



8 November 2022

Laura Locke
Director, Metro East and South
Department of Planning and Environment

Attn: Kris Walsh, Manager, Metro East and South

Dear Laura,

RE: Site Compatibility Certificate SCC2022CBANK – 124-142 Beamish Street and 16-18 Ninth Avenue, Campsie

I refer to your letter dated 19 October 2022 regarding the Site Compatibility Certificate (SCC) application for the land at 124-142 Beamish Street and 16-18 Ninth Avenue, Campsie. Council has reviewed the documentation made available on the Department of Planning and Environment's website and enclosed with this letter is Council's response to the SCC application.

Based on our review, Council does not support the granting of a SCC for this site as it will undermine the extensive strategic planning work undertaken by Council for Campsie Town Centre Master Plan. In particular, Council has modelled the built form for this site and commissioned an independent review that resolved to support the maximum 20 storey height limit and maximum FSR of 5.9:1 (inclusive of up to 1:1 underground floor space). The proponent has had ample opportunities to present their vision and Council has resolved not to support such an outcome for this site. Council sees the SCC application as another a means of bypassing the extensive planning and design testing already carried out by Council for this site and more broadly, the Campsie Town Centre.

Council therefore requests that the Planning Secretary does not grant a SCC under Clause 39 of the State Environmental Planning Policy (Housing) 2021 for this application.

If you require any clarification or have any enquiries regarding this matter, please feel free to contact me on 9707 9693 or Camille.Lattouf@cbc.city.nsw.gov.au or Patrick Lebon, Coordinator Strategic Assessments on 9707 5593 or Patrick.Lebon@cbc.city.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read "Lattouf".

Camille Lattouf,
Manager, City Strategy and Design
City of Canterbury Bankstown Council

Attachments:

- A – Council submission to Site Compatibility Certificate
- B – Campsie Master Plan Site Specific Review
- C – Sydney South Planning Panel 2020 decision on planning proposal Rezoning Review and Council's Submission to the Panel



Attachment A

Site Compatibility Certificate Application SCC2022CBANK – Canterbury Bankstown Council Submission 124-142 Beamish Street and 16-18 Ninth Avenue, Campsie

Summary

- Council does not support the granting of a Site Compatibility Certificate (SCC) on the basis the proposal would not be compatible with the development permitted under current planning controls for the site and adjoining properties under the Canterbury Local Environmental Plan 2012 and it would result in a height and density that is significantly higher than that envisaged under Council's Master Plan for Campsie.
- In the event this SCC was granted, and the proponent proceeds with and receives approval for the concept scheme, it may result in a 25 storey tower (86m) surrounded by 21m building height (five storeys) under current LEP planning controls.
- Council's adopted Campsie Town Centre Master Plan and associated planning proposal proposes a maximum building height of 20 storeys (67m) for this site, 19m lower than the applicant's concept scheme.
- Council and an independent panel of experts have assessed the applicant's previous submissions for this site as part of the Master Planning process. The applicant's proposed FSR of 8.03:1 is 36% higher than the maximum FSR of 5.9:1, inclusive of up to 1:1 underground floor space, supported by Council and the independent experts.
- Council does not support the Site Compatibility Certificate (SCC) in principle on the basis it would undermine the land use planning within a Master Planned Strategic Centre that has been subject to extensive community engagement and comprehensive strategic planning by Council. Given the strategic planning context, the issuing of a SCC for an important key site that is currently undergoing a planning proposal process would hinder Council and the community's attainment of good planning outcomes.

Comments

Strategic planning context

- The site has been the subject of an applicant-initiated planning proposal that was submitted to Council on 20 April 2020 and that sought to increase the maximum building height to 86m (up to 25 storeys) with no FSR control. Council did not progress the planning proposal and the applicant pursued a Rezoning Review to the Sydney South Planning Panel. In October 2020, the Panel resolved to not support the planning proposal for the following reasons:
 - A new approach for strategic planning was developed by the Department to collaborate with Councils. The Council-led process includes active engagement with stakeholders and land owners which will be undertaken as part of the Master Plan process.
 - The Department would be working with Council to ensure a Gateway determination is completed as quickly as possible.
 - It would therefore be premature to consider the planning proposal and pre-empt the outcome in light of Council's Master Planning process.
- A copy of the Panel's decision and Council's submission to the Panel is at Attachment C.
- Council has prepared a comprehensive Master Plan that sets out the vision and planning pathway to facilitate housing and jobs growth in Campsie Town Centre to help Council meet its targets within the South District Plan in a sustainable way that is supported by new and improved public infrastructure including new public open space.



- The Master Plan included extensive community engagement prior to being adopted by Council. The engagement outcomes were considered by Council and changes were made to the Master Plan prior to adoption. The applicant's submission during this engagement period was also considered by Council.
- At the 24 May 2022 Council Meeting, Council resolved to adopt the Campsie Town Centre Master Plan.
- The Council's Local Planning Panel recommended that Council undertakes a review of the land owner submissions made on certain key sites in the Campsie Town Centre Master Plan before the planning proposal was submitted to the Department.
- The subject site was included as part of the *Campsie Master Plan Site Specific Review* (the Site Specific Review, refer to Attachment B). The Site Specific Review noted the following:
 - The land owner submission included a detailed design proposal with design objectives, built form massing, options, floorplans and ADG analysis. The design is based on a podium of three levels (retail and commercial) with two (twin) 25 storey residential towers.
 - Site C1 is within the high-level intensification Area1 and is proposed to have a B4 mixed use zone.
 - Under the Master Plan the site is proposed to have a maximum building height of 20 storeys (67m) and a maximum FSR of 4.9:1 plus 1:1 underground floorspace for specified uses. The 'base FSR' is 1.8:1.
 - The land owner's scheme had a maximum FSR of 7:1 plus 1:1 underground floor space and a 25 storey maximum building height (86m)
- Site Specific Review concluded that the applicant's 25 storey/8:1 FSR proposal was not an achievable development for the site and was not worthy of support for reasons relating to amenity and environmental impacts, the design excellence requirements of the Tall Buildings Study and SEPP 65, and the overall tower height greater than 20 storeys.
- Taking into account all design considerations, site analysis and Council's testing, the Panel considered that the draft Master Plan maximum FSR control could be increased from 4.5:1 up to a maximum of 4.9:1. This increased FSR was included in the Campsie Town Centre planning proposal.
- Council prepared a planning proposal that implements the Master Plan and submitted the planning proposal with the Department of Planning and Environment (the Department) on 7 August 2022. The planning proposal is under assessment by the Department and awaiting gateway determination.

Comment on matters that must be considered by the Planning Secretary

- Clause 39(6) of the Housing SEPP sets out the matters for consideration before the Planning Secretary can issue a SCC:

"(6) The Planning Secretary must not issue a certificate unless the Planning Secretary—

(a) has taken into account comments, if any, received from the council within 14 days after the application for the certificate was made, and

(b) is of the opinion that the residential flat building is compatible with the surrounding land uses considering the following matters—

(i) the existing uses and approved uses of land in the area,

(ii) the impact that the residential flat building, including its bulk and scale, is likely to have on the existing uses, approved uses and uses that, in the opinion of the Planning Secretary, are likely to be the preferred future uses of the land,

(iii) the services and infrastructure that are or will be available to meet the demands arising from the development, and

(c) is of the opinion that the development is not likely to have an adverse effect on the environment and will not cause unacceptable environmental risks to the land."



- The table below contains Council's assessment against Clause 39(6) of the Housing SEPP.

Clause 39(6) heads of consideration	Council Response
(a) has taken into account comments, if any, received from the council within 14 days after the application for the certificate was made, and	Council does not support the granting of a SCC for this site as proposed by the applicant. All planning decisions that would have the effect of altering key built form LEP controls (FSR and building height) within Campsie Town Centre must accord with the Council adopted Campsie Town Centre Master Plan and its planning proposal. Council requests the Planning Secretary considers the comments provided by Council and does not grant a SCC for this application.
(b) is of the opinion that the residential flat building is compatible with the surrounding land uses considering the following matters— (i) the existing uses and approved uses of land in the area	Council considers a residential flat building on the site would not be compatible in the current B2 zone given the existing uses in the area. Council notes that shop top housing is permissible in the zone and under the Master Plan, it remains Council's requirement for any development on the site in the future to provide non-residential uses at the lower levels of the site within a podium as active frontages to the three street frontages of the site. The proposal would appear to be a residential focused development of the site which would not be entirely consistent with the objectives of the B4 Mixed Use Zone proposed for the site under the Campsie Town Centre planning proposal.
(ii) the impact that the residential flat building, including its bulk and scale, is likely to have on the existing uses, approved uses and uses that, in the opinion of the Planning Secretary, are likely to be the preferred future uses of the land,	<p><u>Impact of Bulk and scale:</u></p> <p>Council strongly opposes building heights greater than 20 storeys (67m) and an FSR greater than 5.9:1 for the subject site. This position is based on the extensive modelling undertaken by Council to inform the preparation of the Campsie Town Centre Master Plan and the additional work carried out by the independent panel commissioned by Council to review land owner submissions for sites in the Town Centre, including the subject site (refer to Attachment B, pages 9 to 13). The height and FSR contemplated by the applicant in their SCC submission are not supported by Council on urban design and town planning grounds.</p> <p><u>Impact on existing uses:</u></p> <p>The proposed use for a residential flat building on the would be detrimental to the surrounding commercial context given the over development of the site envisaged by the applicant, as outlined in this submission. The site requires careful planning and design to minimise land use conflicts and interfaces between residential and commercial uses on the site and on adjoining sites. The maximum building heights and FSR proposed by Council, as well as street wall heights and setbacks, within the Master Plan achieve this outcome and therefore should not be exceeded by any proposal.</p> <p><u>Preferred future uses of the land:</u></p> <p>The site is in a key location within the core of Campsie centre and has an important role to play as a vibrant mixed use development destination. A mainly residential use on the land</p>



Clause 39(6) heads of consideration	Council Response
	<p>would not accord with the intent and objectives of the proposed B4 Mixed Use Zone.</p> <p>Any deviation from this vision of Council as outlined in Council's adopted Master Plan is not supported by Council.</p>
(iii) the services and infrastructure that are or will be available to meet the demands arising from the development, and	<p>The development of the site of the scale and intensity envisaged by proponent, with disregard of the Council's comprehensive adopted Master Plan, is likely to place an increased burden on existing and planned public infrastructure in the Town Centre such as public parks, active transport links, community facilities and the like. The applicant's maximum FSR for the site (8.03:1 vs 5.9:1) is 36% higher than what is proposed under Council's Master Plan and planning proposal for Campsie Town Centre. This increased development yield is not envisaged nor accounted for in the public infrastructure planned by Council for Campsie in the Master Plan.</p>
(c) is of the opinion that the development is not likely to have an adverse effect on the environment and will not cause unacceptable environmental risks to the land	<p>The site sits within an urbanised metropolitan centre that has a history of site contamination (as evidenced in the applicant's Preliminary Site Investigation). The future redevelopment of the site must demonstrate the site is capable of supporting the residential use of the land in accordance with the requirements of State Environmental Planning Policy (Resilience and Hazards) 2021.</p>

Applicability of the Housing SEPP

- Council considers that it would be inappropriate for the applicant to seek a bonus FSR above the maximum FSR of 5.9:1 for the site.
- The Housing SEPP appears to prevent an applicant using the 'in-fill affordable housing' provisions within the SEPP, which also provides a bonus FSR for affordable housing under those provisions, for development that relies on an SCC.
- Clause 37(2) states "(2) *This Division does not apply to—(a) development to which this Part, Division 1 applies*". Part 2 Division 1 refers to 'In-fill affordable housing'.
- If Part 2 Division 1 does not apply to a future development that has the benefit of a SCC, it would be Council's opinion that future development would not therefore have access to any bonus FSR for provision of affordable housing (under Clause 17 of the Housing SEPP).
- Council seeks the Department's advice that if the development proposal seeks to utilise Part 2 Division 1 of the Housing SEPP, whether this would be impermissible and should not form part of any proposal in the future that would be associated with this Site Compatibility Certificate.

Status of Pacific Community Housing Pty Limited as a Social Housing Provider

- Council notes that the *Registrar's Executive Assessment 2021-22 Compliance Program* for Pacific Community Housing Pty Limited states the following: '*PCH has been responsive in implementing these improvements. However, a number of recommendations remain outstanding and will be assessed when PCH has commenced operations.*'
- Council seeks clarification from the Department on this matter prior to a SCC being issued.