

Planning proposal to amend the planning controls at 15-23 Homer Street, Earlwood

Proposal Title : **Planning proposal to amend the planning controls at 15-23 Homer Street, Earlwood**

Proposal Summary : **The intention of the planning proposal is to facilitate high density residential flat development with an active commercial street frontage to Homer Street by:**

- amending the maximum permissible height of buildings to 17m; and
- allowing approximately half (21m) of the northern part of the site to accommodate ground level residential uses. The remainder of the site would be required to maintain ground floor commercial floor space.

PP Number : **PP_2015_CANTE_002_00**

Dop File No : **15/02007**

Proposal Details

Date Planning Proposal Received : **09-Feb-2015**

LGA covered : **Canterbury**

Region : **Metro(CBD)**

RPA : **Canterbury City Council**

State Electorate : **CANTERBURY**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **15 Homer Street**

Suburb : **Earlwood**

City : **Sydney**

Postcode : **2206**

Land Parcel : **Lot 1 DP 119762**

Street : **17 Homer Street**

Suburb : **Earlwood**

City : **Sydney**

Postcode : **2206**

Land Parcel : **Lot 1 DP 209918**

Street : **19 Homer Street**

Suburb : **Earlwood**

City : **Sydney**

Postcode : **2206**

Land Parcel : **Lot 2 DP 209918**

Street : **21-23 Homer Street**

Suburb : **Earlwood**

City : **Sydney**

Postcode : **2206**

Land Parcel : **Lot 3 DP 209918**

DoP Planning Officer Contact Details

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RPA Contact Details

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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 **Yes**
 Lobbyists Code of
 Conduct has been
 complied with :

If No, comment :

Have there been **No**
 meetings or
 communications with
 registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting
 Notes :

The planning proposal is supported with conditions because it:

- satisfies State and subregional metropolitan strategy objectives, which encourage developments that will facilitate increased housing provision in locations serviced by good public transport and close to jobs; and
- facilitates commercial activation of the Undercliffe Bridge Neighbourhood Centre, whilst acknowledging the commercial limitations of precinct's current permissible land uses; and
- achieves the optimal development potential for the site, which is constrained by having one street frontage, one public pedestrian/river frontage and a sloping terrain, by developing the non-commercially viable lower portion of the site as ground floor residential uses.

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External Supporting
Notes :

Council supports this planning proposal because it:

- facilitates high density mixed use development on the subject site, with residential apartments at ground level and above, and an active commercial frontage to Homer Street; and
- actions a resolution of Council of 13 November 2014, to increase the maximum building height from 10m to 17m, and to allow approximately half of the northern part of the site to accommodate ground floor residential uses.

Adequacy Assessment

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

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

Comment : The objective of the planning proposal is to facilitate high density residential development on the subject site, with an active commercial frontage to the street. This is considered adequate.

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

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

Comment : The planning proposal explains that an amendment to Canterbury LEP 2012 will need to be made to:

1. amend the Height of Building (HOB) Map (Sheet HOB_010) to increase the maximum building height from 10m to 17m for the subject site;
2. amend the Key Sites Map (KYS_010) to identify part of 3 lots 15,19, 21-23 Homer Street, legally described as - Lot 1 DP 119762 Lot 2 DP 209918 Lot 3 DP 209918; and
3. insert a new clause under Schedule 1 Additional permitted uses as follows:

"7. Use of certain land on 15, 19, 21-23 Homer Street, Earlwood

1. This Clause applies to land at 15,19, 21-23 Homer Street, Earlwood being Part Lot 1 DP 119762, Part Lot 2 DP 209918 and Part Lot 3 DP 20991, as identified "C" on the Key Sites Map.

2. Development for the purpose of ground level residential accommodation is permitted with development consent."

This is considered adequate.

Draft maps have been provided, but it is recommended that the Key Sites Map be amended prior to exhibition to reflect Council's intention to allow ground floor residential development on the half of the site that is topographically lowest with respect to the natural ground line.

Council intend to amend the Canterbury Development Control Plan and exhibit the draft amendments with the planning proposal.

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

3.1 Residential Zones

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

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

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

Have inconsistencies with items a), b) and d) being adequately justified? No

If No, explain :

The planning proposal is consistent with all SEPPs.

Direction 1.1 Business and Industrial Zones

This Direction seeks to encourage employment growth in suitable locations and protect employment land in business zones. Planning proposals must retain areas and locations of existing business zones, and not reduce the total potential floor space area for employment and related public services in business zones.

The site is zoned B1 Neighbourhood Centre. The objectives of the Zone are to provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood. Shop top housing is permitted with consent in the B1 Neighbourhood Centre zone.

The planning proposal seeks to enable residential accommodation as an additional permitted use on approximately 400 sqm of the site on the ground floor, thereby reducing the total potential floor space for employment uses. The proponent has submitted a viability assessment of the potential commercial floor space at the site. The assessment concluded that the ground level floorspace that faces the northern boundary of the site (the rear and lowest part of the site) would not be commercially viable and would be difficult to lease because:

- there is unlikely to be sufficient 'foot fall' or patronage along that section of the site to support commercial floor space, despite the public walkway along the adjoining Cooks River;**
- the surrounding catchment is not likely to support commercial floor space at that location;**
- that section of the site would not be particularly accessible, a key component in encouraging viability of small commercial tenancies; and**
- the northern boundary is screened by existing vegetation, which renders that part of the site invisible from potential passing trade and general traffic in the vicinity of the site.**

The inconsistency with this Direction is therefore justified.

Direction 4.1 Acid Sulphate Soils.

The Direction requires that a relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulphate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils.

The site is identified as Class 5 on the Acid Sulfate Soils Map in Canterbury LEP 2012. The planning proposal proposes an intensification of land use for high density residential purposes on land that is adjacent to land classified as Class 1 Acid Sulfate Soils. Part of the subject site is below the 1 in 100 year flood level and the site is located at an elevation between approximately 3.0m and 10.0m Australian Height Datum (AHD). The urban design report submitted with the planning proposal suggests two levels of below-ground carparking with entry located at the lower side of the site, at approximately 4.0m AHD. It is likely, therefore, that the watertable will be lowered below 1 metre AHD on the adjacent Class 1 land. Clause 6.1 of Canterbury LEP 2012 requires that development on such land must be accompanied by an acid sulfate soils management plan, unless a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required.

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The proposal is not consistent with this Direction. It is therefore recommended that the Gateway determination include a condition requiring a preliminary acid sulfate soils assessment be undertaken prior to public exhibition and that the report is included with exhibition documentation.

Direction 4.3 Flood Prone Land

The Direction requires that a planning proposal that affects flood prone land must not adversely affect the floodway areas or other properties. The lowest portion of the subject site is below the 1 in 100 year flood level. The planning proposal proposes a 3.0m setback at that point. This is likely to be insufficient to fully clear the flood area. However, the incursion is likely to be minor and any adverse effects will be able to be addressed at development application stage. The inconsistency with this Direction is therefore justified.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The planning proposal includes maps showing the proposed:**
- Height of Buildings Map; and
- Key Site Map.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Given the nature of the planning proposal a community consultation period of 28 days is proposed by Council.**

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 is required to assist in achieving Council's intention to achieve higher density residential development on the site and permit residential development at ground level where commercial development is not considered viable.**

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Consistency with strategic planning framework :

The planning proposal is consistent with A Plan for Growing Sydney.

- Direction 2.1: Accelerate housing supply across Sydney; and Action 2.1.1: Accelerate housing supply. The proposal directly facilitates housing supply in a location serviced by good public transport services.
- Direction 2.2: Accelerate urban renewal across Sydney – providing homes closer to jobs; Action 2.2.2: Undertake urban renewal in transport corridors. The proposal facilitates urban infill and lifts housing production at a neighbourhood centre that is on a transport corridor.
- The planning proposal is consistent with the South Subregional Strategy in A Plan for Growing Sydney. It facilitates acceleration of housing supply and affordability, and contributes housing intensification and urban renewal at the Undercliffe Bridge Neighbourhood Centre and on a public transport corridor.

The planning proposal is not the result of any Council studies, strategies or plans. Canterbury Residential Development Strategy (2013), which was endorsed by the Department on 26 June 2014, made no recommendations for the site.

The Canterbury Development Control Plan 2012 includes specific height controls for the precinct, with height limits of one and two storeys specified for the subject site. An amendment to the CDCP 2012 is required to amend the height controls at the subject site. It is proposed in the planning proposal that the draft DCP would be exhibited concurrently with the planning proposal.

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 site's history of usage and location within a fully urbanised environment. The site may contain acid sulfate soils and may be subject to flooding (as previously discussed).

Social:

The site is directly serviced by Sydney buses, which link the site to Marrickville Station, which is on the Bankstown Line and connects the site to the CBD (Principle 1: Concentrate in Centres; and Principle 3: Align Centres within Corridors, of Integrating Land Use and Transport). The planning proposal states that a traffic and parking report was carried out in 2011 for a previous DA approval on the site, which was reviewed for this planning proposal. The conclusion was that the traffic and parking impacts can be adequately managed and that a more detailed study of the traffic impacts will be provided at the development application stage.

The proponent has included an urban design study that includes a suggested building envelope that comprises a perimeter block form of 14.1m depth that runs along Homer Street and turns the corner to run along the rear boundary / Cooks River frontage. The building envelope steps down and around the corner, from 5 storeys for the length of the commercial frontage, to four storeys, and then to three storeys in the far rear corner of the site.

The Canterbury DCP permits buildings of two to four storeys and the buildings within the precinct are of one to four storeys. Opposite the subject site is a recently approved mixed use development of 3 storeys. Adjacent to that is a two storey commercial building and a single storey detached dwelling. Adjacent to and to the south of the subject site is a non-conforming residential flat development, which consists of a four storey building fronting Homer Street, stepping down to a two storey building at the rear, on the river frontage. This development was approved under the then existing use rights provisions whereby a non-conforming use (a previous non-conforming commercial use) could be replaced by another non-conforming use (residential flat development). Those provisions have since been repealed.

With regards to the built form of the proposal, the Council officer Report dated 13 November 2014, that outlines Council's assessment of the planning proposal, recommended a building height increase from 10m to only 14m along Homer Street and retention of the current 10m building height for the rest of the site, to enable the site to be redeveloped to a scale appropriate for the centre and the vicinity.

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The Department is of the opinion that a building height of 17m across the entire site may be excessive with respect to the current and future-planned scale and building form of the precinct, and the pedestrian uses along the river foreshore. It is therefore recommended that the planning proposal proceed to exhibition with an additional study to be prepared to justify the proposed maximum building height, that addresses:

- the scale and built form of the local area and the precinct;
- the precinct's relationship with the Cooks River and the river foreshore; and
- the precinct as a local hub.

Economic:

The subject site is located at the Undercliffe Bridge Neighbourhood Centre. It is not a strategic centre. The proposal is likely to contribute to the economic viability of the Centre as a result of increased businesses and local population.

Assessment Process

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

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

Public Authority Consultation - s56(2)(d) : **Transport for NSW
Transport for NSW - Roads and Maritime Services
Sydney Water
Other**

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
Covering letter from Council - 19.01.2015.pdf	Proposal Covering Letter	Yes
Planning proposal.pdf	Proposal	Yes
Planning Proposal Addendum - additional info.pdf	Proposal	Yes
Applicants commercial viability report.pdf	Proposal	Yes
Applicants urban design report.pdf	Proposal	Yes
Council Report 13.11.2014.pdf	Proposal	Yes
Council Resolution 13.11.2014.pdf	Proposal	Yes

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Attachment 1 - Information checklist.pdf
Attachment 4 - Evaluation criteria.pdf

Proposal
Proposal

No
No

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones**
 3.1 Residential Zones
 3.4 Integrating Land Use and Transport
 4.1 Acid Sulfate Soils
 4.3 Flood Prone Land

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

1. Prior to public exhibition the planning proposal is to be amended to include, for exhibition:

- a preliminary acid sulfate soils assessment;
- an amended Key Sites Map, to show ground floor residential development on the northern half of the site, taking into account the topography of the site; and
- an additional study to justify a maximum building height of 17m, which addresses:
 - the scale and built form of the local area and the precinct;
 - the precinct's relationship with the Cooks River and the river foreshore; and
 - the precinct as a local hub.

2. Consultation is required with the following public authorities:

- Transport for NSW
- Roads and Maritime Services
- Sydney Water
- Ausgrid

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal

3. The planning proposal is to be publicly exhibited for 28 days.

4. A public hearing is not required to be held into the matter.

5. The timeframe for completing the Local Environmental Plan is to be 9 months from the week following the date of the Gateway determination.

Supporting Reasons :

The planning proposal is supported with conditions because it:

- facilitates developments that will facilitate increased housing provision in locations serviced by good public transport and close to jobs; and
- facilitates commercial activation of the Undercliffe Bridge Neighbourhood Centre, whilst acknowledging the commercial limitations of precinct's current permissible land uses; and
- achieves the optimal development potential for the site, which is constrained by having one street frontage, one public pedestrian frontage and a sloping terrain, by developing the non-commercially viable lower portion of the site as ground floor residential uses.

Signature:



Printed Name:

Diane Sarkis

Date:

12/3/15