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# SITE COMPATIBILITY CERTIFICATE APPLICATION

## 677,687 Canterbury Road and 48 Drummond Street, BELMORE, NSW 2192



Submitted to Department of Planning and Environment  
May 2019

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# 1. Introduction

## 1.1 Overview

This Report has been prepared by Pacific Planning to accompany an application to the NSW Department of Planning and Environment (DPE) (Department of Planning, Industry and Environment as of 1 July 2019) for a Site Compatibility Certificate (SCC) under Division 5 of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP). The application relates to land located at 677,687 Canterbury Road & 48 Drummond Street, Belmore.

The SCC supports the development of the site which will facilitate 174 dwellings, of which 50% (87 dwellings) will be designated affordable housing units, managed by Evolve Housing, a registered and accredited housing provider, for a period of 10 years in accordance with the provisions of the ARH SEPP.

The subject site is zoned part B6 Enterprise Corridor and part R3 Medium Density Residential within which zones development for the purpose of a 'residential flat building' is prohibited. Further, the site is within 800 metres of the public entrance to Belmore railway station. As per Section 34(a) the provisions of Division 5 of the ARH SEPP therefore apply.

A SCC was issued by the Department of Planning and Environment on 15 July 2014 under clause 37(5) of the ARH SEPP. A Concept Development Application under Section 4.21 and 4.22 of Part 4, Division 2A – Special Procedures concerning staged DAs of the Environmental Planning and Assessment Act 1979 (EP&A Act) was lodged with Canterbury Bankstown Council on 22 March 2019. A new SCC is required as the current SCC is due to expire on 15 July 2019, which may not allow sufficient time for the determination of the Concept Development Application, and future applications for development against the concept.

Since the SCC was originally issued in 2014, a plan making process progressed for the site that sought to regulate zoning and development controls for the site in line with the existing and anticipated mixed use development surrounding the site. This was aligned with a review of the strategic planning framework for the Canterbury Road Corridor and Sydenham to Bankstown urban renewal corridor.

The progression of the planning proposal for the site therefore prevented the progression of the Development Application for the site against the SCC. The recent conclusion of that process has now facilitated the progression of development applications for the site against the SCC. However, given the imminent expiration of the SCC and the advice that a new application is required, rather than an extension to the SCC, a new application has been prepared that demonstrates the proposed development, refined since the last application, is '*compatible with the surrounding land uses*'.

This report describes the site, its context and existing environment. It also outlines the proposal, the project justification and provides an environmental assessment of the concept facilitated by the SCC against the provisions of the ARH SEPP and relevant matters for consideration under Section 4.15(1) of the EP&A Act, including relevant legislation, environmental planning instruments, planning policies and strategies.

The SCC application is supported and should be read in conjunction with the following reports and documentation:

- Survey Plan, prepared by JBW Surveyors, dated January 2014
- Concept Design Report, prepared by Aleksandar Projects, dated May 2019
- SEPP 65 Design Compliance Statement, prepared by Aleksandar Projects, dated February 2019
- Landscape Masterplan, prepared by Geoscapes Landscape Architects, dated February 2019
- Stormwater Drainage Report, prepared by Engineering Studio, dated February 2019
- Traffic and Parking Impact Assessment, prepared by Lyle Marshall & Partners Pty Ltd, dated February 2019
- Stage 1 and 2 Environmental Site Investigation and Remedial Action Plan, prepared by geo-environmental engineering dated March 2014 and Sullivan Environmental Sciences Review dated 18 May 2015
- Social Impact Assessment, prepared by PPM Consulting, dated February 2019
- Site Compatibility Certificate, issued by the Department of Planning and Environment on 15 July 2014
- Site Compatibility Certificate Urban Design Report

## 1.2 Background

### 1.2.1 Site Compatibility Certificate

In June 2013, an application was made to the Department of Planning and Environment for a SCC pursuant to the provisions of Division 5 of the ARH SEPP 2009.

The original application lacked detail and the Department subsequently requested additional information regarding the development outcome sought for the site, including proposed building envelopes, building footprints, height of buildings, front rear and side setbacks, dwelling yield, indicative shadow diagrams and a statement of compatibility with surrounding land uses.

On 21 March 2014, the additional information was provided as an addendum to the application. The information included detail with regard to the proposal including a clear description, proposed elevations and floor plans and a SEPP 65 review of the proposal. The additional detail Addendum Report is included at Appendix J.

The application was referred to Council on 19 August 2013 and again on 31 March 2014 following receipt of the application's Addendum Report.

On 15 July 2014, the Acting Secretary of the Department of Planning and Environment issued a Certificate under Clause 37(5) of the Affordable Housing SEPP.

In accordance with the provisions of clause 37(7) of the Affordable Housing SEPP, the SCC imposed the following requirements:



- (1) The proposed development is to be configured to ensure a transition in height between Canterbury Road and the surrounding single storey dwelling houses to the north. Higher buildings should be located along Canterbury Road, stepping down in height towards the low density residential zone to the north.*
- (2) The final dwelling number and unit mix are to be to the satisfaction of the consent authority in determining the development application.*
- (3) The final scheme will be subject to the consent authority undertaking a detailed assessment of the proposal's building design and height, and its impact on solar access and overshadowing and the amenity of surrounding residential development as part of the development application.*
- (4) The proposed specific uses of the ground level commercial tenancies are to be to the satisfaction of the consent authority in determining the development application.*

The site compatibility certificate is included at [Appendix I](#).

The conditions of the SCC were addressed in detail in the Statement of Environmental Effects that supported the Concept Development Application (DA) discussed below, and is discussed further in this report, which considers the application of the ARH SEPP.

### **1.2.2 Concept Development Application**

A Concept Development Application under Section 4.21 and 4.22 of Part 4, Division 2A – Special Procedures concerning staged DAs of the Environmental Planning and Assessment Act 1979 (EP&A Act) was lodged with Canterbury Bankstown Council on 22 March 2019.

The Concept Masterplan sought consent under section 4.22 of the EP&A Act 1979 for the concept proposal for a mixed use residential and commercial development which will be facilitated through future staged DAs. Specifically, the aspects of the final development included in the concept for which approval was sought are:

- (a) the building footprint locations,
- (b) building elevation and massing,
- (b) the location of internal pedestrian links and circulation,
- (c) location of the site entry and exit, and
- (d) open space and landscaping.

The original development application included a massing envelope to the maximum building height provided for by the SCC of 7 storeys. This was amended to 6 storeys, consistent with the future envisaged surrounding built form and submitted to Council on 8 May 2019. Further, heights have been amended in accordance with the conditions of the SCC to ensure an appropriate transition to lower density residential to the north.

Thus, the Concept design lodged with Council seeks to achieve the following outcomes for the site:

- Three separate buildings to minimise lengthy building frontages and ensure the built form does not overwhelm the public interface and adjoining development;
- To provide a commercial/retail frontage to Canterbury Road, ensuring no residential interface and an active and vibrant public realm;

- To create a 4 storey street frontage to Canterbury Road with upper storeys setback 8.7 metres, to ensure Canterbury Road is not overwhelmed and ensure a high standard of residential amenity;
- To provide for a *maximum* building height of 6 storeys;
- To transition development height from the highest point along Canterbury Road and lower towards to residential development to the north, by stepping massing and built form elevations;
- 9 metre setback to residential to the north on Anderson Street, and 6 metres on Drummond Street;
- Include 2 storey terraces to residential land to the north on Drummond Street;
- Maximising greenspace for resident amenity;
- Maximising solar amenity through design and massing of buildings;
- Ensure ADG building separations and set backs and designed to achieve ADG compliance.

### 1.3 Affordable Rental Housing SEPP

The Affordable Housing SEPP was introduced on 31 July 2009 to increase the supply and diversity of affordable rental and social housing throughout NSW by promoting infill affordable rental housing in existing residential areas that are accessible by public transport. Developments are required to be well located and to be designed to be compatible with the character of the locality.

Throughout NSW there is a strong need for a range of affordable housing options amongst the community, and it is well recognised that government at all levels, private industry and the non-government sector must work in partnership towards finding innovative ways to provide more affordable housing. The Affordable Housing SEPP is a policy mechanism to facilitate this co-operation.

As previously determined by the SCC on 15 July 2014, the ARH SEPP applies to the subject land. Clause 34 Land to which Division applies states:

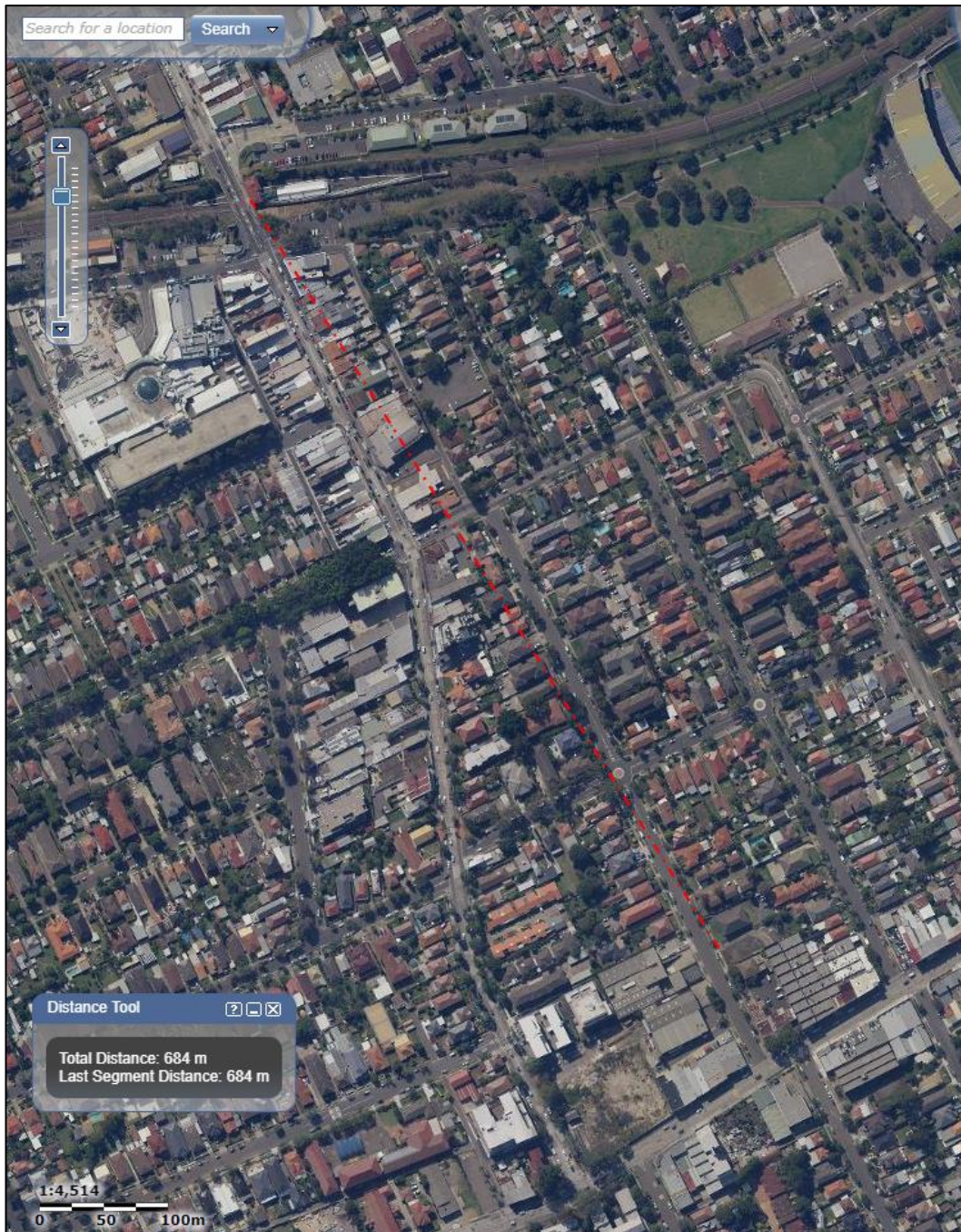
This Division applies to the following land, but not if development for the purposes of a residential flat building is permissible on the land under another environmental planning instrument:

- (a) land in the Sydney region that is within 800 metres 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,
- (b) land in one of the following towns that is within 400 metres of land in Zone B3 Commercial Core, Zone B4 Mixed Use or a land use zone that is equivalent to either of those zones:

Albury, Ballina, Batemans Bay, Bathurst, Bega, Bowral, Cessnock, Charlestown, Coffs Harbour, Dapto, Dubbo, Glendale–Cardiff, Gosford, Goulburn, Grafton, Lismore, Maitland, Morisset, Newcastle, Nowra, Orange, Port Macquarie, Queanbeyan, Raymond Terrace, Shellharbour, Tamworth, Taree, Tuggerah–Wyong, Tweed Heads, Wagga Wagga, Warrawong, Wollongong.

Therefore the SEPP applies as follows:

- the land is within 800 metres of the entrance to Belmore train railway station (see Figure 1 below); and
- is zoned part R3 Medium Density Residential and part B6 Enterprise Corridor under the Canterbury LEP 2012 under which ‘residential flat buildings’ are not permitted.



**Figure 1:** Distance of site from Belmore railway station – circa 684 metres

Further, in accordance with the requirements of the SEPP, this report will demonstrate:

- Compatibility with surrounding land uses;
- Acceptable impact, in respect to bulk and scale, on existing and approved uses;
- Sufficient services and infrastructure to meet the demands arising from the development; and
- That the development concerned will not have an adverse effect on the environment.



## 2. Site Description and Context

## 2.1 Site Description

The land to which this SCC application applies is located at 677,687 Canterbury Road and 48 Drummond Street, Belmore. The site is on the northern side of Canterbury Road between the intersections with Anderson Street and Drummond Street. The site has three street frontages and contains old industrial and residential development. The land the subject of this SCC application is identified in Figures 2, 3 and 4.

The subject site comprises three (6) lots and is known legally as follows:

Address	Lot details	Area (m²)
48 Drummond Street	Lot 90 DP 3862	
	Lot 91 DP 3862	
687 Canterbury Road	Lot A DP 952115	
	Lot B DP 952115	
677 Canterbury Road	Lot 1 DP 533919	
	Lot 2 DP 533919	
<b>Total Area</b>		<b>7,070</b>

Table 1: Site description



### Figure 2: Site Description



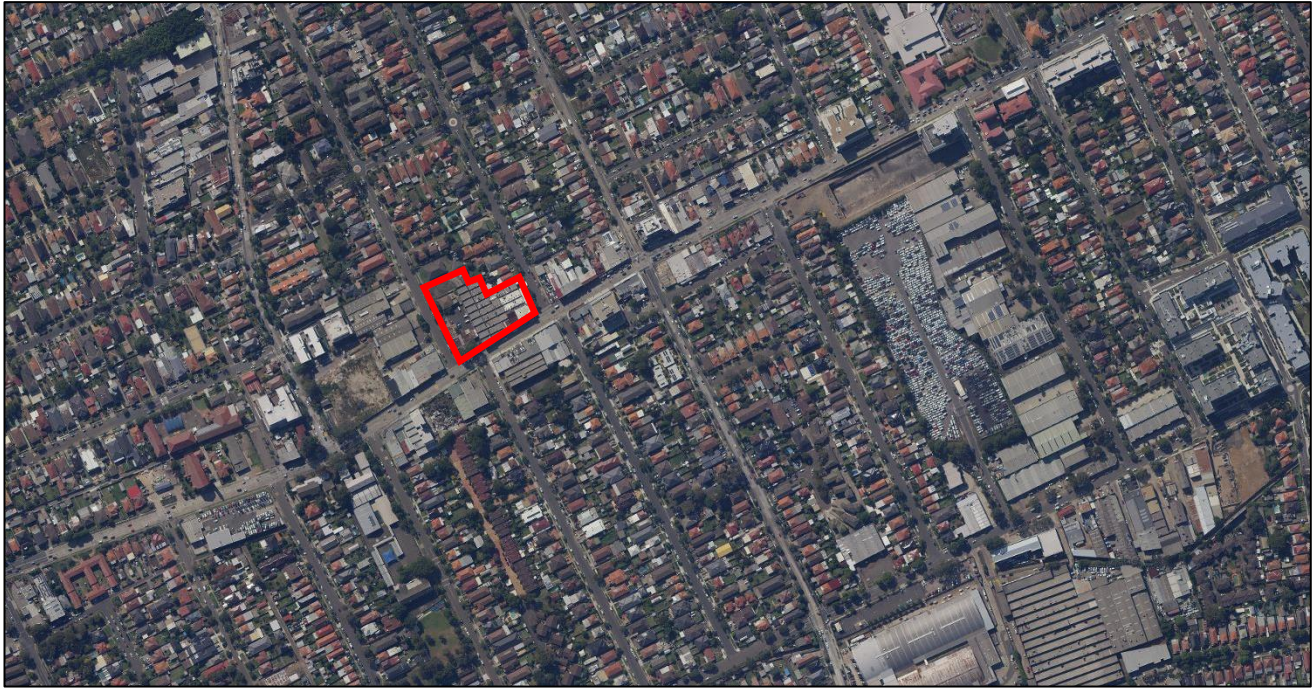


Figure 3: Site context



Figure 4: Aerial view of the subject site



The site at 7,070m<sup>2</sup>, is located on Canterbury Road, within 800 metres of the entrance to the Belmore railway station or approximately a 9-minute walk. It is approximately 400 metres from the edge of the commercial district, or a 5 minutes walk, of the Belmore town centre.

The site has a frontage of 101 metres to Canterbury Road; a 113 metres frontage to Drummond Street and a 44 metres frontage to Anderson Street. It includes a two storey brick and rendered industrial building at 677 Canterbury Road, a single storey brick, rendered and metal industrial/commercial building at 687 Canterbury Road, and a 2 storey brick apartment building at 48 Drummond Street.



**Figure 5:** View of corner of Anderson Street and Canterbury Road



**Figure 6:** View of Canterbury Road frontage





Figure 7: Corner of Drummond Street and Canterbury Road

## 2.2 Site Context

The site is currently zoned part B6 Enterprise Corridor and part R3 Medium Density Residential under the Canterbury Local Environmental Plan 2012.

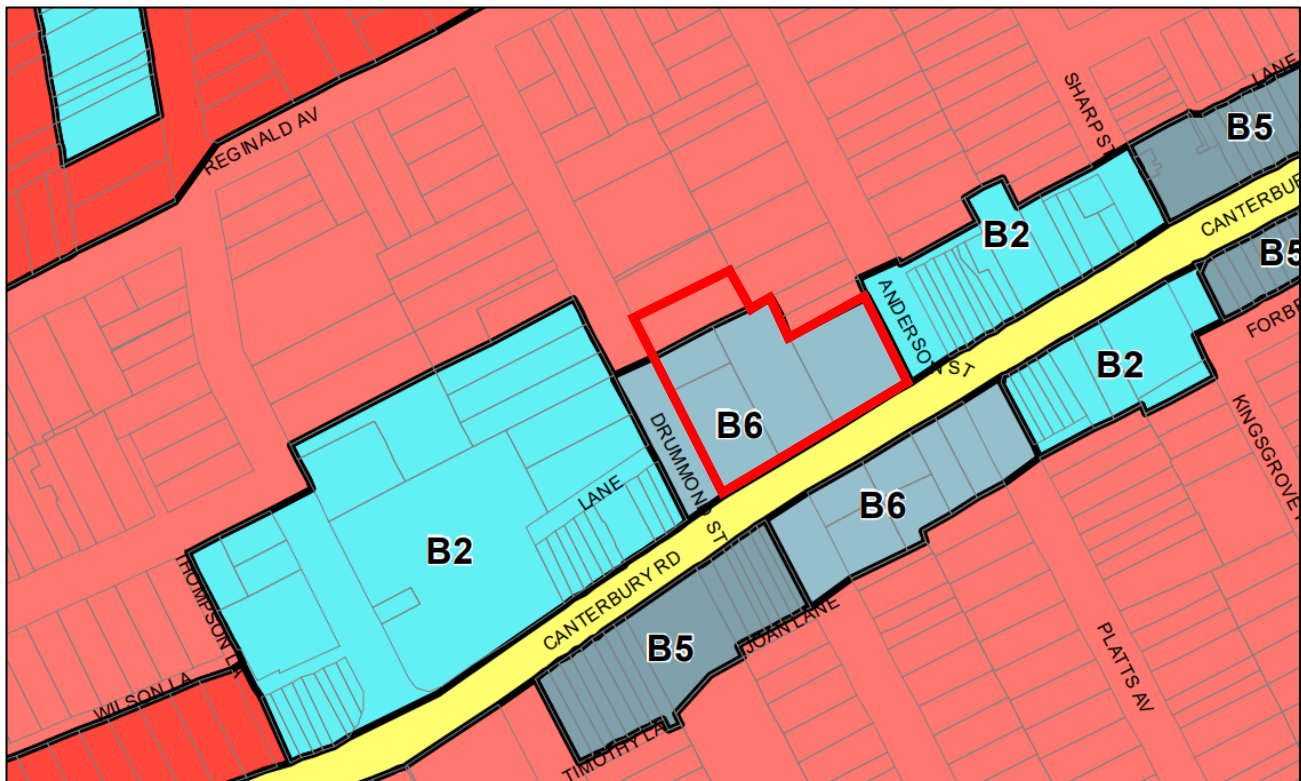


Figure 8: Zoning Map under Canterbury LEP 2012

As ‘Residential accommodation’ and ‘Retail premises’ are prohibited in the B6 Enterprise Corridor, and ‘Residential flat buildings’ are prohibited in the R3 Medium Density Residential zone, Division 5 of the Affordable Rental Housing SEPP applies.

The previous SCC (2014) found that the proposed development is compatible with the surrounding land uses. The site is surrounded by business zones along Canterbury Road and residential to the north.

The residential to the north includes low to medium density development and is characterised by single storey detached houses, 2 storey residential apartment buildings and villa townhouse developments. To the east and west the site is adjoined by B2 Local Centre zoned land. This includes shop top housing, commercial buildings and a mixed-use development under construction. To the south, a number of mixed-use developments have been constructed or are under construction, while a derelict old industrial building and mechanic are directly opposite the subject site.

The site forms part of a section of Canterbury Road that is undergoing change and transition to a mixed-use neighbourhood, in part due to its proximity to the Belmore town centre and associated public infrastructure. Similar scale mixed-use developments in the immediate vicinity include:

- 629 Canterbury Road: A 5 storey mixed use development on the corner of Canterbury Road and Kingsgrove Road (constructed);
- 630-632 Canterbury Road: A 6 storey mixed use development on the south side of Canterbury Road on the block to the east (constructed);
- 680-682 Canterbury Road: A 6 storey mixed use development on the south side of Canterbury Road on the block to the west (approved not constructed);
- 684-700 Canterbury Road: A 6 storey mixed use development on the south side of Canterbury Road on the block to the west (lodged not approved);
- 704 Canterbury Road: A 6 storey mixed use development on the south side of Canterbury Road on the block to the west (constructed);
- 717-727 Canterbury Road: 6 storey mixed use development on the north side of Canterbury Road on the block to the west (approved under construction);
- 749-757 Canterbury Road: 6 storey mixed use development on the north side of Canterbury Road on the block to the west (approved under construction);
- 510-514 Burwood Road: 6 storey mixed use development on the north side of Canterbury Road on Burwood Road to the west (constructed);
- 531-533 Burwood Road: 5 storey mixed use development on the east side of Burwood Road (constructed); and
- 529 Burwood Road: 6 storey mixed use development on the east side of Burwood Road (constructed);

The Belmore railway station connects Belmore to the Harbour CBD and Greater Sydney. The Belmore station is part of the future Sydenham to Bankstown Sydney Metro City and Southwest rail upgrades to provide faster and more frequent services. Under existing timetables (i.e. prior to metro rail services) from Belmore, the Harbour CBD metropolitan centre is accessible within 22 minutes; Bankstown strategic centre and health and education precinct within 9 minutes; and Campsie strategic centre within 2 minutes.



## 2.3 Existing Environment

The site has limited existing vegetation as the existing factory and parking area occupies much of the site. Remnant vegetation on the edges includes some existing mature native Brushbox trees on the corner of Canterbury Road and Drummond Street (Figure 7) and some landscaping associated with the front yard of the residential apartment building on Drummond Street. Small street trees are located in the grassed street verges on Drummond and Anderson Streets.

The Subject Site is relatively flat. Along Drummond Street the site slopes gradually about 3 metres over almost 100 metres which is approximately a 1 in 33 slope.

There are no known hazards or other natural constraints to the site.

### 3 Description of the Proposal

This report provides a detailed description of the development proposal in support of the application for a SCC that will facilitate 174 dwellings, of which 50% (87 dwellings). The dwellings form part of a mixed use development with commercial/retail development fronting Canterbury Road within 800 metres of the Belmore train station.

#### 3.1 Development Overview

An overview of the development proposal is included in Table 2 below:

Address	677, 687 Canterbury Road and 48 Drummond Street, Belmore
Site Description	Lots 1 & 2 DP 533919 Lots A & B DP 952115 Lots 90 & 91 DP 3862
Area	7,070m <sup>2</sup> .
Social Housing Provider	Evolve Housing
LGA	Canterbury Bankstown
Zoning	Part B6 Enterprise Corridor and part R3 Medium Density Residential
Permissibility	<p>The site is zoned Part B6 Enterprise Corridor and part R3 Medium Density Residential under the Canterbury LEP 2012. 'Residential accommodation' and 'Retail premises' are prohibited in the B6 Enterprise Corridor, and 'Residential flat buildings' are prohibited in the R3 Medium Density Residential zone. Therefore, Division 5 of the Affordable Rental Housing SEPP applies.</p> <p>The development is made permissible by a SCC issued on 15 July 2014 under clause 37(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009 (the SEPP). The certificate certified that <i>"the <u>development</u> of the site described in Schedule 1 is compatible with the surrounding land uses, having had regard to the matters specified in clause 37(6)(b), only if it satisfies certain requirements specified in Schedule 2 of this certificate; and is not likely to have an adverse effect on the environment and does not cause any unacceptable environmental risks to the land"</i>.</p> <p>However, as the SCC is due to expire on 15 July 2019 a new SCC is required. While a Concept DA has been lodged with Council and is under consideration, this may not be determined prior to the expiration of the SCC. Further, DA's for development will also be required to be lodged against the concept approval.</p>
Development Description	The application seeks a new SCC to facilitate the demolition of all existing buildings on the site; basement car parking; three (3) key buildings to a maximum

	of (6) storeys in height; height transition from Canterbury Road to lower density residential development to the north; and ground floor commercial/retail uses to Canterbury Road.
Concept Plan	<p>This Concept Development Application recently lodged with Council in accordance with the existing SCC (15 July 2014) forms the basis for this application and includes the following:</p> <ul style="list-style-type: none"> <li>• Maximum building height of 6 storeys</li> <li>• Three key development footprints;</li> <li>• Four storey street address to Canterbury Road;</li> <li>• Two storey terraces to land to the north on Drummond Street;</li> <li>• 9 metre setback to land to the north on Anderson Street;</li> <li>• Concealed basement car park accessible from Drummond Street and Anderson Street. No vehicular access from Canterbury is provided to retain the integrity and flow of Canterbury Road;</li> <li>• 3.7 metre setback to Canterbury Road and 8.7 metres to levels 5 and up; and</li> <li>• Extensive network of defined pedestrian pathways for safe and convenient access between Canterbury Road, Anderson Street and Drummond Street and to lift lobbies and dwelling entries.</li> </ul>

**Table 2:** Proposal Overview

## 3.2 Development Background

On 15 July 2014, a SCC was issued under clause 37(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009 (the SEPP) in relation to the subject site. The certificate is included at [Appendix I](#).

The certificate certified that *“the development of the site described in Schedule 1 is compatible with the surrounding land uses, having had regard to the matters specified in clause 37(6)(b), only if it satisfies certain requirements specified in Schedule 2 of this certificate; and is not likely to have an adverse effect on the environment and does not cause any unacceptable environmental risks to the land”*.

The development proposed and described in Schedule 1 was as follows:

*“The demolition of all existing buildings on the site and the construction of a mixed-use development comprising three (3) buildings, with ground floor commercial space along Canterbury Road and residential development pursuant to the provisions of the State Environmental Planning Policy (Affordable Housing) 2009”.*

The proposed development concept that supports this SCC application is founded primarily on consideration of key site parameters; street interface; impacts on neighbours; and amenity standards of State Environmental Planning Policy (SEPP) 65/Australian Design Guide (ADG) for future dwellings on the site. The concept has allowed testing of the performance of the scheme against ADG requirements, including solar access and building separation and responds to the requirements of the SCC (15 July 2014).

The concept design includes a massing envelope to a maximum building height of 6 storeys; a reduction by one storey from that originally contemplated by the SCC. Further, heights have been amended in accordance with the conditions of the site compatibility certificate to ensure an appropriate transition to lower density residential to the north. The current development concept has been progressed by Aleksandar Projects and is attached at Appendix B.

The site being substantial in size at just over 7,000m<sup>2</sup>, in single ownership and within easy walking distance to schools, shops and public transport offers a unique and rare opportunity for a well-designed mixed use development that provides considerable affordable housing supply to an area where there is a significant shortage. The building footprints are illustrated in Figure 9 below.

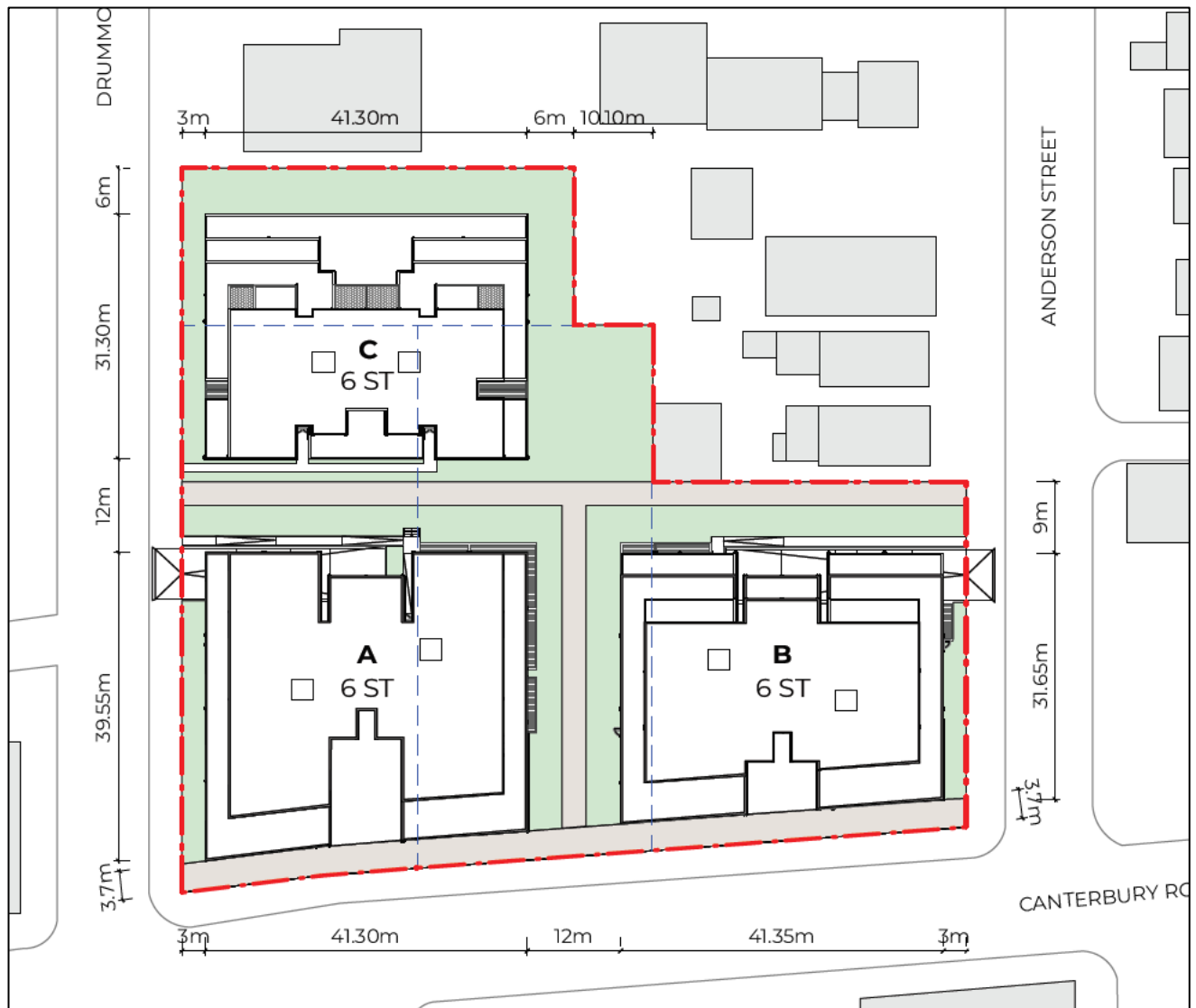


Figure 9: Masterplan Concept

The development seeks to achieve the following outcomes for the site:

- Three separate buildings to minimise lengthy building frontages and ensure the built form does not overwhelm the public interface and adjoining development;
- To provide a commercial/retail frontage to Canterbury Road, ensuring no residential interface and an active and vibrant public realm;
- To create a 4 storey street frontage to Canterbury Road with upper storeys setback 8.7 metres, to ensure Canterbury Road is not overwhelmed and ensure a high standard of residential amenity;
- To provide for a *maximum* building height of 6 storeys;
- To transition development height from the highest point along Canterbury Road and lower towards to residential development to the north, by stepping massing and built form elevations;
- 9 metre setback to residential to the north on Anderson Street, and 6 metres on Drummond Street;
- Include 2 storey terraces to residential land to the north on Drummond Street;
- Maximising greenspace for resident amenity;
- Maximising solar amenity through design and massing of buildings;
- Ensure ADG building separations and set backs and designed to achieve ADG compliance.

### 3.3 Development and Design Principles

#### 3.3.1 Building Envelopes

The development proposal has been designed to achieve a high quality mixed use development with a robust landscape character that integrates to its existing and future context.

The development massing envelope, included at [Appendix B](#) provides the building envelopes and the framework for which future development will be constructed. The following characteristics define the proposal.

- Three key building forms, separated by 12 metres at the ground level;
- 4 metre floor to ceiling height on ground floor of buildings A and B with frontage to Canterbury Road to support commercial and retail land uses;
- Northern setbacks of 6 metres and 9 metres with planting, landscaping and open space, acting as a buffer area to residential development to the north;
- 3.7 metre setback on Canterbury Road to first four levels and 8.7 metres above;
- 3 metre side setbacks to Anderson Street and Drummond Street;
- Increased setbacks to upper levels to facilitate a transition in height to the north and shift massing and bulk away from lower density residential;
- Central open space, with network of connecting paths, landscaping, hedging and planting;
- Buildings orientated to ensure high standards of performance from amenity, solar and cross ventilation;
- Ground floor retail and commercial land uses to activate the Canterbury Road and the new lane in to the site;
- Basement vehicular access from Anderson Street and Drummond Street;
- Two levels of basement parking, with the footprint of building B including a third basement level;

### 3.3.2 Landscape and Common Areas

The development seeks to provide for significant areas of communal and publicly accessible open space and pedestrian areas in support of the vision for the site to create a people friendly mixed use destination.

The landscape design is intended to be dynamic and create a series of intersecting communal spaces surrounding the architectural form. A number of different spaces have been created that offer areas for different uses. Small units to the north have small private gardens with rear gated access to communal areas.

The open space strategy is also supported by a landscape concept and design statement which is included at [Appendix D](#) and Figure 10 below.



Figure 10: Green/Open Space Provision



The open space and landscape design seeks to achieve the following:

- to provide generous setbacks to the northern boundary to facilitate a green buffer to lower density residential;
- to create a large central easily accessible open space with excellent solar access;
- to incorporate a selection of species from the Canterbury DCP; and
- provide mature street trees along Canterbury Road to create a soft street interface;



Figure 11: Landscape Masterplan

### 3.3.3 Access and Vehicular Movement

A Traffic and Parking Impact Assessment has been prepared by Lyle Marshall & Partners in support of the Concept application recently submitted to Council. This is included at [Appendix F](#). The Report addresses the traffic and parking issues arising from the proposed development.

The Basement levels access, movement and circulation is included at Figure 12 below and illustrates the ramp access arrangement to street level, waste storage and access and lift and stair locations.

The Traffic and Parking Impact Assessment also considers the access, internal parking layout and circulation, including ramp widths and gradients, parking bay dimensions and parking numbers. It further reviews the potential traffic generated by the future development of the site.

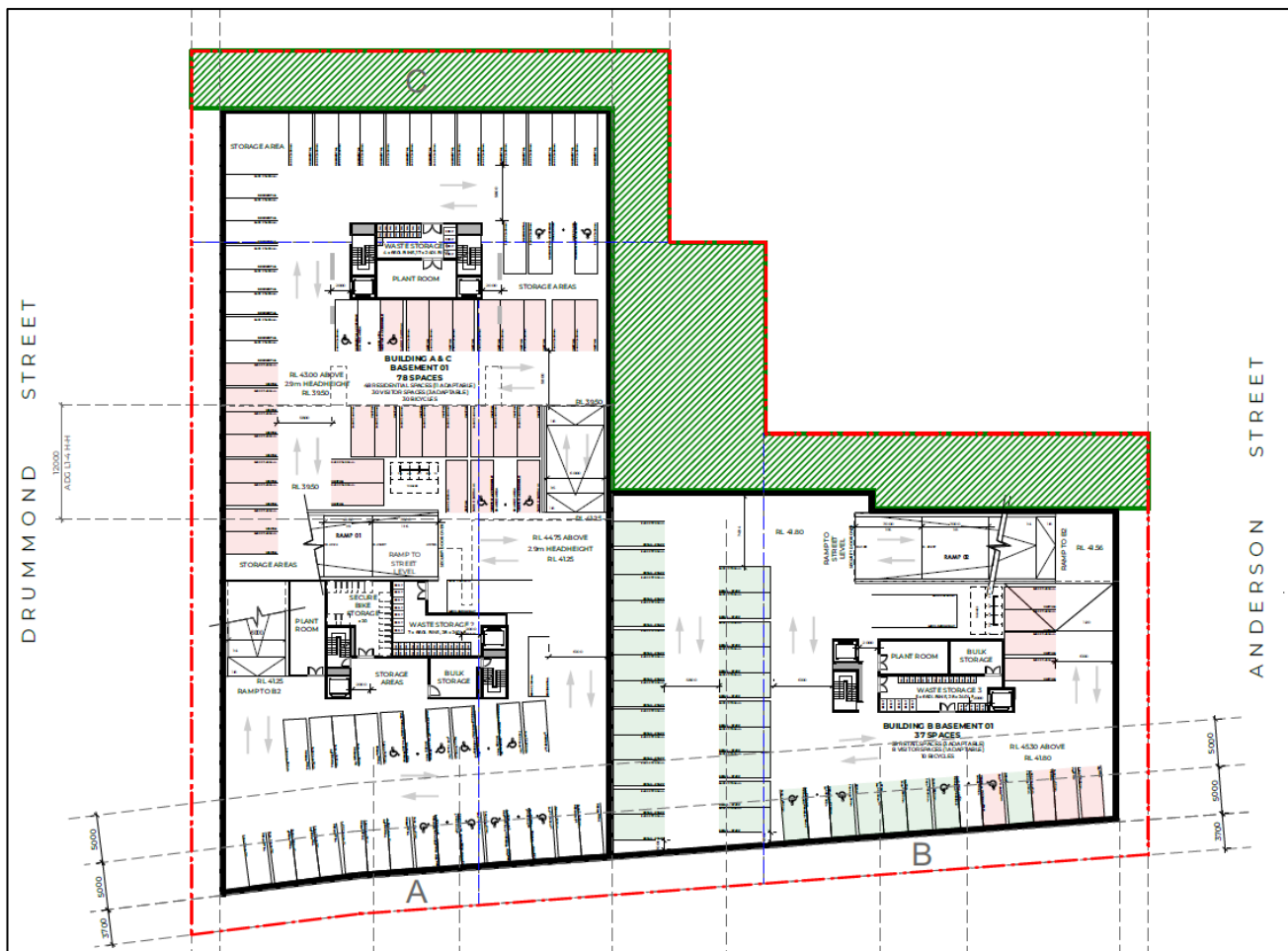


Figure 12: Basement Level 1

As 50% of the residential units will be affordable rental units as permitted in the existing SCC, it is relevant to note that in Clause 36(4) car parking is not required to be provided in relation to development to which this Division applies.

The Canterbury DCP 2012 specifies parking rates for residential units in residential flat buildings and for shops, business and retail premises in the table to Clause B1.3.1 in Part B of DCP 2012 General Controls. For the purpose of the proposed SCC application, the relevant parking rates in the Canterbury DCP 2012 have been adopted for the development, as follows:

- 290 parking spaces
  - 223 residential



- 29 commercial/retail/non-residential
  - 38 visitor spaces
- 60 bicycle spaces
- 26 adaptable spaces

### 3.3.4 *Apartment Size and Layout*

The indicative floor plans attached demonstrate that future development of the site will be able to achieve a range of apartment sizes and layouts in line with the Objectives of the Apartment Design Guide (ADG), the existing SCC (15 July 2014) and the aims of the ARH SEPP to deliver significant affordable housing supply in Belmore and the Canterbury Bankstown area.

The indicative yields include:

- 184 units, including:
  - 1 studio;
  - 55 one bedroom;
  - 110 two bedroom; and
  - 18 three bedroom.
- 938q.m of non-residential floorspace on the ground floor level fronting Canterbury Road, in accordance with the condition of the site compatibility certificate

More detailed layouts and plans are included at [Appendix B](#). The design supports the ability of future development to achieve SEPP 65 compliance.

### 3.3.5 *Infrastructure and Services*

As previously discussed, the site has historically been utilised for residential and commercial purposes. The site is well serviced by utilities infrastructure required to support residential land uses in accordance with the existing SCC.

Notwithstanding, a Utilities Infrastructure and Services Report will be prepared in support of development applications for the site to support the provision of gas, water, sewer and electricity.

## 4 Statutory Context

### 4.1 Environmental Planning & Assessment Act 1979

The proposal is consistent with the objects of the EP&A Act as it is considered to promote the orderly and economic use and development of land without resulting in an adverse impact on the environment while promoting the delivery and maintenance of affordable rental housing.

Relevant objectives under Section 1.3 Objects of the Act of the EP&A Act 1979 include:

- (c) *to promote the orderly and economic use and development of land,*
- (d) *to promote the delivery and maintenance of affordable housing,*
- (g) *to promote good design and amenity of the built environment,*

The development is consistent with the above objectives as follows:

- The application for a SCC will facilitate the orderly and economic development of a site that contains a vacant industrial warehouse. The site is underutilised, containing development that is deteriorating due to its vacancy, which is an eyesore on the streetscape, and is built to within 3 metres of Canterbury Road.
  - The development is orderly in that it provides a scale and interface to Canterbury Road that is desired and envisaged for the area, while transitioning in height to neighbouring development in accordance with Council's height plane requirement.
  - The development is economic in that the site is in need of redevelopment, and at the scale and yield proposed can provide significant affordable housing supply to meet the social needs of the community.
- The Development will directly achieve the objectives of Section 1.3 of the EP&A Act 1979 to promote the delivery and maintenance of affordable rental housing. It does this by facilitating the development of 174 dwellings, of which 87 will be affordable homes in accordance with the Affordable Housing SEPP in an area of Sydney with significant housing stress;
- As previously discussed, the design and layout of future development has been well advanced to the lodgement of Concept DA stage. Further detailed design will be subject to future DAs, however at a minimum the design provides for an interface to Canterbury Road, through site links, open spaces, and variety of heights and built forms to ensure a high standard of development, good amenity for future and neighbouring residents and a significant contribution to the built environment.

### 4.2 State Environmental Planning Policies

#### 4.2.1 SEPP (Affordable Rental Housing) 2009

The State Environmental Planning Policy (Affordable Rental Housing) 2009 (Affordable Housing SEPP) applies to land in the Sydney region within 800 metres of a public entrance to a railway station of light rail station "but not if development for the purposes of a residential flat building is permissible on the land under another environmental planning instrument".

The aims of the Affordable Rental Housing SEPP are to:

- (a) *to provide a consistent planning regime for the provision of affordable rental housing,*
- (b) *to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,*
- (c) *to facilitate the retention and mitigate the loss of existing affordable rental housing,*
- (d) *to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,*
- (e) *to facilitate an expanded role for not-for-profit-providers of affordable rental housing,*
- (f) *to support local business centres by providing affordable rental housing for workers close to places of work,*
- (g) *to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.*

Point (2) above provides for incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards. As the site is zoned part R3 Medium Density Residential and part B6 Enterprise Corridor, under which “*Residential flat buildings*” are prohibited, an application was made to the Department of Planning and Environment in June 2013 for a SCC pursuant to the provisions of Division 5 of the ARH SEPP.

On 15 July 2014, the Secretary of the Department of Planning and Environment issued a SCC under clause 37(5) of the ARH SEPP in relation to the subject site, as follows:

*I certify in my opinion, the development of the site described in Schedule 1:*

- *is compatible with the surrounding land uses, having regard to the matters specified in clause 37(6)(b), only if it satisfied certain requirements specific in Schedule 2 of this certificate; and*
- *is not likely to have an adverse effect on the environment and does not cause any unacceptable risks to the land.*

In effect, the SCC approved an additional permitted use, being a “*residential flat building*” for the purposes of affordable rental housing. The form of development and the residential flat building certified under Schedule 1 of the SCC included:

*“The demolition of all existing buildings on the site and the construction of a mixed use development comprising three (3) buildings, with ground floor commercial space along Canterbury Road and residential development pursuant to the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009”.*

The Application which described those 3 buildings at the time the certificate was issued is nominated in the certificate to be that made by HBO+EMTB Architecture and Design, as part of the application made by Stimson Consultant Services on behalf of Evolve Housing – a nominated not-for-profit-provider of social housing which

satisfies the SEPP requirement. This included two buildings, of seven storeys and one building on Drummond Street of six storeys.

As provided for by clause 34(7) of the SEPP, the development has been certified to be 'compatible with surrounding land uses' if it meets the following 4 requirements:

- (1) *The proposed development is to be configured to ensure a transition in height between Canterbury Road and the surrounding single storey dwelling houses to the north. Higher buildings should be located along Canterbury Road, stepping down in height towards the low density residential zone to the north.*
- (2) *The final dwelling number and unit mix are to be to the satisfaction of the consent authority in determining the development application.*
- (3) *The final scheme will be subject to the consent authority undertaking a detailed assessment of the proposal's building design and height, and its impact on solar access and overshadowing and the amenity of surrounding residential development as part of the development application.*
- (4) *The proposed specific uses of the ground level commercial tenancies are to be to the satisfaction of the consent authority in determining the development application.*

The design of the development to which this application relates has been carefully targeted to meet each of those 4 requirements.

The scheme has therefore been revised to create a better transition in height to lower density residential to the north while locating higher buildings along Canterbury Road, reducing the final dwelling number, and providing a detailed assessment of solar access and overshadowing and amenity impacts.

The proposed development facilitated by the existing SCC and which informs this application for a new SCC is revised as follows:

- **Building A:** Located on the corner of Drummond Street and Canterbury Road, with three ground floor commercial tenancies (508m<sup>2</sup>) and 70 residential apartments. It is proposed to be 6 storeys.
- **Block B:** Located on the corner of Anderson Street and Canterbury Road with three ground floor commercial tenancies (430m<sup>2</sup>) and 54 residential apartments. It is proposed to be 6 storeys in height.
- **Block C:** A residential flat building up to 6 storeys in height, stepping down to 2 storey terraces to the north. It comprised 50 units/terraces.

A detailed consideration of Division 5 of the Affordable Housing SEPP is included below:

SEPP (Affordable Housing) 2009	
Clause	Comment
<b>3 Aims of Policy</b> (a) to provide a consistent planning regime for the provision of affordable rental housing,	The existing and new SCC will facilitate the development of 87 affordable dwellings (50% of the development) to be managed by a social housing provider for a minimum of 10 years in an area where it is urgently required.

<p>(b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,</p> <p>(c) to facilitate the retention and mitigate the loss of existing affordable rental housing,</p> <p>(d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,</p> <p>(e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing,</p> <p>(f) to support local business centres by providing affordable rental housing for workers close to places of work,</p> <p>(g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.</p>	<p>The Belmore area suffers from a high degree of disadvantage. In general, the population is less educated and less engaged with the labour market than the Canterbury-Bankstown as a whole, Sydney and NSW. Housing NSW's Affordable Housing Needs study indicates that Canterbury is in high need of affordable housing, with only 32.7% of rental stock affordable for households on low incomes. Affordable housing in this area would therefore be a significant social benefit.</p> <p>A site compatibility certificate was issued on 15 July 2014, and in doing so expanded the permissibility and development controls that apply to the site, subject to conditions, to facilitate the redevelopment of an underutilised site close to public transport to the benefit of the community.</p> <p>As the SCC is due to expire on 15 July 2019 a new SCC is required. A Concept DA has been lodged with Council and is under assessment. The development supports the aims of the ARH SEPP by providing affordable dwellings close to the Belmore centre (places of work) and the Belmore train station (transport). The expiration and non-renewal of the SCC will lead to the potential loss of affordable housing, in an area that so desperately needs it, that has been determined as being compatible and remains compatible with its surrounding existing and future development.</p> <p>The subject site is the land that the SEPP contemplates for such development. A site within the middle of an industrial area for example, surrounding by industrial land would not necessarily be the right location for affordable housing under the SEPP as it is not compatible with the surrounding land. The subject site, however, is adjoined by B2 Local Centre land on both sides with an envisaged future height of 6 storeys. Further, residential land adjoins to the north, to which the proposed development transitions in height with a similar 2 storey direct interface.</p> <p>The proposed development is therefore consistent with the objectives, and meets the locational requirements for compatibility.</p>
<p><u>34 Land to which Division applies</u></p> <p>This Division applies to the following land, but not if development for the purposes of a residential flat building is permissible on the land</p>	<p>As determined by the site compatibility certificate on 15 July 2014 and illustrated in Figure 1 on page 5, the land is within 800 metres of the entrance to Belmore train railway station and is zoned part R3 Medium Density Residential and part B6 Enterprise Corridor</p>

<p>under another environmental planning instrument:</p> <p>(a) land in the Sydney region that is within 800 metres of:</p> <p>(i) a public entrance to a railway station or light rail station, or</p> <p>(ii) in the case of a light rail station with no entrance—a platform of the light rail station,</p> <p>(b) land in one of the following towns that is within 400 metres of land in Zone B3 Commercial Core, Zone B4 Mixed Use or a land use zone that is equivalent to either of those zones:</p> <p>Albury, Ballina, Batemans Bay, Bathurst, Bega, Bowral, Cessnock, Charlestown, Coffs Harbour, Dapto, Dubbo, Glendale–Cardiff, Gosford, Goulburn, Grafton, Lismore, Maitland, Morisset, Newcastle, Nowra, Orange, Port Macquarie, Queanbeyan, Raymond Terrace, Shellharbour, Tamworth, Taree, Tuggerah–Wyong, Tweed Heads, Wagga Wagga, Warrawong, Wollongong.</p>	<p>under the Canterbury LEP 2012 under which ‘residential flat buildings’ are not permitted.</p>
<p><u>35 Development to which Division applies</u></p> <p>(1) This Division applies to development, on land to which this Division applies, for the purposes of a residential flat building:</p> <p>(a) by or on behalf of a public authority or social housing provider, or</p> <p>(b) by a person who is undertaking the development with the Land and Housing Corporation.</p> <p>(2) Despite subclause (1), this Division does not apply to development to which Division 1 applies.</p>	<p>Future development will be on behalf of Evolve Housing who will manage the affordable housing component of the future development for a period of 10 years. See <a href="#">Appendix L</a> for communication from the social housing provider.</p>
<p><u>36 Development may be carried out with consent</u></p> <p>(1) Development to which this Division applies may be carried out with consent.</p> <p>(2) A consent authority must not consent to development to which this Division applies unless it is satisfied that:</p> <p>(a) the Director-General has certified in a site compatibility certificate that, in the Director-General’s opinion, the development is compatible with the surrounding land uses, and</p>	<p>The Acting Secretary of the Department of Planning and Environment has certified in the site compatibility certificate of 15 July 2014 that <i>“the development of the site described in Schedule 1 is compatible with the surrounding land uses, having regard to the matters specified in clause 37(6)(b)”</i>.</p> <p>The land is zoned part B6 Enterprise Corridor and part R3 Medium Density Residential. The development seeks to provide retail and commercial land uses along the Canterbury Road street frontage. No part of the</p>

<p>(b) if the development is in respect of a building on land zoned primarily for commercial purposes, no part of the ground floor of the building that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use.</p> <p>(3) Nothing in this clause prevents a consent authority from:</p> <p>(a) consenting to development on a site by reference to site and design features that are more stringent than those identified in a site compatibility certificate for the same site, or</p> <p>(b) refusing consent to development by reference to the consent authority's own assessment of the compatibility of the development with the surrounding land uses, or</p> <p>(c) having regard to any other matter in determining a development application.</p> <p>(3A) (Repealed)</p> <p>(4) Car parking is not required to be provided in relation to development to which this Division applies.</p>	<p>ground floor of the building that fronts Canterbury Road will be used for residential purposes.</p> <p>The consent authority is the Sydney South Planning Panel. A Concept DA has been lodged with Canterbury Bankstown Council for determination by the Panel. This application and the Concept DA have addressed the conditions of the existing SCC and relevant requirements under Section 4.15 of the EP&amp;A Act 1979.</p>
<p><u>37 Site compatibility certificates</u></p> <p>(1) An application for a site compatibility certificate under this Division may be made to the Director-General:</p> <p>(a) by the owner of the land on which the development is proposed to be carried out, or</p> <p>(b) by any other person with the consent of the owner of that land.</p> <p>(2) An application under this clause:</p> <p>(a) must be in writing in a form approved by the Director-General, and</p> <p>(b) must be accompanied by such documents and information as the Director-General may require, and</p> <p>(c) must be accompanied by such fee, if any, as is prescribed by the regulations.</p> <p>(3) The Director-General may request further documents and information to be furnished</p>	<p>In June 2013, an application was made in writing to the Department of Planning and Environment for a site compatibility certificate.</p> <p>Further documentation was provided in the form of a concept design Addendum Report.</p> <p>The application for a site compatibility certificate was referred to Council on 19 August 2013 and again, following submission of the application Addendum Report, on 31 March 2014.</p> <p>The Acting Secretary determined the application by issuing a certificate on 15 July 2014.</p> <p><i>"....the development of the site described in Schedule 1:</i></p> <ul style="list-style-type: none"> <li>- <i>is compatible with the surrounding land uses, having regard to the matters specified in clause</i></li> </ul>



<p>in connection with an application under this clause.</p> <p>(4) Within 7 days after the application is made, the Director-General must provide a copy of the application to the council for the area in which the development concerned is proposed to be carried out, unless the Director-General refuses, before those 7 days have elapsed, to issue a certificate.</p> <p>(5) The Director-General may determine the application by issuing a certificate or refusing to do so.</p> <p>(6) The Director-General must not issue a certificate unless the Director-General:</p> <ul style="list-style-type: none"> <li>(a) has taken into account any comments received from the council within 14 days after the application for the certificate was made, and</li> <li>(b) is of the opinion that the development concerned is compatible with the surrounding land uses having regard to the following matters: <ul style="list-style-type: none"> <li>(i) the existing uses and approved uses of land in the vicinity of the development,</li> <li>(ii) 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 Director-General, are likely to be the preferred future uses of that land,</li> <li>(iii) the services and infrastructure that are or will be available to meet the demands arising from the development, and</li> </ul> </li> <li>(c) 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.</li> </ul> <p>(7) A certificate may certify that the development to which it relates is compatible with the surrounding land uses only if it satisfies certain requirements specified in the certificate.</p>	<p><i>37(6)(b), only if it satisfied certain requirements specific in Schedule 2 of this certificate; and</i></p> <ul style="list-style-type: none"> <li>- <i>is not likely to have an adverse effect on the environment and does not cause any unacceptable risks to the land.</i></li> </ul> <p>The ownership of the land has changed since the certificate was issued. This does not impact the application of the certificate to the land.</p> <p>The certificate was issued on 15 July 2014 and is valid. A Concept DA has been lodged against the SCC, having been refined in accordance with the conditions of the certificate.</p> <p>The SCC expires on 15 July 2019. To ensure the assessment of the Concept DA and future applications for development can continue, a new application for a certificate is required. This report supports the application for a new certificate to facilitate the development of affordable housing, in area in urgent need, on a site surrounded by residential and mixed use zones.</p>
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<p>(8) A certificate continues to apply to the land in respect of which it was issued despite any change in the ownership of that land.</p> <p>(9) A certificate is valid for 5 years or such other period specified in the certificate.</p>	
<p><u>38 Must be used for affordable housing for 10 years</u></p> <p>(1) A consent authority must not consent to development to which this Division applies unless conditions are imposed by the consent authority to the effect that:</p> <ul style="list-style-type: none"> <li>(a) for 10 years from the date of the issue of the occupation certificate: <ul style="list-style-type: none"> <li>(i) at least 50 per cent of the accommodation to which the development application relates will be used for the purposes of affordable housing, and</li> <li>(ii) all the accommodation that is used for affordable housing will be managed by a registered community housing provider, and</li> </ul> </li> <li>(b) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that for 10 years from the date of the issue of the occupation certificate: <ul style="list-style-type: none"> <li>(i) at least 50 per cent of the accommodation to which the development application relates will be used for the purposes of affordable housing, and</li> <li>(ii) all the accommodation that is used for affordable housing will be managed by a registered community housing provider.</li> </ul> </li> </ul> <p>(2) Subclause (1) does not apply to development on land owned by the Land and Housing Corporation or to a development application made by, or on behalf of, a public authority.</p>	<p>It is proposed that 50% of the accommodation of the future development will be used for the purpose of affordable housing. The consent authority, being the Sydney South Planning Panel will condition an application for development accordingly.</p> <p>The community housing provider that will manage the affordable housing is Evolve Housing. See <a href="#">Appendix L</a> for confirmation.</p>

<p><b>39 Continued application of SEPP 65</b></p> <p>Nothing in this Policy affects the application of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development to any development to which this Division applies.</p>	<p>It is noted that SEPP 65 applies to any DA lodged against the site compatibility certificate as it relates to the land.</p> <p>While this application is for a new SCC and is not for development, the development of the site has been refined to a level where compliance with SEPP 65 will be achieved. Specifically, <u>Appendix C</u> includes a SEPP 65 Compliance Statement prepared by Aleksandar Projects, the registered architect for the application.</p>
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**Table 3:** Assessment of Affordable Housing SEPP

#### 4.2.2 Relationship with other environmental planning instruments

The purpose of the Affordable Rental Housing SEPP is to expand zoning and permissibility. The maximum building height of 12 metres (B6) and 8.5 metres (R3) apply to those uses permitted which does not reflect or contemplate a “residential flat building” or the urban form of the concept endorsed by the Secretary in the Department’s SCC.

The Canterbury LEP 2012 contemplates provisions of a SEPP that may prevail over the LEP under Section 3.38 of the EP&A Act 1979. In this context, the SEPP has provided for a development that is not permitted by the two subject zones (B6 and R3). The development is consistent with the objectives of the SEPP as follows:

- (a) *to provide a consistent planning regime for the provision of affordable rental housing,*
- (b) *to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,*
- (c) *to facilitate the retention and mitigate the loss of existing affordable rental housing,*
- (d) *to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,*
- (e) *to facilitate an expanded role for not-for-profit-providers of affordable rental housing,*
- (f) *to support local business centres by providing affordable rental housing for workers close to places of work,*
- (g) *to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.*

#### 4.2.3 SEPP 55 Remediation of Land

The site has historically been utilised for residential and commercial purposes. The majority portion of the site has been operating as a shoe factory since approximately 1979, with a clothing factory operating since approximately 1937. The Drummond Street frontage includes residential properties, which have been present since 1916 at the latest. The Canterbury Road/Drummond Street vacant corner building appears to have been utilised most recently for the purposes of a motor vehicle workshop and service station, since circa 1929. This

former service station use represents the highest potential for contaminating activities on the site, and as such, Clause 7 of the SEPP is relevant to confirm if the site is contaminated.

A Stage 1 and Stage 2 Environmental Site Investigation was undertaken by Geo-Environmental Engineering in March 2014 to *“identify the potential for contamination from past and present activities, and possible constraints on future site development”*.

The Investigation concludes that, based on observations made during the field investigations, the sampling and analysis program conducted at the site and with respect to the proposed land use, there exists some localised soil contamination relating to lead. The Investigation concludes however, that the site can be made fit for the intended use by undertaking conventional remediation measures.

A Remediation Action Plan was subsequently prepared by Geo-Environmental Engineering, which *“outlined the remediation methodology proposed, including the process for the removal of existing underground fuel storage tanks and associated infrastructure and the remediation and validation of surrounding soils”*.

Sullivan Environmental Sciences also undertook a review in 2015 of the Stage 1 and 2 Environmental Site Investigation and Remediation Action Plan. The review discussed key issues related to lead contamination, groundwater quality, and waste classification. The Investigation, Remediation Action Plan and review are included at [Appendix G](#).

Having regard to the above, the concept application does not seek consent for development or demolition, and therefore further contamination investigations will be required to be undertaken at a development stage, including demolition when the site will be accessible. Notwithstanding, the site can be made suitable for actual development.

#### **4.2.4 SEPP 65 Design Quality of Residential Apartment Development**

Compliance with SEPP 65 and the Apartment Design Guidelines informed the building footprints and proposed massing envelopes sought by the proposed development outcome.

A site analysis has been included that illustrates how the design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context. This is included in the Concept Design Report at Appendix B and supports the layout and orientation of buildings.

A SEPP 65 Design Compliance Statement has been prepared in support of the Concept DA already lodged with Council. This is attached to this SCC application at [Appendix C](#). The Statement demonstrates that the future development of the site complies with SEPP 65 Design Principles. This is also demonstrated by the indicative floor plans attached at [Appendix B](#) that demonstrate compliance. Additional detailed assessment against SEPP 65 and the Apartment Design Guidelines will support future applications for development.

## 4.3 Canterbury LEP 2012

Canterbury Local Environmental Plan (LEP) commenced on the 21 December 2012 when it was published on the NSW Government Legislation website.

Table 4 below summarises the Canterbury LEP 2012 principle development standards that currently apply to the subject site:

Land Zoning	Maximum Building Height	Maximum Floor Space Ratio (FSR)	Minimum Lot Size
Part B6 Enterprise Part R3 Medium Density Residential	Part 8.5 metres Part 12 metres	N/A	Part 460m <sup>2</sup> and part N/A

**Table 4:** Site Development Standards

### 4.3.1 Zoning

The site is zoned Part B6 Enterprise Corridor and part R3 Medium Density Residential under the Canterbury LEP 2012. 'Residential accommodation' and 'Retail premises' are prohibited in the B6 Enterprise Corridor, and 'Residential flat buildings' are prohibited in the R3 Medium Density Residential zone. Therefore, Division 5 of the Affordable Rental Housing SEPP applies.

#### B6 Enterprise Corridor

##### 1 Objectives of zone

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses).
- To maintain the economic strength of centres by limiting retailing activity.
- To facilitate the revitalisation of Canterbury Road and create an attractive streetscape supported by buildings of a high standard of design.
- To support urban renewal and a pattern of land use and density that reflects the existing and future capacity of the transport network.

##### 2 Permitted without consent

Home Occupations

##### 3 Permitted with consent

Business premises; Community facilities; Food and drink premises; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Landscaping material supplies; Light industries; Passenger transport facilities; Plant nurseries; Roads; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

#### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Amusement centres; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Places of public worship; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Resource recovery facilities; Respite day care centres; Restricted premises; Retail premises; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Tourist and visitor accommodation; Truck depots; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities

### **B3 Medium Density Residential**

#### **1 Objectives of zone**

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

#### **2 Permitted without consent**

Home Occupations

#### **3 Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Business premises; Car parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Home businesses; Home industries; Multi dwelling housing; Neighbourhood shops; Office premises; Places of public worship; Recreation areas; Respite day care centres; Restaurants or cafes; Roads; Semi-detached dwellings; Seniors housing; Shops

#### **4 Prohibited**

Any development not specified in item 2 or 3

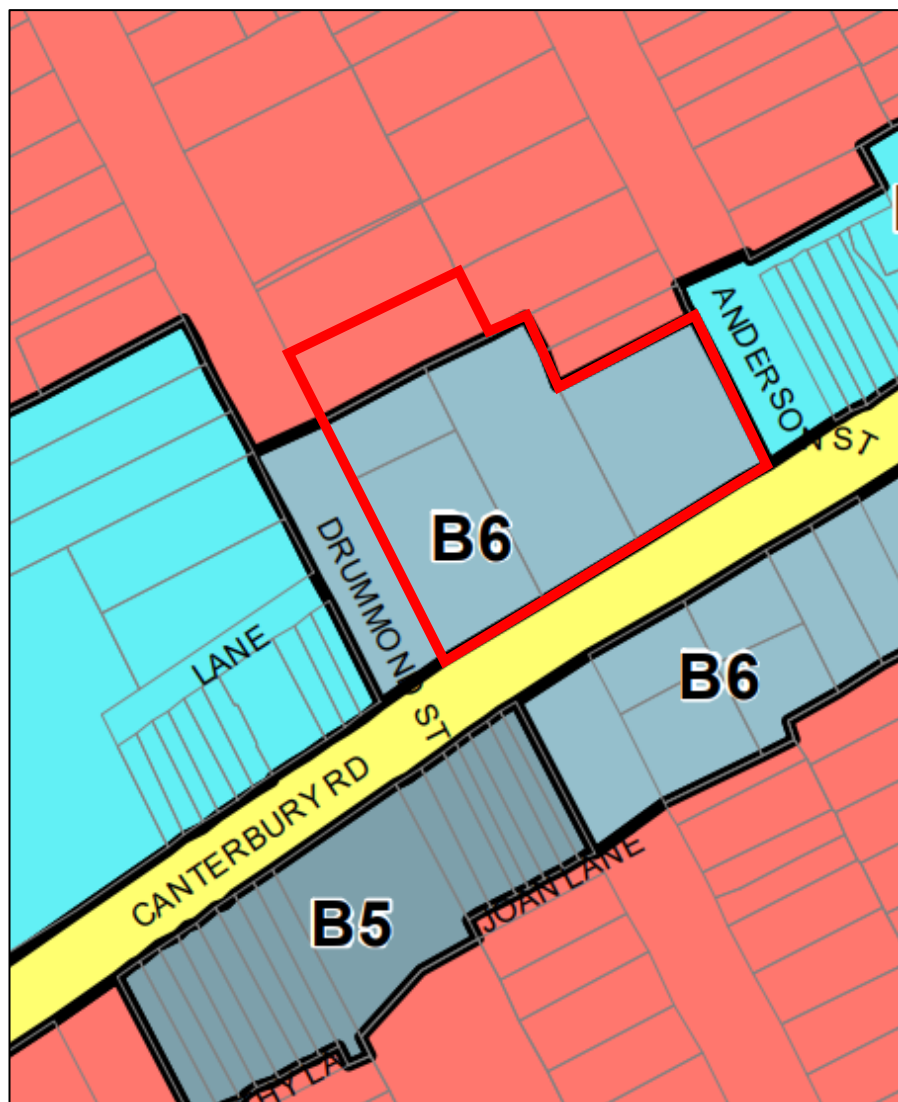


Figure 13: Canterbury LEP 2012 Land Zoning Map

Clause 35 Division 5 of the Affordable Housing SEPP states:

*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 metres 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,*

As discussed, residential flat buildings are not permitted in the B6 Enterprise Corridor zone or the R3 Medium Density Residential zone. The site is also within 800 metres of the entrance to the Belmore train station. A site compatibility certificate was subsequently issued by the Department of Planning and Environment on 15 July 2014. The certificate determined that the development “*is compatible with the surrounding land uses*” and “*is*

*not likely to have an adverse effect on the environment and does not cause any unacceptable environmental risks to the land”.*

In this regard, the site is surrounded by similar development and/or zones to that being proposed and supported by the SCC issued on 15 July 2014. Land to the east and west is zoned B2 Local Centre under which “shop top housing” is permitted, and emerging nearby development such as at 630 Canterbury Road, 680, 684 and 704 Canterbury Road and 717 Canterbury Road, all within 90 metres of the subject site.

While the development is not permitted by the subject zones, it is compatible with its surroundings, the adjoining zones, and the emerging mixed use character within the immediate vicinity.

Further, the development is also consistent with the objectives of the Canterbury LEP 2012. The following in particular are of relevance:

- (a) to provide for a range of development that promotes housing, employment and recreation opportunities for the existing and future residents of Canterbury,*
- (b) to promote a variety of housing types to meet population demand,*
- (c) to ensure that development is of a design and type that supports the amenity and character of an area and enhances the quality of life of the community,*
- (d) to create vibrant town centres by focusing employment and residential uses around existing centres and public transport nodes,*
- (e) to revitalise Canterbury Road by encouraging a mix of land uses that does not detract from the economic viability of existing town centres,*

While the existing zones do not contemplate development for the purposes of ‘residential flat buildings’ or ‘shop top housing’ (hence the purpose of the SEPP), the proposed development is however still consistent with the objectives of the existing zones as follows:

<b>B6 Enterprise Corridor</b>	
<ul style="list-style-type: none"> <li>To promote businesses along main roads and to encourage a mix of compatible uses.</li> </ul>	The site is on Canterbury Road, a classified main road. The ground floor uses along Canterbury Road are proposed business uses, compatible with mixed use developments along and envisaged on Canterbury Road.
<ul style="list-style-type: none"> <li>To provide a range of employment uses (including business, office, retail and light industrial uses).</li> </ul>	Employment generating uses are to be located on Canterbury Road. While the subject DA is a concept and does not stipulate the actual employment uses, it is proposed to work with council on the types of employment uses desired for this location.
<ul style="list-style-type: none"> <li>To maintain the economic strength of centres by limiting retailing activity.</li> </ul>	Retail activity is limited to 938sq.m or 6 units along Canterbury Road.
<ul style="list-style-type: none"> <li>To facilitate the revitalisation of Canterbury Road and create an attractive streetscape supported by buildings of a high standard of design.</li> </ul>	The existing use is a vacant and underutilised commercial/warehouse. It is a blight on the streetscape and does not contribute in any way to the existing streetscape and urban environment.



	The development will facilitate the revitalisation of Canterbury Road and create an attractive streetscape.
<ul style="list-style-type: none"> <li>To support urban renewal and a pattern of land use and density that reflects the existing and future capacity of the transport network.</li> </ul>	The DA facilitates the urban renewal of the site consistent with the pattern of mixed use development occurring in the corridor and envisaged by the Canterbury Road Review (i.e. the 'new vision for Canterbury Road' on page 17 states: <i>"a new vision for Canterbury Road would see... An indicative built form with a maximum of 6 storeys, the basis of which is set out in the Urban Design Study"</i> . The application has adopted the proposed maximum height of 6 storeys and, noting the proposed FSR in the corridor of up to 2.5:1 (1.9:1 residential and 0.6:1 commercial), we have achieved a FSR of 2.16:1 achievable under the Concept DA.

**Table 5:** Consideration of B6 Enterprise Corridor zone objectives

<b>R3 Medium Density Residential</b>	
<ul style="list-style-type: none"> <li>To provide for the housing needs of the community within a medium density residential environment.</li> </ul>	The objective is achieved by the concept scheme seeking to providing key affordable housing and general housing to meet the needs of the community. The scheme concept design in seeking to achieve the conditions of the SCC is lower in scale of the R3 zoned lot as it transitions the built form to the adjacent land uses. Greater setbacks of 6 metres are applied to the adjacent boundary and the dwelling typology of terraces has been implemented in the R3 lot zone land to provide a dwelling typology consistent and similar to that anticipated and present in R3 development in the locality that is not subject to the provisions of Division 5 of the AHSEPP. The scale of the terrace development at 2 and transitioning to 4 levels is in keeping with the density and scale of an R3 zone.
<ul style="list-style-type: none"> <li>To provide a variety of housing types within a medium density residential environment.</li> </ul>	The provision of a terrace style dwelling in the R3 lot with adjoined home units creates a variety of dwelling type as contemplated by the objective.
<ul style="list-style-type: none"> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> </ul>	The develop scheme is not in conflict with this objective as the entire scheme includes a mix of uses.

**Table 6:** Consideration of R3 Medium Density Residential zone objectives

#### 4.3.2 Height of Buildings

The maximum building height for the subject site is part 8.5 metres (R3 Medium Density zoned land) and part 12 metres (B6 Enterprise Corridor zoned land).



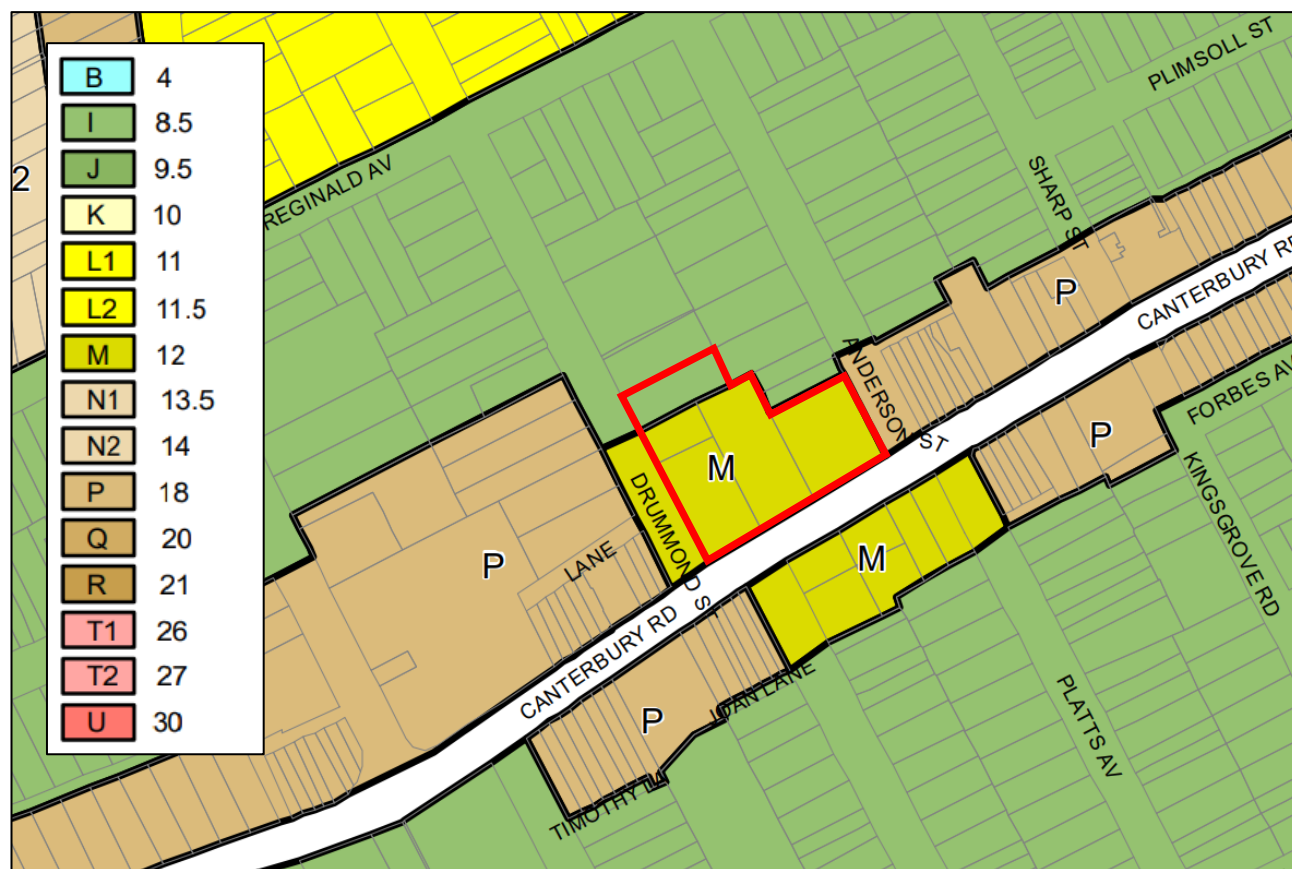


Figure 14: Maximum Height of Buildings Map

The development envisaged by the HBO+EMTB urban design report, lodged as part of the previous SCC application in 2013/2014, included heights of buildings 6 and 7 storeys (18 and 21 metres) across the majority of the site.

The site compatibility, in determining that the “development of the site described in Schedule 1” to be “compatible with the surrounding land uses”, and “not likely to have an adverse effect on the environment”, also conditioned the development as follows:

- “(1) the proposed development is to be configured to ensure a transition in height between Canterbury Road and the surrounding single storey dwelling houses to the north. Higher buildings should be located along Canterbury Road, stepping down in height towards the low density residential zone to the north”.

As such, the development has been refined in accordance with the condition to ensure a suitable transition in height from Canterbury Road to the low density residential to the north, noting the zone is actually medium density residential.

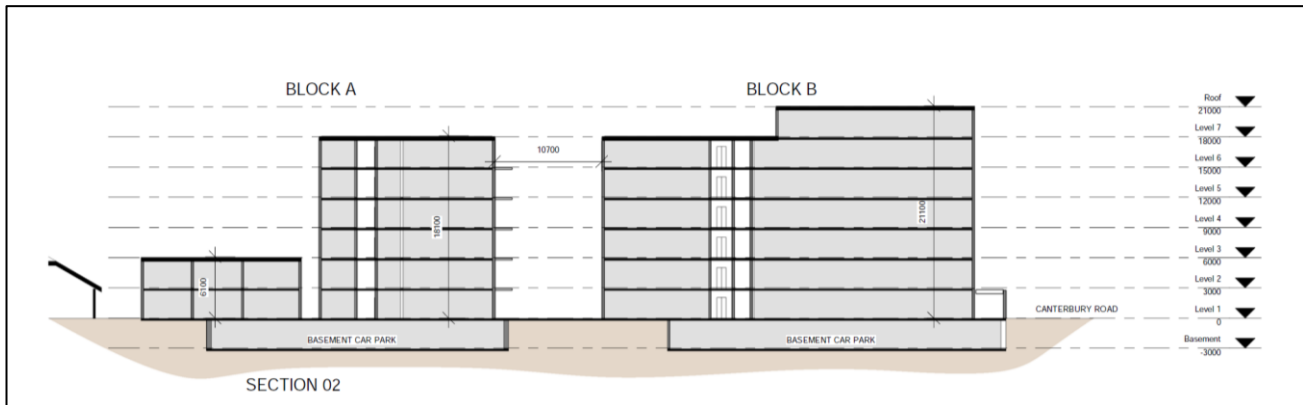


Figure 15: HBO+EMTB urban design report Drummond Street elevation (SCC 2014)

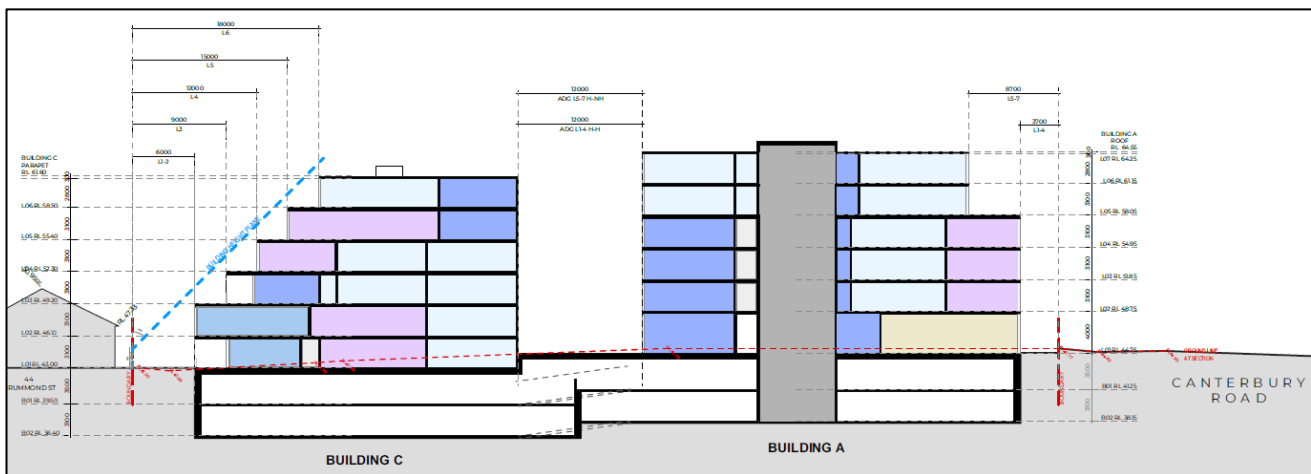


Figure 16: Proposed development - Drummond Street elevation

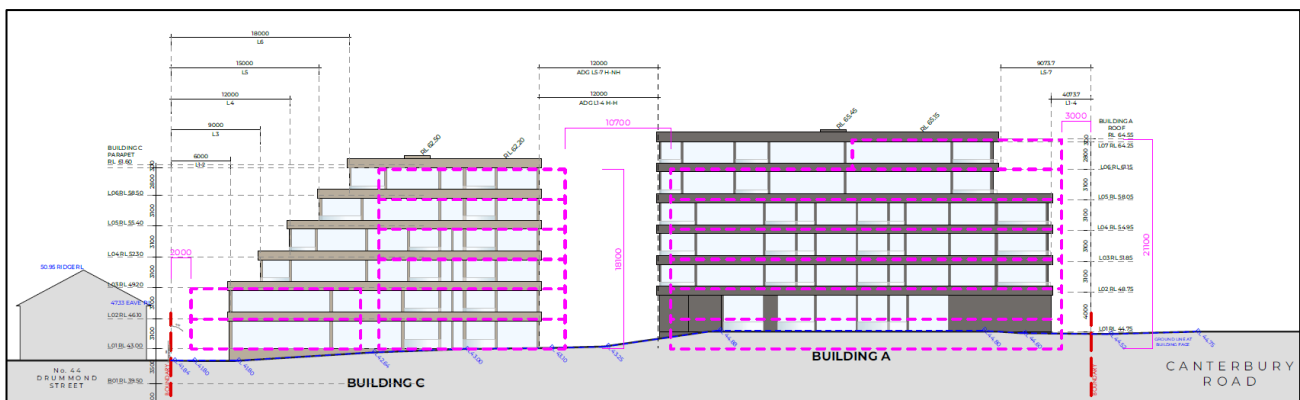


Figure 17: Proposed development and existing SCC overlay

As can be seen from the above figures which compare the original design and the revised design, the concept plan has been re-engineered to address the transition of buildings to the northern lower density residential development. A 45° height plane has been introduced to shift massing to the south and reduce visual mass, bulk and scale impacts.

The development massing envelope has been prepared in accordance with the existing SCC and the associated conditions.

The ADG applies to building separation between residential flat buildings that increases proportionally to the height of the buildings. The proposed development has been designed to ensure compliance with the ADG. In that way, the development has been designed to comply as follows:

Up to four storeys (approximately 12 metres):

- 12m between habitable rooms/balconies
- 9 m between habitable and non-habitable rooms
- 6m between non-habitable rooms

Five to eight storeys (approximately 25 metres):

- 18m between habitable rooms/balconies
- 12m between habitable and non-habitable rooms
- 9m between non-habitable rooms

Nine storeys and above (over 25 metres):

- 24m between habitable rooms/balconies
- 18m between habitable and non-habitable rooms
- 12m between non-habitable rooms

Further, the development has been assessed against the objectives of Clause 4.3 Height of Buildings under the Canterbury LEP 2012 as follows:

(a) to establish and maintain the desirable attributes and character of an area,	Similar mixed use development, and permitted mixed use development in the area is 6 storeys in height with retail and commercial uses fronting Canterbury Road. The concept application is consistent with the desired attributes and character of the area in that the proposal has a maximum height of 6 storeys, retail uses fronting Canterbury Road and a density of 2.16:1, less than the 2.5:1 envisaged by the Canterbury Road Review for mixed use development.
(b) to minimise overshadowing and ensure there is a desired level of solar access and public open space,	The architectural plans that accompany the concept DA include shadow analysis at 9am, 12pm and 3pm on 21 <sup>st</sup> June. This illustrates that the majority of overshadowing only effects Canterbury Road to the south. At 9am, there is minor impact on development to the west, and for the majority of the day the impact is only to the road with no adjoining development being effected. Further, of the 1,117sq.m of open space within the site, 63% achieves 2 or more hours of solar access.
(c) to support building design that contributes positively to the streetscape and visual amenity of an area,	The proposed development seeks a maximum height of 6 storeys. This includes a recess for levels 5 and 6 to minimise the visual impact on Canterbury Road. The

	<p>Canterbury Road frontage is broken by a laneway forming two separate buildings, of which both contain retail and commercial uses along the frontage of Canterbury Road.</p> <p>The heights and built form are consistent with the existing and future desired character for mixed use development and contributes positively to the streetscape and visual amenity of the area.</p>
(d) to reinforce important road frontages in specific localities.	<p>The Canterbury Road Review provides a platform for sympathetic and desirable urban renewal along the corridor. The proposal acknowledges the importance of the Canterbury Road frontage and has been prepared in accordance with the urban design principles and built form outcomes envisaged for mixed use development.</p>

**Table 7:** Consideration of Clause 4.3 Height of Buildings objectives

#### 4.3.3 Floor Space Ratio

Under the Canterbury LEP 2012, the maximum floor space ratio (FSR) control does not apply to the land zoned B6 Enterprise Corridor. An FSR of 0.5:1 applies to the part of the site zoned R3 Medium Density Residential.

Notwithstanding, the proposed development is subject to an existing SCC under the Affordable Rental Housing SEPP, the aims of which seek to *“facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards”*. In issuing the certificate, the proposed development was supported subject to conditions. This included Condition 2, which states *“the final dwelling number and unit mix are to be to the satisfaction of the consent authority in determining the development application”*.

The number of units contemplated by the Department of Planning and Environment under the site compatibility application was **222 units**: 36 studios; 104 1 bed; 70 2 bed; and 12 3 bed.

Following the issuing of the SCC, the consideration of conditions, and the refinement of the scheme in accordance with the conditions, including height transition, the total number of units facilitated by the development is **174 dwellings**, of which 50% (87 dwellings) are affordable rental housing dwellings. : 1 studio; 53 x 1 bed; 103 x 2 bed; and 17 x 3 bed. That equates to a reduction by **48 units** following the issuing of the existing SCC.

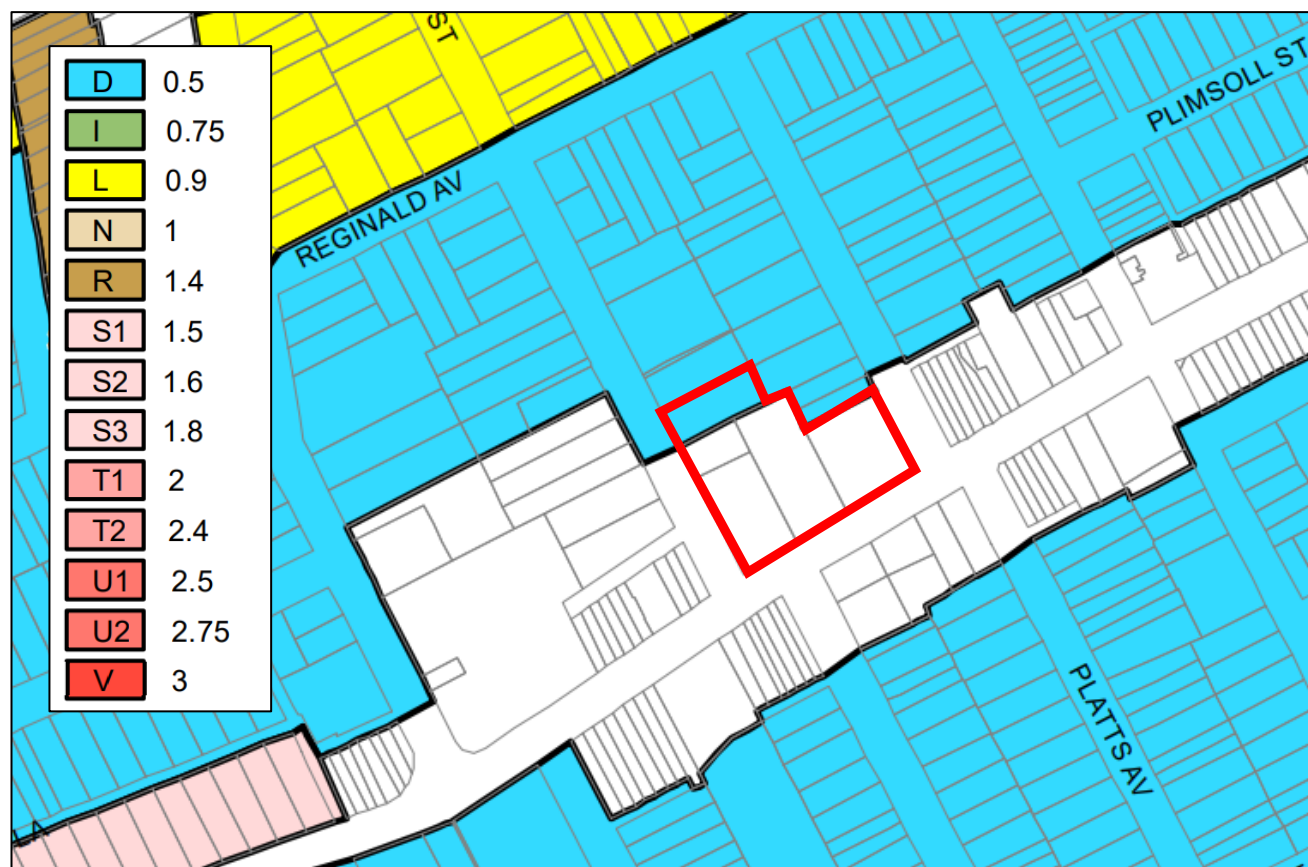


Figure 18: Canterbury LEP 2012 Maximum Floor Space Ratio Map

Further, the development has been assessed against the objectives of Clause 4.4 Floor Space Ratio (R3 Medium Density Residential only) under the Canterbury LEP 2012 as follows:

<p>(a) to provide effective control over the bulk of future development,</p>	<p>Under the Canterbury LEP 2012, the maximum floor space ratio (FSR) control does not apply to the land zoned B6 Enterprise Corridor. An FSR of 0.5:1 applies to the part of the site zoned R3 Medium Density Residential.</p> <p>The proposed development is subject to a site compatibility certificate under the Affordable Rental Housing SEPP, the aims of which seek to “<i>facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, <b>floor space ratio bonuses</b> and nondiscretionary development standards</i>”. In issuing the certificate, the proposed development was supported subject to conditions. This included Condition 2, which states “<i>the final dwelling number and unit mix are to be to the satisfaction of the consent authority in determining the development application</i>”.</p> <p>The number of units contemplated by the Department of Planning and Environment under the site compatibility</p>
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	<p>application was 222 units: 36 studios; 104 1 bed; 70 2 bed; and 12 3 bed.</p> <p>Following the issuing of the site compatibility certificate, the consideration of conditions, and the refinement of the scheme in accordance with the conditions, including height transition, the total number of units facilitated by the Concept Plan development application is <b>174</b>: 1 studio; 53 1 bed; 103 2 bed; and 17 3 bed. That equates to a reduction by 38 units following the issuing of the site compatibility certificate.</p> <p>The FSR control only applies to 48 Drummond Street, which equates to approximately 1000m<sup>2</sup> of the 7000m<sup>2</sup> site. To control the bulk of future development the SCC required a <i>“transition in height between Canterbury Road and the surrounding single storey dwelling houses to the north”</i>. Development on the R3 zoned land is lower in bulk and scale as it seeks to transition and be sympathetic to adjacent development.</p> <p>Greater setbacks of 6 metres are applied to the adjacent boundary and the dwelling typology of terraces has been implemented in the R3 zoned lot to provide a dwelling typology consistent and similar to that anticipated and present in R3 zoned development in the locality. The scale of the terrace development at 2 levels and transitioning to 4 levels is in keeping with the density and scale of an R3 zone. The concept has adopted council’s height plane for transitional development.</p>
(b) to protect the environmental amenity and desired future character of an area,	<p>The bulk and scale of the development is consistent with the existing and envisaged character of the area. Land either side of the site is zoned B2 Local Centre. While no FSR applies, the future envisaged FSR is 2.5:1. The concept delivers an FSR of 2.16:1. The proposed mixed use development is therefore consistent with the future character of the area.</p>
(c) to minimise adverse environmental impacts on adjoining properties and the public domain,	<p>The density promoted by the Canterbury Road Review for mixed use development is up to 2.5:1 (1.9:1 residential and 0.6:1 commercial). While the Concept DA does not seek consent for development, it does facilitate a concept against which future DA’s will be lodged, the density of which will be approximately 2.16:1.</p> <p>Adjoining properties are zoned B2 Local Centre and similar forms of development are anticipated for these sites. The public domain is enhanced through active frontages at ground level, where commercial and retail uses are proposed.</p>

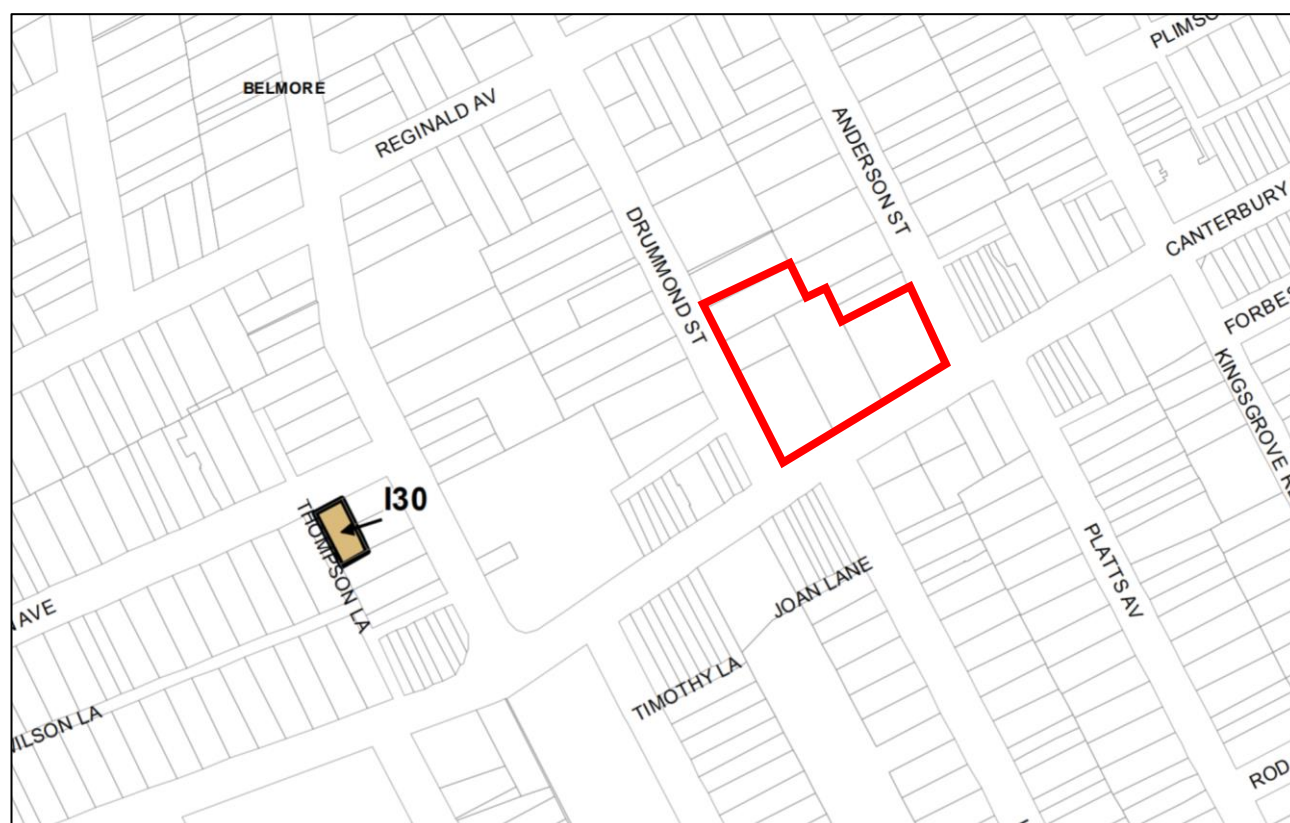


<p>(d) to optimise development density within easy walk of the railway stations and commercial centres.</p>	<p>The site is within 800 metres of the entrance to the Belmore railway station. This formed the basis for the issuing of the SCC, which promotes density in locations within easy walking distance of public transport. This equates to approximately a 9-minute walk.</p> <p>Further, the site is approximately 400 metres from the edge of the commercial district, or a 5 minute walk, of the Belmore town centre.</p> <p>The proposal therefore optimises density within easy walking distance to the Belmore town Centre and train station, achieve the objectives.</p>
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**Table 8:** Consideration of Clause 4.4 Floor Space Ratio (R3 Medium Density Residential) objectives

#### 4.3.4 Heritage

The subject sites are not located within a heritage conservation area, is not identified as a heritage item, and is not affected by any nearby heritage. The nearest item is at 2 Wilson Way, being a federation bakery building, White House Bakery (former) listed as I30 under Schedule 5 Environmental Heritage of the Canterbury LEP 2012. The item is over 300 metres away and not visible from the site.



**Figure 19:** Canterbury LEP 2012 Heritage Map



#### 4.3.5 Additional LEP Provisions

Assessment Criteria	Comment	Compliance
Clause 2.7 Demolition Requires Consent	Consent is not sought for demolition as part of this application. This development application only seeks consent for concept approval. Consent for demolition will be subject to future staged applications.	N/A
Clause 5.10 Heritage Conservation	The subject site is not located within a heritage conservation area, is not identified as a heritage item, and is not affected by any nearby heritage.	Yes
Clause 6.1 Acid Sulfate Soils	The proposal does not seek consent for development. Notwithstanding, the subject site and adjoining land is not classified as acid sulfate soils and therefore is not subject to this clause.	N/A
Clause 6.2 Earthworks	The proposal does not seek consent for earthworks. Any earthworks required to facilitate future build form and development of the site will be addressed at a later stage.	N/A
Clause 6.3 Flood Planning	The site is not identified on the flood planning map as being as being flood affected.	N/A
Clause 6.4 Stormwater Management	<p>While the application does not seek consent for development, a stormwater drainage report has been prepared and is included at <a href="#">Appendix E</a>. The Report illustrates subsoil drainage and on-site detention to ensure future development will be supported by appropriate stormwater drainage measures.</p> <p>Further, the drainage design seeks to:</p> <ul style="list-style-type: none"> <li>• Maximise the use of water permeable surfaces;</li> <li>• Include on-site stormwater retention; and</li> <li>• Avoid adverse impacts of stormwater run-off.</li> </ul>	Yes
6.6 Essential Services	<p>As the site contains existing commercial and residential uses and is located within a developed urban setting, all essential services are readily available.</p> <p>The stormwater drainage was discussed under Clause 6.4 and is further addresses in the Stormwater drainage report at <a href="#">Appendix E</a>.</p> <p>Electricity and water access are readily available and the attached Concept Design Report at <a href="#">Appendix B</a> and the Traffic and Access Impact</p>	Yes

	<p>Assessment at <u>Appendix F</u> illustrate the vehicular access arrangements.</p> <p>Notwithstanding, this concept plan development application does not seek consent for development and this will be further studied during detailed development design. The attached design demonstrates that appropriate stormwater design and mitigation measures can be appropriately achieved.</p>	
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**Table 9:** Additional LEP Provisions

## 5 Strategic Context

This section considers the strategic planning framework relevant to the subject site. The strategic context is considered having regard to the existing zone, the development endorsed by the site compatibility certificate, the surrounding zones and development patterns and the proposal for a concept development application lodged with Council on 22 March 2019, that seeks to facilitate future development of the site for a mixed use development supporting a considerable affordable housing contribution to the Canterbury Bankstown community.

### 5.1 A Metropolis of Three Cities – The Greater Sydney Region Plan

In March 2018, the NSW Government published A Metropolis of Three Cities – The Greater Sydney Region Plan (The Plan). The Plan is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. This is consistent with the 10 Directions in Directions for a Greater Sydney which establish the aspirations for the region over the next 40 years and are a core component of the vision and a measure of the Plan's performance.

To meet the needs of a growing and changing population the vision seeks to transform Greater Sydney into a metropolis of three cities:

- the Western Parkland City
- the Central River City
- the Eastern Harbour City.

The site is located in the Eastern Harbour City. The population of the Eastern Harbour City is projected to increase from 2.4 million people to 3.3 million people over the next 20 years.

The subject site is on Canterbury Road within 800 metres of the entrance to Belmore train station. Belmore is part of the 'Sydney Metro and Southwest' urban renewal corridor that will provide faster access to the Harbour CBD and on to Chatswood. The site is a 9-minute walk to the train station, and therefore achieves many of the locational attributes identified in the Plan having excellent proximity to public transport, jobs and employment opportunities within a walkable catchment area.

The Plan projects the population of Greater Sydney to grow to 8 million over the next 40 years. The Plan seeks to rebalance the economic and social opportunities and leverage that growth and deliver the benefits more equally across Greater Sydney. The goals are for:

- residents to have quick and easy access to jobs and essential services;
- housing supply and choice to increase and meet the growing and changing needs of the community;
- the environment and precious resources to be protected; and
- Infrastructure to be sequenced to support growth and to be delivered concurrently with new homes and jobs.

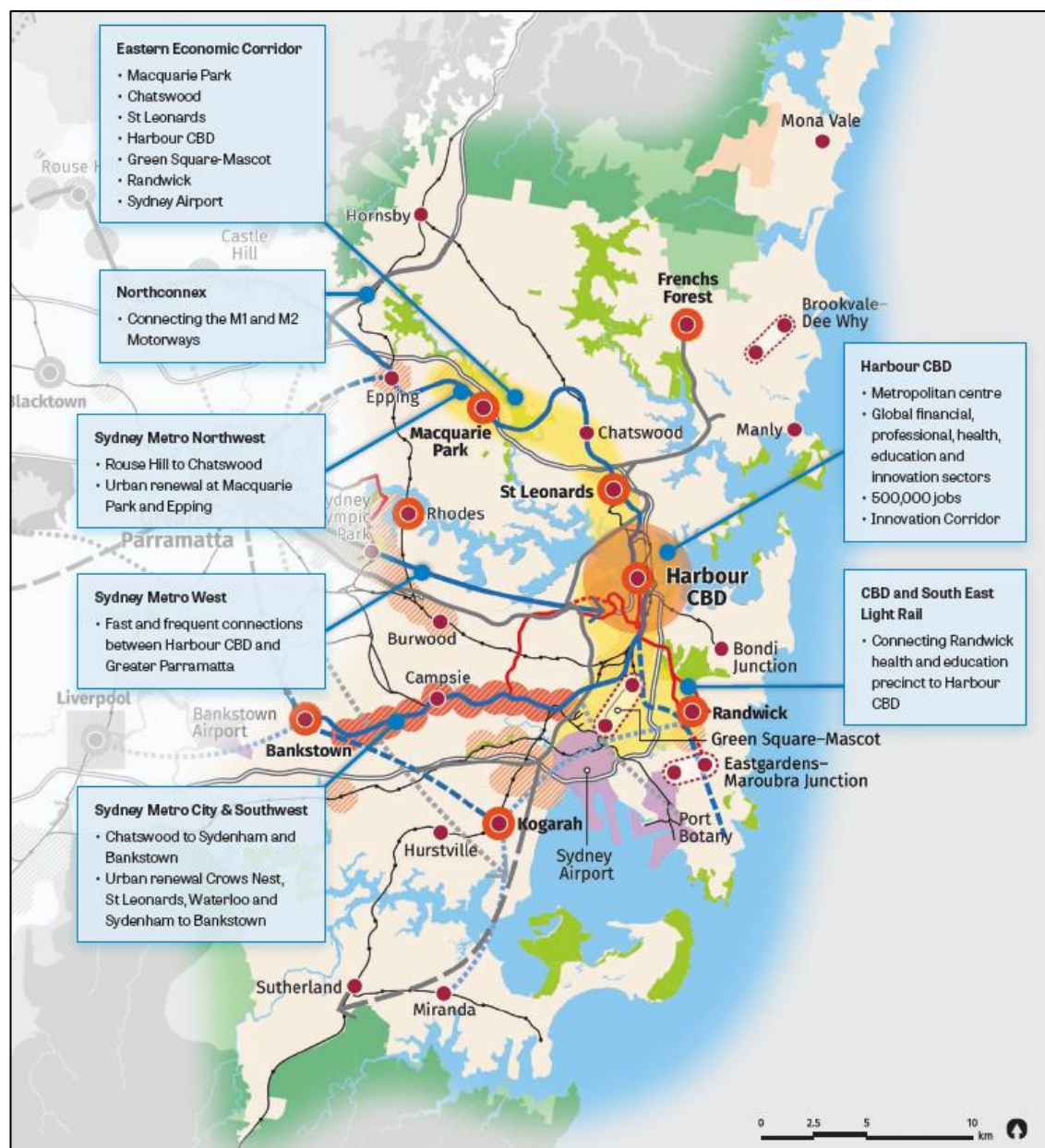


Figure 20: Eastern Harbor City Structure Plan

To achieve the objectives for the Eastern Harbour City, the plan includes 10 directions and 40 objectives, supporting actions and priorities for each “City”.

To improve liveability, The Plan seeks to create new great places, with well-connected communities which have access to a range of jobs and services, starting with public places, open spaces and transit-oriented developments. The concept application seeks to deliver affordable housing close to public transport connecting residents to a network of jobs and opportunities.

Direction 4 “Housing the City” of the Greater Sydney Plan seeks to provide housing choice for people, which can be achieved through “greater housing supply”, “increased housing completions” and “more diverse and

affordable” housing. Council does not have an Affordable Rental Housing Target Scheme. The SCC issued for the site facilitates a considerable supply of affordable dwellings to an area with severe housing stress. This application for a new SCC will implement the approval of the existing SCC in a refined scheme and contribute 174 dwellings increasing housing supply, 50% of which will be affordable homes.

The Plan identifies the Sydenham to Bankstown corridor for urban renewal. The subject site is within 800 metres of the Belmore railway station and forms part of the urban renewal area.

The site benefits from its location within close proximity to Belmore train station and the Belmore local centre. The site is an underutilised and substantially derelict property with the ability to redevelop in the short term, meeting the desire and strategic planning framework of urban renewal in this location, connecting new residents with the Harbour CBD and nearby residents with new jobs associated with the retail frontage to Canterbury Road.

The Concept DA is also consistent with the principles for managing industrial and urban services land, as it provides for 938m<sup>2</sup> of retail/commercial and employment generating floorspace. The site is dilapidated and in need of urban renewal. The SCC recognised the suitability of the site for mixed use development and in doing so will avoid any land use conflict with the emerging mixed use pattern of development in the vicinity, and will provide for the needs of the community through affordable housing supply and job and business opportunities.

The site is within the 30-minute city objective. Firstly, the site is a 9-minute walk from the Belmore train station, which connects Belmore to the Harbour CBD and Greater Sydney. The Belmore station is part of the future Sydenham to Bankstown Sydney Metro City and Southwest rail upgrades to provide faster and more frequent services. Under existing timetables (i.e. prior to metro rail services) from Belmore, the Harbour CBD metropolitan centre is accessible within 22 minutes; Bankstown strategic centre and health and education precinct within 9 minutes; and Campsie strategic centre within 2 minutes. With more frequent and faster trips these times are anticipated to further reduce.

It is noted that Objective 23 of the Greater Sydney Plan states *“industrial and urban services land is planned, retained and managed”*. It is also noted that Objective 11 states *“housing is more diverse and affordable”*. The purpose of the ARH SEPP is to provide for expanded permissibility on sites that are compatible with their surroundings and context. While the Greater Sydney Plan seeks to retain and manage industrial and urban services land, this type of land generally does not permit residential flat buildings and is usually the submit of the ARH SEPP.

In that context, the subject site does not form part of an important corridor or cluster of B6 Enterprise Corridor zoned land. The permitted development, including affordable housing, by the SCC was determined because the site is surrounded by uses and controls envisaged by the SCC and proposed development. Therefore, while Objective 23 is important in the context of valuable employment lands, the objective needs to be considered in the context of objective 11; that seeks to provide more affordable housing; the location of the site to transport and services; the existing use on the site, being a vacant factory; and compatibility with surrounding zones and land uses.

The site is adjoined by mixed use and residential zones with similar controls to that contemplated by the development sought through this SCC process. Therefore, while objective23 is not to be undermined, on



balance the application for an SCC meets a key objective of the Act, meets the objectives of the SEPP, and is consistent with the provisions of the LEP which contemplates provisions of a SEPP that may prevail over the LEP under Section 3.38 of the EP&A Act 1979.

Further, it is noted that Section 3.8 Implementation of strategic plans of the EP&A Act 1979, requires that in the preparation of a planning proposal the “*planning proposal authority is to give effect to any district strategic plan applying to the local government area to which the planning proposal relates*”. In this case, the application for a SCC is not through the Part 3 plan making process, rather is considered through an effective delivery mechanism for new affordable rental housing, in accordance with a key aim of the Act, by providing incentives by way of expanded permissibility.

Nevertheless, while the subject SCC application does not seek consent for any development, it will facilitate the provision of additional housing while balancing this with high standards of amenity and design. The actions of the Greater Sydney Region Plan will be realised through future applications for development.

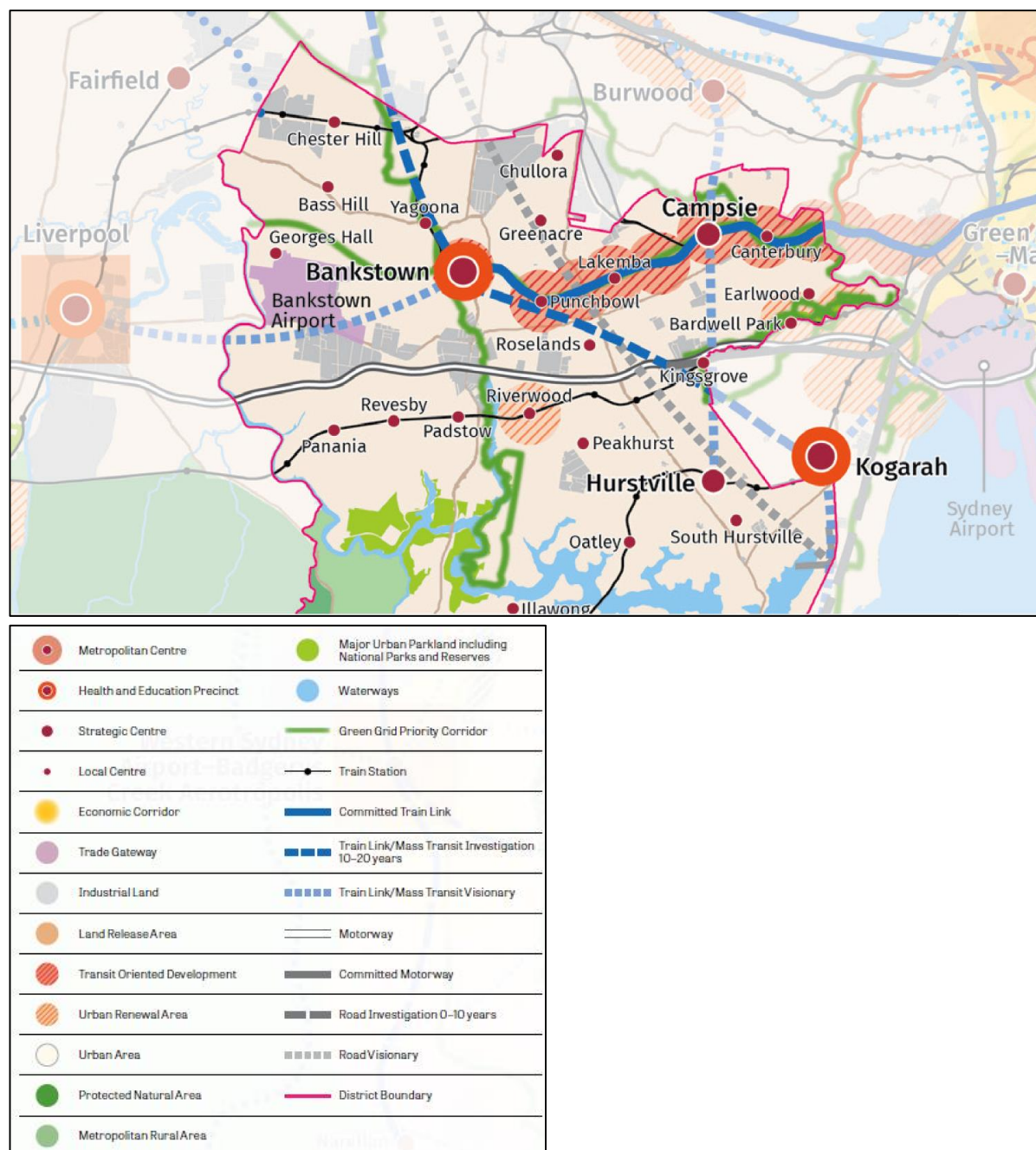
## 5.2 South City District Plan

Greater Sydney’s three cities identified in the Greater Sydney Region Plan – A Metropolis of Three Cities reach across five districts. The South District covers the Canterbury- Bankstown, Georges River and Sutherland local government areas. The District connects to the Central River City through Bankstown and to the Western Parkland city through Liverpool.

The South District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. The goal of the Plan is to “*have well-coordinated, integrated and effective planning for land use, transport and infrastructure*”. The District Plan provides the means by which the Greater Sydney Region Plan can be put into action at the local level.

*“The South District will continue to grow over the next 20 years with demand for an additional 83,500 dwellings. This will be provided through urban renewal, around new and existing infrastructure, and infill developments. The focus of growth will be on well-connected, walkable places that build on local strengths and deliver quality public places.”*

In undertaking strategic planning processes, and/or preparing or considering planning proposals, planning authorities must give effect to the District Plan, specifically the Planning Priorities and Actions. While this application is not for development and does not seek to amend the Canterbury LEP 2012, it does seek to facilitate a significant benefit of affordable rental housing through the provisions of the ARH SEPP, which will be realised through future DAs.



**Figure 21:** Canterbury Bankstown extract from South District Structure Plan

In the South District the greatest increase in population is expected in Canterbury-Bankstown Local Government Area, where 70 per cent of new residents (142,450 additional people by 2036) will be accommodated due to anticipated urban renewal. The next largest increase is anticipated to be in the Sutherland Local Government Area, where the population will increase by 13 percent. *“The South District will continue to grow over the next 20 years with demand for an additional 83,500 dwellings. This will be provided through urban renewal, around new and existing infrastructure, and infill developments.”*

Further, the Plan sets a 0-5 year housing target for the District of 23,250, with 13,250 of these new dwellings targeted to be built in Canterbury Bankstown. The SCC application will facilitate future development applications that support an additional 174 dwellings of which 50% will be affordable.

### 5.3 Canterbury Road Corridor Review

The formal genesis of the Review occurred on 26 July 2016 and 23 August 2016, when the Administrator of the new merged Council (City of Canterbury Bankstown) resolved to commence a strategic review of the existing policy framework for the Canterbury Road corridor indicating that Council together with the Department of Planning and Environment would undertake a review of the planning controls for Canterbury Road. The Review would establish the long-term vision for the Corridor.

Almost a year after the initial resolution, on 25 July 2017, the Council endorsed the Canterbury Road Review for the purposes of public exhibition. The Review was supported by Urban Design, Economic and Transport and Traffic Studies.

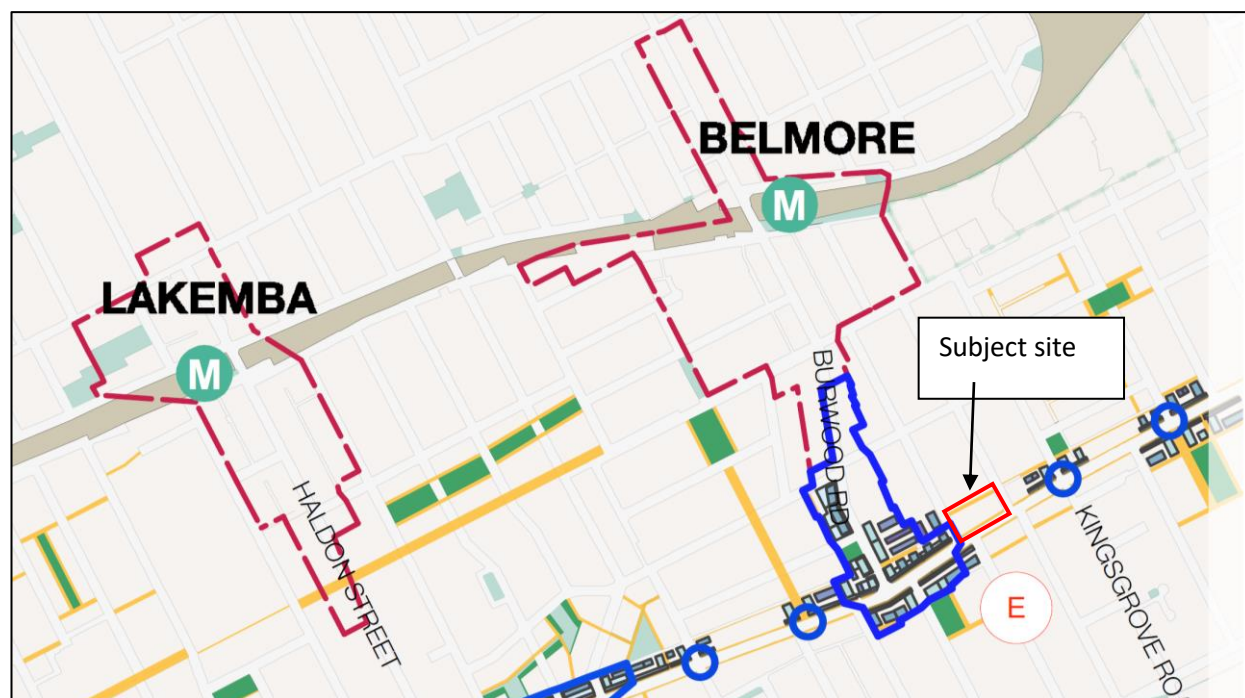
The key findings identified in the Review (to create a new vision for the Corridor) include:

- (a) A concentration of mixed use development with multi-unit housing in 7 identified junctions – locations where streets that connect north to the railway line form a junction with Canterbury Road.
- (b) Additional mixed-use housing in a further 11 localities. These locations are on land that provides for housing in a mixed-use development.
- (c) To exclude multi-storey housing from other land fronting Canterbury Road.
- (d) Potential streetscape enhancement works concentrated in the junctions and localities.
- (e) An indicative built form with a maximum of 6 storeys.
- (f) A longer-term investigation of the possibilities to address the critical shortage of open space.

Following public exhibition, a report was considered by Council at its meeting of 22 May 2018 in relation to the Review. Council resolved the following:

*“Council adopt in-principle the Canterbury Road Review included at Attachment A subject to further work and reporting back to Council for approval, with the exception of Recommendation 14.”*

The subject site is *not* located within one of the 7 junctions or 11 localities identified along the Canterbury Road corridor. It does however adjoin Centre E – Burwood Road Neighbourhood Centre as illustrated in Figure 22 below.



**Figure 22:** Site location in context of Canterbury Road Corridor Review

While the Canterbury Road Review does not identify the site in a junction or locality, the existing SCC has determined that it is compatible with its surroundings, will not have any adverse environmental impact and provides for the redevelopment to facilitate a significant public benefit. It is however noted that the SCC was issued in 2014 prior to the Canterbury Road Corridor Review.

The Canterbury Road Review, where only being endorsed “in-principle” by Council and having not been endorsed by the NSW Government, Greater Sydney Plan or South District Plan, seeks to retain the existing B6 Enterprise Corridor zone on the site. This ensures that the site will remain eligible for the provisions of the ARH SEPP and a SCC. However, it is important to consider any changes to the surrounding context of the site from a strategic point of view when considering its compatibility with surrounding land uses.

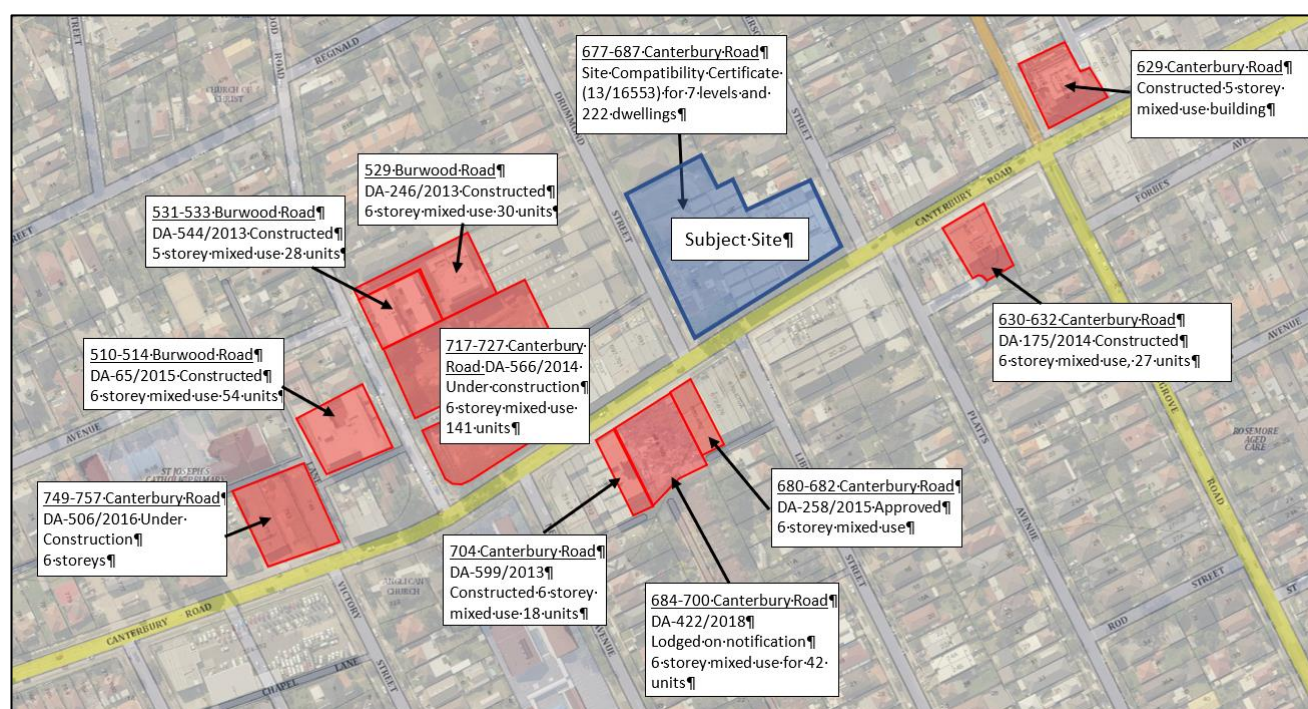
While the site is proposed to be retained as B6 Enterprise Corridor, it borders the proposed Burwood Road Neighbourhood Precinct, one of the 7 junctions, which is immediately to the west of Drummond Street. This land is already zoned B2 Local Centre where mixed use development up to 5 to 6 storeys is already permitted. Further, land immediately to the east on Anderson Street, is also zoned B2 Local Centre and is part of the block that forms one of the 11 localities, being the Kingsgrove Road locality.

Land to the north is zoned R3 Medium Density Residential and this is not impacted by the Review. The conditions of the existing SCC are relevant however, in that there needs to be an appropriate transition in height to this land. The concept that supports this SCC application provides a 2 storey interface of terraces, with height increasing in accordance with Council’s 45° height plane to a maximum of 6 storey (as opposed to the 7 storeys in the previous SCC application) consistent with the future built form within the vicinity.



The ‘new vision for Canterbury Road’ on page 17 states: “a new vision for Canterbury Road would see... An indicative built form with a maximum of 6 storeys, the basis of which is set out in the Urban Design Study...”. A height of 6 storeys has therefore been promoted in the concept supporting this SCC application as it most closely aligns with existing controls, the emerging character and the vision of the Review as quoted above.

Further, the emerging pattern of development nearby reflects the proposed development presented in this application. While a number of recent approvals and applications are considered in Section 2.2, the below figure illustrates the character within the area.



**Figure 23:** Map of site in the context of emerging surrounding development (Note: Reference above at 677 Canterbury Road is for development contemplated by existing SCC).

The Canterbury Road Corridor Review also seeks to encourage additional heights where development is aligned with public benefit. 50% affordable housing in an area identified as disadvantaged with a significantly high number in housing stress is a significant public benefit.

The concept for the site provides for active retail at ground level along Canterbury Road with residential above. A 3.7 metre setback provides a significant public domain along the active frontage and open space around and through the site provides attractive and high standards of amenity. This is consistent with the future vision for Canterbury Road to create a more pedestrian friendly attractive streetscape with interactive interface to development.

Note: The Canterbury Road Corridor Review has not been endorsed by the NSW Government and the Greater Sydney Plan and South District Plan does not give weight to the review. Further, the Council’s most recent



resolution on the review stated “*Council adopt in-principle the Canterbury Road Review....subject to further work*”, and “*Council confirm the junctions and localities between Canterbury and Campsie*”.

Council’s recommendation in the Canterbury Road Corridor Review for the previous planning proposal at 677-687 Canterbury Road (amend the LEP to B5 Business Development, 18 metres height or 6 storeys, and no FSR) was as follows:

**Recommendation:**

*Proceed, subject to the following be undertaken by the applicant and reported back to Council prior to a decision as to whether to forward the planning proposal to the DP&E for Gateway Determination:*

- *The ability for the site to accommodate for employment uses be further investigated and a change to the zoning to remove employment lands be justified as per the section 9.1 directions and in consideration of the South District Plan.*
- *The consistency of the planning proposal with the built form of the review be investigated via a revised urban design study and the proposed density be considered in line with it’s out of junction location.*
- *An updated traffic impact assessment based on the traffic and transport study completed for the review be undertaken.*

While Council resolved not to proceed with the planning proposal in June 2018, the SCC still remains valid and is the subject of this new application. In this context, the concept seeks to consider recommendations of the Review and recommendations above (in relation to the Planning Proposal), particularly bullet point (2) above that addresses the built form of the Review. In this light, the development concept has adopted the proposed maximum height of 6 storeys and, noting the proposed FSR in the corridor of up to 2.5:1 (1.9:1 residential and 0.6:1 commercial), the concept achieves an FSR of 2.16:1 achievable under the Concept DA lodged with Council on 22 March 2019. .

This alignment was important to reflect the future envisaged character of residential flat development in the corridor, noting the original SCC issued in 2014.

## 6 Need for Affordable Housing

Given the time between the issuing of the existing SCC (15 July 2014) and the lodgement of the Concept DA with Council (22 March 2019), PPM Consulting were engaged to prepare a Social Impact Analysis that considers the current need for affordable housing in Belmore in 2019. The report is included at [Appendix H](#).

### 6.1 Social and Economic Impact

The proposed development would be built under the State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP). The ARHSEPP requires that 50 per cent of the units in a development are rented out as affordable housing by a community housing provider (CHP) for no less than 10 years. Under the proposed scheme, 87 apartments would be leased and managed by a Community Housing Provider (CHP).

The proposed development is likely to have few negative social impacts. It is likely that the positive impacts will far outweigh the negative impacts, with affordable housing need significantly increased in the Belmore area.

#### 6.1.1 Strategic Context

An examination of housing needs reaffirms the critical importance of providing a diversity of housing across the housing continuum in Greater Sydney. The continuum recognises the fundamental importance of household income on the ability to access housing of different types, cost and tenure. Households on moderate, low or very low incomes, who spend more than 30 per cent of their income on housing, are impacted in their ability to pay for essential items like food, clothing, transport and utilities.

Lower income households (earning up to approximately \$67,600 per annum) without other financial support cannot afford the average rental cost for even more moderately priced areas of Greater Sydney, which are generally on the outskirts of Greater Sydney.

Cities require a range of workers to be close to centres and jobs. An absence of affordable housing often results in workers having to commute for long distances.

Many moderate-income households face housing diversity and affordability challenges – typically households with incomes of \$67,400–\$101,400 per annum. Recent research indicates that about half of young Greater Sydney residents are considering leaving Greater Sydney within the next five years, with housing affordability being a key issue. It also highlights that smaller well-located dwellings are considered an acceptable approach to reducing housing cost.

The Canterbury Residential Development Strategy sets out the former Canterbury City Council's Residential Development Strategy to the year 2031. Its principal purpose is to ensure that the right package of zonings and development controls are in place to deliver housing to cater for the needs of the existing and incoming population in that area. The Strategy recommends that consideration should be given to reviewing the land use zones to ensure appropriate controls are in place to facilitate redevelopment that maximises the

opportunity to provide additional social and affordable housing and the state government's investment in the area, particularly where the land meets urban and amenity considerations.

Housing NSW indicates that Canterbury (the former LGA now amalgamated as Canterbury Bankstown) is in high need of affordable housing. According to the housing kit database, only 32.7 per cent of the rental stock is affordable for households on low incomes.

### **6.1.2 Affordable Housing Taskforce Report**

The NSW Affordable Housing Taskforce released their interim report in March 2012. In this report, the Taskforce said that, "Housing NSW has strategically facilitated the growth of the community housing sector in recent years, providing a range of capacity building opportunities. NSW government now has the opportunity to benefit from this increased capacity."

Furthermore, the Taskforce said that inclusionary zoning policies do not work to provide affordable housing in all markets. While these policies provide a level of certainty about the type of contribution required for affordable housing and avoid the need for site based negotiation processes and the mandatory nature of the provisions support the delivery of scale, they have been shown to work most effectively in high value land locations and have limited application in lower cost markets (such as Belmore).

Inclusionary zoning provisions may be considered to increase the costs of development which may be passed on to individual home purchasers. However, whether these provisions have an impact is dependent on the timing of introduction (to allow for the contribution to be factored into the purchase price for the land), whether it is associated with increased development potential (allowing for value capture) and market characteristics (elasticity of demand and supply).

Clearly, for an area like Belmore, the AHRSEPP, with a SCC, is the preferred method to obtain affordable housing outcomes.

### **6.1.3 Belmore Population**

The Belmore area suffers from a high degree of disadvantage. In general, the population is less educated and less engaged with the labour market than Canterbury-Bankstown as a whole, Sydney and NSW.

The median weekly household income is \$61,048, which places the median household between the low and moderate income range for a single person household. Therefore, the median single household would be eligible for an affordable housing tenancy.

The median rent (with over 40 per cent of households renting in the area) was \$368 per week, which is 31.3 per cent of median weekly household income. This means that the median household is in housing stress, as the benchmark for housing affordability is having less than 30 per cent of household income going to rent.

At 80 per cent of median rent (the benchmark for affordable housing), the median rent would be \$294.40 per week, or \$15,308.80 per year. At an “affordable” rent, the median household would no longer be in housing stress, with approximately 25 per cent of household income going to housing.

Belmore is a highly disadvantaged area, in the second lowest decile for Relative Socio-Economic Disadvantage, in the third lowest decile for relative socio-economic advantage and disadvantage, in the lowest decile for economic resources and the third lowest decile for education and occupation. Affordable housing in this area would therefore be a significant social benefit.

A specific objective of the ARHSEPP is for the affordable housing to be located within an accessible area. The government is spending close to \$20 billion extending the Metro from Chatswood. This would place the affordable housing in the subject location very close to jobs, amenities, education and recreation all across Sydney.

The number of people in housing stress is partially due to the constraint on supply. Once the Metro comes into the area, it will increase demand for housing in the area, pushing people further into housing stress. Without an increase in supply, particularly affordable supply, this will leave more people in the area in housing stress.

If inclusionary zoning is added onto this, this will exacerbate the affordability problem, both with market housing and with affordable housing.

#### **6.1.4 Development Under the ARH SEPP**

The proposed development would be built under the ARHSEPP. The ARHSEPP requires that 50 per cent of the units in a development are rented out as affordable housing by a community housing provider (CHP) for no less than 10 years (which allows for asset recycling). Under the proposed scheme, 92 apartments would be leased and managed by a CHP.

Canterbury Bankstown Council currently does not have access to the provisions of SEPP 70. If the proposal was developed as a regular mixed use development, it is likely that no more than 9 or 18 affordable units would be provided, depending on whether Canterbury Bankstown Council followed the Greater Sydney Commission’s non-enforceable policy for 5-10 per cent of units in a development to be made available for affordable housing. The proposed development therefore improves greatly on the affordable housing that is currently on the site (none) and by between 74 and 83 affordable dwellings if inclusionary zoning was relied upon.

Even if Canterbury Bankstown Council had access to SEPP 70, council has previously said that their LGA is suffering from overdevelopment. If this were the case, it is possible that council could reject all future proposals for medium to large scale apartment complexes. If council rejects all future apartment proposals, the resulting affordable housing under inclusionary zoning would be zero.

The ARHSEPP gives the state and council the opportunity to work with a CHP to get an affordable outcome that includes a range of dwelling typologies and provides dwelling choice for the CHP and their clients for housing singles, families and couples.

### 6.1.5 Employment Lands and Affordable Housing

The site is currently a disused factory. The building is in such a state of disrepair that it is unlikely that it could be refurbished without significant renovation. The site is currently vacant and is offering no employment.

The site is 7,000m<sup>2</sup> and the building covers approximately 90 per cent of the site. Therefore the building floorspace is approximately 6,300m<sup>2</sup>.

The site could be used for warehousing, manufacturing or, under the proposed affordable housing, retail/commercial. Table 10 shows the rule-of-thumb employment potential for each classification of use. The least intense job potential is in warehousing and the most is in commercial/retail.

	m <sup>2</sup> per Job
<b>Industrial</b>	100
<b>Commercial/Retail</b>	20
<b>Warehousing</b>	500

Source: ABS

**Table 10:** Estimated Ongoing Employment Potential (Source: ABS)

Table 11 shows the potential ongoing employment impact of the proposed concept against the status quo. This table breaks down the industrial floorspace into “industrial”, “warehousing” and “commercial/retail”. The commercial/retail floor space is assumed to approximately 900m<sup>2</sup>.

Ind Jobs/m <sup>2</sup>	Com/Retail Jobs/m <sup>2</sup>	Whse Jobs/m <sup>2</sup>	Ind (m <sup>2</sup> )	Com/ Retail (m <sup>2</sup> )	Whse (m <sup>2</sup> )	Ind Jobs (no.)	Com/ Retail Jobs (no.)	Whse Jobs
0.01	0.05	0.002	6,300	900	6,300	63	45	13

**Table 11:** Potential Ongoing Jobs Under Redevelopment Scenarios

As can be seen from Table 11, the employment potential under current B6 – Enterprise Corridor zoning is no more than 63 for a factory (an unlikely development considering worldwide trends in manufacturing), down to 13 for warehousing. As the current employment on the site is zero, this represents a very small potential number of jobs, given the number of jobs available and potential along the whole of the corridor around Canterbury Road. That said, the addition of commercial space on the ground floor of the proposed affordable housing development gives a potential of 45 jobs, only 18 less than the full potential of an industrial use and still more than three times that of warehousing.

It can therefore be shown that the proposed development not only retains employment space, but is likely to actually result in an *increase* in employment on the site (both from the current zero jobs and the potential number of jobs under alternative scenarios).

It should also be noted that the commercial/retail space could be used for urban services and other non-commercial tenancies that could be of direct benefit to the tenants on the site.



The loss of employment land (despite the similar number of potential jobs) should be weighed against the high need for affordable housing in the area. The area is unaffordable for the median income earner, and the demand-pull potential of the Metro means that, without a supply response, it will become even more unaffordable. The realisation of more affordable housing will relieve most Belmore residents of housing stress.

The ARHSEPP specifically targets land in accessible areas. The site is highly accessible and, with the Metro coming, will be even more accessible.

It should also be noted that the government has also announced a \$1.3 billion rebuild of Bankstown-Lidcombe Hospital, which is 7km from the subject site. The site is also only 800m from Canterbury Hospital. Affordable housing close to hospitals means that it is highly accessible for nursing staff who would qualify for affordable housing, as well as hospital support staff. Housing hospital workers in affordable housing near a hospital would mean that they would not have to commute from where they can currently afford to live, which is likely to be a long way away.

#### **6.1.6 Objectives of the EP&A Act**

When performing functions under the Act, authorities will be guided by three additional new objects promoting:

- good design and amenity of the built environment
- the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)
- the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants.
- to promote the delivery and maintenance of affordable housing

The new objects of the Act commenced from 1 March 2018.

The objects of the Act are guiding principles that need to be considered by planning authorities, such as councils and Local Planning Panels, when making decisions under the Act.

According to the Department's own explanatory notes guiding how the new objects are to be interpreted, "promoting social equity through the provision of Affordable Housing and directly dealing with the issues of housing stress in Sydney is already a relevant consideration that may be considered by decision-makers."

The explanation goes on to highlight the increased importance of affordable housing as a consideration: "Having an affordable housing object elevates the importance of promoting and facilitating the provision of Affordable Housing as part of the planning system as a whole and will ensure that affordable housing provision is considered and balanced with the other objects of the Act."

The Department also notes that the ARHSEPP: "Enables a consistent planning regime for the provision of affordable rental housing, to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards, to facilitate the retention and mitigate the loss of existing affordable rental housing,

to facilitate an expanded role for not-for-profit-providers of affordable rental housing and to support local business centres by providing affordable rental housing for workers close to places of work.”

As noted earlier, the Affordable Housing Taskforce report that was released in 2012, provides further evidence analysis of the need for the planning system to support the delivery of Affordable Housing.

It is clear that, despite the fact that the new Act postdates the ARHSEPP by nearly 10 years, the Department and the Parliament had it in mind that the objectives could be met by the already existing EPI.

Therefore, it can be seen that there is a deliberate planning approach applied about the practical application of the objectives of the Act and the use of an EPI to achieve the objective.

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## 7 Conclusion

This report supports an application to the NSW DPE for a SCC under Division 5 of the State Environmental Planning Policy (Affordable Rental Housing) 2009. The subject site, at 677,687 Canterbury Road & 48 Drummond Street, Belmore already has a SCC applying to it. The SCC was issued on 15 July 2014.

As the SCC is due to expire on 15 July 2019 a new SCC is required. A Concept Development Application was lodged with Council on 22 March 2019. A new SCC will allow this application to be determined and further applications to be lodged against the certificate. While the SCC lasts for 5 years, development applications have not been lodged against it due to separate plan making processes being progressed against the certificate. As this process ended in June 2018, development applications have been advanced against the certificate. However, due to the lapsing of the SCC a new SCC is required to allow applications for development to be considered and advanced.

The existing SCC provided for a number of conditions when considering the application and previous concept. The development concept has been refined, particularly in relation to maximum height and the transition in height. Consideration has also been given to the emerging pattern of development surrounding the site and the future anticipated form of development envisaged by the Canterbury Road Review. The maximum height, land uses and density is aligned to this strategic vision.

The R3 Medium Density zone and B6 Enterprise Corridor zone have numerous objectives that facilitate development in that zone in accordance with the permitted uses. As “*residential flat buildings*” are not permitted and the development application is for a residential flat building, it is difficult to achieve an objective for an employment use, such as a “*warehouse or distribution centre*” and achieve the development control that applies to this use.

As discussed in this report, the purpose of the Affordable Rental Housing SEPP is to expand zoning and permissibility. The maximum building height of 12 metres (B6) and 8.5 metres (R3) apply to those uses permitted which does not reflect or contemplate a “*residential flat building*” or the urban form of the concept endorsed by the Secretary in the Department’s SCC of 15 July 2014.

The concept advanced with this application has therefore adopted the controls and future direction for development within the area for a mixed-use development such as that proposed. This application demonstrates that the proposed development will not have any unacceptable environmental impact and is compatible with the surrounding land uses having regard to existing and approved land uses and the bulk and scale and the preferred future land uses on land surrounding the subject site.