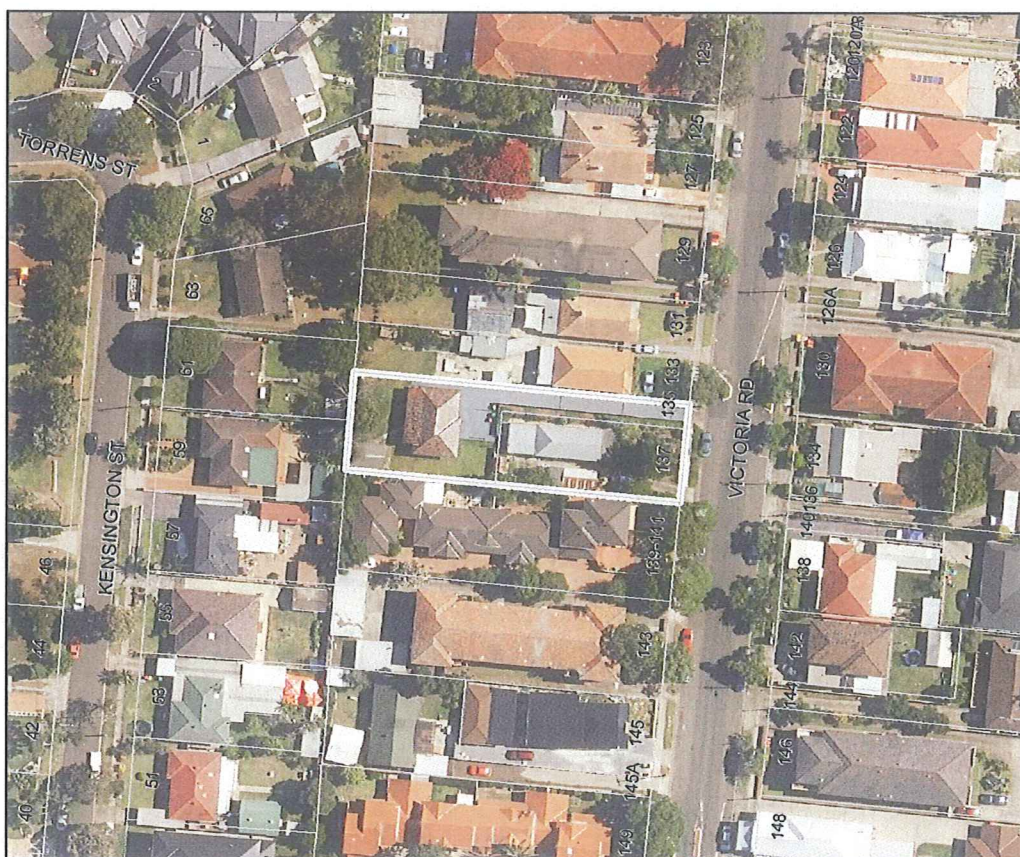




City of Canterbury
City of Cultural Diversity

PLANNING PROPOSAL TO AMEND CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012



135-137 Victoria Road, Punchbowl

**City Planning Division
July 2015**

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PART 1 BACKGROUND INFORMATION

1. Introduction

Council on 2 October 2014 considered a report on the exhibition of a planning proposal to implement the Canterbury Residential Development Strategy (RDS) through amendments to Canterbury Local Environmental Plan (CLEP) 2012. One of the sites in the planning proposal was land at 131-133 Victoria Road, Punchbowl seeking rezoning from R3 Medium Density Residential to R4 High Density Residential, increase floor space ratio (FSR) from 0.5:1 to 0.75:1, but retaining the existing building height limit at 8.5 metres.

During the exhibition of the of the RDS Planning Proposal a submission from owners of adjoining land to the south situated at 135-137 Victoria Road was received requesting that the same consideration be given as to the adjoining property to the north at 131-133 Victoria Road.

At the Council meeting held on 9 July 2015, Council resolved that a planning proposal be prepared to amend Canterbury Local Plan in respect of the subject land at 135-137 Victoria Road, Punchbowl by rezoning the land from R3 Medium Density Residential to R4 High Density Residential zone, increase the maximum Floor Space Ratio (FSR) from 0.5:1 to 0.75:1 and retain existing buildings height limit at 8.5 metres.

The planning proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 and the Department of Planning and Infrastructure's "*A guide to preparing planning proposals*".

A Gateway Determination under Section 56 of the Act is requested.

2. Land description and characteristics

The planning proposal applies to land located at 135-137 Victoria Road, Punchbowl, which is described in more detail below.

Table 1: Property Description and Current Land Use

Address	Existing site buildings	Current Land Use
135-137 Victoria Road	Single story two detached dwelling houses	Dual occupancy residential

The land area of 135-137 Victoria Road, Punchbowl is approximately 1,154.10 m² and frontage of about 18.29 m, similar to the adjoining property at 131-133 Victoria Road to the north. It contains two (2) single storey dwelling houses. The subject land is situated at the southern end of a strip of land zoned R4 High Density Residential which extends from Canterbury Road for approximately 350m. The remaining surrounding land is zoned R3 Medium Density Residential. There is merit in considering a similar change in zoning and FSR controls for the subject land at 135-137 Victoria Road.

Table 2: Property Description and area

Address	Property Description	Land area
135-137 Victoria Road	Lot 11 DP1177035	1,154.10 m ²

The adjoining property to the south at 139-141 Victoria Road, has already been redeveloped for town houses and villas, and the next property at 143 Victoria Road contains an existing 1960s residential flat building (see air photo below). Both of these sites have been strata subdivided and are highly unlikely to be redeveloped. Consequently, the boundary between 135-137 Victoria Road and 139-141 Victoria Road would make a logical place for a zoning boundary between the R3 and R4 zones.

3. Subject land and its context

The site is approximately 350 m from Canterbury Road, and the intersection of Victoria/Canterbury Roads is controlled by traffic lights. The Punchbowl Local Centre (commercial, retail and mixed use) is approximately 1.1 kilometres from the site and Punchbowl Railway Station is approximately 1.2 kilometres from the site. The Roselands Shopping Centre is about 2 km away. A small recreation area (open space) is near-by at Torrens Street and the Punchbowl Park public open space is approximately 600 metres away.

Surrounding development is predominantly a mixture of residential development. Adjacent land to the north (131-133) contains two single detached dwelling houses and the next site contains a three storey residential apartment building. The two immediately adjoining sites to the south in Victoria Road (139-141 and 143) are developed for strata titled two storey townhouses and a two storey strata titled residential apartments building.

Existing development to the rear of the Kensington Street is predominantly single storey dwelling houses and one (57 Kensington St) double storey dwelling house (see aerial photo below). Existing development across Victoria Road, from the subject land, are mixture of single storey dwelling houses (134 -138) and two storey residential apartment buildings (130,142 and 146).

The aerial photo below showing the subject site, indicating height of buildings in number of storeys and current land use



Photograph 1: Shows the site (133-135 Victoria Rd) viewed from Victoria Road



Photograph 2: View of 131-133 and 129 (to the right) Victoria Road



Photograph 3: View of 139-141 and 143 (to the left) Victoria Road

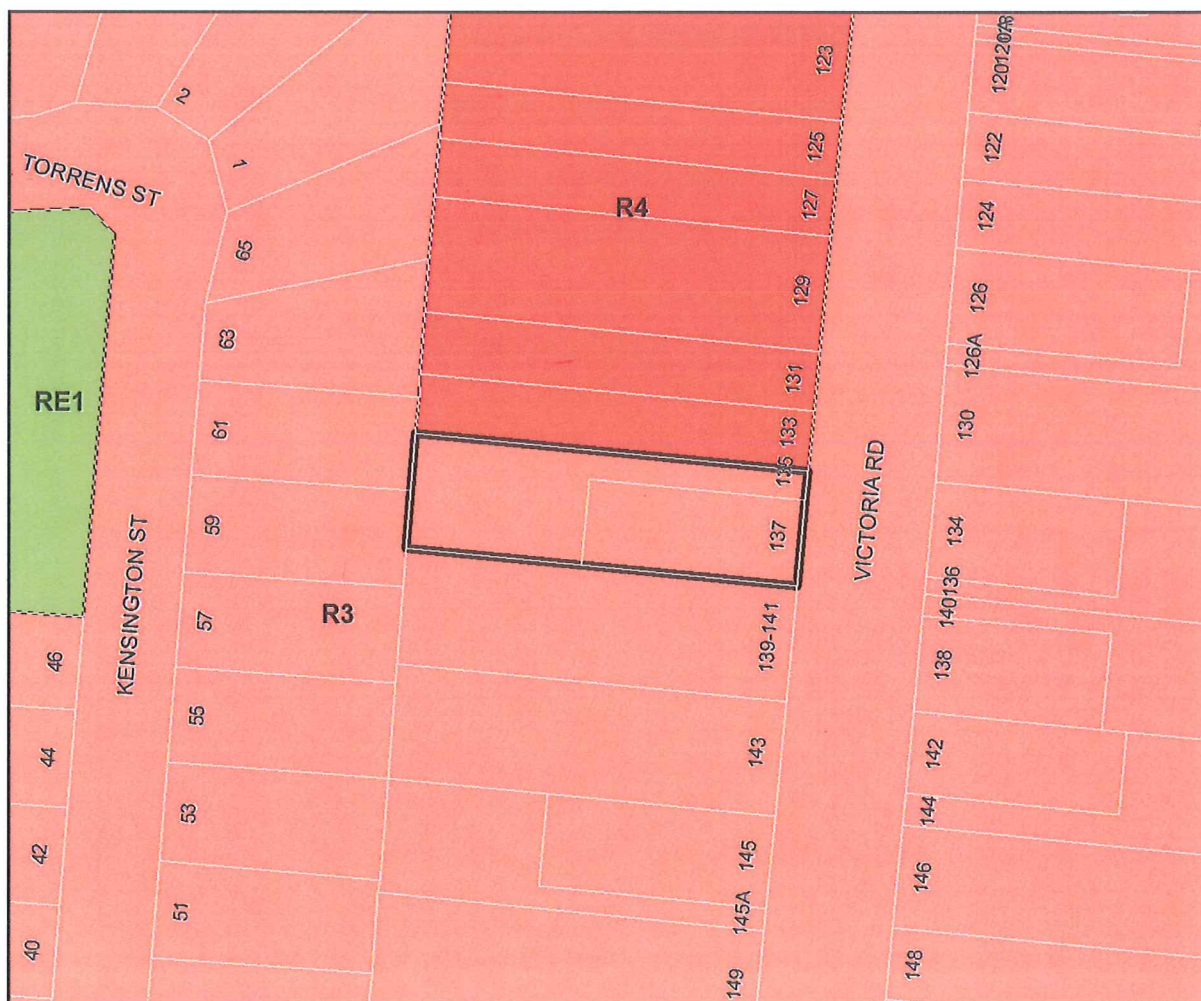


4. Possible development scenario

It is expected that an application for a residential apartments building development will be submitted once changes to zoning and development standards are in place. It is therefore considered that there is merit in rezoning 135-137 Victoria Road, Punchbowl from R3 Medium Density Residential to R4 High Density Residential, increase FSR from 0.5:1 to 0.75:1 and retaining the 8.5m building height limit. It is important to note that the same zoning and other provisions apply to the adjoining property at 131-133 Victoria Road. The amendment will complete the R4 zone to a logical boundary.

A copy of the submission is included at **Attachment 8**

The zoning map below illustrates the existing land zoning of the subject site under the Canterbury LEP 2012, along with the adjacent zones.



PART 2 OBJECTIVES OR INTENDED OUTCOMES

The objective of the Planning Proposal is to amend Canterbury LEP 2012 in order to facilitate a higher density residential development on the site at 135-137 Victoria Road, Punchbowl.

The intended outcomes of the Planning Proposal are as follows:

1. Rezoning of site

An amendment to the CLEP 2012 is sought in order to change the zoning of the land from R3 Medium Density Residential zone to the R4 High Density Residential zone. This would facilitate redevelopment of the existing two detached dwelling houses into a residential flat building that would be more compatible with surrounding uses.

2. Amendment to Floor Space Ratio

An amendment to the CLEP 2012 is sought in order to increase the permissible FSR on the site from the current 0.5:1 to 0.75:1. This would allow for a higher density building form that more effectively and efficiently utilises the land. The proposed increase in FSR would facilitate maximisation of the residential redevelopment opportunity of the site.

3. Amendment to height of buildings

The Planning Proposal proposes to retain existing height of buildings limit at 8.5m, which is consistent with adjoining R4 land to the north.

The table below shows a summary of the proposed changes being sought:

Standard	Current	Proposed
Zone	R3 Medium Density Residential	R4 High Density Residential
Building Height	8.5m	8.5m
Floor Space Ratio	0.5:1	0.75:1

PART 3 EXPLANATION OF PROVISIONS

The planning proposal seeks to amend the Canterbury LEP 2012 as it applies to the subject site, as per the table below:

1. Amend the Land Zoning (LZN) Map (Sheet LZN_002) as per Table 1.

Table 1 – Zoning Map Changes

<i>Current (Canterbury LEP 2012)</i>	<i>Proposed LEP amendment</i>
R3 Medium Density Residential	R4 High Density Residential

2. Retain the Height of Building (HOB) Map (Sheet HOB_002) as per Table 2

Table 2 – HOB Map changes

<i>Current (Canterbury LEP 2012)</i>	<i>Proposed LEP amendment</i>
I 8.5 metres	I 8.5 metres

3. Amend the Floor Space Ratio (FSR) Map (Sheet FSR_002) as per Table 3

Table 3 – FSR Map Changes

<i>Current (Canterbury LEP 2012)</i>	<i>Proposed LEP amendment</i>
D 0.5:1	I 0.75:1

No changes to the written instrument are required or proposed.

PART 4 JUSTIFICATIONS

SECTION A: Need for the Planning Proposal

1. Is the planning proposal the result of any strategic study or report?

The Draft South Subregional Strategy estimates that over the next 25 years the Canterbury's LGA should accommodate an additional 7,100 dwellings which will contribute to growth of the Sydney Metropolitan Region. In general, Canterbury LGA has no vacant land left. Therefore all growth could only be achieved through redevelopments and increasing of residential density.

Council has also commissioned the preparation of a Residential Development Strategy (RDS) for the City of Canterbury. The RDS was adopted by Council on 31 October 2013. The RDS assessed the capacity of Canterbury LGA to meet the required housing target. The planning proposal is partially seeking to depart from findings of the RDS in respect of the subject land, which recommended the current development standards be maintained. However, the RDS also recommended that a review of zoning be undertaken within the subject area in the event of possibility increasing housing targets for the LGA.

The owner of the site made a submission to the RDS seeking rezoning and amendments to the development standards for the subject land to increase potential development density. The current planning proposal is a result of a Council resolution dated 9 July 2015, which supports the preparation of a new planning proposal to rezone the land, increase the FSR on the site from 0.5:1 to 0.75:1 and retain the existing building height limit to 8.5 m.

A copy of the submission is included at **Attachment 8**.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes or is there a better way?

Yes. Amending the Canterbury LEP 2012 through a planning proposal is the only means of permitting a higher density residential development on the site.

SECTION B: Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies?

The Strategic planning context for consideration of this Planning Proposal is A Plan for Growing Sydney (December 2014).

The planning proposal is considered to be consistent with the goals and directions of this plan. The compliance of the planning proposal in this respect is set out in the **Table 1** below.

Table 1: Consistency with strategic planning framework

Provision	Comment
Goal 2: Sydney's housing choices	
Direction 2.1: Accelerate housing supply across Sydney	The planning proposal is consistent with this direction. It will increase the density of the land on which it is located which will increase its dwelling capacity.
Direction 2.2: Accelerate urban renewal across Sydney	The proposal will provide urban renewal on site that is underutilised within the area at present. The site is located approximately 1.2 kilometres from Punchbowl Rail Station and about 3 km from Bankstown Rail Station. Bus route 487 Canterbury to Bankstown line with a stop on Canterbury Road near the Victoria Road is about 370 meters away to the north. Bus route 945 connecting Hurstville and Bankstown Rail Stations can be accessed at Wiggins Road about 400 meters away to the south.
Direction 2.3: Improve housing choice	The supply of dwellings in this part of Punchbowl is characterised by single storey detached dwelling houses, two and three storeys walk up flats, dating from 1960s and 1970s and more recent double storeys town houses and villas. There are limited modern higher density residential developments, and very little recent development apartments. The proposal will facilitate housing choice in this respect.

Direction 2.4 Deliver timely and well planned greenfield precincts and housing	Not applicable in this respect. Nevertheless, the extensive Punchbowl Park is approximately 600 meters from the site.
Goal 3: Sydney's great places to live	Not applicable. The planning proposal is only dealing with one relatively small site.
Goal 4: Sydney's sustainable and resilient environment	Not applicable. The planning proposal is only dealing with one relatively small site
South subregion priorities	This section of the plan does contain any specific priorities not already dealt with in the above assessment.

4. Is the Planning Proposal consistent with the local Council's community strategic plan, or other local strategic plan?

Council's Community Strategic Plan 2014-2023 (Community Plan) which was adopted in February 2014 sets the vision for the Canterbury LGA into the next decade and aims to promote sustainable living. The Community Plan sets out long term goals under five key themes being:

- Attractive city;
- Stronger community;
- Healthy environment;
- Strategic leadership; and
- Improving Council.

The planning proposal is consistent with Council's Community Strategic Plan. It helps achieve the objective of 'Attractive City' through the development of a high density residential development and 'Balanced Urban Development' through the appropriate location of new housing.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. See Appendix 2.

6. Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?

Yes. See Appendix 3.

SECTION C: Environmental, social and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. There is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Planning Proposal. The planning proposal pertains to land which is currently within a fully urbanised environment. The site currently consists of two detached dwelling houses and the site is fully developed. The immediate environment consists of single and double storey dwelling houses, and also townhouses and flat residential buildings typical of this section of Punchbowl area.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The planning proposal relates to urban land that will be converted from one urban use (single storey buildings) into another urban use (residential apartments building). The environmental impacts of the proposal would be relatively minor, relating primarily to potential overlooking and overshadowing and minor increases in traffic levels. Any subsequent development application will be subject to merit assessment under the provisions of Canterbury LEP and DCP as well as SEPP 65 (Design Quality of Residential Apartments Development).

The key considerations arising from the planning proposal are described below:

Building form

The site is located in the R3 Medium Density Residential zone adjoining R4 High Density Residential zone in a precinct where these are the predominant zoning. Both residential zoned land in this part of Punchbowl is largely characterised by predominantly two and three storeys residential apartment buildings, two storeys town houses and villas as well as single-storey dwelling houses. Two sets of planning controls applying to the surrounding land. These are either FSR of 0.5:1 applying to R3 zoned land or 0.75:1 applying to R4 zoned land. Building height limit of 8.5 m is permissible in all surrounding land.

Any future development of the site will need to be subject to the provisions of SEPP 65 and the CLEP 2012 and CDCP 2012.

Flooding

The site is not considered to be flood prone and is not indicated on Council's Flood Planning Map. The site is gently sloping, with fall between 19.5 m to 18 m AHD from north to south.

Site contamination

The site is currently occupied by two detached dwelling houses and therefore there it is an unlikely of any risk of land contamination as a result of this land use.

Traffic and Parking

The site has street frontage to Victoria Road for approximately 18.29 metres. Canterbury Road is about 350 metres to the north and Wiggins Road is about 400 metres to the south from the site. Should the site will developed for residential apartments building a small increase in traffic will be expected. It is assumed that car parking as required under the Council's standard requirements would be provided on-site. Detailed access and parking plans would need to be examined as part of any subsequent Development Application on the site.

Cycle and pedestrian movement

Both the Victoria Road and Canterbury Road have footpaths currently developed on both sites of the streets. Victoria Road carry out predominantly local traffic, it is therefore relatively safe for cycling. There is no defined cycleway in close proximity to the subject site. The closed defined cycleway is along Bonds Road and Payten Avenue connecting to the Roselands Shopping Centre.

9. How has the planning proposal adequately addressed any social and economic effects?

Social effects of the proposal would stem from the additional population within an increased dwelling yield resulting from the increased FSR for the subject land. These social effects are likely to be minor as the area is already developed and there are a full range of social and community services available as well as access to retail and public transport. There will be a minor increase in economic activity relative to what is currently permissible on the site due to the additional construction activity resulting from larger buildings, and a slight increase in retail expenditure from the small number of additional residents that the proposal will allow if successful.

Social and economic effects can be adequately addressed by the application of the development controls contained in Canterbury LEP 2012 and Canterbury DCP 2012 as part of the development assessment process.

SECTION D: State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

Yes. The site is adequately serviced by infrastructure services that are generally available within the urban environment such as; reticulated water, drainage, sewerage, electricity and telephone. The planning proposal does not generate any apparent need to upgrade or improve public infrastructure. Consultation with key service providers can occur as part of the planning proposal exhibition process.

11. What are the views of the State and Commonwealth public authorities consulted in accordance with the gateway determination?

Council will engage in such consultation if required in accordance with the Gateway Determination.

PART 5 MAPPING

The following maps (**Appendix 6**) have been prepared to support the planning proposal:

- Existing zoning, height of building and floor space ratio Map.
- Proposed zoning, height of building and floor space ratio Map.

PART 6: COMMUNITY CONSULTATION

The following community consultation will occur should the planning proposal receive a Gateway Determination:

- Notification in the Canterbury Council column which appears in local newspapers.
- Notification letters to any relevant State Agencies or authorities nominated by the Department.
- Notification letters sent to directly affected, adjoining and nearby property owners.
- Advertising of the proposal on Council's website and at Council's Administration Building.

Copies of the Planning Proposal will be made available at Council's Administration Building, on the Canterbury Council website.

It is proposed to have a 28 day exhibition period to enable adequate time for consultation to take place.

PART 7: PROJECT TIMELINE

This is outlined in the table below:

Planning proposal stage	Timeframe
Gateway determination	August 2015
Government Agency Consultation	September 2015
Public exhibition period	September 2015
RPA Assessment of Planning Proposal and Exhibition outcomes	November 2015
Submission of endorsed LEP to DP&E for finalisation	November 2015
RPA Decision to make the LEP Amendment (if delegated)	December 2015
Forwarding of LEP Amendment to DP&E for Notification (if delegated)	December 2015

ATTACHMENTS

- 1 Information Checklist**
- 2 State Environmental Planning Policies**
- 3 Section 117 Directions**
- 4 Evaluation Criteria for the Delegation of Plan Making Functions**
- 5 Delegated plan making reporting template**
- 6 Maps**
- 7 Council Resolution 9 July 2014**
- 8 Applicant's Planning Proposal Submission**

INFORMATION CHECKLIST

Attachment 1

> STEP 1: REQUIRED FOR ALL PROPOSALS

(under s55(a) – (e) of the EP&A Act)

- Objectives and intended outcome
- Mapping (including current and proposed zones)
- Community consultation (agencies to be consulted)
- Explanation of provisions
- Justification and process for implementation (including compliance assessment against relevant section 117 direction/s)

> STEP 2: MATTERS - CONSIDERED ON A CASE BY CASE BASIS

(Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	To be considered	N/A	PLANNING MATTERS OR ISSUES	To be considered	N/A
Strategic Planning Context			Urban Design Considerations		
• Demonstrated consistency with relevant Regional Strategy	☒	☐	• Existing site plan (buildings vegetation, roads, etc)	☐	☒
• Demonstrated consistency with relevant sub-regional strategy	☐	☒	• Building mass/block diagram study (changes in building height and FSR)	☐	☒
• Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy	☐	☒	• Lighting impact	☐	☒
• Demonstrated consistency with Threshold Sustainability Criteria	☐	☒	• Development yield analysis (potential yield of lots, houses, employment generation)	☐	☒
Site Description/Context			Economic Considerations		
• Aerial photographs	☒	☐	• Economic impact assessment	☒	☐
• Site photos/photomontage	☒	☐	• Retail centres hierarchy	☐	☒
Traffic and Transport Considerations			• Employment land	☐	☒
• Local traffic and transport	☒	☐	Social and Cultural Considerations		
• TMAP	☐	☒	• Heritage impact	☐	☒
• Public transport	☒	☐	• Aboriginal archaeology	☐	☒
• Cycle and pedestrian movement	☒	☐	• Open space management	☐	☒
Environmental Considerations			• European archaeology	☐	☒
• Bushfire hazard	☐	☒	• Social and cultural impacts	☐	☒
• Acid Sulphate Soil	☐	☒	• Stakeholder engagement	☒	☐
• Noise impact	☐	☒	Infrastructure Considerations		
• Flora and/or fauna	☐	☒	• Infrastructure servicing and potential funding arrangements	☐	☒
• Soil stability, erosion, sediment, landslip assessment, and subsidence	☐	☒	Miscellaneous/Additional Considerations		
• Water quality	☐	☒	List any additional studies		
• Stormwater management	☐	☒			
• Flooding	☐	☒			
• Land/site contamination (SEPP55)	☐	☒			
• Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)	☐	☒			
• Sea level rise	☐	☒			

ATTACHMENT 2: State Environmental Planning Policies

State Environmental Planning Proposal	Comments
SEPP 1 – Development Standards	Not Applicable
SEPP 14 – Coast Wetlands	Not Applicable
SEPP 15 – Rural Landscaping	Not Applicable
SEPP 19 – Bushfire in Urban Areas	Not Applicable
SEPP 21 – Caravan Parks	Not Applicable
SEPP 26 – Littoral Rainforests	Not Applicable
SEPP 29 – Western Sydney Recreation Area	Not Applicable
SEPP 30 – Intensive Agriculture	Not Applicable
SEPP 32 – Urban Consolidation (Redevelopment of Urban Land)	Consistent
SEPP 33 – Hazardous and Offensive Development	Not Applicable
SEPP 36 – Manufactured Home Estates	Not Applicable
SEPP 39 – Spit Island Bird Habitat	Not Applicable
SEPP 44 – Moore Park Showground	Not Applicable
SEPP 50 – Canal Estate Development	Not Applicable
SEPP 52 – Farm Dams and other works in Land and Water Management Plan Areas	Not Applicable
SEPP 55 – Remediation of Land	Not Applicable
SEPP 59 – Central Western Sydney Regional Open Space and Residential	Not Applicable
SEPP 62 – Sustainable Aquaculture	Not Applicable
SEPP 64 – Advertising and Signage	Not Applicable
SEPP 65 – Design Quality of Residential Flat building	The planning proposal seeks to amend the planning controls to permit a residential development that would be subject to the SEPP. Any future development application should consider the relevant provisions of the SEPP 65.
SEPP 70 – Affordable Housing	Not Applicable
SEPP 71 – Coastal Protection	Not Applicable
SEPP (Affordable Rental Housing) 2009	Not Applicable

SEPP (Building Sustainability Index BASIX) 2004	The planning proposal seeks to amend the planning controls to permit a residential development that would be subject to the SEPP. Any future development application should consider the relevant provisions of this SEPP.
SEPP (Exempt and Complying) 2008	Not Applicable
SEPP (Housing for Seniors or People with a Disability) 2004	Not Applicable
SEPP (Infrastructure) 2007	Not Applicable
SEPP (Kosciusko National Park – Alpine Resorts) 2007	Not Applicable
SEPP (Major Developments)	Not Applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not Applicable
SEPP (Miscellaneous Consent Provisions) 2007	Not Applicable.
SEPP (Penrith Lakes Scheme) 1989	Not Applicable
SEPP (Port Botany and Port Kembla) 2013	Not Applicable
SEPP (Rural Lands) 2008	Not Applicable
SEPP (SEPP 53 Transitional Provisions) 2011	Not Applicable
SEPP (State and Regional Development) 2011	Not Applicable
SEPP (Drinking Water Catchment) 2011	Not Applicable
SEPP (Urban Renewal) 2010	Not Applicable
SEPP (Western Sydney Employment Area) 2009	Not Applicable
SEPP (Sydney Western Parklands) 2009	Not Applicable

ATTACHMENT 3: Section 117 Directions

Section 117 Directions	Consistency	Comments
<i>Housing, Infrastructure and Urban Development</i>		
3.1 Residential zones	Consistent	The direction applies when a relevant planning authority prepares a planning proposal that will affect land within any zone in which significant residential development is permitted or proposed to be permitted. It is considered that the planning proposal is consistent with this Ministerial Direction as follows: • The planning proposal encourages a variety and choice of housing types by increasing density on R4 High Density Residential Zoned land thus increasing the supply of apartment dwellings in the Punchbowl locality. • The planning proposal contributes to efficient use of infrastructure and services by providing for additional housing in an area already serviced for urban development. • The planning proposal will have no discernable effects on the environment or resource lands. • The planning proposal will contribute a small increase in the choice of building types and locations in the housing market by increasing apartment supply in an area zoned for high density residential development. • The planning proposal will make a small contribution to more efficient use of existing infrastructure and services by increasing dwelling supply in an area that is already provided with infrastructure and services. • The planning proposal will make a minor contribution to the reduction of land consumption at the urban fringe by providing a small increase in the dwelling capacity of the R4 High Density zone in Punchbowl, an infill development area, which may have a small dwelling substitution effect. • Any development application lodged pursuant to this planning proposal will be subject to the design requirements under SEPP 65 and the Canterbury Development Control Plan at the development application stage. • The land subject to this planning proposal has been previously developed for many years. As such, adequate service capacity has been provided in anticipated of this site redeveloping. • The intent of the planning proposal is to increase the permissible residential density of the land to which it applies. • A submission aimed at justifying this proposal was prepared submitted to Council by the land owner. The submission requested the same consideration as to the adjoining property to the north i.e. rezoning from R3 to R4 and increase of FSR from 0.5:1 to 0.75:1.

		• (6) (c) The proposal is in accordance with the Sydney Region Metropolitan Strategy, in particular with the following Objectives: ○ Objective 2 Balanced growth ○ Objective 5 Deliver new housing to meet Sydney's growth
3.4 Integrating Land Use and Transport	Consistent	The planning proposal improving access to housing, jobs and services by walking, cycling and public transport by increasing the supply of housing within walking access to bus routes.
7.1 Implementation of A Plan for Growing Sydney	Consistent	An assessment of the consistency with A Plan for Growing Sydney is part of Section B Clause 3 of this document. Note that the planning proposal site is located broadly in the Bankstown – Sydenham corridor and will benefit directly from the implementation of the Sydney Rapid Transit An increase in residential density in this location will increase housing supply in proximity to bus services.

ATTACHMENT 4 – EVALUATION CRITERIA FOR THE DELEGATION OF PLAN MAKING FUNCTIONS

Checklist for the review of a request for delegation of plan making functions to councils

Local Government Area: Canterbury

Name of draft LEP: Change of Zone, increase of FSR and retain Height for redevelopment site

Address of Land (if applicable): 135-137 Victoria Road, Punchbowl

Intent of draft LEP: Amend the LEP to rezone land from R3 Medium Density Residential to R4 High Density Residential and change primary development standards to benefit the subject land

Additional Supporting Points/Information:

Evaluation criteria for the issuing of an Authorisation	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
(Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)				
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?	N			
Heritage LEPs	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?		N/A		
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		N/A		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		N/A		

Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?		N/A		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?				
Is the planning proposal proposed to rectify an anomaly in a classification?		NA		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		N/A		
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?		N/A		
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		N/A		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?		N/A		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		N/A		
Spot Rezonings	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	N			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N			
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		NA		

Does the planning proposal create an exception to a mapped development standard?	N			
Section 73A matters				
Does the proposed instrument a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?; b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? (NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A(1)(c) of the Act in order for a matter in this category to proceed).	N			

NOTES

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	
Date Sent to Department under s56	
Date considered at LEP Review Panel	
Gateway determination date	

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

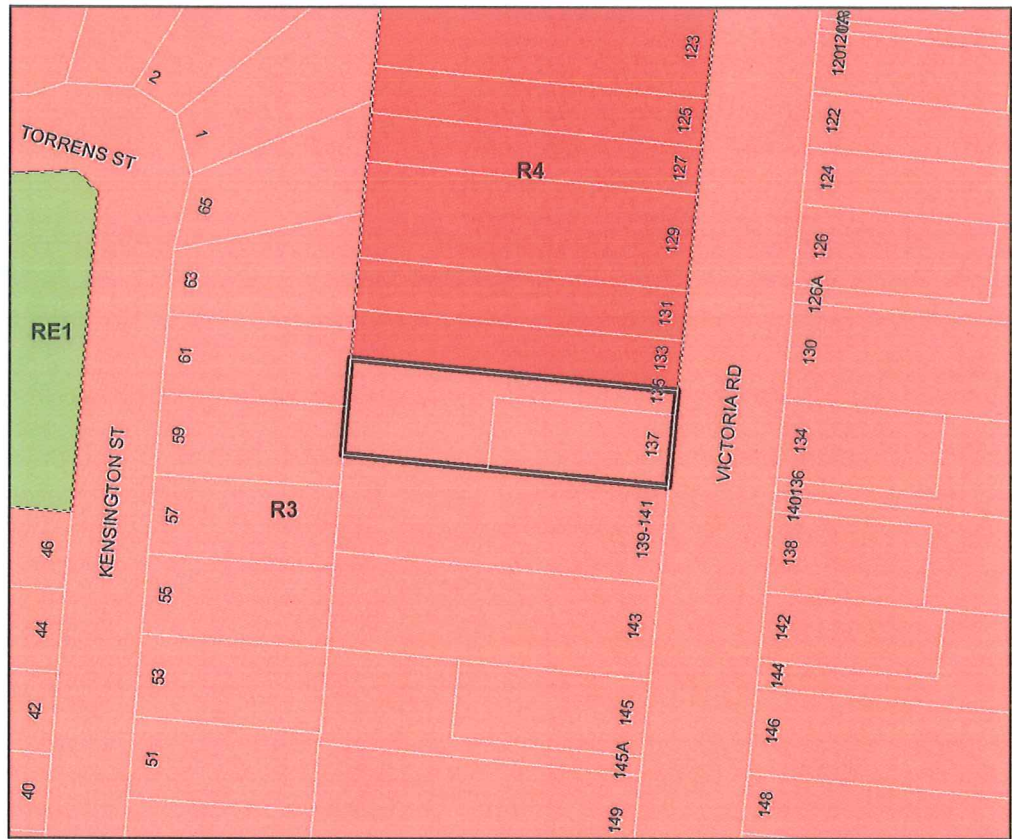
Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

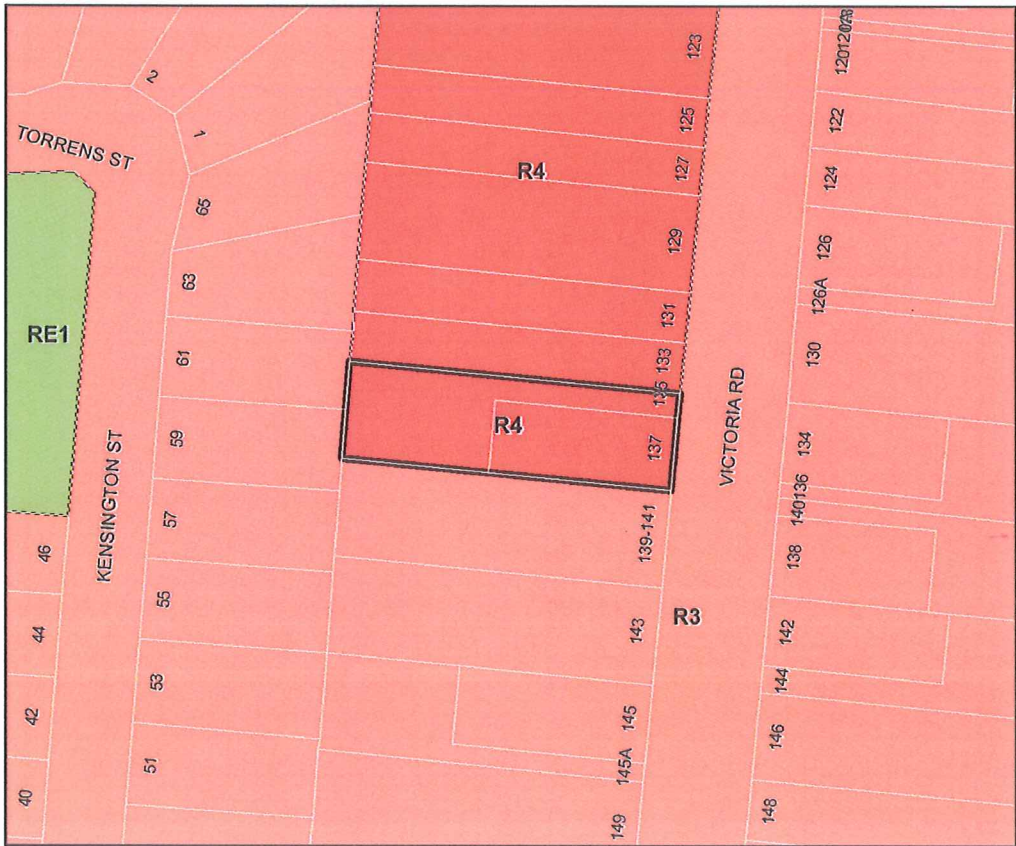
Additional relevant information:

ATACHMENT 6: Maps

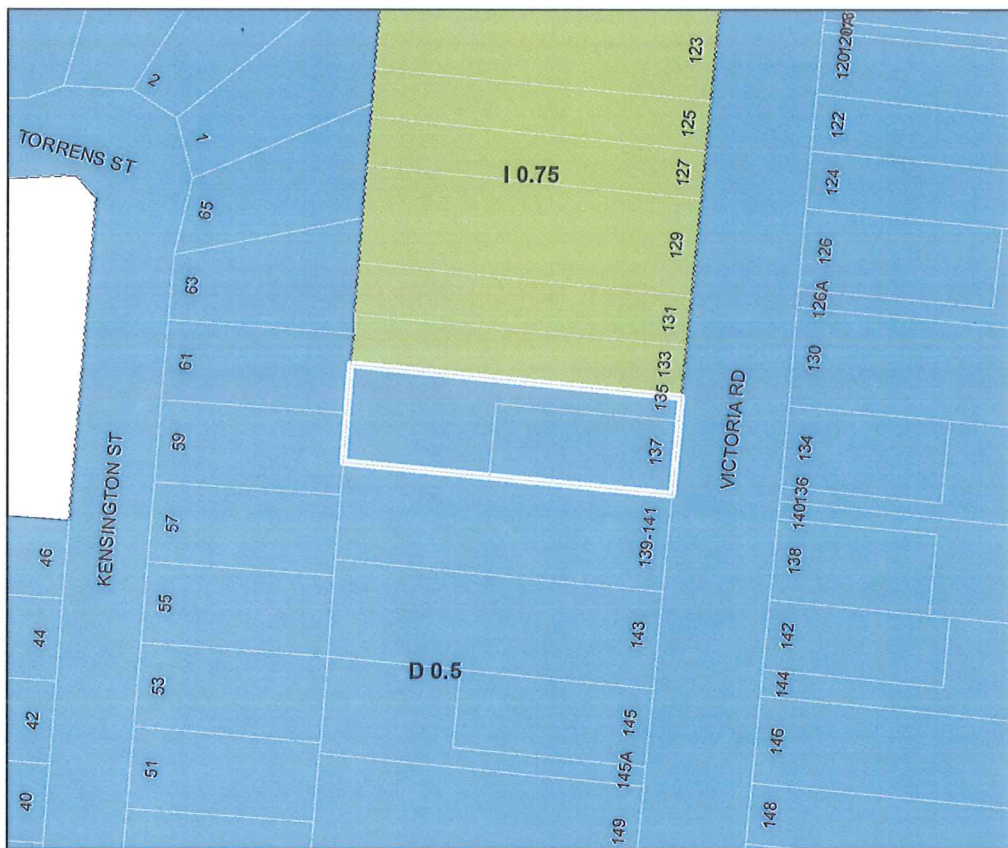
Map 1: Existing Land Zoning (LZN) Map



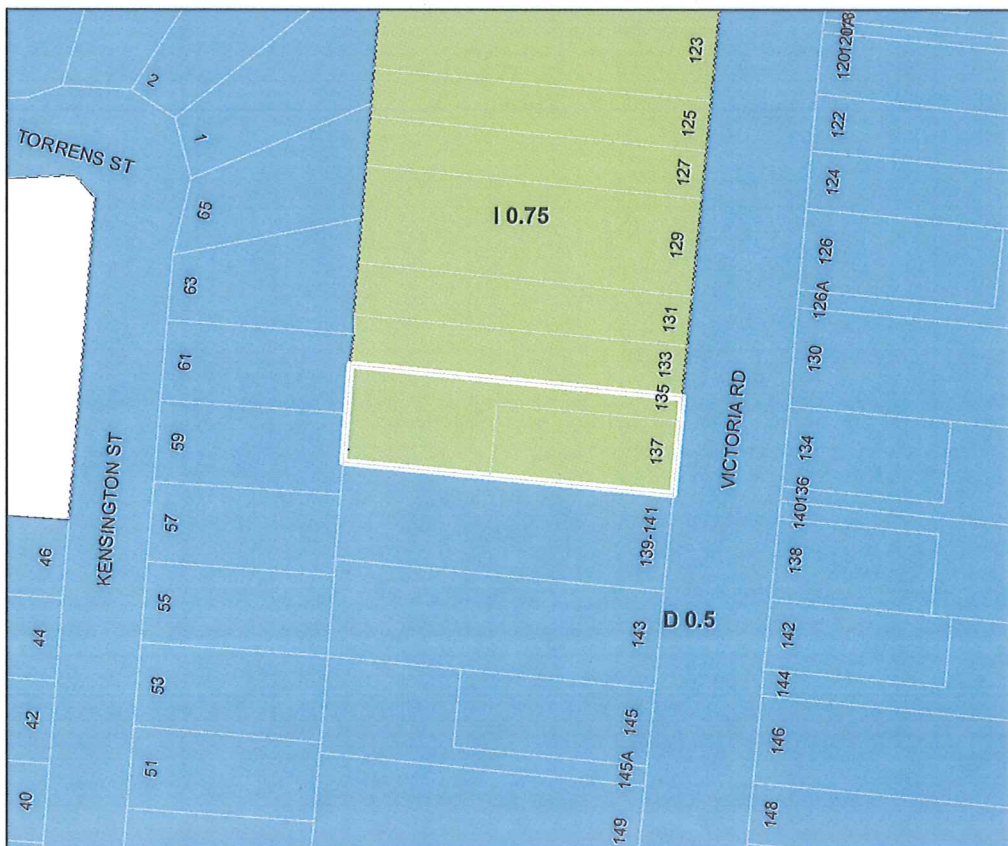
Map 2: Proposed Zoning (LZN) Map



Map 3: Existing Floor Space Ratio (FSR) Map



Map 4: Proposed Floor Space Ratio (FSR) Map



Map 5: Existing and Proposed Height of Buildings (HOB) Map - (Note: no proposed changes)



Attachment 7: Council Resolution 9 July 2015

5 135-137 VICTORIA ROAD, PUNCHBOWL: PLANNING PROPOSAL**FILE NO: T-29-174****REPORT BY: DIRECTOR CITY PLANNING**

Summary:

- A submission was received during the exhibition of the Residential Development Strategy (RDS) Planning Proposal in 2014 requesting 135-137 Victoria Road, Punchbowl be rezoned from R3 Medium Density Residential to R4 High Density Residential, with an increase in the FSR from 0.5:1 to 0.75:1 and retaining the existing building height limit at 8.5 metres.
- While the requested rezoning was at the time considered to have merit, it was not appropriate to include it within the RDS Planning Proposal at that time, as such an amendment post exhibition would have required the RDS planning proposal to be re-exhibited.
- Land immediately adjoining to the south is already developed for medium density housing and strata subdivided, forming a natural boundary between R3 and R4 zoned land.
- Based on the merits of the proposal, the rezoning of the land from R3 Medium Density Residential to R4 High Density Residential, with an increase in the FSR from 0.5:1 to 0.75:1 and a building height of 8.5 metres is supported. This is consistent with the other R4 zoned land to the north of the site.
- It is recommended that a Planning Proposal be prepared and be submitted to the Department of Planning and Environment for Gateway Determination and subsequent public exhibition.

Council Delivery Program and Budget Implications:

This report has no implications for the Budget and supports our Community Strategic Plan long term goal of Balanced Development.

Report:**Background**

Land at 131-133 Victoria Road, Punchbowl has already been rezoned from R3 to R4 as part of the recent Residential Development Strategy (RDS) planning proposal. This planning proposal (minus the sites along Canterbury Road) was gazetted 5 March 2015.

During the exhibition of this proposal a submission was received from owners of the adjoining land situated at 135-137 Victoria Road, Punchbowl requesting that the same consideration be given to their site as had been given to the adjoining property to the north at 131-133 Victoria Road, Punchbowl.

While the requested rezoning was at the time considered to have merit, it was not appropriate to include it within the RDS Planning Proposal at that time, as such an amendment post exhibition would have required the RDS planning proposal to be re-exhibited.

135-137 VICTORIA ROAD, PUNCHBOWL: PLANNING PROPOSAL (CONT.)

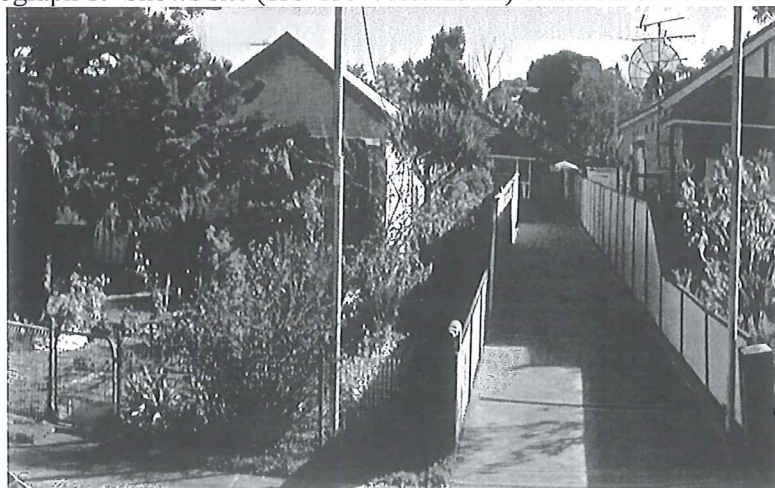
The aerial photo below shows the subject site, indicates height of buildings in number of storeys and the current land use

**Site description and context**

The site has an area of approximately 1150 square metres with a frontage to Victoria Road of approximately 18 metres. Adjacent land to the north (131-133) in the R4 zone contains two single detached dwelling houses and the next site (129) contains a three storey flat building. The two immediately adjoining sites to the south in Victoria Road (139-141 and 143) are developed for strata titled two storey townhouses and a two storey strata titled flat building.

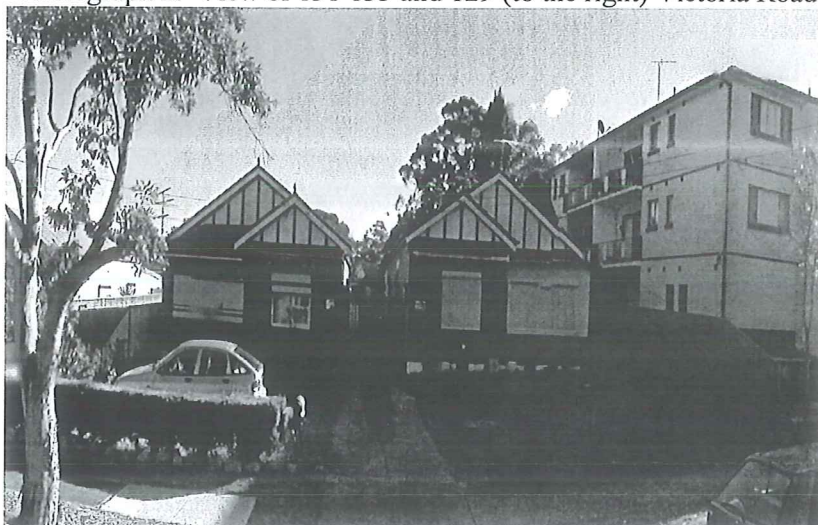
Existing development to the rear of the site in Kensington Street is predominantly single storey dwelling houses and one (57 Kensington St) double storey dwelling house (see above aerial photo). Existing development across Victoria Road, from the subject land, are a mixture of single storey dwelling houses (134-138) and two storey flat buildings (130, 142 and 146).

Photograph 1: Shows site (133-135 Victoria Rd) viewed from Victoria Road.



135-137 VICTORIA ROAD, PUNCHBOWL: PLANNING PROPOSAL (CONT.)

Photograph 2: View of 131-133 and 129 (to the right) Victoria Road



Photograph 3: View of 139-141 and 143 (to the left) Victoria Road

**Analysis and Justification**

135-137 Victoria Road, Punchbowl has a land area of approximately 1,154.10 m² and has a frontage to Victoria Road of 18.29 m, similar to the adjoining property at 131-133 Victoria Road, Punchbowl to the north. The subject land is situated at the southern end of a strip of land zoned R4 High Density Residential that extends southward from Canterbury Road for approximately 350 m. The remaining surrounding land is zoned R3 Medium Density Residential.

The adjoining property to the south at 139-141 Victoria Road, has already been redeveloped for town houses and villas, and the next property at 143 Victoria Road contains an existing 1960s residential flat building. Both of these sites have been strata subdivided and are highly unlikely to be redeveloped. Consequently, the boundary between 135-137 Victoria Road and 139-141 Victoria Road would make a logical place for a zoning boundary between the R3 and R4 zones.

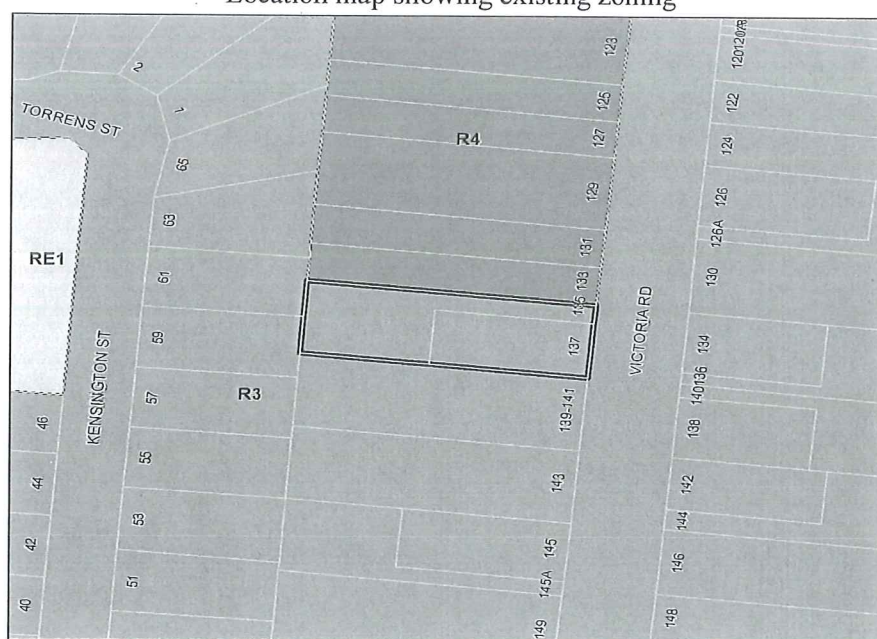
135-137 VICTORIA ROAD, PUNCHBOWL: PLANNING PROPOSAL (CONT.)

It is therefore considered that there is merit in rezoning 135-137 Victoria Road, Punchbowl from R3 Medium Density Residential to R4 High Density Residential, with a FSR of 0.75:1 but retaining the 8.5 m building height limit. It is important to note that the same zoning and other provisions apply to the adjoining property at 131-133 Victoria Road. The amendment will complete the R4 zone to a logical boundary.

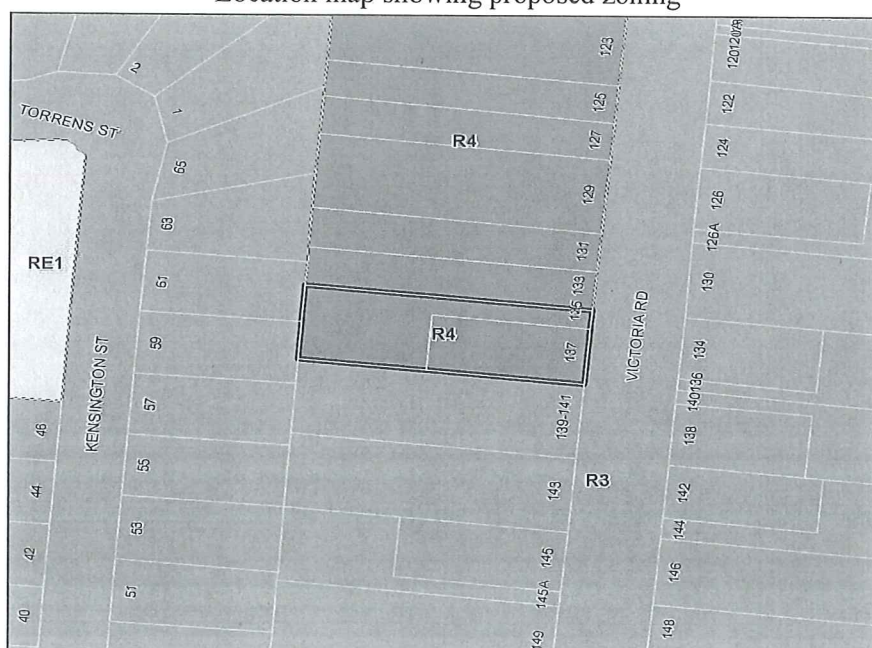
Summary of proposed changes

	Current	Proposed
Zone	R3 Medium Density Residential	R4 High Density Residential
Height	8.5 metres	No change
Floor Space Ratio	0.5:1	0.75:1

Location map showing existing zoning



Location map showing proposed zoning



135-137 VICTORIA ROAD, PUNCHBOWL: PLANNING PROPOSAL (CONT.)

RECOMMENDATION:**THAT**

1. Council support the rezoning of land at 135-137 Victoria Road, Punchbowl to R4 High Density Residential, with a maximum floor space ratio of 0.75:1 and maximum building height of 8.5 metres.
2. A Planning Proposal to amend Canterbury Local Environmental Plan 2012 be prepared and submitted to the Department of Planning and Environment for a Gateway Determination.

CITY DEVELOPMENT COMMITTEE

RESOLUTION - 09 JULY 2015

5 135-137 VICTORIA ROAD, PUNCHBOWL: PLANNING PROPOSAL
FILE NO: T-29-174

Min. No. 257 RESOLVED (Councillors Hawatt/Vasiliades)

THAT

1. The rezoning of land at 135-137 Victoria Road, Punchbowl to R4 High Density Residential, with a maximum floor space ratio of 0.75:1 and maximum building height of 8.5 metres be supported.
2. A Planning Proposal to amend Canterbury Local Environmental Plan 2012 be prepared and submitted to the Department of Planning and Environment for a Gateway Determination.

FOR	AGAINST
The Mayor, Councillor Robson	
Deputy Mayor, Councillor Kebbe	
Councillor Adler	
Councillor Azzi	
Councillor Eisler	
Councillor Hawatt	
Councillor Nam	
Councillor Vasiliades	

Attachment 8: Applicant's Planning Proposal Submission

Attention: Marcelo Occhiuzzi,
Director City Planning,
Canterbury City Council,
137 Beamish Street,
Campsie N.S.W 2194.

7-29-157

DeP/PS

Ref: T-29-157.



Mr Martin Banister/
Ms Lynette F. Murray,
135-137 Victoria Road,
Punchbowl NSW 2196,
22nd June, 2014.
Phone: 0402170011.

RE: (LEP) 2012 Rezoning of land at 131-133 Victoria Road, Punchbowl.

It is proposed to change the zoning of this land (131-133 Victoria Road, Punchbowl) from R3 Medium Density Residential to R4 High Density Residential.

We have been recently informed of the above re-zoning proposal, as our properties abut the properties proposed for density re-zoning. When we purchased our properties (135&137 Victoria Road) we were informed that there would be no more high density properties built in our street. As the owners of 131&133 Victoria Road intend to re-develop their properties (build two storey units on the block) this will obviously affect our properties.

We are applying to have our properties (135&137 Victoria Road-see attached survey) included in the same rezoning proposal from R3 Medium density to R4 High density with the same increase in floor space ratio on this land from 0.5:1 to 0.75:1 as per the proposal for 131-133 Victoria Road.

As the total land for our properties (135&137 Victoria Road) is the same as that of the properties (131&133 Victoria Road), we believe this is a fair application, as we would be disadvantaged if the properties (131-133 Victoria Road) are re-zoned and our properties are not.

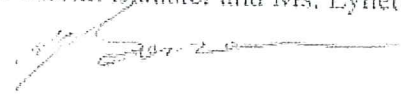
As the properties 139-141 Victoria Road have recently been re-developed (Town House and Villas-as can be seen in the attached aerial photograph) we do not expect any other abutting properties to apply for future re-zoning.

We ask that our properties (135&137 Victoria Road, Punchbowl) be included in the same re-zoning proposal, as for the properties (131-133 Victoria Road). Also this to be include in (LEP) 2012, that is to being put forward to Canterbury City Council for approval.

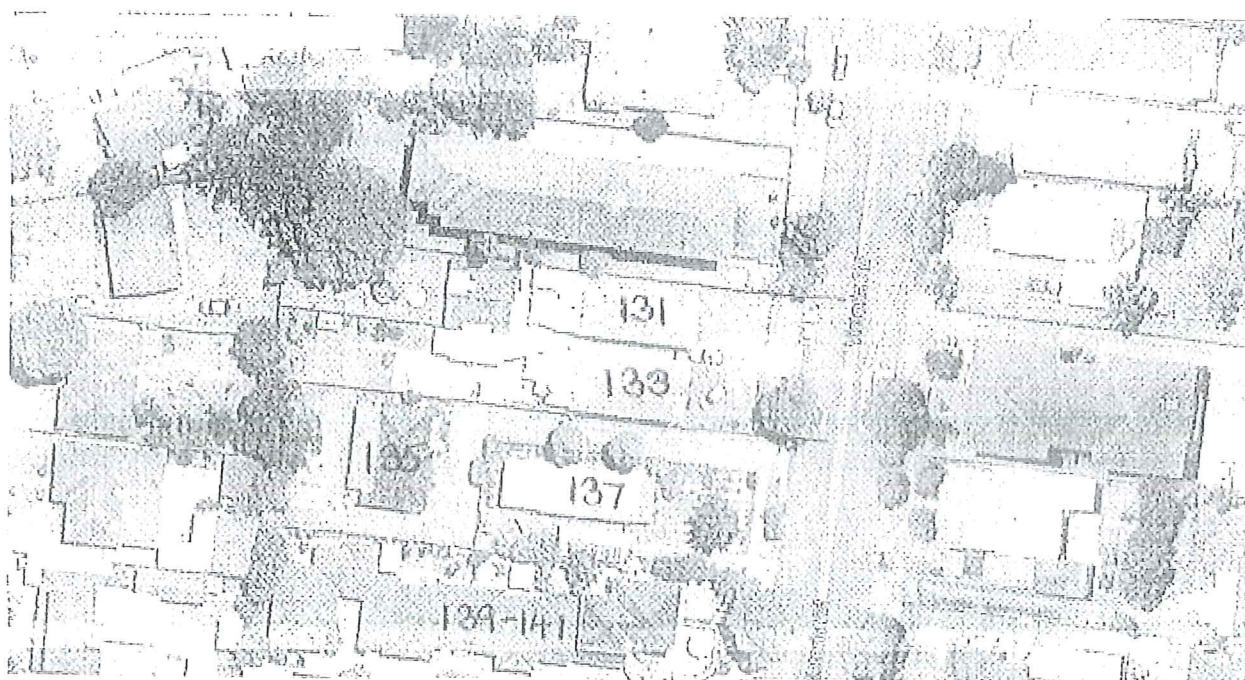
Please notify us if any further procedure or documentation is required for our application or if it is necessary for us to make an appointment to further discuss this matter.

Yours Faithfully.

Mr Martin Banister and Ms. Lynette Murray

 L. Murray.

Attachments: Current Proposal(131-133 Victoria Road) and our Block
(135-137 Victoria Road).
Diagram of Lot 11 and Lot 12, 135-137 Victoria Road.



* 131/133 VICTORIA ROAD - CURRENTLY
PROPOSED FOR (LEP) 2015

* 135/137 VICTORIA ROAD - OUR PROPOSAL TO
BE INCLUDED IN
(LEP) 2012.

* 139/141 VICTORIA ROAD - RECENTLY DEVELOPED
STRATA TOWN HOUSE
AND 3 VILLAS.