

**Report to the Secretary on an application for a site compatibility certificate (SCC)  
under State Environmental Planning Policy (Affordable Rental Housing) 2009**

**SITE ADDRESS:**

677, 687 Canterbury Road and 48 Drummond Street, Belmore (**Figure 1**)

**LEGAL DESCRIPTION:**

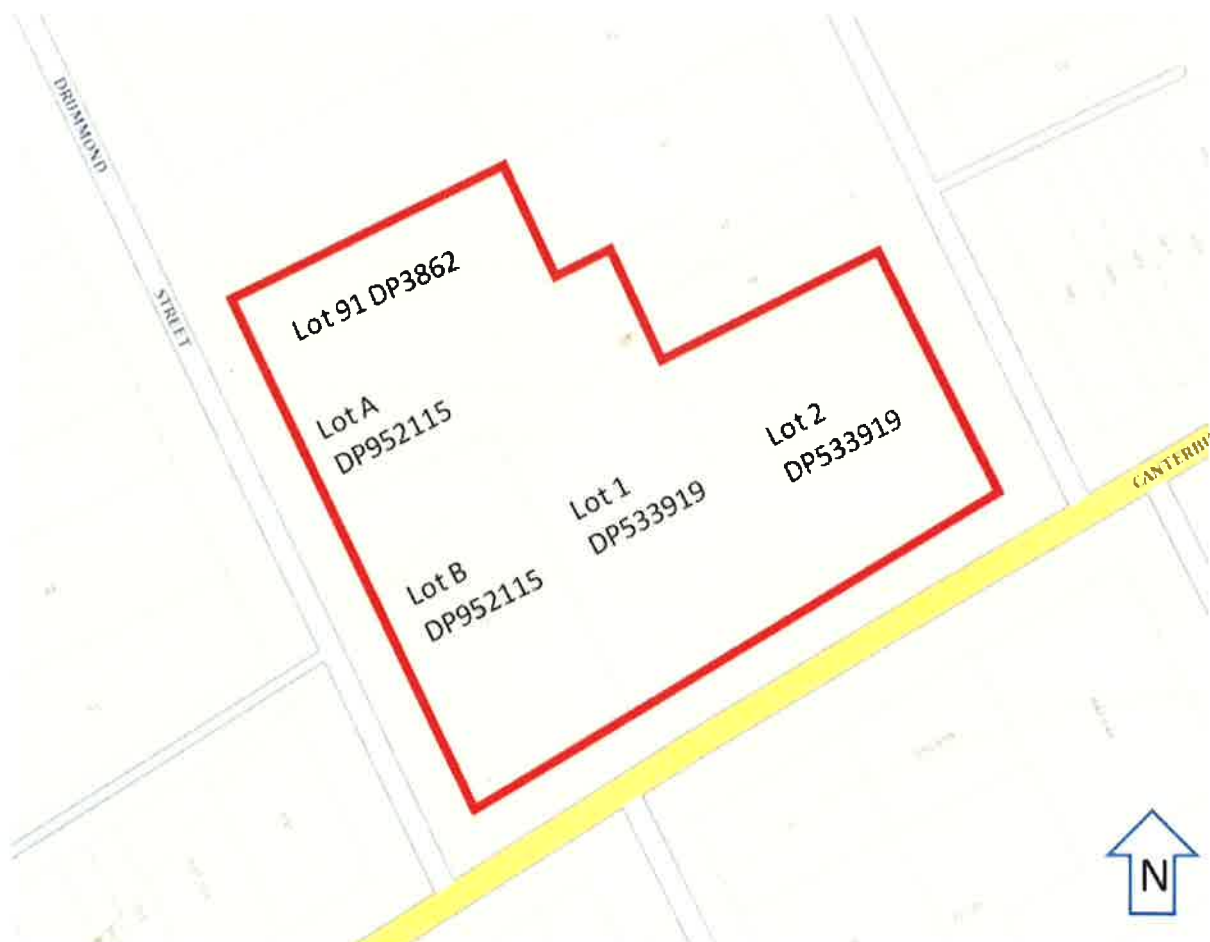
Lot 91 DP 3862, Lots A and B DP 952115, Lots 1 and 2 DP 533919

**APPLICANT:**

Pacific Planning Pty Ltd



**Figure 1:** Aerial photo of the site and surrounding area (source: Nearmap).



**Figure 2:** Site context map (Source: SIX Maps).

## THE SITE

The site has an area of 7,070m<sup>2</sup> and is occupied by a vacant industrial building (**Figure 2**), which was formerly used as a shoe factory, a clothing factory and a small mechanic workshop. The site has three road frontages:

- 101m to Canterbury Road;
- 113m to Drummond Street; and
- 44m to Anderson Street.

Under the Canterbury Local Environmental Plan 2012 (CLEP 2012) the site is zoned part B6 Enterprise Corridor (Lots A and B DP 952115 and Lots 1 and 2 DP 533919) and part R3 Medium Density Residential (Lot 91 DP 3862). Approximately 85% of the site is zoned B6 Enterprise Corridor (**Figure 3**, page 4).

The B6 Enterprise Corridor land use zone under the CLEP 2012, intends to:

- 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.

The uses permitted in the B6 zone include:

- Business premises;
- Landscape material supplies;
- Light Industries;
- Vehicle sales and hire premises;
- Vehicle repair station;
- Vehicle body repair workshop; and
- Warehouse or distribution centres.

The B6 zone prohibits residential land uses.

Only the R3 Medium Density Residential zone permits for some forms of residential development; namely:

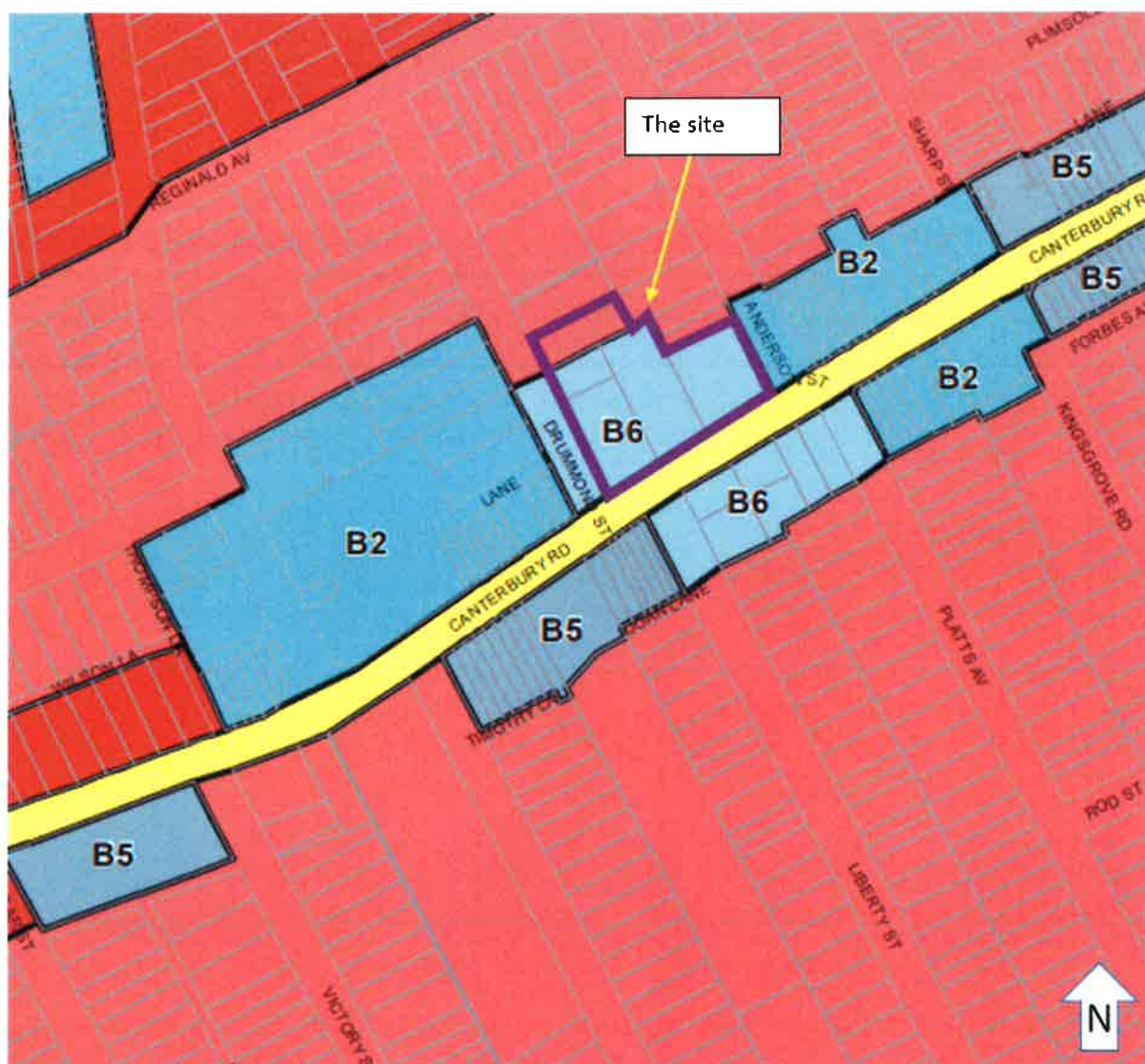
- boarding houses;
- group homes;
- dwelling houses;
- dual occupancies;
- semi-detached dwellings;
- attached dwellings;
- multi-dwelling housing; and
- seniors housing.

The site does not contain any nor is in the vicinity of any heritage listed items. The closest heritage item includes the Federation bakery building White House Bakery (former) (Item 30 in CLEP 2012), which is approximately 200m from the site.

The site is subject to the following development standards under CLEP 2012:

Development standard	B6 Lots	R3 Lot
Maximum building height	12m	8.5m
Maximum FSR	-	0.5:1
Minimum lot size	-	460m <sup>2</sup>



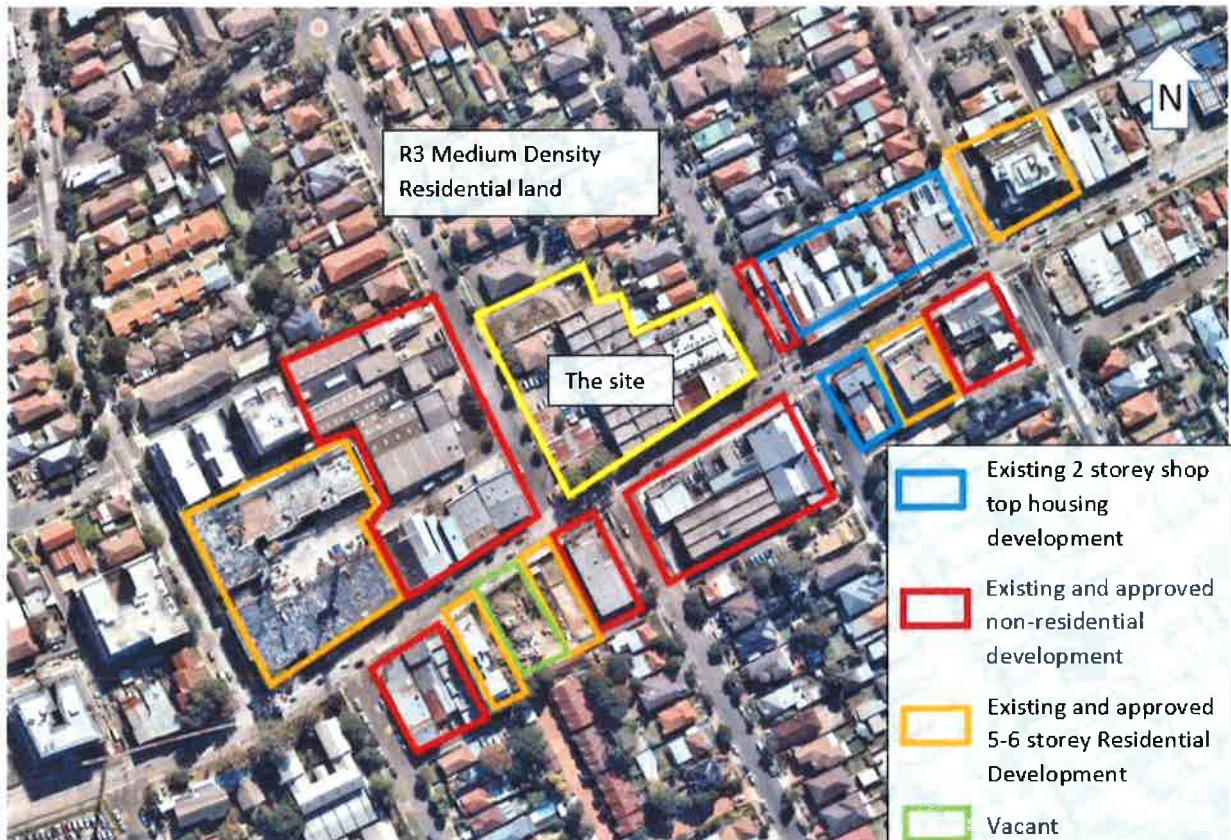


**Figure 3:** Zoning map for the site and its surrounds (CLEP 2012)

## THE SURROUNDING AREA

The site is situated on the northern side of Canterbury Road, an 18m-wide Classified Road, and is serviced by Anderson and Drummond Streets, which are located east and west of the site.

The site is surrounded by existing and approved industrial, urban services, commercial and residential land uses (**Figure 4**).



**Figure 4:** Aerial photo of surrounding area (source: Nearmap).

### Development to the north

The land to the north of the site is zoned R3 Medium Density Residential and comprises several residential uses, being mostly detached single dwellings with some small townhouse and walk-up apartment developments. This development ranges from one to two storeys in height.

### Development along Canterbury Road

Land surrounding the site to the south, east and west either comprises of a mix of residential, industrial or business developments as shown in **Figure 4**.

To the west of the site on the western side of Drummond Street is existing non-residential development (**Figure 5**). These uses in this complex of buildings and other sites in the vicinity include vehicle repair workshops, retail premises, business premises and indoor recreation facilities.

These developments range from one to two storeys in height and are found in B2 Local Centre, B5 Business Development and B6 Enterprise Corridor land-use zones.





**Figure 5:** Existing non-residential development at 43-51 Drummond Street viewed from the western boundary of the site (source: site visit).

Under the Canterbury Road Strategy the site is recommended to have the same height control of 12m and B6 Enterprise Corridor zone as the land immediately opposite on the southern side of Canterbury Road. This site is occupied by a vehicle repair business (**Figure 6**).



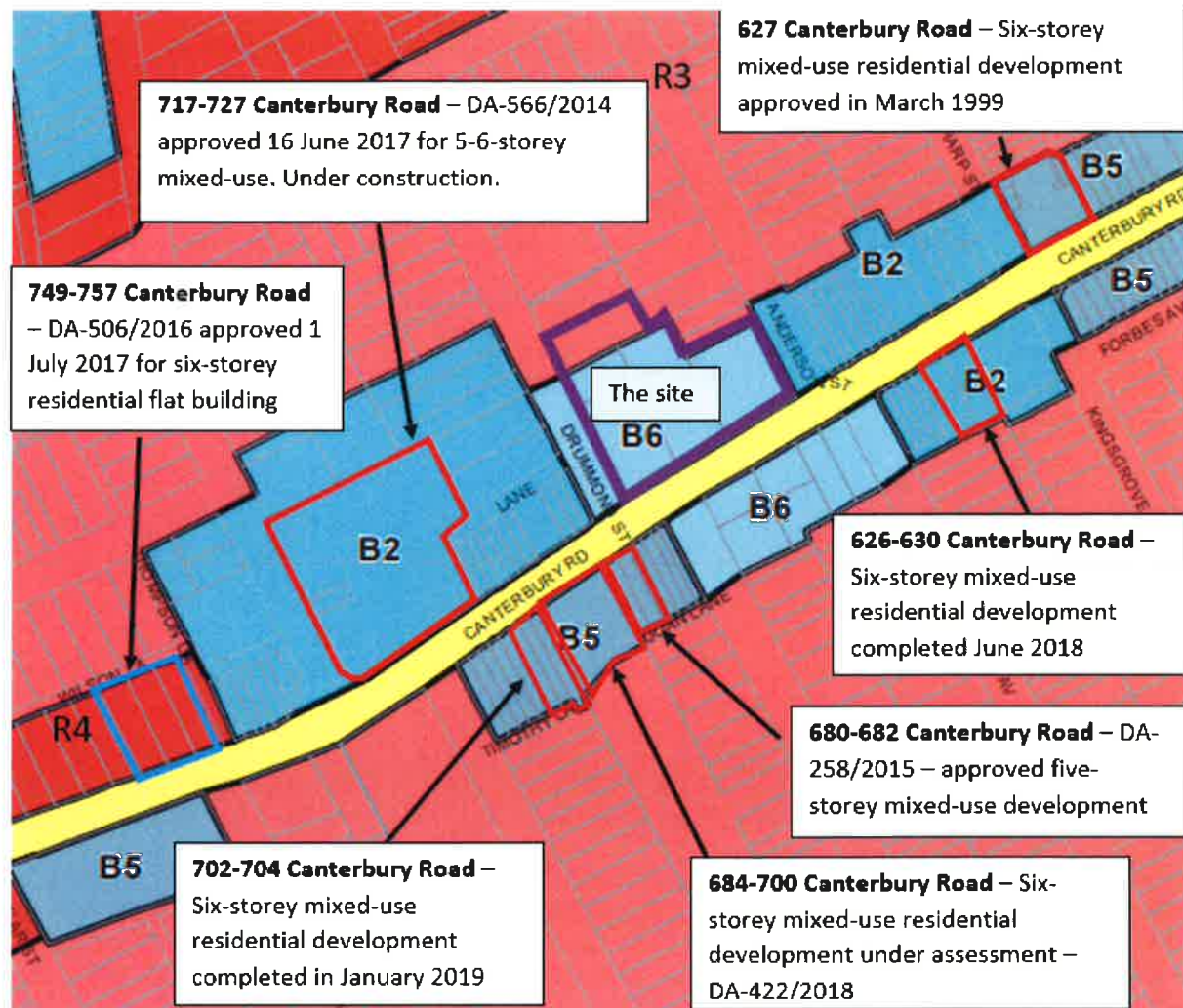
**Figure 6:** Existing non-residential development at 642-658 Canterbury Road viewed from the southern boundary of the site (source: Google Street View).

The B2 zone permits residential development in the form of boarding houses and shop-top housing. The B5 zone permits shop top housing.

Under clause 6.7 of the CLEP 2012, development consent may be granted to a mixed-use development in the B1, B2 and B5 zones (but not the B6 zone) that incorporates residential accommodation and a medical centre provided that the consent authority is satisfied that the ground level of the building will not be used for the purpose of residential accommodation.

Shop-top housing requires all dwellings to be located above ground-floor retail or business premises, preventing any residential at the ground floor. This differs from 'mixed-use development', which is defined under CLEP 2012 as *"a building or place comprising 2 or more different land uses"*.

There are seven approved and existing mixed-use developments along both sides of Canterbury Road (Figure 7).



**Figure 7:** Existing residential development along Canterbury Road surrounding the site (source: CLEP 2012 and Canterbury-Bankstown DA Tracker).

These developments, except for 627 Canterbury Road, are either approved, are under construction or have been recently completed. They reflect the former planning framework for the Canterbury Road Corridor, the Canterbury Road Masterplan 2010.

This Masterplan was partially implemented with the gazettal of the CLEP 2012 that introduced development potential for residential flat buildings, shop top housing and mixed-use housing developments over much of the Canterbury Road Corridor.

## CHANGE IN STRATEGIC CONTEXT

The vision of the Canterbury Road Masterplan 2010 has not been achieved. This was the result of the:

- Impacts of additional approved development on the Canterbury Road Corridor that exceeded the development standards in, and had not been contemplated under the CLEP 2012;
- Former Roads and Maritime Services' (RMS<sup>1</sup>) concerns about cumulative traffic impacts resulting from the proposed rezoning of land to B5 Business Development along the Canterbury Road Corridor;
- Considerable number of planning proposals for various sites along the corridor which required a consistent and strategic response; and
- State Government's release of plans for the Sydenham to Bankstown Corridor and the planning directions proposed under the draft South District Plan and Greater Sydney Region Plan that established a new strategic planning framework that would influence and guide planning for the corridor.

Consequently, Canterbury-Bankstown Council resolved in on 26 July and 23 August 2016 to:

- Commence a strategic review of the existing policy framework for the Corridor;
- Determine how best to incorporate recent developments into a revised framework for the Corridor;
- Adopt a methodology to guide a strategic review of the Corridor (refer below); and
- Endorse the establishment of a Steering Committee comprising representatives from Council, the former Department of Planning and Environment (DP&E), RMS, Transport for NSW (TfNSW) and Greater Sydney Commission (GSC).

This resolution by Council began the change in strategic direction for Canterbury Road and the subject site, which has resulted in a different strategic planning framework than when the previous SCC application was issued in 2014.

### Canterbury Road Review

This strategic review of the Canterbury Road Corridor resulted in the Canterbury Road Review. The Review will be used by a range of stakeholders, including Canterbury-Bankstown Council and NSW State agencies, to:

- Guide changes to land use planning and built form controls along the Corridor;
- Provide the evidence to support informed decisions and advocacy to government in relation to current and future growth and infrastructure strategies;
- Establish a long-term plan for investment in and enhancement of urban amenities, open space, active transport, street design and other infrastructure in the Canterbury Road Corridor and the Greater Canterbury Corridor;
- Support requests for government support and funding to aid in the delivery of some of the Review recommendations, for example the GSC's Metropolitan Greenspace Program; and

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<sup>1</sup> Legislation came into effect on 1 December 2019 to bring Roads and Maritime and TfNSW together as one organisation.



- Inform decisions on Planning Proposals related to the Corridor and Greater Canterbury Corridor.

The final Canterbury Road Review report was released in July 2017 and included 15 recommendations to deliver a new vision for the Canterbury Road Corridor. Implementation of these recommendations would see a redistribution of housing development potential to align with a longer-term approach to density coupled with amenity, for a more liveable city.

Based on forecasts and yield estimates, the new vision would achieve a similar or greater amount of housing in the Canterbury Road Corridor, with these numbers subject to refinement as part of future planning phases. While some land was identified for uplift, other land was identified for a reduced development potential. These changes are necessary to create a more holistic and liveable plan for the long-term along Canterbury Road.

City of Canterbury-Bankstown Council (Council) resolved to publicly exhibit the Review and the associated technical documentation on 25 July 2017. The Canterbury Road Review was exhibited between 12 September and 24 October 2017. Council reported the responses received during the exhibition period and endorsed the Review on 22 May 2018.

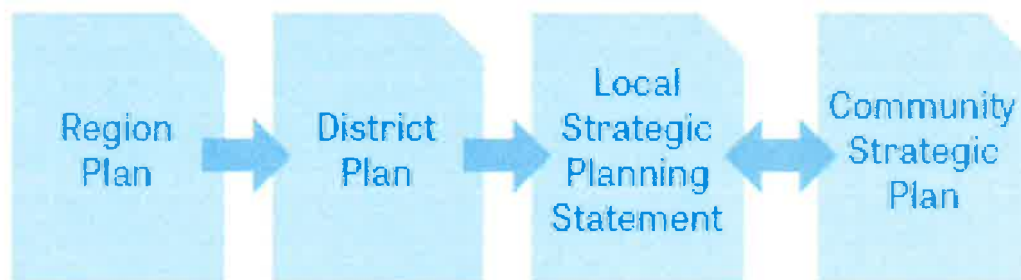
Council is working toward planning control changes along the Corridor to give effect to the Review.

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

In March 2018, the NSW Government adopted the Greater Sydney Region Plan – A Metropolis of Three Cities (the Region Plan). In line with legislative requirements, a review of the now former regional plan for Greater Sydney, A Plan for Growing Sydney (2014) identified that while most of the directions in A Plan for Growing Sydney were still relevant, they required updating or strengthening to respond to new challenges for planning Greater Sydney to 2056.

The Region Plan and associated South District Plan will be delivered through local plans. These local plans include the Local Strategic Planning Statement (LSPS) and Local Housing Strategy (LHS) as well as other strategic plans responding to local planning matters, such as the Canterbury Road Review.

Opportunities to coordinate and realise greater efficiencies in the implementation of plans have been made possible by reforms that include a legislative framework for strategic planning. This framework provides a clear line of sight from the regional level to planning and delivery at the local level. This is detailed in **Figure 8**, below.



**Figure 8:** Framework for Strategic Planning (Source: Greater Sydney Region Plan – A Metropolis of Three Cities)

Local Strategic Planning Statements (LSPS) will give effect to the Regional Plan and District Plan and inform local statutory plans and development controls. The statements will be the new planning resource to express the desired future for the LGA as a whole and for specific areas.

The LSPS can also identify where further strategic planning effort may be needed. This further work has been mandated in the various District Plans to include the preparation of Local Housing Strategies for each LGA. Further discussion is provided on Council's LSPS in the Site Compatibility Section of this report. It is noted that the draft LSPS confirms Council wishes to implement the recommendations of the Canterbury-Road review.

This SCC application has been lodged with the Department for assessment and determination whilst the new strategic planning framework is being implemented.

## PROPOSAL

The development concept accompanying the SCC application is for three six-storey buildings with ground-floor commercial spaces and 174 residential apartments, of which 87 (50%) will be managed for affordable housing purposes. The concept includes the following details:

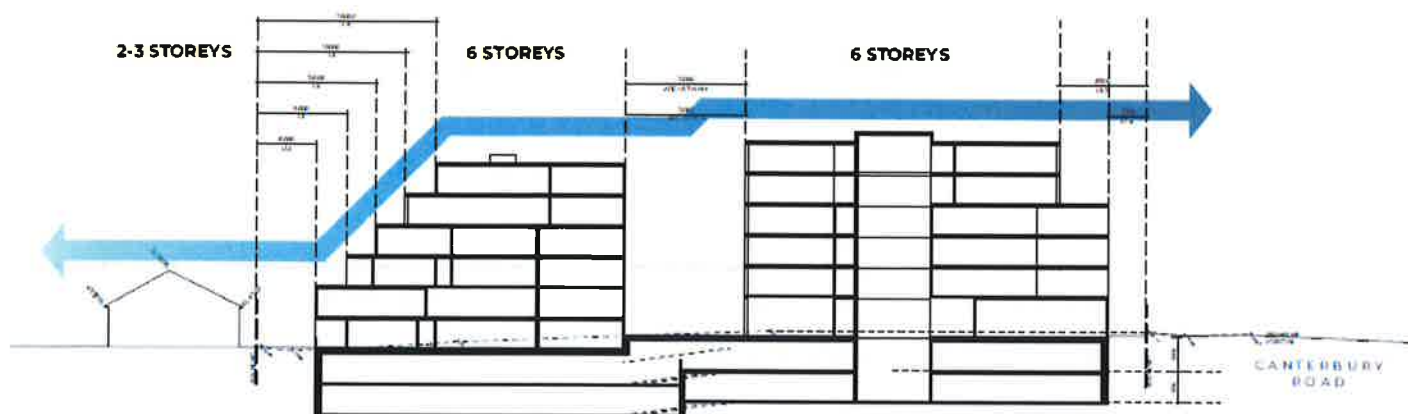
- Building A – a six-storey mixed-use building (approximately 21m) with ground-floor commercial uses, 70 residential apartments and basement car parking;
- Building B – a six-storey mixed-use building (approximately 21m) with ground-floor commercial uses, 54 residential apartments and basement car parking; and
- Building C – a six-storey residential flat building (approximately 20m) with 50 residential apartments and basement car parking.

Building plans have been provided for the site showing the proposal in the context of its surrounds (Figures 7 and 8, next page).

The proposal is also supported by concept plans by Aleksandar Projects, a traffic impact assessment, a social impact assessment, preliminary stage 1 and stage 2 environmental assessments and a remediation action plan (**Attachments A3–A8**).



**Figure 9:** Site plan (source: Aleksandar Projects concept plans).



**Figure 10:** Cross-section of the site viewed from the west (source: Aleksandar Projects concept plans).

### PREVIOUSLY ISSUED SCC ON THE LAND

A SCC was issued over the site on 15 July 2014. In issuing the SCC it was considered that the proposed development:

- is compatible with the surrounding land uses, having regard to the matter specified in clause 37(6)(b) of *State Environmental Planning Policy (Affordable Rental Housing) 2009* (Affordable Rental Housing SEPP), only if it satisfies certain requirements specified in schedule 2 of the certificate; and
- is not likely to have an adverse effect on the environment and would not cause any unacceptable environmental risk to the land.

The assessment of the former SCC also noted that the proposed development needed to be configured to ensure a transition in height between Canterbury Road and the surrounding single-storey dwellings to the north. As such, the former SCC included the following requirement:

*"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."*

In its submission to the former SCC application, Council raised concerns about the proposed ground-floor uses, setbacks from Canterbury Road, transition to surrounding low-density development, quality of drawings and the distance of the site from Belmore Station.

**Table 1:** Comparison of concepts for former SCC and current proposed SCC

Issue	Former SCC development concept	Current concept
Site area	7,070m <sup>2</sup>	7,070m <sup>2</sup>
Range of maximum storeys	6-7 storeys	6 storeys
Building height	Approx. 21m	Approx. 21m



Issue	Former SCC development concept	Current concept
<b>Indicative number of dwellings (affordable)</b>	222 dwellings (minimum 111 affordable dwellings)	174 dwellings (minimum 87 affordable dwellings)
<b>Car parking</b>	Not provided	Residential: 261 spaces (including visitor) Commercial: 29 spaces Total: 290 spaces
<b>No. of buildings</b>	3 (Buildings A, B and C)	3 (Buildings A, B and C)
<b>Non-residential floor space</b>	798m <sup>2</sup>	938m <sup>2</sup>
<b>Bedroom mix</b>	Studio – 36 1 Bed – 104 2 Bed – 70 3 Bed – 12	Studio – 1 1 Bed – 53 2 Bed – 103 3 Bed – 17

A SCC is valid for five years or another period as specified in the SCC (clause 37(9) of the Affordable Rental Housing SEPP). The former SCC expired on 15 July 2019.

The assessment of this former SCC considered the then relevant strategic planning context of the site. Specifically, this included the:

- draft Canterbury Road Master Plan;
- draft South Subregional Strategy<sup>2</sup>; and
- a since outdated Residential Development Strategy.

The assessment concluded that the previous SCC application and supporting development proposal was considered to be “*compatible with the surrounding land uses and generally in accordance with strategic planning for the Canterbury Road Corridor and Council’s Residential Development Strategy*”.

As discussed earlier in this report, the strategic planning context that was relevant at the time of issuing this previous SCC has since changed. The former strategies applicable to the site have now been replaced by the:

- Canterbury Road Review;
- Greater Sydney Region Plan – A Metropolis of Three Cities;
- South District Plan;
- Draft Canterbury-Bankstown LSPS;
- Local Housing Strategy; and
- Sydenham to Bankstown Urban Transformation Corridor Strategy

This has resulted in a new strategic direction for the site and the Canterbury Road Corridor more generally. These plans are further discussed below in the Site Compatibility section.

<sup>2</sup> This strategy formed part of A Plan for Growing Sydney.

### Development application – DA-70/2019

On 6 March 2019, a concept development application based on the former SCC for an affordable housing mixed-use development was lodged with Council.

The application was publicly exhibited from 4 April to 12 June 2019, with 12 submissions received. The issues raised in these submissions included traffic and car parking impacts, building height, bulk and scale, and use of the site for affordable housing. Council officers raised several issues with the development application, which are discussed later in this report.

The Sydney South District Planning Panel refused the application on 15 August 2019. The reasons for the decision were as follows:

- *“The Panel accepts the recommendations of the planning assessment report to refuse the application and concurs with the reasons for the refusal offered in support of that recommendation. Since the application was lodged, the SCC has expired which means for the purposes of determination today the proposed uses are prohibited.*
- *The Panel notes that the applicant has applied for a new SCC but there is no certainty that a new SCC will be issued by the Department of Planning, Industry and Environment.*
- *Further the Panel recognises that significant changes to the strategic planning context of Canterbury Road, including the subject site, have occurred in May 2018 with the adoption of the Canterbury Road Review as Council Policy and so considers that any future proposals for the development of the site should be consistent with the final planning outcome of the Canterbury Road Review, the Greater Sydney Region Plan, South District Plan and Sydenham to Bankstown Urban Renewal Corridor Strategy.*
- *Accordingly, the Panel concludes that the proposal is not a permitted or otherwise a suitable form of development for this site”.*

It is noted that the Panel found that any future application should be consistent with the current strategic planning framework.

### **PERMISSIBILITY STATEMENT**

#### Clause 50 of the Environmental Planning and Assessment Regulation 2000

Under clause 50(2A) of the Regulation, to allow a development application to be made that relates to a SCC required by a SEPP, it must be accompanied by such a certificate.

The development application refused by the Panel had relied on the former SCC, which expired on 15 July 2019. Consequently, a new certificate is required for a development application to be approved in accordance with the Affordable Rental Housing SEPP.

Should a certificate be issued, a new development application would not be required if an appeal was lodged with the NSW Land & Environment Court within the six-month timeframe after the Panel's refusal. This timeframe lapses on 15 February 2020.

#### Land to which Division 5 of the Affordable Rental Housing SEPP applies

The subject SCC application has been made under Division 5, clause 34 of the Affordable Rental Housing SEPP. Clause 34(a) provides that Division 5 of the SEPP only applies on land:

- where residential flat buildings are not permissible under another environmental planning instrument;
- in the Sydney region; and
- where the land is within 800m of a public entrance to a railway station or light rail station (or, in the case of a light rail station with no entrance, a platform of the light rail station)

The Department is satisfied the proposal complies with the requirements of clause 34(1)(a) of the Affordable Rental Housing SEPP and the site is land to which Division 5 applies because:

- the site is zoned B6 Enterprise Corridor and R3 Medium Density Residential. Residential flat buildings are not permitted in either of these zones under the CLEP 2012. Residential accommodation is also not permissible in the B6 zone of the CLEP 2012;
- the site is within the Sydney region for the purposes of the Affordable Rental Housing SEPP, being the Canterbury-Bankstown local government area; and
- the applicant's SCC report states the site is 684m straight-line distance from Belmore Station, which is consistent with the Department's assessment. The walking distance from the public entrance of Belmore Station has been measured and is approximately 756m (Figure 11).



**Figure 11:** Distance from Belmore Station (source: Nearmap).

Development to which Division 5 applies (clause 35 of the Affordable Rental Housing SEPP)

Development on land to which Division 5 applies (clause 34) for the purposes of a residential flat building must be either:

- by or on behalf of a public authority or social housing provider, or
- by a person who is undertaking the development with the Land and Housing Corporation.

Council has raised concern that the SCC application is not by or on behalf of a public authority or social housing provider, or by a person who is undertaking the development with the Land and Housing Corporation.

A SCC application does not need to be made by or on behalf of people listed above. Nonetheless, a development application made under this Division is required to be by or on behalf of a public authority or social housing provider, or by a person who is undertaking the development with the Land and Housing Corporation (clause 35 of the SEPP).



However, Clause 37(1) of the Affordable Rental Housing SEPP allows a SCC application to be made to the Department's Secretary by:

- the owner of the land on which the development is proposed to be carried out; or
- any other person with the landowner's consent.

## SCC APPLICATION

### Applicant

The applicant has provided satisfactory evidence of landowners' consent in accordance with section 127 of the *Corporations Act 2001* and satisfies the requirements of Clause 37(1) of the Affordable Rental Housing SEPP (**Attachment A1**).

### Application

Pursuant to clause 37(2) of the Affordable Rental Housing SEPP, a SCC application must be:

- in writing in a form approved by the Secretary;
- accompanied by such documents and information as the Secretary may require; and
- accompanied by the fee prescribed by clause 262A of the Environmental Planning and Assessment Regulation 2000.

The applicant has provided an adequate and complete application for the purposes of clause 37(2) of the Affordable Rental Housing SEPP, including payment of the necessary fees (**Attachment A1**).

Clause 37(3) of the Affordable Rental Housing SEPP allows the Secretary to request further documents and information in connection with a SCC application. The applicant provided the following additional information:

- detailed owners' consent on 23 June 2019;
- detailed hourly shadow diagrams on 26 June 2019;
- an amended application form on 10 July 2019; and
- a response dated 6 December 2019 which addressed the following questions raised by the Department:
  1. Is the Canterbury Road Review and the South District Plan, as well as the draft Canterbury-Bankstown Local Strategic Planning Statement appropriate to determine what the preferred future use of the land might be; and
  2. Are the cumulative traffic issues of the proposed development capable of being managed to the satisfaction of the former RMS?

The application was made available to Council within seven days of the application being submitted consistent with clause 37(4).

## SCC CONSIDERATIONS

A SCC cannot be issued unless the Secretary considers the following matters prescribed by clause 37(6) of the Affordable Rental Housing SEPP:

### Council comments

The application was sent to Council requesting comments, which were received on 21 June 2019 (**Attachment B**).

Council does not support the application, raising several issues with the development concept, its inconsistency with the Affordable Rental Housing SEPP and the current strategic planning direction for the district and the Canterbury Road Corridor (**Table 2**).

**Table 2: Summary of Council comments on the SCC application**

Issue	Council response
Canterbury Road Review	<ul style="list-style-type: none"> <li>• The Canterbury Road Review sets a new vision for the Canterbury Road Corridor that responds to Canterbury Road and the previous Council's approach to decision-making on planning proposals and development applications.</li> <li>• The review was guided by a steering committee chaired by the Department with representatives from TfNSW, former RMS and the Greater Sydney Commission.</li> <li>• The review proposes to concentrate mixed-use development within the identified junctions and localities that take advantage of established bus connections to reduce traffic along Canterbury Road and benefit from potential amenity improvements to open space and pedestrian connectivity.</li> <li>• As the land subject to the SCC is not within an identified junction or locality and is identified to be retained for industrial/urban services uses, the application should not be supported.</li> </ul>
Previous planning proposal on the site – Implementation of the Residential Development Strategy (PP_2014_CANTE_001_00)	<ul style="list-style-type: none"> <li>• The Canterbury-Bankstown Local Planning Panel, when considering this planning proposal at its 13 June 2018 meeting, placed significant weight on the Canterbury Road Review. As rezoning this land to residential was not consistent with the review and the South District Plan, the panel recommended the planning proposal not be supported.</li> </ul>
South District Plan	<ul style="list-style-type: none"> <li>• The South District Plan requires land zoned for industrial and urban services to be retained and managed. As the subject land is zoned B6 Enterprise Corridor and provides for industrial and urban service land uses, to allow any residential accommodation would be inconsistent with the district plan.</li> </ul>
Site isolation matters	<ul style="list-style-type: none"> <li>• The SCC application states "the site is surrounded by mixed-use business zones along Canterbury Road and residential land to the north" (page 5).</li> <li>• Nonetheless, land adjacent to this site at 642-644, 650-658 Canterbury Road, 1-3 Platts Avenue, 2, 2A, 2B, 2C and 2D Liberty Street, Belmore was subject to a planning proposal that Council decided not to proceed with in June 2018.</li> <li>• The applicant sought a Gateway review by the Independent Planning Commission, which recommended that Council's decision should not be overturned on the basis of the current strategic planning policies, particularly the Canterbury Road Review and the South District Plan.</li> <li>• Consequently, the subject site forms part of a strategic grouping of employment uses between a junction and locality that reinforces the nodal approach along Canterbury Road, as opposed to an isolated parcel of employment land.</li> </ul>

Issue	Council response
Development application	<ul style="list-style-type: none"> <li>A concept development application (DA-70/2019) was lodged by Pacific Planning on 6 March 2019 using the current SCC for the site (SCC_2013_CBANK_001_00).</li> <li>The concept application seeks approval for three six-storey building envelopes (the initial application included one seven-storey building and two six-storey buildings, but this was later amended).</li> <li>The application has been assessed by Council staff, with several critical issues raised in Council's letter to the Department dated 14 June 2019 (<b>Attachment B</b>).</li> </ul>

Following receipt of the requested additional information from the applicant dated 6 December 2019, it was referred to Council for comment. Additional comment was received from Council on 29 January 2020.

These comments are reiterate those of their first submission and raise a number of new matters both of which are summarised in **Table 3** below:

Issue	Council response
Employment Lands	<ul style="list-style-type: none"> <li>Council states that the Greater Sydney Region Plan, South District Plan and Canterbury Road Review, Council is required to retain and maintain employment lands. Council considers that the SCC is inconsistent with these planning policies.</li> <li>Council states that the Affordable Rental Housing SEPP requires consideration of these policies, particularly in regard to existing and future uses of the site and surrounding sites in determining the proposal.</li> <li>Council states that the subject site is partnered with an adjacent B6 zoned site, 642-658 Canterbury Road, Belmore. The proposed SCC has not considered its impact on the clustered land use with this site. Allowing residential development on the subject site is inconsistent with the partnering of these sites and would place increased pressure on the adjoining site at 642-658 Canterbury Road, Belmore to also facilitate residential development. This was also explored in the Gateway Review considered by the Independent Planning Commission (IPC) for 642-658 Canterbury Road, 1-3 Platt Avenue and 2-2D Liberty Street, Belmore.</li> <li>Council states that the advice from the IPC confirmed that the site should be retained as employment land as sought by the strategic planning strategies, and formed part of a network of interspersed employment and urban services uses along the Canterbury Road Corridor, consistent with Council's position for the subject SCC application.</li> <li>Council states that on this basis, it considers that the proposed SCC does not meet the provisions of Division 5, clauses 37(b)(i) and (ii) of the Affordable Rental Housing SEPP as the proposal is not compatible with the current and preferred future land use of the subject site and adjacent B6 zoned site at 642-658 Canterbury Road, Belmore as set by the Canterbury Local Environmental Plan 2012, greater Sydney Region Plan, South District Plan, Canterbury Road Review and draft LSPS.</li> </ul>
Canterbury Road Review	<ul style="list-style-type: none"> <li>Council states that its concerns from its letter dated 21 June 2019 remain. The recommendations of the Canterbury Road Review were endorsed by the steering committee comprising the Greater Sydney Commission, Department of Planning,</li> </ul>



Issue	Council response
	<p>Industry and Environment, RMS, TfNSW and Council and adopted by Council.</p> <ul style="list-style-type: none"> <li>• Council states that the proposal remains inconsistent with the recommendations of the Canterbury Road Review, with key contrasts against the following adopted recommendations: <ul style="list-style-type: none"> <li>○ Recommendation 1: location of residential development within an identified junction;</li> <li>○ Recommendation 2: location of residential development within an identified node;</li> <li>○ Recommendation 3: exclude multi-dwelling housing from all other land fronting Canterbury Road locations; and</li> <li>○ Recommendation 10: establish a network of laneways (where residential is located within the identified junctions and nodes).</li> </ul> </li> </ul>
SEPP ARH Division 5 Requirements – by or on 'behalf of a social housing provider'	<ul style="list-style-type: none"> <li>• Council states that though the application has been lodged under Division 5 – development for the purposes of residential flat buildings – social housing providers, public authorities and joint ventures' the application has not demonstrated that this criterion has been met. The letter from Evolve housing indicating that they are willing to 'manage' the affordable housing component, which is different from the requirements of clause 35.</li> <li>• Council states that this is reinforced by the Department of Planning, Industry and Environment's application form, which requires this information throughout the application form (engaged by clause 37(2)(b)). This applicant has indicated that they meet the criteria of clause 35 on the application form, however the documentation submitted with the application does not appear to satisfy clause 35.</li> <li>• Council states that this is also detailed in the Director general's Site Compatibility certificate Guidelines for Applications dated October 2009.</li> </ul>
Traffic report	<ul style="list-style-type: none"> <li>• Council states that the applicant's response was accompanied by a traffic letter dated 6 December 2019. Council considers that the traffic letter does not address the recommendations of the Canterbury Road Review and is deficient of adequate traffic modelling to support the proposal with consideration of the Canterbury Road Review. The traffic letter also relies on upgrades to other road networks, however does not provide any modelling based conclusions on Canterbury Road as a result of those network upgrades.</li> </ul>

#### Transport for NSW comments

The application was referred to the TfNSW for comments, which were received on 28 January 2020 (**Attachment E**). TfNSW comments for the Department's consideration in determining the application were:

1. The development has minimal traffic generation and will have negligible impact on the Canterbury Road corridor. However, it should be noted that:
  - The vision to create seven centres with north-south cross streets to connect urban renewal to the Metro stations is heavily dependent on recommendations being executed via appropriate amendments to Council's existing planning controls.

- The broader traffic and transport study, determination of any mitigation works (which may include road widening requirements along the corridor) and funding mechanisms are yet to be finalised. It is unclear if this broader study will have any potential impacts on this development site.

## **SITE COMPATIBILITY**

The Secretary must not issue a certificate unless the Secretary is of the opinion that the development is compatible with the surrounding land uses, having regard to the following matters under the Affordable Rental Housing SEPP:

- Clause 37(6)(b)(i) Existing and approved uses of land in the vicinity of the development;
- Clause 37(6)(b)(ii) 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 Secretary, are likely to be preferred future uses of that land; and
- Clause 37(6)(b)(iii) Availability of services and infrastructure.

### **Strategic Planning Context of the Site**

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

The Greater Sydney Region Plan, A Metropolis of Three Cities (the Region 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. To meet the needs of a growing and changing population the vision seeks to transform Greater Sydney into a metropolis of three cities. The subject site of this application is located in the Eastern Harbour City.

The Region Plan includes 10 Directions to facilitate the delivery of this vision for Greater Sydney. Those Directions relevant to this SCC application include:

- Direction 4 – Housing the city; and
- Direction 7 – Jobs and skills for the city.

These Directions are relevant as this proposal seeks to facilitate greater housing supply, including affordable housing for a 10-year period. However, this application seeks this to be permitted on land zoned B6 Enterprise Corridor which is intended to provide a range of employment uses (including business, office, retail and light industrial uses). Furthermore, this zoning does not permit residential accommodation.

These Regional Plan Directions are then further broken down into specific objectives. Those relevant to this SCC application include:

- Objective 10: Greater housing supply;
- Objective 11: Housing is more diverse and affordable; and
- Objective 23: Industrial and urban services land is planned, retained and managed.

Within the Region Plan, Objective 23 describes the role, location and infrastructure requirements of each industrial and urban services activity type. (Table 3, below)

Activity	Role and uses	Location and infrastructure requirements
<b>Major freight, industry and heavy manufacturing</b>	Major manufacturing and production, major freight and logistics, warehousing and regional distribution. Service metropolitan or larger areas.	Large precinct and large lot sizes. Close to critical infrastructure, including motorways, arterial roads, the freight rail network, intermodal terminals, ports and airports. Separated from residential uses, typically on the urban fringe, near to trade gateways.
<b>Light manufacturing</b>	Light, generally small scale, manufacturing of goods.	Mixed lot sizes depending on the sizes and needs of the business. Close to motorways.
<b>Urban Services</b>	Industries that enable the city to develop and its businesses and residents to operate. Support the activities of local populations and businesses. Include concrete batching, waste recycling and transfer, printing, motor vehicle repairs, construction depots, and utilities (electricity, water, gas supply).	Dispersed across Greater Sydney on varied sized lots. Close to surrounding residential and commercial centres they directly serve. Rely on proximity to markets.
<b>Light industry</b>	Wide range of business that service other business and populations. Include warehousing, freight and logistics, construction and building supplies, and domestic storage.	Mixed lot sizes depending on the sizes and needs of the business. Close to surrounding residential and commercial community they directly serve.
<b>Mixed light industry, new economy or creative uses.</b>	Low impact uses with a combination of industrial and commercial functions. Include new economy uses (e.g. artisan industries such as furniture making, upholstery, niche manufacturing) and creative uses.	One or a small number of purpose-built factory buildings. Typically surrounded by residential uses with some access to public transport.
<b>Industrial and urban services wholesale</b>	Low to medium scale buildings supplying industrial and urban services businesses with hardware, building materials, and related resources.	Mixed lot sizes depending on the sizes and needs of the business. Close to surrounding businesses they serve.

**Table 3: Industrial and urban services activity types** (Source: *Greater Sydney Region Plan – A Metropolis of Three Cities*)

The descriptions provided within this table, when compared with the characteristics (i.e. the zone objectives and permitted uses) of the B6 Enterprise Corridor zone of the CLEP 2012 confirm that the site can best be described as being zoned for industrial and urban services land uses. The Region Plan in Figure 42 also identifies Canterbury-Bankstown for the retain and manage approach.

These directions and objectives discuss the importance for providing greater housing supply that is more diverse and affordable (Direction 4) but that industrial and urban services land (Direction 7) should be safeguarded from competing pressures, especially residential and mixed-use zones. The Region Plan and South District Plan provide significant strategic context to the importance of managing and retaining industrial land close to centres and transport to ensure critical services are available to support businesses and residents.

To support this site compatibility certificate for an affordable rental housing mixed-use development would be inconsistent with the Regional Plan, specifically Direction 7 and Objective 23.

These objectives are then translated into the relevant District Plan. In this instance, the relevant district plan for this site is the South District Plan.



## South District Plan

The South District Plan (the 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. It is a guide for implementing the Greater Sydney Region Plan, A Metropolis of Three Cities, at a district level and is a bridge between the Regional Plan and local planning.

The South District Plan includes 20 Planning Priorities to deliver the vision for the District, which includes Planning Priority S10 – Retaining and managing industrial and urban services land. As discussed, the B6 Enterprise Zone can be characterised as an urban services and industrial land use zone.

The District Plan identifies the provision of urban services as below adopted benchmarks which is anticipated to worsen. As such, the District Plan identifies the retention of industrial and urban services land as a planning priority. The District Plan requires all existing industrial and urban services land be safeguarded from competing pressures, particularly residential and mixed-use zones<sup>3</sup>. The District Plan also identifies the importance of industrial and urban services land for diverse economic activity and employment purposes.

To issue a SCC on this site to permit an affordable rental housing mixed-use development would be inconsistent with the South District Plan and the Planning Priority S10 – Retaining and managing industrial and urban services land.

## Draft Canterbury-Bankstown Local Strategic Planning Statement

To translate the planning priorities of the District Plan into local planning, councils are required to prepare Local Strategic Planning Statements.

Council has prepared and exhibited a draft LSPS. As required by Section 3.9(3A) the EP&A Act 1979 (the Act), Council is currently seeking assurance from the Greater Sydney Commission that its Draft LSPS is consistent with the South District Plan.

Council's Draft LSPS seeks to give effect to Planning Priority S10 in the District Plan through Action E3.6.69.

*"Action E3.6.69 – Retain all industrial and business lands (except as specified in this document) and do not support residential land uses, including aged care and live work units, in industrial and urban services lands."*

Though the Draft LSPS does not associate the Canterbury Road Review specifically with the retention of industrial and urban services land, it does include Action E2.4.37 which requires the Canterbury Road Review be implemented. As such to support this SCC application would be inconsistent with this action in the Draft Canterbury-Bankstown LSPS.

## Local Housing Strategies

The LSPS can also identify where further strategic planning effort may be needed. This further work has been mandated in the various District Plans to include the preparation of Local Housing Strategies for each LGA.

Local Housing Strategies (LHS) will tie a council's vision for housing with State Government led strategic plans. The LHS will present council's response for how the housing components of District and Regional Plans will be delivered locally. Where housing targets are part of Regional or District Plans, these must be addressed in the Local Housing Strategy. The District Plan identifies a housing target for Canterbury-Bankstown LGA of 13,250 dwellings by 2021. The District Plan requires all councils to develop a 6-10 year housing target as part of their LHS.

This process will involve the Department's endorsement of Council's LHS. Though Council are currently developing their LHS, Councils will have to consider an evidence base constituting and of relevance to this application; demographic factors, the supply and

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<sup>3</sup> Refer to page 76 of the South District Plan





**Figure 13:** Burwood Road Neighbourhood and Kingsgrove Road locality as identified in the Canterbury Road Review

To issue a SCC on this site to permit the proposed development would be inconsistent with the Canterbury Road Review, as the SCC would:

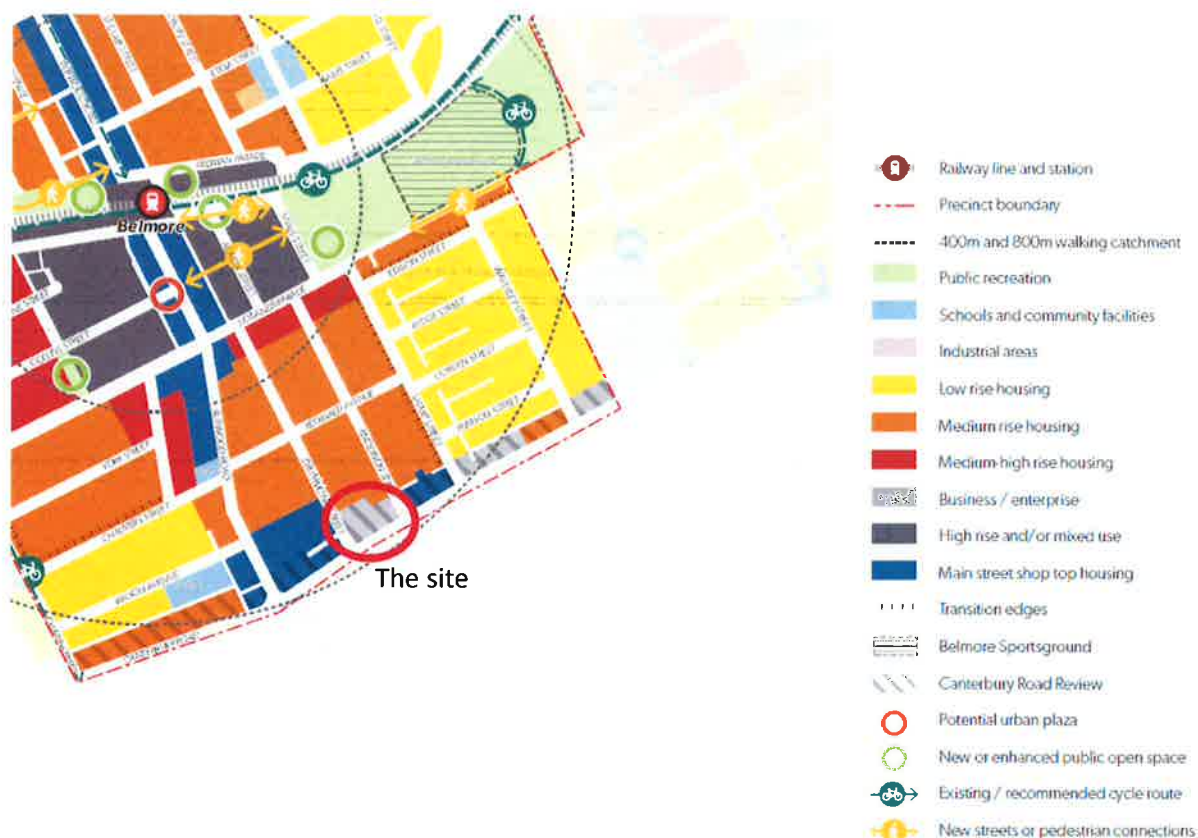
- undermine the retention of the B6 Enterprise Corridor zone for industrial and urban services land uses, including the strategic grouping of the B6 Enterprise Corridor land;
- permit mixed-use residential development outside of the junctions and localities identified as being suitable for residential development;
- does not include the provision for a laneway; and
- permit a mixed-use residential development on land zoned and identified for retention of medium density residential development.

It should also be noted that the recommendation from the Canterbury Road Review relevant to this site are consistent with relevant actions and directions of the Region Plan and District Plan. This also includes the provision of urban services close to residential and centres land uses identified in the Regional Plan as being important to provide access to markets these uses rely upon.

Finally, TfNSW noted that the associated traffic and transport study is yet to be finalised and consequently it is unclear if this broader study will have any potential impacts on this development site. This includes any potential mitigation works such a road widening and associated funding mechanisms.

#### **Draft Sydenham to Bankstown Urban Renewal Corridor Strategy (S2B) (2017)**

The site subject to this SCC application is identified within the Draft Sydenham to Bankstown Urban Renewal Corridor Strategy 2017 (**Figure 14**).



**Figure 14:** Sydenham to Bankstown – Belmore Station Precinct including the site

The Minister for Planning and Public Spaces announced a new approach to precinct planning in NSW in November 2019. This will mean a change of approach to planning for the Sydenham to Bankstown corridor.

Following the release of the revised draft Sydenham to Bankstown Urban Renewal Corridor Strategy in 2017, the community has provided clear and important feedback that it wants community values and place character at the heart of the planning process.

The Department of Planning, Industry and Environment has listened and is responding with a new approach through which the community's aspirations and Councils' vision underpin planning of the area.

The Department will work closely with Inner West and Canterbury-Bankstown Councils to develop a high-level, principle-based planning strategy for the corridor, which will address the community's aspirations and Councils' vision for their areas. The strategy will guide open space, transport and community infrastructure investments as well as appropriate development in the corridor. It will contain a set of planning principles to ensure local character is protected and enriched, and that the delivery of new homes, jobs and services are well coordinated.

Within the framework established by the strategy, the Department will work with Canterbury Bankstown Council to develop an implementation plan for key centres in the relevant part of the corridor to give effect to the strategic principles, focusing on areas where major changes are anticipated to occur.

The above planning work will inform Councils' future amendment of their local planning controls.

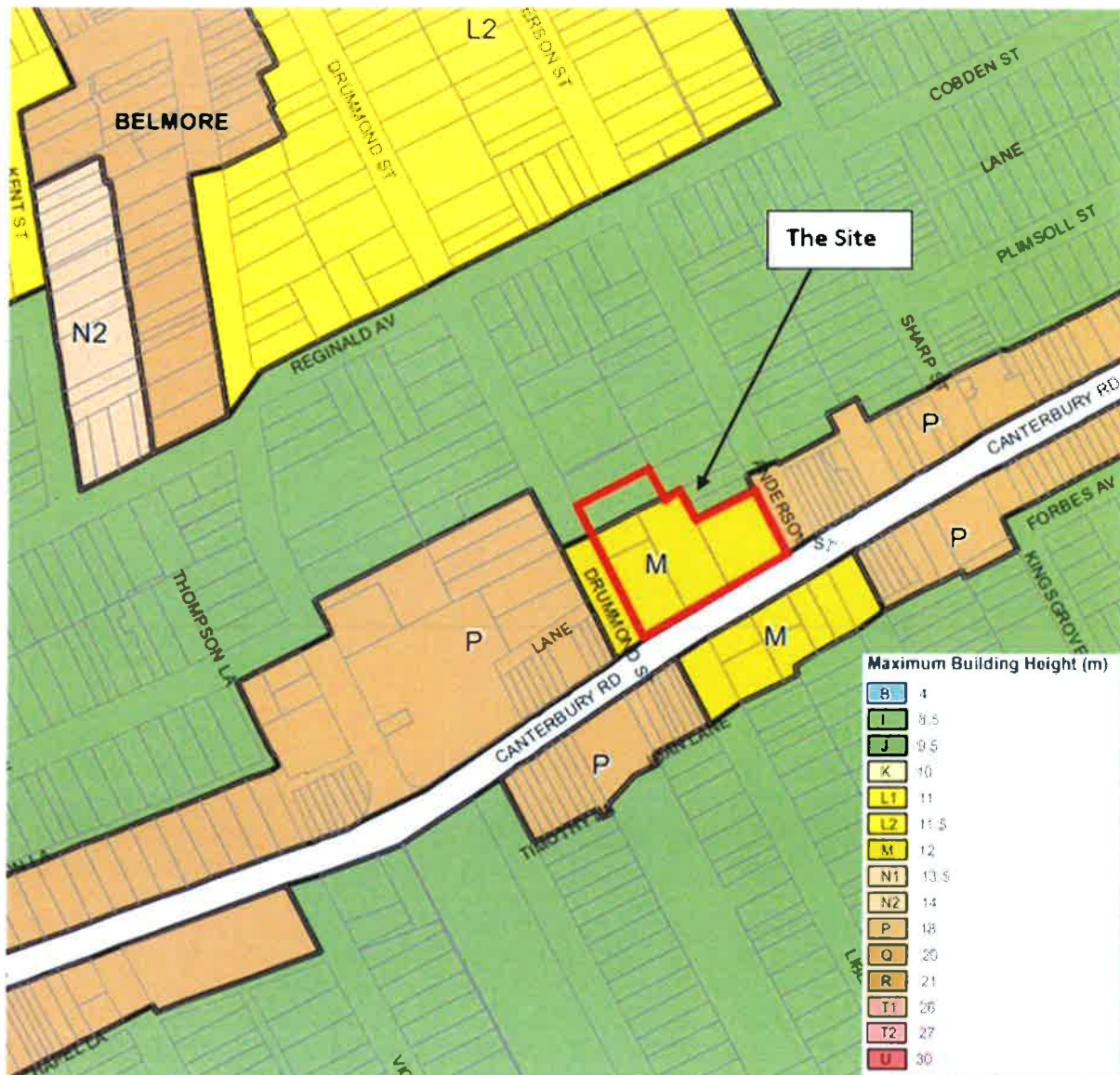
The previous draft corridor strategies, which have not been adopted, will not influence planning decisions.



## Site Specific Considerations

### Bulk and Scale

The development concept accompanying the SCC application proposes three six-storey buildings with a maximum building height of approximately 21m. The site is subject to an 8.5m (the R3 zoned lot) and 12m (the B6 zoned lots) maximum building height under the CLEP 2012. This height equates to approximately 2–4 storeys (8.5m–12m) and therefore significantly exceeds the development standards set out in the CLEP 2012 (**Figure 15**).



**Figure 15:** CLEP 2012 height of building map.

Similarly, though most of the site does not have an applicable FSR, the single R3 zoned lot does have an applicable FSR of 0.5:1. The proposed does not currently comply with this standard.

A development application relying on a SCC granted under Division 5 of the Affordable Rental Housing SEPP will need to comply with the relevant planning standards, being the FSR and maximum building height applying to a site.

For the purposes of a SCC application, as the development proposal does not comply with the existing development standards applicable to the site, it is considered that the bulk and scale impacts of the proposed development are unsatisfactory.

### Traffic and car parking impacts

The SCC application includes a traffic impact assessment prepared by Lyle Marshall & Partners Pty Ltd, which considers the car parking requirements and traffic impacts of the concept on the local street network.

Clause 36(4) of the Affordable Rental Housing SEPP does not require the provision of car parking for development under division 5. Despite this, the development concept provides 290 car parking spaces in three basement levels for the commercial and residential uses based on the requirements of the Canterbury DCP 2012. The traffic report concludes that this number of car parking spaces complies with Council's requirements.

Car parking requirements can be further confirmed at the development application stage, including the refinement of commercial unit parking rates once specific uses are identified. Therefore, the car parking proposed is considered satisfactory for the purposes of the SCC application.

As previously stated, the application and additional information received on 6 December 2019 were referred to Transport for NSW (former RMS) for comment. The response received considered that the proposed development of the site would have minimal traffic generation and will have a negligible impact on the Canterbury Road Corridor. Nonetheless, they did note that the broader traffic and transport strategy has yet to be finalised and it is unclear if this broader study will have any impacts on this potential development.

With the site's proximity to a Classified Road, a development application reflecting the concept will have to be referred to RMS for comment under Schedule 3 of SEPP (Infrastructure) 2007. As such, the parking and traffic arrangements are satisfactory for the purposes of the SCC application, while any car parking and traffic impacts can be satisfactorily addressed as part of a development application.

### **Infrastructure and services**

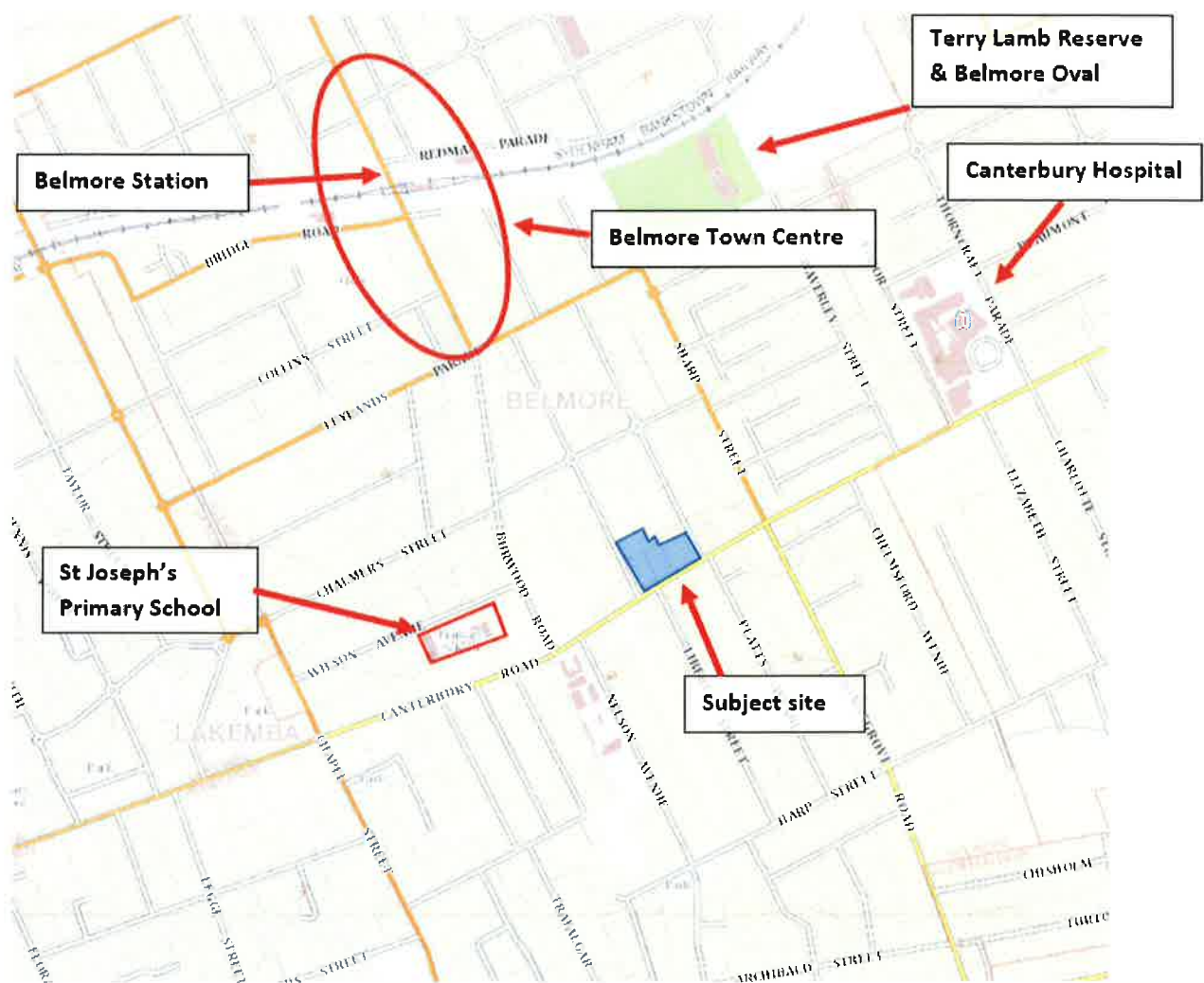
The site is near established services and infrastructure, particularly retail, community and medical services and public transport (**Figure 16**).

The closest group of services is located along Burwood Road at Belmore Town Centre to the north. These shops are approximately 510m via road from the site and provide a range of services including medical facilities, cafes and banks.

The site is near Canterbury Hospital (750m) and the Campsie Centre (1.7km). The Campsie Centre includes established services such as shops (eateries, restaurants, cafes and a Big W), government services and medical facilities.

The site is also near the Campsie Strategic Centre (1.5km), which includes a Woolworths and retail, commercial and medical services. The site adjoins B2 Local Centre land and is near B6 Enterprise Corridor land, which permits a variety of retail and commercial land uses.

The development will be subject to the payment of section 7.11 contributions under the Canterbury Development Contributions Plan 2013. These contributions will fund improvements to local infrastructure and public open spaces. The application is considered to satisfy this requirement of the SEPP.



**Figure 16:** Site context map (source: SIX MAPS).

## Environmental Effects

Pursuant to clause 37(6)(c) of the Affordable Rental Housing SEPP, the Secretary must not issue a certificate unless the Secretary is of the opinion that the development is not likely to have an adverse effect on the environment and does not cause any unacceptable environmental risks to the land.

### Flooding

Under the CLEP 2012, the site is not identified as being flood affected.

### Stormwater

The application is not supported by a stormwater drainage assessment.

Investigation and assessment into any site constraints caused by stormwater runoff will be required during assessment of the development application under clause 6.4 of the CLEP 2012. This detailed design work will be required to comply with relevant controls and guidelines by the consent authority.

### Contamination

Historically, the site has been used for light industrial uses. These uses have been as a shirt factory and a shoe factory. A mechanic workshop, with a petrol bowser, was located on the south-western corner of the site.

Given the previous light industrial uses of the site, the application is supported by stage 1 and stage 2 environmental site investigations. These conclude that potential lead contamination of the site could exist.

The report concludes the site can be made suitable for residential development once the site is remediated. A remediation action plan has been prepared and provided as part of the application. The Department considers that this issue can be appropriately addressed at the development application stage.

#### Geotechnical

The application does not include a technical assessment of the geotechnical characteristics of the site. However, the site is not located on land identified as having acid sulfate soils or any other geotechnical issues.

This matter can be further investigated and assessed as part of a development application.

#### Acid sulfate soils

The site is not identified as being affected by acid sulfate soils within the relevant CLEP 2012 mapping.

#### Natural environment

The site is not identified on any CLEP 2012 mapping as having any ecological, biodiversity or natural environment significance.

As the site is located within an established urban area, impacts on ecological, biodiversity or natural environment will be minor.

### **SCC RECOMMENDATION**

The Secretary may determine the application by issuing a certificate or refusing to do so. It is considered on merit that a SCC should not be issued, because it would:

- permit a mixed-use residential development on industrial and urban services land, which is inconsistent with Direction 7 and Objective 23 of the Greater Sydney Region Plan, which seeks to retain and manage existing industrial and urban services land;
- permit a mixed-use residential development on industrial and urban services land, which is inconsistent with Planning Priority S10 of the South District Plan, which seeks to retain and manage existing industrial and urban services land;
- permit a mixed-use residential development inconsistent with the relevant recommendations of the Canterbury Road Review;
- permit a mixed-use residential development on industrial and urban services land, which is inconsistent with the actions of the Draft Canterbury-Bankstown LSPS, which seeks to retain and manage existing industrial and urban services land and implement the Canterbury Road Review;
- be pre-emptive of the Canterbury-Bankstown Local Housing Strategy which will need to identify the mix, diversity and suitability of land for residential development through evidence-based analysis mandated by the South District Plan;
- inconsistent with the applicable development standards for the site;
- the Council does not support the SCC;
- the South District Regional Panel recommended that a future application for this site was consistent with the new strategic planning framework established by the Canterbury Road Review; and
- reduce industrial land which the Sydenham to Bankstown Urban Transformation Strategy has identified maybe necessary to support greater intensification of development within the corridor.



## **SCC REQUIREMENTS**

It is recommended that this application be refused, and a certificate not be issued.

## **ATTACHMENTS**

Attachment A – SCC package

- Attachment A1 – SCC application form
- Attachment A2 – SCC planning report
- Attachment A3 – Concept design plans
- Attachment A4 – Traffic impact assessment
- Attachment A5 – Social impact assessment
- Attachment A6 – Review of site investigation
- Attachment A7 – Preliminary and detailed site investigation
- Attachment A8 – Remediation action plan

Attachment B – Council comments dated 21 June 2019

Attachment C – DPIE letter requesting additional information dated 8 November 2019

Attachment D – Applicant's additional information dated 6 December 2019

Attachment E – RMS comments dated 28 January 2020

Attachment F – Council comments dated 29 January 2020

Attachment G – SCC assessment report for SCC issued 15 July 2014

Attachment H – Site map

Attachment I – Locality map

Attachment J – Current zoning map

Attachment K – Determination letter to Council

Attachment L – Determination letter to Applicant

Contact officer: Malcolm McDonald  
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