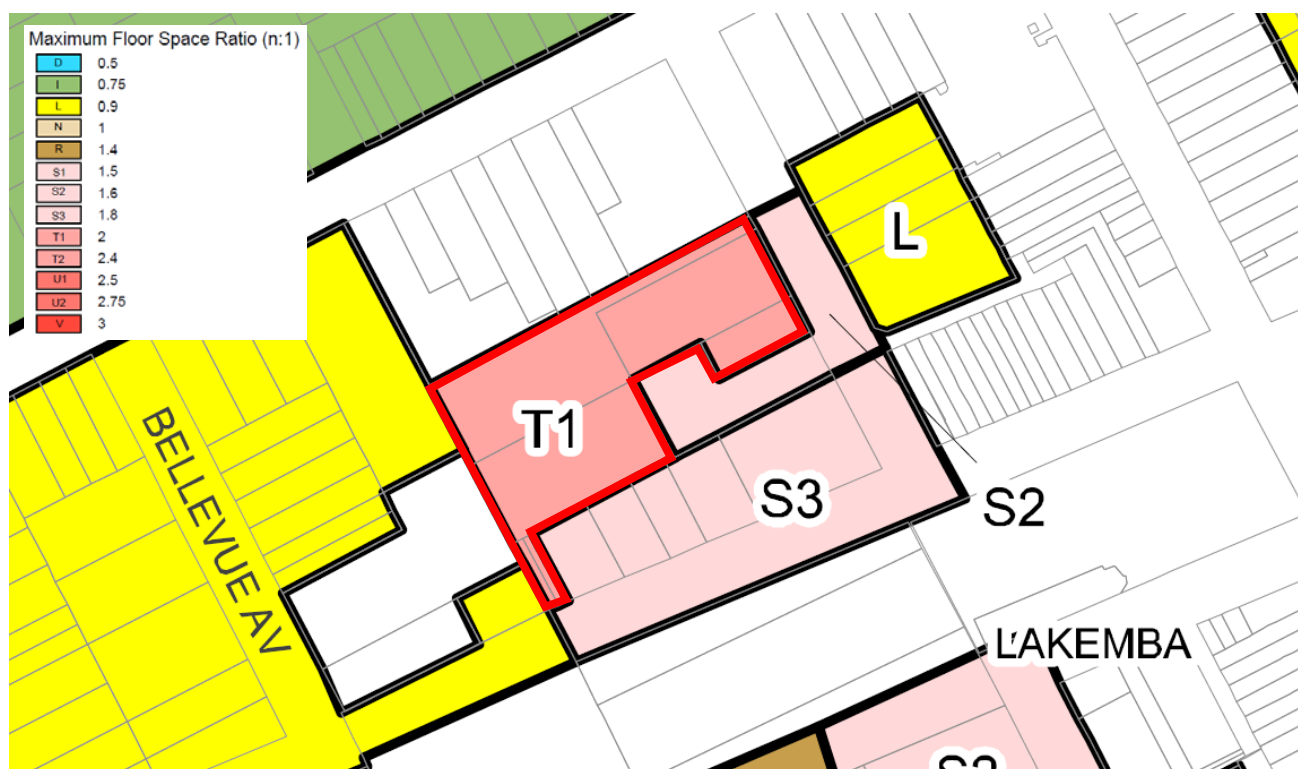
The draft LEP seeks to amend Canterbury LEP 2012 to increase the development standards applying to the site as follows:

- increase the maximum building height from 18m to part 18m, part 24m and part 33m (Figure 2); and
- increase the maximum floor space ratio (FSR) from 1.6:1 to 2:1 (Figure 3).



**Figure 2:** Proposed Height of Buildings Map (source: Canterbury-Bankstown Council)





**Figure 3:** Proposed Floor Space Ratio Map (source: Canterbury-Bankstown Council)

The proposed amendment is to facilitate high density development for residential flat buildings accommodating approximately 130 dwellings, consistent with the R4 zoning.

Council has also negotiated a planning agreement which requires the dedication of a laneway with a width of 8.9m along the northern and western boundary of the site to facilitate servicing and access through the site.

#### 4. STATE ELECTORATE AND LOCAL MEMBER

The site falls within the Lakemba state electorate. Jihad Dib MP is the State Member.

The site falls within the Watson federal electorate. Tony Burke MP is the Federal Member.

To the Eastern Harbour City team's knowledge, neither MP has made any written representations regarding the proposal.

**NSW Government Lobbyist Code of Conduct:** There have been no meetings or communications with registered lobbyists with respect to this proposal.

**NSW Government reportable political donation:** A political donation disclosure statement has been provided.

#### 5. GATEWAY DETERMINATION AND ALTERATIONS

The Gateway determination issued on 22 October 2015 (**Attachment B**) determined that the proposal should proceed subject to conditions.

The Gateway determination was issued for the original proposal that was later changed. The planning proposal at the time of the Gateway determination was to increase the FSR to 2.2:1 and the building height to part 30m, 25m, 21m, 15m, 12m, 10m, 6m and 0m. The conditions required the planning proposal to be updated prior to exhibition to demonstrate consistency with the draft Sydenham to Bankstown Urban Renewal Corridor Strategy, including justification for any departures from the Strategy.

The Gateway determination was altered on a number of occasions (**Attachment C**) as listed below.

- Gateway Alteration dated 28 July 2016 which:
  - increased heights to part 18, 24 and 33m;
  - introduced an amended condition requiring the inclusion a satisfactory arrangements provision for contributions to State public infrastructure identified under the draft Sydenham to Bankstown Urban Renewal Corridor Strategy;
  - extended the timeframe for completing the LEP to 28 April 2017; and
  - introduced a new condition which required that prior to finalisation, the planning proposal be amended to demonstrate consistency with any available findings of a draft or final Sydenham to Bankstown Urban Renewal Corridor Strategy.
- Gateway Alteration dated 26 October 2018 which granted an extension of time to 29 March 2019.
- Gateway Alteration dated 5 August 2019: Council submitted the planning proposal for finalisation; however, post-exhibition changes had occurred following the resolution of the Local Planning Panel and Council. The FSR was reduced to 2:1 and the area mapped for the 24m and 33m height limits had increased. Further, the Gateway conditions had not been adequately met. On this basis, the Department instead issued an alteration and re-exhibition was required. Condition amendments included:
  - an additional condition requiring the planning proposal be amended to remove reference to a site specific clause restricting the application of the new building height and FSR standards until a laneway is provided along the northern and western boundaries;
  - an extension of time to 17 January 2020; and
  - further community consultation requirements.
- Gateway Alteration dated 30 January 2020 granted an extension of time to 1 April 2020.

On 24 March 2020, Council resolved to adopt the planning proposal and refer it to the Department for finalisation (**Attachment D**).

## 6. PUBLIC EXHIBITION

In accordance with the Gateway determination, the planning proposal was exhibited from 1 November 2016 to 30 November 2016. Five submissions were received including one joint submission from three persons, one petition with 10 signatures and a letter from Transport for NSW.

As required by the altered Gateway determination issued on 5 August 2019, the proposal was re-exhibited by Council from 17 December 2019 to 5 February 2020. Ten submissions were received during the exhibition period comprising eight individual submissions from the public, one submission from Transport for NSW and a submission made on behalf of the landowner (**Attachment E**).

Concerns were raised in relation to the following key issues:

- Traffic and parking;
- Intersection safety;
- Pressure on infrastructure including schools and transport;
- Increase in anti-social behaviour;

- Amenity impacts including visual impacts and overshadowing;
- Overdevelopment and out of character with the area;
- Increase in density preceding structure planning for the area; and
- Shortage of open space.

A summary of the issues raised, and Council's responses are provided below.

### Traffic, Parking and the Laneway

A number of residents raised concerns with the impact of the proposal on traffic and parking in Croydon Street which they consider would exceed capacity. There were also concerns arising from the proposed laneway which forms part of the planning agreement, and its impact on traffic and parking.

#### *Council Response*

Council has responded to the concerns stating that a traffic study will be required with any future development application on the site and that traffic related matters and appropriate mitigation measures can be appropriately dealt with at that stage. Council also advised that their engineers had reviewed the proposed laneway and were satisfied it would service the site.

#### *Department Response*

The Department notes that the planning proposal has the potential to yield approximately 130 dwellings which has the potential to have an impact on traffic and parking in the locality. Even so, given the scale of the development, it is considered these issues can be addressed at the development application stage once the detailed design and final dwelling yield and mix are determined.

Furthermore, Council's Development Control Plan provides minimum parking rates for residential development, which should alleviate pressure on on-street parking.

The site is well located within walking distance of Lakemba train station and Lakemba town centre which will support and encourage the use of public and active transport modes, minimising traffic impacts. Transport for NSW (TfNSW) also reviewed the proposal and raised no objections.

On this basis, the Department is satisfied any impacts on parking and traffic could be mitigated at the development application stage.

The proposed laneway forms part of a planning agreement that is not subject of the finalisation. However, the Department is satisfied that Council's engineers have considered the laneway and found it to be suitable for servicing Jubilee Reserve.

### Intersection Safety

Residents have raised concerns with the safety of the intersection at Railway Parade and Croydon Street which has a history of accidents and lacks a pedestrian crossing.

#### *Council Response*

Council has responded stating that the planning proposal will only make an incremental change in the overall level of development projected for this locality and any potential traffic impacts could be addressed and mitigated at the development application stage.

#### *Department Response*

The Department notes that any increase in density has the potential to impact on intersection safety. However, given the scale of the planning proposal, it is considered that

the safety of this intersection would be best considered at the development application stage once a Traffic Impact Assessment is completed.

#### Pressure on Infrastructure

Concerns have been raised that the proposed increase in density will place increased pressure on the capacity of infrastructure, particularly schools and public transport.

#### *Council Response*

Council has advised that both the former Department of Education and Communities (DEC) and TfNSW were consulted during public exhibition of the planning proposal. On both occasions, DEC did not provide a response. TfNSW provided submissions but did not raise any objections in principle to the planning proposal.

#### *Department Response*

As DEC were consulted on the planning proposal and declined to comment, the Department is satisfied that the proposal would not significantly impact on the existing capacity of local schools and there are no outstanding issues required to be addressed in this regard.

The Department also notes that TfNSW did not raise any in principle objection to the proposed uplift and in fact recommended maximum parking rates be adopted to encourage the use of public transport services. On this basis, it can be concluded that there is sufficient capacity available within the existing public transport network to support the increased residential density.

#### Anti-social Behaviour

The planning proposal would result in an increase of anti-social behaviour in Croydon Street and Railway Parade.

#### *Council Response*

This is a matter for the police and is not related to the planning proposal. The design of any new development will be required to incorporate the principles of Crime Prevention Through Environmental Design (CPTED).

#### *Department Response*

Any future development for a residential flat building would be subject to the requirements of State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (SEPP 65) and the associated Apartment Design Guide (ADG). Both SEPP 65 and ADG include objectives for safety in design. As such, it is considered appropriate that this issue be addressed at the development application stage.

#### Amenity Impacts

Concerns have been raised in relation to amenity impacts, in particular overshadowing and visual impact.

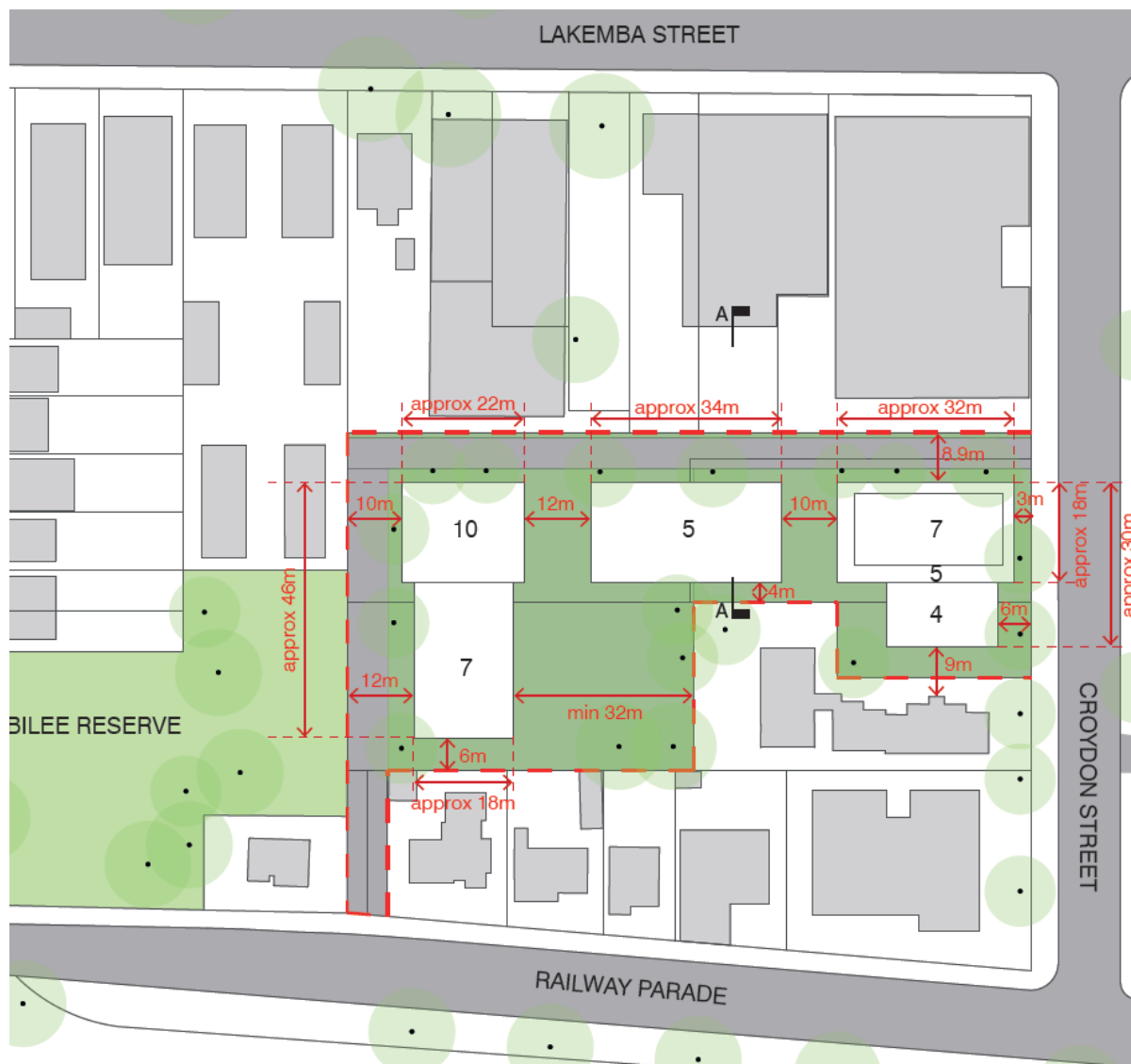
#### *Council Response*

Council noted that the proposed floor space ratio was reduced following the first exhibition period in recognition of the site constraints. The building heights have been designed to minimise the potential increase in overshadowing and meet the standards outlined in the ADG.

#### *Department Response*

The final built form will be subject to the requirements of SEPP 65 and the ADG which provide objectives to achieve design excellence and set parameters for impacts on solar access. These would be considered at the development application stage.

Reviewing the history of the development, it is evident that the height and FSR have evolved significantly throughout the process. The final proposed height and FSR have been determined following the submission of a concept plan from the proponent that successfully demonstrates consistency with the ADG and minimises overshadowing impacts (Figure 4).



**Figure 4:** Proponent's Concept Plan (source: Stewart Hollenstein + Matthew Pullinger Architect)

It is acknowledged that the planning proposal would likely result in overshadowing impacts on adjoining properties located to the south, however the impacts are considered acceptable in the context of the existing R4 High Density Residential zoning.

#### Overdevelopment

Objections were raised on the basis of the planning proposal facilitating works that would be out of character with the area and an overdevelopment of the site. Further concerns were raised that the proposal was preceding structure planning for the area.

#### *Council Response*

Council has noted that the proposed FSR was reduced following the first exhibition. Also, the proposed uplift is consistent with the site's proximity to Lakemba Railway Station, Lakemba Town Centre, and bus services.

### *Department Response*

As a general principle, the Department supports increases to housing density close to public transport and town centres consistent with objective of the District and Region Plans. Principles for Housing in the City number 6 within Councils LSPS is to “increase housing supply in centres along the Sydney Metro Southwest corridor”. The proposed uplift in residential density is considered well located to capitalise on the proximity to services and public transport. The proposal is also consistent with Council’s Local Strategic Planning Statement which identifies Lakemba for additional housing. The planning proposal is therefore consistent with the future character of the locality.

### Shortage of Open Space

Concerns are raised that the proposal would impact on lifestyle as there is a shortage of open space in the area.

### *Council Response*

In response, Council has stated that the site adjoins Jubilee Reserve and the future development application would need to demonstrate compliance with the ADG which requires the provision of both private and communal open space for future residents.

### *Department Response*

The Department concurs with Council’s response and is satisfied that the planning proposal would not compromise current and future residents’ access to open space. Council’s LSPS also includes an action to will review its divestment and acquisition plan to address deficiencies.

### Landowners Submission

A submission received on behalf of the landowner requested an increase in the area subject of the proposed 33m height limit. The submission requests this be extended a further 2.3m to the south citing that it is required to facilitate the dedication of the laneway, and that it would not result in any amenity impacts on adjoining properties.

### *Council Response*

Council does not support the landowners’ request, noting that the proponent previously submitted a compliant scheme that accommodates the proposed laneway and meets the objectives of the ADG (see Figure 4 above). Further, the amendment would trigger the need for a third round of exhibition, delaying the finalisation of this planning proposal.

### *Department Response*

The Department is satisfied with Council’s response. A further amendment to the proposed height limits is not justified and would result in additional overshadowing of Jubilee Reserve. It would also require the proposal to be re-exhibited.

## **ADVICE FROM PUBLIC AUTHORITIES**

Council was required to consult DEC and TfNSW in accordance with the Gateway determination.

Council has consulted these authorities on two occasions.

No response was received from DEC on either occasion.

TfNSW raised no objections to the planning proposal. However, they recommended Council give consideration to inclusion of appropriate maximum parking rates to encourage the use of public transport.



Council has responded stating that car parking rates are set by their Development Control Plan (DCP) and are based on minimum rates for parking provision. Changes to the DCP controls would need to form part of a wider review for the local government area.

The Department is satisfied with Council's response and there are no outstanding issues arising from consultation with the public authorities.

## **7. POST-EXHIBITION CHANGES**

No changes were made to the planning proposal following the second exhibition. However, both Council and the proponent have requested the deletion of the satisfactory arrangements clause citing uncertainty around the Sydenham to Bankstown Urban Renewal Corridor Strategy and the associated State Infrastructure Contribution framework. This is considered in detail under Section 8 below.

## **8. ASSESSMENT**

### **8.1 Section 9.1 Directions**

The following Section 9.1 Directions are relevant to this proposal:

- 2.6 Remediation of Contaminated Land;
- 3.1 Residential Zones; and
- 3.4 Integrating Land Use and Transport.

Consistency with the directions is considered below.

#### 2.6 Remediation of Contaminated Land

This Direction (introduced since the planning proposal was exhibited) aims to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered.

As the proposal does not seek to change the use of the land, a contamination report is not required at this time and the planning proposal is consistent with this direction.

#### 3.1 Residential Zones

This Direction applies when significant residential development is proposed to be permitted. The Direction seeks to encourage a variety and choice of housing types, make efficient use of existing infrastructure and has appropriate access to infrastructure and minimise impacts on the environment.

The planning proposal is consistent with this direction as it seeks to broaden housing choice in an area that is accessible to established infrastructure and services.

#### 3.4 Integrating Land Use and Transport

This Direction seeks to ensure development is appropriately located to improve access and transport choice and reduce car dependency.

The site is located within 130m of Lakemba train station providing easy access to public transport services. Bus services are also located approximately 200m from the site in Haldon Street. Further, the Lakemba town centre which offers a supermarket and ancillary services is within walking distance of the site. As such, the proposal is well located to encourage the use of public and active transport modes and minimise private vehicle use.

### **8.2 State environmental planning policies**

The proposal is considered consistent with all relevant State Environmental Planning Policies.

### **8.3 State, regional and district plans**

## **South District Plan**

The South District Plan (the Plan) was released in March 2018. The Plan contains planning priorities and actions to guide the growth of the Southern District while improving the district's social, economic and environmental assets. It contains the planning priorities and actions for implementing the Greater Sydney Region Plan, *A Metropolis of Three Cities*, at a district level and is a bridge between regional and local planning.

The proposal will deliver an estimated 130 dwellings which will improve housing diversity and affordability in the area. Further, the proposal will provide additional housing options within close proximity to public transport services and the Lakemba town centre, minimising reliance on private vehicles and capitalising on existing and proposed infrastructure. The location of the proposal successfully integrates land use and transport plans to contribute to a 30 minute city along the Sydenham to Bankstown metro corridor.

Consequently, the proposal is considered consistent with the following Plan priorities:

- Planning Priority S1. Planning for a city supported by infrastructure.
- Planning Priority S5. Providing housing supply, choice and affordability, with access to jobs, services and public transport.
- Planning Priority S12. Delivering integrated land use and transport planning and a 30-minute city.

## **Local Strategic Planning Statement 'Connective City 2036' (LSPS)**

The LSPS identifies Lakemba as a 'local centre' with potential for residential growth due to its proximity to a mass transit system.

The proposal is consistent with 'Evolution 6 – Urban and Suburban Places, Housing the City' which targets the delivery of 50,000 new homes across the LGA by 2036. This evolution identifies Lakemba as a suburb for growth, due to its proximity to the proposed Sydney Metro City and Southwest line. The planning proposal will deliver additional dwellings, contributing to housing diversity and increasing affordability within close proximity to public transport and the services offered by the Lakemba town centre.

The proposal is consistent with the vision of the LSPS.

## **Draft Sydenham to Bankstown Urban Renewal Corridor Strategy**

At the time of the Gateway assessment of this planning proposal, the draft Sydenham to Bankstown Urban Renewal Corridor Strategy was being developed. This Strategy identified the potential for 35,400 new homes and 8,700 new jobs over the next 20 years in the corridor. The site was identified in the Lakemba precinct of this draft Strategy. The draft Strategy recommended high density development of up to 12 storeys.

Since that time, planning for the Sydenham to Bankstown corridor has evolved. A new approach to precinct planning was announced by the Government in November 2019. For Sydenham to Bankstown, the new approach envisages that the Department will collaborate with Canterbury Bankstown and Inner West Councils to address the community's aspirations and Councils' vision for the area by preparing a high-level principle-based strategy to guide future development along the corridor, and will support Canterbury Bankstown Council to develop detailed precinct plans for growth areas within the corridor.

## **State Infrastructure Contributions**

The Gateway determination for this planning proposal requires a satisfactory arrangements provision for contributions to designated State public infrastructure identified as part of a draft or final Sydenham to Bankstown Urban Renewal Corridor Strategy.

As discussed, a new approach to precinct planning was announced by the Government in November 2019 and there is no current plan for a Special Infrastructure Contributions (SIC) scheme for the corridor to be developed.

As the approach to the corridor has altered, a current SIC scheme has not been developed, and no State agencies requested a contribution to infrastructure upgrades, the Department has agreed that it would be unnecessary and unreasonable to include a satisfactory arrangements clause for the site.

## 9. MAPPING

The proposed LEP amendment requires changes to the following two maps:

- Height of Buildings Map (HOB\_004); and
- Floor Space Ratio Map (FSR\_004).

The updated maps have been reviewed by the Department's GIS team and are confirmed satisfactory.

## 10. CONSULTATION WITH COUNCIL

Council was consulted on the terms of the draft instrument under Clause 3.36(1) of the *Environmental Planning and Assessment Act 1979* (**Attachment F**). Council confirmed on 7 July 2020 that it was happy with the draft and that the plan should be made (**Attachment G**).

## 11. PARLIAMENTARY COUNSEL OPINION

On 9 July 2020 Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at **Attachment PC**.

## 12. RECOMMENDATION

It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because:

- the conditions of the Gateway determination that are relevant to the project have been satisfied;
- the issues raised in the submissions have been satisfactorily addressed by Council;
- the proposal is consistent with the Section 9.1 directions, all relevant SEPPs, the South District Plan and Council's LSPS;
- it will deliver additional housing in close proximity to existing and proposed public transport connection and local services in the Lakemba town centre; and
- it is supported by Canterbury-Bankstown Council.



July 2020  
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9 July 2020  
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