

Attachment 5

Further consideration of relevant S.117 Ministerial Directions

Item B Land for future car parking at Campsie and Punchbowl

S117 Direction 3.1: Residential Zones

Direction 3.1 – Residential Zones

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed residential zone (including alteration of any existing residential boundary) and any other zone in which significant residential development is permitted or proposed to be permitted.

This direction will apply as the proposal to identify land for car parking is zoned R4 High Density Residential.

The objectives of this direction are stated, inter alia:

- (a) To encourage a variety and choice of housing types to provide for existing and future housing needs,*
- (b) To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- (c) To minimise the impact of residential development on the environment and resource lands*

Comment/response

The designation of land for car parking purposes would remove opportunity for the ground level of the land to be used for residential purposes. It is noted that it is possible that the air space above the car park could be used for residential purposes. The underlying R4 zone will not change and therefore the residential potential of the land will be retained.

In addition, the loss of residential floor space (2,350m²) is considered of minor significance in the context of the amount of new high density residential R4 zoned land created through Canterbury LEP 2012 in the Campsie Town Centre and Punchbowl Town Centre. A total of 31,280m² of residential zoned land in Punchbowl Town Centre has been rezoned from R3 Medium Density to R4 High Density Residential through CLEP 2012 and a total of 35,400m² of residential zoned land in Campsie Town Centre receiving density increases through increased height and FSR. A map showing the expanded residential zoned lands and its corresponding density increases around Campsie and Punchbowl are attached. (See **attachment 2**).

The provision of off street car parking in a central and convenient location is an important provision for the functioning of the Campsie and Punchbowl Town Centres. Support for the provision of off street car parking in this location is provided by the Car Parking Strategy which identifies these sites to be suitable for future public car parking to support the growth of the Campsie and Punchbowl town centres.

Direction 3.4 – Integrating Land Use and Transport

The direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

The objectives of this direction are stated, inter alia:

- a. *Improving access to housing, jobs and services by walking, cycling and public transport, and*
- b. *Increasing the choice of available transport and reducing dependence on cars, and*
- c. *Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
- d. *Supporting the efficient and viable operation of public transport services, and*
- e. *Providing for the efficient movement of freight.*

The Direction outlines that the relevant planning authority must locate zones for urban purposes and includes provisions that give effect to and are consistent with the aims, objectives and principles of:

- a) *Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and*
- b) *The Right Place for Business and Services – Planning Policy (DUAP 2001).*

Comment/response

The provision of additional public off street car parking does encourage access to Campsie Town Centre and Punchbowl Town Centre by private vehicle which is contrary to the objectives of this Direction. The inconsistency with the Direction can be justified if the Planning Proposal is:

- b) *justified by a study prepared in support of the planning proposal which gives consideration of the objective of this direction, or*
- c) *in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives considerations to the objectives of this direction, or*
- d) *of minor significance.*

The Town Centre Parking Strategy is a comprehensive document that provides Council's with strategies to manage car parking both now and in the future to meet future demands relating to the proposed rezoning's and increase in development density around our town centres. The implementation of the strategy will involve both management measures to better regulate the supply of parking, and where appropriate new public car parking to be provided by Council.

The Strategy recommends the reduction in current car parking provision rates to reflect the greater public transport accessibility that our centres generally have. The Parking Strategy therefore gives consideration to the objectives of this Direction through recommending reduced parking rates where sites have greater public transport accessibility. This is consistent with the Guidelines for Improving Transport Choice.

The draft South Subregional Strategy supports the renewal of existing centres through new development and the provision of supporting infrastructure. The provision of off street car parking is an essential infrastructure element in supporting the operation of the Campsie and Punchbowl Town Centre's. The Planning Proposal is therefore considered to be consistent with the draft South Subregional Strategy and any inconsistency with this S117 Direction can be justified.

Item C: Reduce the height limit in the R4 zone from 11.5m to 11m.

Direction 3.1 – Residential Zones

The direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential boundary) and any other zone in which significant residential development is permitted or proposed to be permitted.

Comment/response:

As the current proposal relates to existing area of R4 High Density Residential land, proposing to reduce the height limit in this zone from 11.5m to 11m, this Direction applies.

The objectives of this direction are stated, inter alia:

- (a) To encourage a variety and choice of housing types to provide for existing and future housing needs,*
- (b) To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- (c) To minimise the impact of residential development on the environment and resource Lands*

Objective (a) - The R4 High Density Residential zone permits a variety of residential accommodation. The planning proposal will not change the zoning of the land and will therefore have no significant impact on housing diversity. The reduction in height will reinstate council's long standing policy of three storey RFBs in R4 zones. The proposal will ensure RFB in R4 zones have a comparable height (storeys) to existing RFB's in the R4 zones.

Objective (b) - It is understood that there is sufficient infrastructure capacity to accommodate the existing R4 zoned land. The Department of Planning has previously been satisfied that a R4 High Density Residential zone could be adequately serviced and on this basis, the reduction in height of 0.5m in this zone would likewise be accommodated and serviced. The planning proposal will not alter the maximum densities (0.9:1) specified for the R4 zone and therefore have no impact on the demand for residential support services in the locality.

Objective (c) - In our opinion, there are not likely to be any adverse environmental impacts on the locality as a result of the proposal. Any localised environmental impacts will be dealt with at development application stage in accordance with the relevant provisions of the Environment Planning and Assessment Act 1979. In summary, the planning proposal is consistent with the objectives of this direction.

Actions of the Relevant Planning Authority

The direction establishes a number of actions that should be taken by the relevant planning authority in the event this direction applies. These are stated, inter alia:

A planning proposal must include provisions that encourage the provision of housing that will:

- a. *Broaden the choice of building types and locations available in the housing market, and*
- b. *Make more efficient use of existing infrastructure and services, and*
- c. *Reduce the consumption of land for housing and associated urban development on the urban fringe, and*
- d. *Be of good design.*

Requirement (a) - As outlined, the planning proposal is not seeking to change the zoning of the land, and will continue to provide a variety of housing options as permissible uses in the R4 zone.

Requirement (b) – The R4 zoned land is within an established urban locality and is supported by existing infrastructure such as water, sewer, electricity and so forth. As indicated, the planning proposal will not alter the zoning or maximum density of R4 zoned land and will continue to make efficient use of existing infrastructure and services.

Requirement (c) - The proposal will not result in the consumption of additional land in the urban fringe given the subject area is located within an established urban area.

Requirement (d) - Council has established design parameters for residential development within its DCP which are designed to deliver good design outcomes for the Canterbury LGA. The proposal is intended to reinforce the three storey height limit for RFB in our R4 zones so that is compatible with the surrounding residential character. It is our opinion that good design will continue to be achieved for RFBs in our R4 zones.

Further requirements are stated, inter alia:

A planning proposal must, in relation to land to which this direction applies:

- a) *Contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and*
- b) *Not contain provisions which will reduce the permissible residential density of land.*

Requirement (a) – The R4 zoned land is located within an existing urban area that that is serviced. The planning proposal is not proposing changing the zoning of the land in the R4 zone and is understood that infrastructure in the locality is sufficient to accommodate development in the R4 zone.

Requirement (b) – By nature of the height reduction from 11.5m to 11.0m, there will be no reduction in residential densities, the FSR will remain unchanged at 0.9:1. As outline, the primary difference in built form outcome is that residential flat buildings will be three storeys instead of four storeys in the R4 High Density Residential zone.

The direction outlines that a planning proposal can be inconsistent with the terms of this direction if the proposal is in accordance with the relevant regional strategy or subregional strategy prepared by the Department of planning which gives consideration to the objectives of this direction, or if the inconsistency is of minor significance.

The Planning Proposal has demonstrated that the reduction in height in the R4 zones is consistent with the objectives of the Directions and Actions of The Plan for Growing Sydney. Furthermore, it is considered that as the Canterbury LGA can satisfy its housing targets (see section 5.1).

Direction 3.4 – Integrating Land Use and Transport

The direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

Comment/response:

As the current proposal relates to existing area of R4 High Density Residential land, proposing to alter the height limit in this zone from 11.5m to 11m, this Direction applies.

The objectives of this direction are stated, inter alia:

- a. Improving access to housing, jobs and services by walking, cycling and public transport, and*
- b. Increasing the choice of available transport and reducing dependence on cars, and*
- c. Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
- d. Supporting the efficient and viable operation of public transport services, and*
- e. Providing for the efficient movement of freight.*

The proposal is consistent with the objectives of this Direction on the basis that the planning proposal will not alter the boundary of existing R4 zoned land in the LGA. The proposal will continue to enable redevelopment of R4 zoned land that are accessible to housing, jobs and services.