
**Report to the Acting Secretary on an application for a Site Compatibility Certificate
State Environmental Planning Policy (Affordable Rental Housing) 2009**

SITE: 2-10 Cammarlie Street, Panania

APPLICANT: Land and Housing Corporation

PROPOSAL: Construction of a three (3) storey residential flat building containing twenty two (22) units, and six (6) two storey townhouses resulting in a total of 28 units, pursuant to the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP).

LGA: Bankstown

SITE CONTEXT:

The site comprises five regularly shaped lots with a total area of 3 155.2 m². Each lot is currently occupied by a single storey fibro clad cottage with metal roof built in the early 1950's by the then Housing Commission of NSW (now Land and Housing Corporation [LAHC]) as part of a larger group of dwellings.

The site has a main street frontage to Cammarlie Street (**Photo 1**) and is directly opposite Cammarlie Reserve (**Photos 2 & 3**).

The site has a gentle cross fall from the south east to corner to the north-west corner with an average slope of 4.2 %.

A site location map is at **Tag 1A** and an aerial photo showing the site, surrounds and the shortest walking route to Panania Station is at **Tag 1B**.

The immediate neighbourhood is dominated by Cammarlie Reserve (shown in **Photo 2, 3 & 4**). **Photo 4** is a continuous panoramic view from the site to the west → north → east.

PERMISSIBILITY STATEMENT

(Relevant provisions of the ARH SEPP are at **Tag 2**)

Clause 34

The site is zoned 2(a) Residential A under Bankstown Local Environmental Plan 2001 (LEP 2001). A zoning map extract is at **Tag 3**. Residential flat buildings are not permissible under this zone. However, clause 34 of the AH SEPP applies as follows:

"This Division applies to the following land, but not if development for the purposes of a residential flat building is permissible on the land under another environmental planning instrument:

- (a) Land in the Sydney region that is within 800 m of:*
 - (i) a public entrance to a railway station or light rail station, or*
 - (ii) in the case of a light rail station with no entrance – a platform of the light rail station."*

Comment:

The site is located approximately 400 metres to the Panania Railway Station entrance and the walking route distance is approximately 450 metres (see **Tag 1B**). The proposal accordingly complies with the 800 metre distance requirement.

Clause 35

Clause 35 of the AH SEPP stipulates that Division 5 of the AH SEPP applies for the purposes of a residential flat building:

- (a) by or on behalf of a public authority or social housing provider; or*
- (b) by a person who is undertaking the development with the Land and Housing Corporation"*

Comment:

The applicant is the Land and Housing Corporation and all units are to be designated as affordable rental housing.

The proposal, therefore, complies with clause 35.

Clause 37(6)

The Acting Secretary must not issue a certificate unless the Acting Secretary:

- (a) has taken into account any comments received from the council within 14 days after the application for the certificate was made; and
- (b) is of the opinion that the development concerned is:
 - (i) compatible with the surrounding land uses having regard to the matters set out in clause 37(6)(b); and
 - (ii) not likely to have an adverse effect on the environment and does not cause any unacceptable environmental risks to the land.

Comments made by Bankstown Council

The Acting Secretary must take into account any comments from the relevant council received within 14 days after the application for the site compatibility certificate was made (clause 37(6)(a)).

Bankstown City Council was consulted. Council, in its letter of 24 February 2014 (**Tag 6**) does not support the issue of a site compatibility certificate for the following reasons:

Residential Flat Development (RFB)

- RFB's are not permitted in the 2(a) Residential zone.
- The maximum building height in the 2(a) Residential zone is 2 storeys. The proposed 3 storey form would be out of character with the existing development which is predominantly 2 storey detached dwelling houses.

Town House Development

- The closest form to townhouse development under Bankstown LEP 2001 is villa development. Villas must not exceed 2 storeys and have a maximum height of 1 storey at the rear. The proposed development would result in a 2 storey built form at the rear which would be out of character with the approved rear villa development in the locality.

Likely Future Use of Land

- Council is preparing a Local Area Plan for the South West Local Area that includes the Panania centre. The subject site is located on the fringe of the Panania centre and high density built forms such as RFBs are not envisaged for this area.

Accessibility to Panania Railway Station

- Council questions the applicant's identification of Panania as a *potential key commuter railway station*. Council believes Panania Station is not 'accessible and unlikely to be so in the future. Accordingly, future residents of social housing with mobility issues would not benefit from housing in this location for this reason'.

Comment:

It is noted that the issues of concern raised by Council relate to the permissibility of the proposed development under the provisions of the Bankstown LEP 2001 and the resultant built form being out of character with the surrounding development. The character of the locality is discussed in this report.

In respect of Panania railway station, Council is concerned that social housing residents with mobility issues will not be able to access the station.

It is noted that it is not a requirement of the SEPP that a railway station or light rail station be accessible to persons with mobility limitations and that mobility limitations are not confined to social housing residents.

COMPATIBILITY WITH SURROUNDING LAND USES

The Acting Secretary must not issue a certificate unless she is of the opinion that the development concerned is compatible with the surrounding land uses having regard to the following matters (clause 37(6)(b)):

1. The existing uses and approved uses of land in the vicinity of the development (clause 37(6)(b)(i))

Comment:

Existing uses in the vicinity consist predominately of detached residential dwellings (many 2 storeys in height) with some medium density development consisting of 2 storey 'villas' including dual occupancies. These are interspersed throughout the area. Refer to **Photos 2, 3 & 4**.

2. The impact that the development (including its bulk and scale) is likely to have on the existing uses, approved uses and uses that, in the opinion of the Acting Secretary, are likely to be preferred future uses of that land (clause 37(6)(b)(ii))

Comment:

The site is zoned 2(a) Residential A which is a low density residential zone. Council is concerned that development of a 3 storey RFB and 2 storey townhouses will have a negative effect on the existing amenity of the affected residents.

Council's position that the proposed development is prohibited under the Bankstown LEP 2001 is acknowledged, however, suitable development of this nature may proceed under the ARHSEPP. It is noted that the site is proposed to be zoned R2 under the exhibited draft principal Bankstown LEP 2014 and that the proposed development will be prohibited.

The bulk and scale of the proposed development is greater than would be allowed under both the current LEP and the draft LEP.

Potential negative impacts are ameliorated by the proposed design, which provides for the residential flat buildings to be well separated from the side boundaries, comprising a nine (9) metre setback to the east and five (5) metres to the west. A six (6) metre setback has been provided to the front. These distances are greater than usual setback distances for many 2 storey single dwellings found within the locality.

In addition, the townhouses will not be readily visible from the street as they are to be located at the rear of the site. This building design and layout provides a sufficient buffer between the 3 storey residential flat buildings at the front of the site and the adjoining properties, minimising the impact of overlooking and overshadowing.

The proposed design also reduces concern of the overall appearance and bulk of the development. The 3 storey residential flat buildings are divided into two distinct buildings, with proposed two storey town houses providing a suitable transition in building height.

Furthermore, the bulk of the proposed building is softened by employing various structural and height elements and by the use of various external colours, particularly addressing the street frontage. For example, each ground floor unit facing Cammarlie Street has been treated as a separate dwelling and these are provided with direct pedestrian and vehicular access from the street.

The design details described above are shown in the elevation drawings of the proposed concept (refer **Tag 4 & Tag 5**).

While there may be some minimal impact introduced by the bulk and scale of a building of this nature upon the existing character of the area, the concept design illustrates that any impact is not significant.

Further, it is considered the proposed development of affordable rental housing in this location, accessible near a transport node (Panania Railway Station), is not inconsistent with the draft Metropolitan Strategy for Sydney to 2031 and the AHSEPP.

3. The services and infrastructure that are or will be available to meet the demands arising from the development (clause 37(6)(b)(iii))

Comment:

The Panania shopping area (adjacent, on both sides, to the Panania Train Station) is located approximately 400 metres from the site. A full range of shops are available at this location, including chemists, a post-office, real estate agents, banking, medical practitioners, an IGA supermarket, restaurants and take-away food outlets. In the vicinity of the rail station there is also a public library and community centre.

EFFECT ON THE ENVIRONMENT

The Acting Secretary must not issue a certificate unless she is of the opinion that the development concerned is not likely to have an adverse effect on the environment and does not cause any unacceptable environmental risks to the land (clause 37(6)(c)):

Adverse effects on the environment and unacceptable environmental risks to the land (clause 37(6)(c))

The proposed development is considered not to have any likely adverse effects on the environment or to introduce any unacceptable environmental risks to the land. The site is not affected by flooding and is not in an area affected by bushfire.

It is noted that the existing dwellings are clad with asbestos sheeting which would be removed and disposed of during demolition. This operation may be appropriately addressed and accommodated at development application stage.

RECOMMENDATION

It is **RECOMMENDED** that the report be noted and endorsed.


Neil McGaffin 20.5.14
General Manager
Metropolitan Delivery


Richard Pearson
Deputy Secretary
Growth Planning and Delivery


Carolyn McNally
Acting Secretary

Approved / Not Approved / Noted