



City of Canterbury

City of Cultural Diversity

**PLANNING PROPOSAL TO AMEND
CANTERBURY LOCAL ENVIRONMENTAL
PLAN 2012**

15-23 Homer Street, Earlwood

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1.0 BACKGROUND

Council on 13 November 2014 considered a planning proposal to increase the maximum height from 10m to 18m and to enable part of the site to allow residential accommodation at ground level on land at 15-23 Homer Street, Earlwood.

At the meeting it was resolved that a planning proposal be prepared to:

- i. Amend the maximum building height to 17 metres.
- ii. Allow 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, and submitted to the Department of Planning and Environment for a Gateway Determination.

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.

1.2 Subject Land

The planning proposal applies to land located at 15-23 Homer Street, Earlwood which is described in more detail below.

Table 1: Property Description and Current Land Use

Address	Property Description	Current Land Use
15 Homer Street	Lot 2 DP 209918	Vacant
17 Homer Street	Lot 1 DP 209918	Vacant
19 Homer Street	Lot 3 DP 209918	Vacant
21-23 Homer Street	Lot 1 DP 119762	2 Storey building with retail at ground and dwelling above.

The subject site is known as 15-23 Homer Street, Earlwood, and is located on the western side of Homer Street. The property adjoins the Cooks River to the north. The land at 15-19 Homer Street is a vacant block of land which was previously owned by the Roads and Maritime Services (RMS). The land was part of the former Cooks River road corridor and was identified to be surplus to the RMS's requirements. Land at 21-23 Homer Street comprises a two storey building with ground floor shop and a first floor dwelling.

The site comprises lots 1, 2 and 3 in DP 209918 and Lot1 DP 119762. The site is an irregular shaped site with frontages of 44.79m to Homer Street and 42.81m to the Cooks River. The land has a site area of 1,144m².

Surrounding development is predominantly mixed residential and commercial development, which includes the Adora Handmade Chocolate shop, as well as a single storey detached dwelling on the southern side of Homer Street, and a property on the corner of Homer Street and Undercliffe Road which is a light industry business. Adjoining immediately to the south-west of the site is a recently constructed residential flat building of up to four storeys in height.

The site is part of a small area of land zoned B1 Neighbourhood Business known as the Undercliffe Neighbourhood Centre.

The aerial photo below shows the subject site and local context:



The aerial site is known as 104/105 Homer Street and is bounded and located on the western side of Undercliffe Road. The site is bounded to the north by the road, to the east by the road, to the south by a vacant block of land which was previously owned by the Council and is currently owned by the Council (RMP). The land is part of the former Docke River and is currently zoned B1 Neighbourhood Business. The site is located at the corner of 104/105 Homer Street and Undercliffe Road. The site is outlined in white in the aerial photograph.

Photograph 1: shows the site viewed from Homer Street looking west.



Photograph 2: surrounding area - Homer Street looking south west



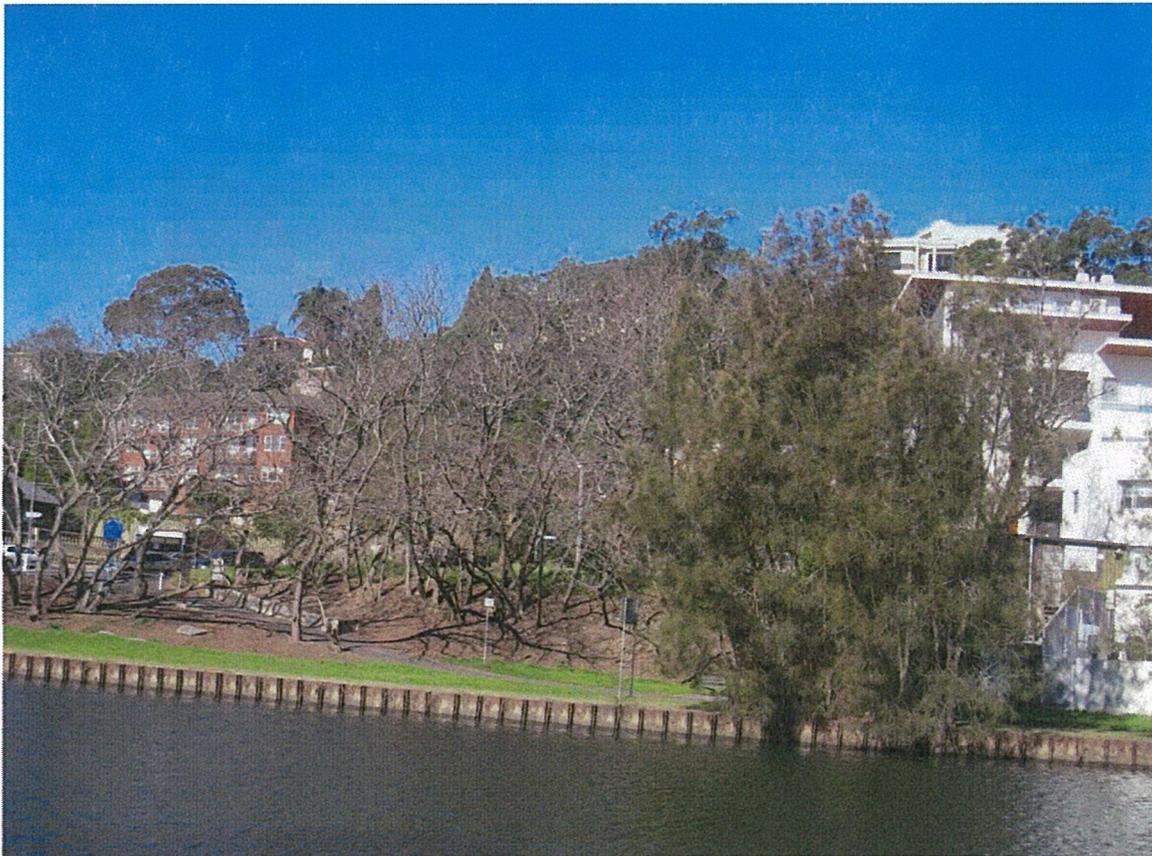
Photograph 3: surrounding area - Undercliffe Road looking east



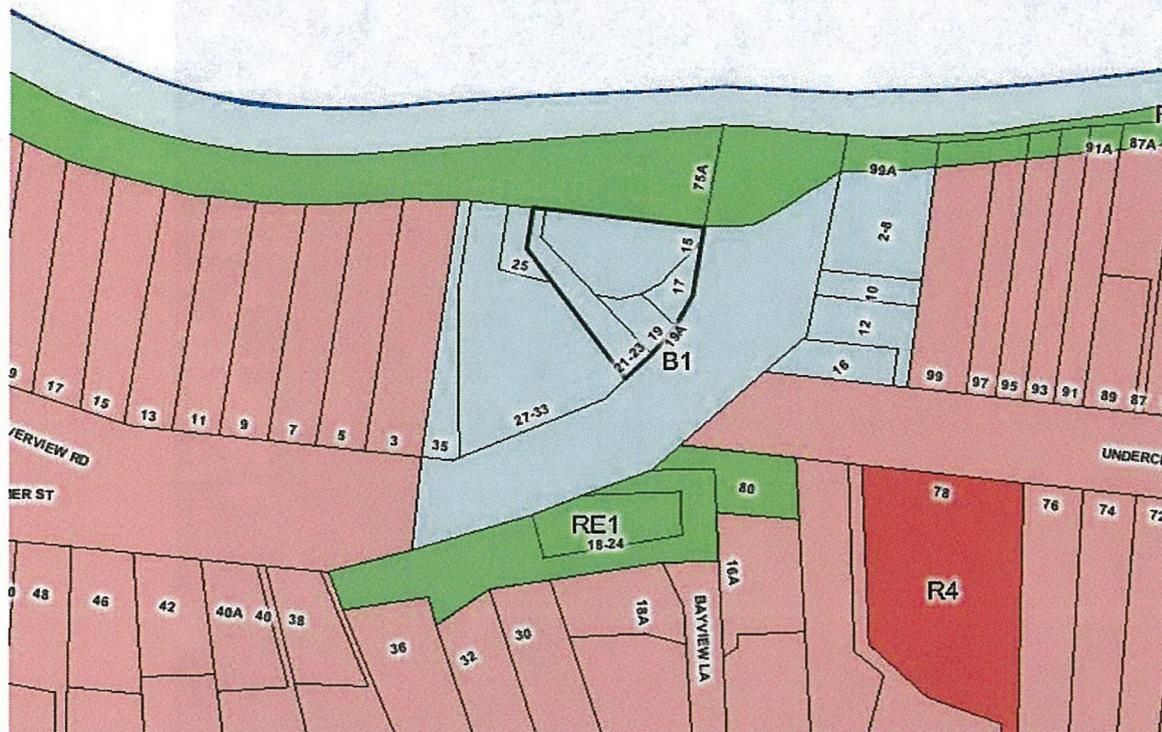
Photograph 4: views of properties opposite the site 2-16 Homer Street



Photograph 5: site as viewed from Steel Park (opposite)



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



1.3 Possible development scenario

The application submitted with the planning proposal includes an indicative development concept that could occur on the subject site under the proposed controls. The Urban Design report by Studio Zanardo accompanying the planning proposal recommends a building envelope that comprises a perimeter block form that runs along the northern and eastern frontages of the site.

The scheme envisages a five storey mixed use development along the Homer Street frontage, stepping down around the corner from five to four along the Cooks River and stepping down to three storeys along the western edge where it adjoins the residential development at 25-33 Homer Street. The majority of the development will be residential with ground floor retail uses along part of the Homer Street frontage. The applicant has estimated that the scheme would have an FSR of 2:1.

A copy of the applicant's Planning Proposal application is attached as **Attachment 4** of this report.

1.4 Development Controls for the Site

The subject site is affected by planning controls in the Canterbury DCP 2012 that are relevant to the planning proposal. The provisions in the DCP contain specific heights for the precinct. A height of a part one part two storey height limit currently applies to the subject site. An amendment to the CDCP 2012 would be necessary to cater for the amended height increase sought in the planning proposal.

Following Gateway Determination, it is proposed that the draft DCP would be exhibited concurrently with the planning proposal.

PART 1 OBJECTIVES OR INTENDED OUTCOMES

The objective of the Planning Proposal is to amend the Canterbury LEP 2012 in order to facilitate high density residential development on the site at 15-23 Homer Street, with an active commercial frontage to the street.

The intended outcomes of the Planning Proposal are as follows:

1. Amendment to permissible use

An amendment to the CLEP 2012 is sought in order to permit residential apartments at ground floor. These are currently prohibited in the Neighbourhood Business zone. This has been confirmed by recent Court proceedings on another site zoned B2.

2. Amendment to height of buildings map

The planning proposal requests a height limit of 17m to apply to the site in order to facilitate a residential flat building (RFB) with commercial uses along Homer street.

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

Standard	Current	Proposed
Zone	B1 Neighbourhood business	No change to zone, however, an amendment to Clause 2.5 to allow ground level residential accommodation to be permitted on the site.
Height	10m	17m
Floor Space Ratio	No FSR	No change

PART 2 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 Height of Building (HOB) Map (Sheet HOB_010) as per table 1.

Table 1 – HOB Map changes

<i>Current (Canterbury LEP 2012)</i>	<i>Proposed LEP amendment</i>
10 metres	17 metres

2. Amend the Key Sites Map (KYS_010) as per table 2

Table 2 – KYS Map Changes

<i>Current (Canterbury LEP 2012)</i>	<i>Proposed LEP amendment</i>
Land not identified	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

3. Amend the Canterbury LEP 2012 written instrument to 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 propose of ground level residential accommodation with the remainder of the site be required to maintain ground level commercial floor space is permitted with development consent.”*

PART 3 JUSTIFICATIONS

SECTION A: Need for the Planning Proposal

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

The planning proposal is not a result of any strategic study or report of Council. Council resolved on 13 November 2014 to support the preparation of a planning proposal to amend the maximum height from 10m to 17m and to allow a portion of the site to accommodate ground level residential uses.

It is noted that a residential flat building on the adjacent (25-33) site has a maximum height of 17 metres.

A letter from Macroplan Dimasi has been provided to support the request to retain a portion of the site to permit residential apartments at ground floor. Advice was sought on the viability of ground floor commercial floor space as part of the proposed redevelopment of the subject site. Macroplan concluded that the ground level floorspace that faces the northern boundary (the rear boundary) of the site is not suited to commercial/retail land uses and that such space would be difficult to lease commercially.

A copy of that advice is provided in **Attachment 6**.

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 this planning proposal is the best means of permitting a higher density mixed use 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 includes:

- Metropolitan Plan for Sydney 2036 (Metropolitan Plan).
- The draft inner South Sub regional Strategy (draft Subregional Strategy)

The planning proposal is considered to be consistent with the objectives and provisions of the strategic planning framework. Compliance of the Planning Proposal with the relevant regional and sub-regional strategies is set out in the **table 2** below.

Table 3 consistency with regional and sub-regional planning framework

Provision	Comment
Metropolitan Plan for Sydney 2036	
The Metropolitan Plan for Sydney 2036 sets out the Key Strategic Directions on the key areas of housing, employment, centres, the environment, transport and parks and public places.	The Planning Proposal is consistent with the Key Strategic Directions of the Metropolitan Plan as described below: <i>A: Strengthening a City of Cities</i> The planning proposal will facilitate the development of

	<p>additional housing and neighbourhood business on a site with good access to facilities and public transport. The proposal will support Objective A2 to achieve a compact, connected, multi-centred and increasingly networked City structure.</p> <p><i>B: Growing and Renewing Centres</i> The proposal will support Objective B1 by focusing activity in a neighbourhood centre.</p> <p><i>C: Transported for a Connected City</i> As the site is on a public transport bus route providing access to the City Centre, the proposal is consistent with Objective C2 to build on Sydney's strengths by further integrating transport and land use planning and decision making to support increased public transport mode share.</p> <p><i>D Housing Sydney's Population</i> The proposal will support the Objective D2 to produce housing that suits our expected future needs. It will help meet dwelling targets set in the Draft South Subregional Strategy.</p>
Draft Inner South Sub Regional Strategy	
<p>The South Subregional Planning Strategy, which covers LGAs of Hurstville, Rockdale, Sutherland, Marrickville, Kogarah and Canterbury, sets the broad direction for additional dwelling and employment growth. The target for the South Subregion is 29,000 new jobs and 35,000 new dwellings by 2036.</p> <p>Canterbury LGA is expected to deliver 7,100 (or 20%) of the 35,000 of the subregion's projected dwellings by 2031. This proportion is the second largest expected of Councils within the subregion.</p>	<p>The proposal is generally consistent with the following sections of the South Subregional Planning Strategy, as described below:</p> <ul style="list-style-type: none"> • C.1.3 Plan for increased housing capacity targets in existing areas. <p>It is anticipated the proposal will predominantly create additional contemporary housing stock. It will add to housing diversity in the Canterbury LGA. Canterbury is expected to deliver 7000 dwellings by 2031, and the proposal would potentially assist in satisfying this target on a site within the existing Neighbourhood Centre.</p>

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 with an active commercial frontage to the street and 'Balanced Urban Development' through the appropriate location of new housing close to public transport and shopping/community facilities.

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

Yes. See Appendix 1.

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

Yes. See Appendix 2.

SECTION C: Environmental, social and economic impact

8. 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.

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

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

Building form

The urban design report accompanying the planning proposal provides the following key points in relation to contextual impact:

- *Gently sloping site between base of cliff and river flat – overlooks Stafford Walk and Cooks River cycleway – most visible on approach from north overlook Undercliffe Bridge;*
- *Urban streetscape character except for vegetated cliff – one and two storeys opposite (café and houses), 4-5 storey apartment building adjoining to west is strongly urban (small openings in street elevation, small setback, no planting); cliff is tallest element and dominate streetscape;*
- *Building envelope should setback 3m from street to align with apartments – active frontage with awning – 3m setback from Stafford Walk and north-western boundary to provide landscaping and retain views – central planting area and narrow building depth for high amenity – 18m/5 storey height to match apartments, stepping down as turns corner to River;*
- *Residential development with a commercial frontage will be compatible with surrounding land use, which was predominantly residential since first settlement.*

The suggested building envelope comprises a perimeter block form that runs along the northern and eastern frontages of the site.

The scheme envisages a five storey mixed use development along the Homer Street frontage, stepping down around the corner from five to four along the Cooks River and then stepping down to three storeys along the western edge where it adjoins the residential development at 25-33 Homer Street.

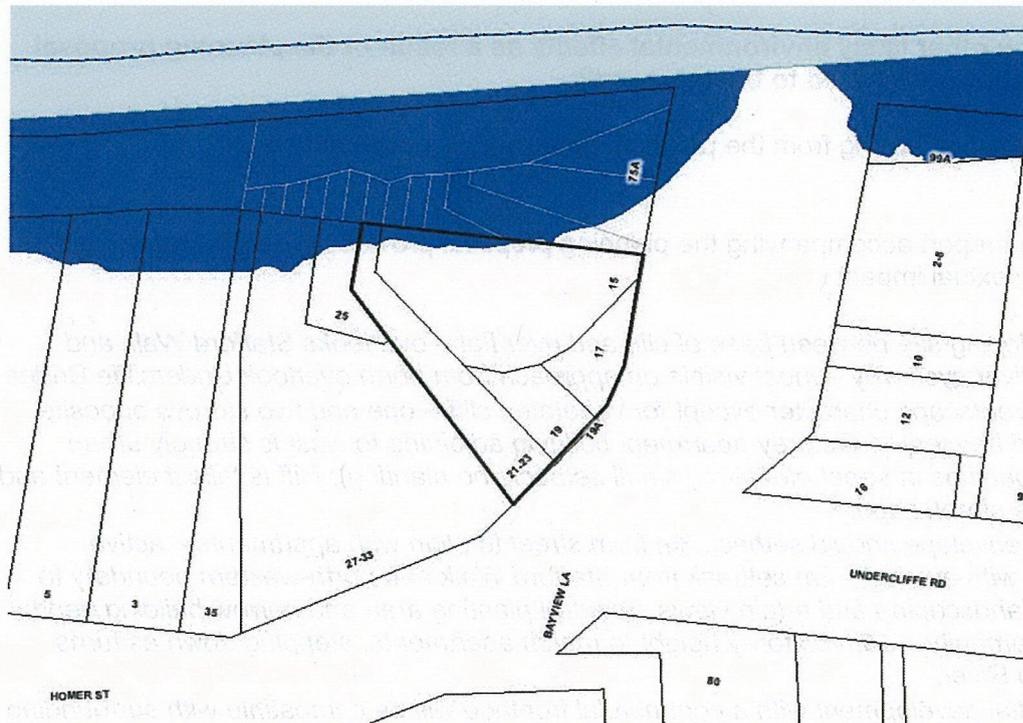
The envelope and indicative plan have been tested against SEPP 65 Residential Flat Design Code and is able to achieve compliance with the Rules of Thumb, including solar access and cross ventilation.

A copy of the urban design report is shown in **Attachment 5**.

Flooding

A small part of the site is below the 1 in 100 year flood level (see map below) and the planning proposal will not affect the capability of development on the site to comply with Council's policy for flood prone land.

Map showing extent of 1 in 100 year flood for subject site.



Site contamination

The site has historically been used for residential purposes and therefore the risk of land contamination is minimal. A development application for the site in accordance with the planning proposal would be accompanied by a preliminary site investigation.

Traffic and Parking

The site is within easy walking distance of the bus stops on Homer Street, giving good access to local and regional facilities and the wider Sydney public transport system. It is also within walkable distance to Marrickville and Tempe Stations.

A traffic and parking report was carried out in 2011 for a previous DA approval on the site. This has been reviewed as part of this planning proposal with the conclusion that the traffic and parking impacts can be adequately managed. A more detailed study of the traffic impacts will be provided at the development application stage.

Cycle and pedestrian movement

The Cook River Regional walking and cycle path is situated adjacent to the subject site. This pathway has the potential to deliver visitors and enhance the viability of the proposed mixed use development envisaged in the planning proposal.

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

The planning proposal is expected to generate positive social and economic impacts by providing additional housing and employment opportunities in an area well serviced by public transport and infrastructure.

SECTION D: State and Commonwealth interests

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

Yes. The planning proposal does not generate any need to upgrade or improve public infrastructure.

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

Consultation with any State and Commonwealth public authorities has not yet been undertaken. Council will engage any such public authority if required in accordance with the Gateway Determination.

PART 4 MAPPING

The following maps (**Appendix 3**) have been prepared to support the planning proposal:

- Existing height of building and key site Map.
- Proposed height of building and key site Map.

PART 5: COMMUNITY CONSULTATION

The Planning proposal will be placed on public exhibition in accordance with the Gateway Determination.

It is also proposed to exhibit the draft DCP concurrently with the planning proposal.

Notice of the public exhibition on the planning proposal will be prepared and will involve the following:

- Advertisement to the local newspaper (ie Torch, Valley Times)
- Notification letters to relevant State Agencies and other authorities nominated by the Department, if required.
- Notification to adjoining Marrickville Council
- Notification letters to adjoining neighbours.
- Advertise the proposal on Council's website.
- Copies of the Planning Proposal to be available at Council's administration building.

PART 6: PROJECT TIMELINE

This is outlined in the table below:

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

APPENDIX 1: 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	Consistent
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 mixed use residential/commercial development that would be subject to SEPP 65. Any future development application should consider the relevant provisions of SEPP 65.
SEPP 70 – Affordable Housing	Not Applicable

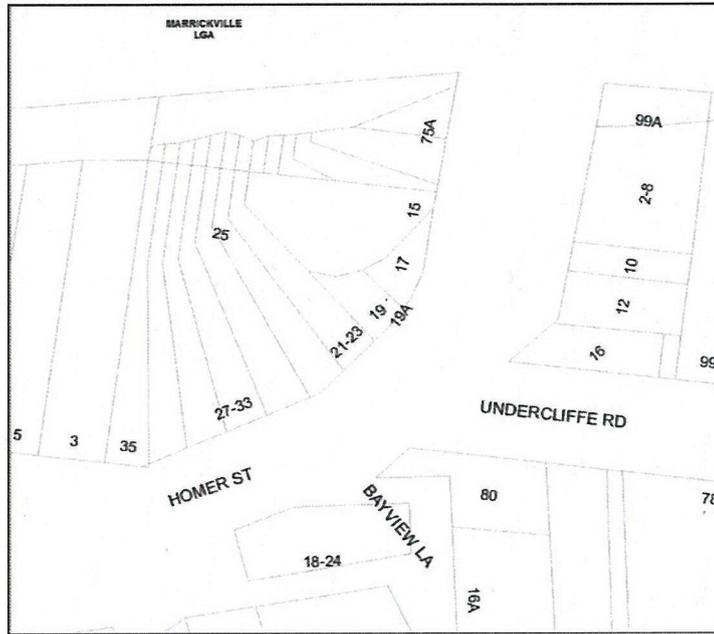
SEPP 71 – Coastal Protection	Not Applicable
SEPP (Affordable Rental Housing) 2009	Not Applicable
SEPP (Building Sustainability Index BASIX) 2004	The planning proposal seeks to amend the planning controls to permit a mixed use residential/commercial development that would be subject to the SEPP. Any future 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

APPENDIX 2: Section 117 Directions

Section 117 Directions	Consistency	Comments
Employment and Resources		
1.1 Business and Industrial zones	Consistent	<p>The proposal is inconsistent with this Direction in that it rezones a parcel of B1 zoned land to allow residential uses at ground level. The loss of business zoned land is expected to be in the order of 400m². The proposal will still retain an area of the existing business zone and will not reduce the potential for employment uses.</p> <p>The viability of a commercial use for that section of the land (northern/Cooks River frontage) has been assessed by Macroplan who concluded that the commercial use of the ground floor space at the rear of the site is unviable. See Attachment 6.</p> <p>The proposal is justifiably inconsistent.</p>
Housing, Infrastructure and Urban Development		
3.1 Residential zones	Consistent	<p>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:</p> <ul style="list-style-type: none"> • Encourage a variety of housing types for the Neighbourhood Centre to provide for existing and future housing needs. • Make efficient use of existing infrastructure and services; and • The planning proposal will reduce the consumption of land for housing and associated urban development on the urban fringe. • The planning proposal does not contain provisions which will reduce the permissible density of the land, in accordance with

		the requirements of the Ministerial Direction.
3.4 Integrating Land Use and Transport	Consistent	The proposal is consistent with this document and particularly with Principle 1 Concentrate in Centres. The site is located within 400m walking distance of high frequency bus route and a cycleway providing good access to surrounding shops, business and service centres and to railway stations.
Hazard and Risk		
4.1 Acid Sulfate Soils	Consistent	<p>The site is shown as Class 5 in the Acid Sulfate LEP Map and is adjacent to the Cooks River which is shown as Class 1.</p> <p>Existing provisions for the management and assessment of Acid Sulfate in association with new developments apply under Clause 6.1 of the CLEP 2012</p>
4.3 Flood Prone Land	Consistent	The site (only a small percentage of the site) is situated within the flood planning areas in the LEP. The LEP contains provisions requiring a DA to address matters relating to the management of flood risk. The proposal will not contradict or hinder the application of these provisions, which are appropriate for all likely development of the site.

Map 3: Existing Key Sites Map



Map 4: Proposed Key Sites Map

