



**Canterbury LEP 2012 - Various Amendments (Housekeeping)**

Proposal Title : **Canterbury LEP 2012 - Various Amendments (Housekeeping)**

Proposal Summary : **The planning proposal seeks to amend the Canterbury LEP 2012 by:**  
**a) amending the heritage schedule for Campsie Railway Station from an item of State heritage significance to an item of Local heritage significance;**  
**b) identifying a number of sites for future public car parking at Campsie and Punchbowl;**  
**c) reducing the maximum building height in R4 High Density Residential zones from 11.5m to 11.0m;**  
**d) applying floor space ratio controls for dwelling houses and semi-detached dwellings; and**  
**e) inserting the standard local provision in relation to sex service premises.**

PP Number : **PP\_2015\_CANTE\_008\_00**      Dop File No : **14/07017**

**Proposal Details**

Date Planning Proposal Received :	<b>22-Sep-2015</b>	LGA covered :	<b>Canterbury</b>
Region :	<b>Metro(CBD)</b>	RPA :	<b>Canterbury City Council</b>
State Electorate :	<b>AUBURN LAKEMBA STRATHFIELD</b>	Section of the Act :	<b>55 - Planning Proposal</b>
LEP Type :	<b>Housekeeping</b>		

**Location Details**

Street :	<b>Whole of LGA</b>		
Suburb :		City :	Postcode :
Land Parcel :	<b>Whole of LGA</b>		

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**Land Release Data**

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :		Consistent with Strategy :	
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**  
 If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**  
 If Yes, comment :

**Supporting notes**

Internal Supporting Notes : **The planning proposal seeks to amend Canterbury LEP 2012 to achieve various specific and LGA-wide outcomes that are generally administrative in nature:**

- a) the heritage schedule amendment formalises the de-listing of Campsie Railway Station from the State Heritage Register and retains the item as a Local heritage item;
- b) the addition of three sites to the Land Reservation Acquisition Map responds to Council's Town Centres Parking Strategy 2012 and Development Contributions Plan 2013 which recommend acquisition of the sites for public car parking uses;
- c) the reduction of the maximum building height in R4 zones is to ensure that the development potential of the zone is finite and determinate;
- d) the inclusion of floor space ratio (FSR) controls for dwelling houses and semi-detached dwellings transitions the controls from Canterbury Development Control Plan (DCP) 2012 to Canterbury LEP 2012; and
- e) the insertion of the standard local provision for sex service premises clause is to be consistent with the standard instrument LEP model clause for Location of Sex Services Premises.

**The proposal is generally supported because:**

- a) the heritage schedule amendment is consistent with the current heritage status of Campsie Railway Station;
- b) the addition of the sites to the Land Reservation Acquisition Map supports the economic viability of the Campsie and Punchbowl town centres, and is consistent with Council's strategic parking study;
- d) the inclusion of FSR controls for dwelling houses and semi-detached dwellings is a translation of the current DCP controls into the LEP; and
- e) the sex service premises clause makes the LEP consistent with the model clause.

However, the proposal (c) to reduce the maximum building height in R4 High Density Residential zones from 11.5m to 11.0m is not supported, as Council has not demonstrated that the proposed reduction in maximum permissible building height will not reduce the permissible residential density. This represents inconsistency with s117 Direction 3.1 Residential Zones and 7.1 Implementation of A Plan for Growing Sydney. The proposal

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states, and Council has advised, that the reduction in maximum building height is sought because, since the making of the Canterbury LEP 2012, Council has received DAs seeking approval for 4 storey buildings where only 3 storeys is intended. Prior to the Standard Instrument LEP, building heights were specified in storeys, not metres, and Council is seeking to achieve the same outcome. Also, Council's DCP specifies a maximum building height of 3 storeys where the height of buildings is limited to 11.5m by the LEP. Four storeys are achieved by excavating part of the site to artificially lower the ground level and by using flat roof forms. Council is concerned that this practice is creating RFBs that have limited flexibility, a flat-roof built form that is not consistent with the character of the area, health implications for semi-subterranean apartments, and increased overshadowing on adjoining properties.

The Department's policy is that building height is to be specified in metres in LEPs, to provide certainty. Given the principles outlined in the Apartment Design Guide, the Department broadly agrees with Council's concern that 4 storeys within an 11.5m height limit may not necessarily produce best design and amenity outcomes. However, this illustrates that consideration should probably be given to increasing the height limit in order to support the 4 storeys, for which there appears to be market demand, rather than potentially constraining the provision of residential development to 3 storeys.

It is therefore recommended that the Gateway determination include a condition requiring Council to revise the planning proposal prior to exhibition to remove item (c), to reduce the maximum building height in R4 High Density Residential zones from 11.5m to 11.0m.

External Supporting  
Notes :

Council supports this planning proposal because it is consistent with:

- a) the current heritage status of Campsie Railway Station;
- b) Council's Town Centres Parking Strategy 2012 and Development Contributions Plan 2013;
- c) Council's established policy position that residential flat development of up to 3 storeys maximum is permissible in R4 High Density Residential zones;
- d) Council's DCP floor space ratio controls for dwelling houses and semi-detached dwellings; and
- e) the sex service premises model clause.

## Adequacy Assessment

### Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objectives of the planning proposal are to:**

- update the Heritage Schedule following advice from the Heritage Council of NSW that Campsie Railway Station has been removed from the State Heritage Register;
- identify land for acquisition for future public car parking in Punchbowl and Campsie as identified in Councils adopted Town Centres Parking Strategy 2012;
- support Council's policy position for development of three storey Residential Flat Buildings in zone R4 by reducing the maximum building height control;
- to clarify floor space ratio controls for development of dwelling houses and semi-detached dwellings; and
- introduce development standards for the location of Sex Service Premises.

### Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The planning proposal seeks to make the following amendments to Canterbury LEP 2012:**

- a) amend Schedule 5 Environmental Heritage to reduce the listing of Campsie Railway Station from an item of State heritage significance to an item of Local heritage significance;
- b) amend Map Sheets LRA\_001 and LRA\_006 at 18-20 Campsie Street, Campsie, and 17 Arthur Street, Punchbowl to identify this land for future Council acquisition for the purpose of public carparking ;
- c) amend entire HOB Map series for land zoned R4 by reducing the maximum building

- height from L2 11.5m to L 11m;
- d) introduce a clause into Part 4 Development Standards relating to FSRs for dwelling houses and semi-detached dwellings, applying the following FSR controls:
- 0.65:1 for sites less than 200sqm and less than 12.5m wide;
  - 0.55:1 for site greater than 200sqm and less than 12.5m wide;
  - 0.55 for sites greater than 200sqm and less than 600sqm and greater than 12.5m wide;
  - 0.5:1 for sites greater than 600sqm and greater than 12.5m wide; and
- e) introduce the Department's Model clause for Sex Service Premises into Part 6 Local Provisions.

**Justification - s55 (2)(c)**

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

**1.1 Business and Industrial Zones**

**2.3 Heritage Conservation**

\* May need the Director General's agreement

**3.1 Residential Zones**

**3.4 Integrating Land Use and Transport**

**6.1 Approval and Referral Requirements**

**6.2 Reserving Land for Public Purposes**

**7.1 Implementation of A Plan for Growing Sydney**

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

**SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)**

**SEPP No 55—Remediation of Land**

**SEPP No 65—Design Quality of Residential Flat Development**

**SEPP (Building Sustainability Index: BASIX) 2004**

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

**S117 Direction 3.1 Residential Zones**

The Direction seeks to encourage a variety and choice of housing types, make use of existing infrastructure and services, ensure new housing has appropriate access to infrastructure and services, and minimise impact of residential development on environment and land resources, and is of good design. A planning proposal must not contain provisions that will reduce the permissible residential density of land, unless the inconsistency is of minor significance or justified by a strategy.

Item (c) to reduce the maximum building height in R4 zones is not consistent with the Direction. Whilst the planning proposal is not seeking to reduce the FSR in the relevant R4 zones, the proposed reduction in maximum permissible building height could have the effect of reducing the permissible residential density in the zone. Whilst a comparison of the different development outcomes for 3 storey and 4 storey RFB development is shown, Council have not provided a comparison of residential densities or FSRs under the two scenarios, and no strategic study has been provided.

It is therefore recommended that prior to exhibition Item (c) be deleted from the planning proposal, and Council be advised that should they wish to proceed with this amendment, a separate planning proposal would be required, and include further strategic work to demonstrate that the developmental density that is achievable under the current FSR controls in the R4 zones would not be reduced under any proposed amended building height controls.

**S117 Direction 7.1 Implementation of A Plan for Growing Sydney.**

The Direction seeks to give legal effect to the planning principles, Directions and Priorities in A Plan for Growing Sydney. Item (c) to reduce the maximum building height in R4 zones is not consistent with the Direction. This is discussed further under the

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following section, Consistency with Strategic Planning Framework.

The planning proposal is consistent with all other relevant S117 Directions and SEPPs.

### Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The following draft maps have been provided:**

- Current and proposed Height of Buildings Maps (HOB\_001 to 010); and
- Current and proposed Land Reservation Acquisition Maps for 18-20 Campsie Street, Campsie and 17 Arthur Street, Punchbowl.

### Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The planning proposal has not recommended a specific consultation period. Due to the nature and precinct-wide scope of the planning proposal, the Department considers that a community consultation period of 28 days is appropriate.**

### Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

### Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

## Proposal Assessment

### Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Canterbury LEP 2012 was published on 21 December 2012.**

### Assessment Criteria

Need for planning proposal : **The planning proposal has been prepared in response to:**

- advice from Heritage Council of NSW that Campsie Railway Station has been removed from the State Heritage Register;
- recommendations from Councils adopted Town Centre Car Parking Strategy 2012; and
- identified operational matters, Model Provisions and policy positions of Council.

**A planning proposal is the only means to amend CLEP 2012 and to achieve Council's stated objectives.**

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Consistency with strategic planning framework :

The planning proposal is largely consistent with A Plan for Growing Sydney and other relevant strategic documents including Council's Town Centres Parking Strategy (2012).

However, Item (c) to reduce the maximum building height in R4 zones is not consistent with A Plan for Growing Sydney, in particular Direction 2.1: Accelerate housing supply across Sydney; Action 2.1.1: Accelerate housing supply; and Direction 2.2: Accelerate urban renewal across Sydney – providing homes closer to jobs; and Action 2.2.2.

Item (c), to reduce the maximum building height in R4 zones, could have the effect of reducing the permissible residential density in R4 High Density Residential zones, which are in and around centres on the Bankstown to Sydenham Rapid Transit corridor, which is a frequent public transport service that is capable of moving large numbers of people. The R4 zones affected are located at Punchbowl, Wiley Park, Lakemba, Belmore, Campsie centres, which are all located on the Bankstown rail line. The inconsistency with A Plan for Growing Sydney is therefore considered to be significant and not justified.

Environmental social economic impacts :

### Environmental

The planning proposal will not result in any impact on critical habitat or threatened species, populations or ecological communities or their habitats, given the nature of the planning proposal which applies to an existing urban context.

### Social & Economic

The proposals (a) to amend the heritage schedule for Campsie Railway Station, (b) to identify a number of sites for future public car parking at Campsie and Punchbowl, (d) apply floor space ratio controls for dwelling houses and semi-detached dwellings, and (e) insert the standard local provision in relation to sex service premises, will have social and economic benefits as they will provide greater clarity and certainty around the related matters.

The proposal (a) to amend Schedule 5 of the LEP to list Campsie Railway (Item 40) as an item of Local heritage significance and not of state significance, is consistent with the current State Heritage status for the Campsie Railway Station Group, which was updated 4 October 2013 to remove the state heritage status for the station.

The proposal (b) to add three sites to the Land Reservation Acquisition Map, will have social and economic benefits as it will facilitate greater transport choices in accessing the Campsie and Punchbowl town centres and rail stations, and it will contribute to their economic viability as a result of increased accessibility.

The proposal (d) to apply FSR controls to dwelling houses and semi-detached dwellings translates the DCP floor area controls to LEP FSR controls. This will have the benefit of applying planning controls for these building types that are calculated consistently with other forms of residential development (RFBs, dual-occupancies, multi-dwelling housing). The translation factors in the different definitions applied to 'floor area'. For example, the Housing Code (which is a component of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008) calculates floor area to the outside of external walls, but the Standard Instrument LEP calculates FSR to internal face of external walls. The Housing Code and the Standard Instrument LEP also apply different approaches to external elements, such as garages and porches, which are included in the calculation of SEPP floor area, but excluded from LEP FSR. The proposal is seeking a 'sliding scale' FSR, which is generally consistent with Canada Bay LEP 2013, with the difference that the proposal is seeking to also include property width as a criteria. The proposal cites only a single real-life example of how the equivalent FSR has been calculated from the DCP floor area (a two-storey dwelling house on a site of 418sqm). This single example is not sufficient to fully explain the rationale underpinning the translation. It is therefore recommended that the Gateway determination include a condition requiring Council to revise the planning proposal prior to exhibition to include further real-life examples of how the equivalent FSR has been derived.

The proposal (e) to apply the model sex service premises clause will have the benefit of clarifying permissible locations for this type of development with regard to other types of development and uses. It is recommended that the Gateway determination include a

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condition requiring Council to revise the planning proposal to show the current model clause.

**Assessment Process**

Proposal type : **Consistent** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d)

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

**No internal consultation required**

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

**Documents**

Document File Name	DocumentType Name	Is Public
Letter from Council.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Attachment 1_Information Checklist.pdf	Proposal	No
Attachment 2_a to f_Council Report and Studies.pdf	Proposal	Yes
Attachment 2g_Canterbury Residential Development Strategy.pdf	Study	Yes
Attachment 2h_Canterbury Town Centres Parking Strategy_pages 1_149.pdf	Study	Yes
Attachment 2h_Canterbury Town Centres Parking Strategy_pages 150-376.pdf	Study	Yes
Attachment 2i_DCP 49_Single Dwelling House Code.pdf	Proposal	Yes
Attachment 2j_DCP 47_Small Lot Housing in Richmond Grove Estate Earlwood.pdf	Proposal	Yes
Attachment 2k_DCP 13_Multiple Unit Housing Development Code.pdf	Proposal	Yes
Attachment 2m_Punchbowl and Campsie Town Centre Expansion Maps.pdf	Proposal	Yes
Attachment 3_Evaluation Criteria for the Delegation of Plan Making Functions.pdf	Proposal	No

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Attachment 4_Advice from DPE_Model Clause on sex service premises.pdf	Proposal	Yes
Attachment 5_Further consideration of relevant s117 Ministerial Directions.pdf	Proposal	Yes
Attachment 6_Letter from Heritage Council.pdf	Proposal	Yes
Attachment 2_Development Contributions Plan 2013.pdf	Proposal	Yes

### Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 7.1 Implementation of A Plan for Growing Sydney

Additional Information : It is recommended that the planning proposal proceed subject to the following conditions:

1. The planning proposal is to be revised prior to exhibition to:
  - a) remove all references to the proposal (item c) to reduce the maximum building height in R4 zones;
  - b) include further real-life examples of how the equivalent FSR has been derived, to more fully demonstrate how the FSRs translate for a wider variety of lot sizes and dwelling types than the one example cited; and
  - c) update the proposed sex services clause to show the current model clause.
2. Community consultation is required for a minimum of 28 days.
3. No consultation is required with public authorities.
4. A public hearing is not required to be held into the matter.
5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Supporting Reasons : The proposal is generally supported because:

- a) the proposed heritage schedule amendment is consistent with the current heritage status of the Campsie Railway Station Group;
- b) the proposed addition of three sites to the Land Reservation Acquisition Map is consistent with Council's strategic parking study;
- d) the proposed inclusion of FSR controls for dwelling houses and semi-detached dwellings is a translation of the current DCP controls into the LEP; and
- e) the proposed sex service premises clause is intended to be the model clause.

The proposal (c) to reduce the maximum building height in R4 zones is not supported, as it is not consistent with s117 Direction 3.1 Residential Zones and 7.1 Implementation of A Plan for Growing Sydney, and Council has not provided a strategic study to demonstrate that the proposed reduction in maximum permissible building height will not have the effect of reducing the permissible residential density.

Signature:



Printed Name:

Diane Sarkies

Date:

18/12/15