

GATEWAY REVIEW

Justification Assessment

Purpose: To outline the planning proposal, the reasons why the alteration was made to the Gateway determination on 21 August 2018 and to consider and assess the request for a review of this Gateway determination.

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| Dept. Ref. No | PP_2015_CANTE_006_01 | |
| LGA | Canterbury-Bankstown | |
| LEP to be amended | Canterbury LEP 2012 | |
| Site | Address | Lot/DP |
| | 642-644 Canterbury Road, Belmore | Lots 1 & 2 /DP5208 |
| | 650-658 Canterbury Road, Belmore | Lot A /DP383957 |
| | 1 Platts Avenue, Belmore | Lot 4 /DP5208 |
| | 3 Platts Avenue, Belmore | Lot 5 /DP5208 |
| | 2 Liberty Street Belmore | Lot 1 /DP514813 |
| | 2A Liberty Street, Belmore | Lot 51 /DP6042 |
| | 2B Liberty Street, Belmore | Lot 2 /DP514813 |
| | 2C-2D Liberty Street, Belmore | Lot 1 /DP125537 Lot B /DP383957 |
| Proposal | <p>The planning proposal seeks to amend the planning controls for the subject site in the Canterbury LEP 2012 to:</p> <ul style="list-style-type: none"> rezone the site from part B6 Enterprise Corridor and part R3 Medium Density Residential, to B5 Business Development; alter the maximum building heights from 8.5m and 12m to variable heights 0m (laneway), 3m, 14m, 16m, 17m, 18m, 22m and 25m; and identify the subject site as a key site under Clause 1 of Schedule 1. <p>The planning proposal seeks to enable the site to be redeveloped to accommodate 147 dwellings and 415m² of commercial uses.</p> <p>The planning proposal (Attachment A) outlines the proposed amendments in more detail.</p> | |
| Review request made by | <input type="checkbox"/> The council | |
| | <input checked="" type="checkbox"/> A proponent | |
| Reason for review | <input checked="" type="checkbox"/> | A determination has been made that the planning proposal should not proceed. |
| | <input type="checkbox"/> | A determination has been made that the planning proposal should be resubmitted to the Gateway. |
| | <input type="checkbox"/> | A determination has been made that has imposed requirements (other than consultation requirements) or makes variations to the proposal that the proponent or council thinks should be reconsidered. |

BACKGROUND

Details of the planning proposal

Summary

The planning proposal relates to the site at 642-644 Canterbury Road, 650-658 Canterbury Road, 1-3 Platts Avenue and 2-2D Liberty Street, Belmore (**Figure 1**).

The proposal for the site seeks to amend Canterbury LEP 2012 to:

- rezone the site from part B6 Enterprise Corridor and part R3 Medium Density Residential to B5 Business Development;
- alter the maximum building heights from 8.5m and 12m to variable heights 0m (laneway), 3m, 14m, 16m, 17m, 18m, 22m and 25m; and
- identify the subject site as a key site under clause 1 of schedule 1 of the LEP.

Clause 1 of schedule 1 of the Canterbury LEP 2012 relates to certain land along Canterbury Road that is zoned B5 Business Development and permits development for the purposes of residential accommodation, but only where this is part of a mixed-use development.

The site is zoned part B6 Enterprise Corridor and part R3 Medium Density Residential (**Figure 2**).

The B6 zoned portion of the site currently comprises of a number of light industrial and urban services uses including smash repairs, mechanical repairs, a disused furniture store and a two storey light industrial building used as a metal heat treatment factory. There are three freestanding dwellings over the R3 zoned portion of the site. All buildings over the site are generally single storey in height, with exception of the site at 2B Liberty Street is two storeys in height.

The site is approximately 5,546m² in area. Of this approximately 3553m² (64%) of the site is zoned B6 and 1993m² (36%) is zoned R3.

In December 2014, Statewide Planning (now Pacific Planning) (the proponent) submitted the subject planning proposal to the then Canterbury Council.

On 16 October 2015, the Department issued a Gateway determination for the proposal.

On 26 July 2016, Council resolved to undertake a review of the cumulative impacts of approved and proposed development along the Canterbury Road Corridor, known as the Canterbury Road Review.

The Review was published in July 2017, which confirmed a new planning strategic direction for land along the Canterbury Road corridor and did not correspond with any of the proposed amendments sought by the subject planning proposal.

After an assessment by the Local Planning Panel on 13 June 2018, Council resolved not to proceed with the planning proposal at its meeting of 26 June 2018.

The Department issued an alteration of Gateway determination on 21 August 2018 determining the subject planning proposal should not proceed.

On 23 August 2018, the Department received a letter from the proponent with further information justifying the planning proposal. At the time the proponent reserved its right to a Gateway review.

The Department considered the information provided and issued a letter on 18 October 2018 to the proponent reaffirming the decision not to proceed with the planning proposal. Subsequently, the proponent has requested a review of this Gateway decision.

Based on the analysis outlined in this report, it is recommended that the determination to not proceed with the planning proposal remains unchanged. It is considered that insufficient justification was provided by the proponent in support of their request.

The key reason for reaffirming the Department's position is that the proposal does not align with the recommendations of the Canterbury Road Review or the directions of the Greater Sydney Region Plan and the South District Plan.



Figure 1: Site location



Figure 2: Current zoning for the site

Background

Canterbury Residential Development Strategy

In 2013, the former Canterbury Council endorsed its residential development strategy (RDS) (**Attachment B**).

The RDS examined residential development trends at that time, identified drivers for housing supply and demand, and sought to identify and consider planning proposals that may be required to give rise to a wide range of dwelling types for the Canterbury LGA.

Relevant to the site, the strategy recommended that Council should investigate/evaluate the following:

- review the prohibition of basement parking in the R3-zoned land;
- allow the market to determine land-use mix within the Canterbury Road corridor by permitting residential flat buildings with consent in the B5 and B6 zones; and
- rezone sites where the existing or previous land use of the land has been redundant, and the land is not required for the purpose for which it was zoned.

On 31 October 2013, the former Canterbury Council resolved to prepare a planning proposal to implement the RDS in respect of land zoned B5 Business Development and/or B6 Enterprise Corridor by seeking to zone and alter the floor space ratio controls for these sites.

The RDS planning proposal sought to rezone the part of the subject site that was zoned B6 Enterprise Corridor to B5 Business Development as part of a larger area of land that included land to the north of Canterbury Road (**Figure 3**).

This nominated site comprised 677-687 Canterbury Road, 48 Drummond Street, 642-658 Canterbury Road and 2, 2B and part 2C-2D Liberty Street, Belmore. The proposal did not include 1 and 3 Platts Avenue, part 2C-2D Liberty Street (Lot 1 in DP125537) and 2A Liberty Street, all of which are zoned R3 Medium Density Residential.

On 8 May 2014, Department issued a Gateway determination for the RDS planning proposal (PP_2014_CANTE_001_00). Of the five conditions included in the Gateway determination, one referred to residential development and FSRs:

- prior to undertaking public exhibition, the planning proposal was to be amended to remove the proposal to permit 'residential flat buildings' in the consolidated B5 Business Development zone and the proposal to remove FSR controls on large sites zoned R4 High Density Residential; and
- Council was also to undertake further strategic work and address the proposal's inconsistency with S117 Direction 1.1 Business and Industrial Zones to support the above two items, which can be lodged as a separate planning proposal once this work has been carried out.

The proponent for the subject planning proposal made a submission during the exhibition of the RDS planning proposal. This submission sought to alter the planning proposal to:

- increase the maximum permissible building height by an additional four metres (to 25 metres); and
- rezone an additional four properties from R3 to B5 (being 1 and 3 Platts Avenue, part 2C-2D Liberty Street, and 2A Liberty Street).

On 2 October 2014, the former Canterbury Council resolved to defer the proposed amendments to 677-687 Canterbury Road, 48 Drummond Street, Belmore, 642-658 Canterbury Road, and 2, 2B and part 2C-2D Liberty Street (**Figure 3** – blue outline) to allow further community consultation, traffic impact and consideration of the proposed building mass on the site.



Figure 3: Land related to RDS and subject planning proposal

The subject planning proposal

In December 2014, the proponent submitted the subject planning proposal (PP_2015_CANTE_006_00) to Council. The planning proposal sought to amend the Canterbury LEP 2012 for land at 642-644, 650-658 Canterbury Road, 1-3 Platts Avenue and 2, 2A, 2B, 2C and 2D Liberty Street, Belmore to:

- zone the site from part B6 Enterprise Corridor and part R3 Medium Density Residential to B5 Business Development; and
- alter the maximum building heights from 8.5m and 12m to variable heights 0m (laneway), 3m, 14m, 16m, 17m, 18m, 22m and 25m.

The planning proposal stated that this would enable the site to be redeveloped for high-density mixed-use development.

Table 1 (next page) provides a comparison of the current planning controls and proposed planning controls for the site. The current planning control mapping for the site is at **Attachment E**.

Table 1 – Comparison of current and proposed planning controls for the site

| | Zone | Height (m) | FSR |
|--------------------------------------|-------------|-------------------|------------|
| Current (Canterbury LEP 2012) | R3 | 8.5 | 0.5:1 |
| | B6 | 12 | Nil |
| Proposed | B5 | Up to 25 | Nil |

On 18 May 2015, Canterbury Council advised the proponent to lodge a development application to support the planning proposal. The proponent progressed with the development application and planning proposal simultaneously. The development application relates to the site of the planning proposal, with exception of the part of the site at 650-658 Canterbury Road and 2 Liberty Street (known as Site B – see **Figure 4**).

In June 2015, Council commissioned urban designers Annand Alcock to review the planning proposal, which recommended reduced building heights over parts of the site and to create a laneway at the rear of the site. The planning proposal was revised by the proponent to accord with these recommendations.

At its meeting of 9 July 2015, Council resolved to support the revised planning proposal and additionally required that the site be identified as a 'Key Site A' under clause 1 schedule 1 of the Canterbury LEP 2012 to permit residential development on the site where this was developed as part of a mixed-use development.

On 14 August 2015, the former Council submitted the planning proposal to the Department for assessment for Gateway determination.

A Gateway determination (**Attachment C**) was issued for the proposal by the Department on 16 October 2015. The Gateway determination contained six conditions, including the following:

1. Prior to public exhibition the planning proposal is to be amended to:
 - a. include an updated Traffic Assessment, which addresses the traffic impact of development on Sites A and B (**Figure 4**); and
 - b. demonstrate that, in circumstances where the corner Site B is not amalgamated with Site A, land use conflicts with the existing business within Site B are able to be managed (noise, fire hazard, vehicular exhaust fumes etc) and satisfactory urban design outcomes are able to be achieved.
2. Prior to submitting the planning proposal to the Department for finalisation, the planning proposal is to be updated to demonstrate consistency with Council's overarching Traffic Impact Assessment of the cumulative impact of development of properties on Canterbury Road that formed part of the Residential Development Strategy implementation planning proposal.

Site A relates to the land that is subject of the concurrent development application (**Figure 4**).

The Gateway determination report assessed the proposal against the then current Canterbury Road Masterplan (2010) and Council's RDS (2013). The proposal was noted as being inconsistent with the masterplan, generally consistent with the RDS and consistent with Council's local strategic direction at the time.

The proponent submitted a revised planning proposal to Council on 11 November 2015 that addressed the requirements of the Gateway determination.

The planning proposal was exhibited in August 2016 for four weeks. A total of 81 submissions (nine written, 72 pro-forma letters) and a petition containing 97 signatures were submitted in response to the proposal. All but one submission opposed the proposal.

Of the submissions received there was an objection to the proposal by the owner of

Site B. RMS made a submission on the planning proposal, stating that additional traffic assessment was required.

A report responding to the submissions was not prepared by Council as the planning proposal was affected by a Council resolution of 22 November 2016, which deferred progress on all planning proposals in the Canterbury Road corridor until the Canterbury Road Review was finalised (see more detail below).



Figure 4: Site A and Site B (source: proponent)

The development application

A development application was lodged to the former Canterbury Council in December 2015.

The development application is for a series of residential apartment blocks from four to nine storeys to accommodate up to 149 apartments. The development application relies on the proposed amendments sought by the planning proposal. The proposed residential use is not permissible under the current B6 zoning and the building heights sought do not fully correspond with current permitted building height controls under the Canterbury LEP 2012.

This development application was reported to the Sydney South Planning Panel on 13 November 2018 with a recommendation for refusal as the development is not permitted and does not accord with the current building height controls. The panel resolved to defer the determination of the development application pending the outcome of the Gateway review.

Canterbury Road Corridor Review

On 12 May 2016, Canterbury Council merged with the City of Bankstown Council. The newly merged Canterbury-Bankstown Council was under administration from May 2016 to September 2017.

On 26 July 2016, the City of Canterbury-Bankstown Council resolved to review the cumulative impacts of approved and proposed development along the Canterbury Road Corridor, including the subject planning proposal. The Canterbury Road Review (herein referred to as 'the Review') (**Attachment D**) also sought to evaluate the current development outcomes occurring in the corridor and to consider a more

holistic approach to strategic planning for the corridor.

The Review was undertaken to address a number of concerns, including:

- the impacts of additional development approved but that exceeded and had not been contemplated under the Canterbury LEP 2012;
- Roads and Maritime Services' concerns about cumulative traffic impacts resulting from the proposed rezoning of land to B5 Business Development along the corridor;
- there were a considerable number of planning proposals for various sites along the corridor; and
- the state government's release of new plans for the Sydenham to Bankstown Corridor and the planning directions proposed under the draft South District Plan and regional plan established a new strategic planning framework that would influence and guide the planning for the corridor.

The Review considered and evaluated all planning proposals for land within the corridor, including the subject planning proposal. Additional studies were also undertaken including a further urban design study, economic analysis and a transport and traffic study.

On 22 November 2016, Council resolved to defer a decision on all outstanding planning proposals along Canterbury Road (six proponent-led and three Council-led) until the Canterbury Road Review was finalised and a clear policy direction endorsed. This included the subject planning proposal.

The final Canterbury Road Review report was released in July 2017 and included 15 recommendations. On 25 July 2017, Council resolved to publicly exhibit the Review and the associated technical documentation.

Relevant recommendations outlined in the Review included:

- permitting for additional density of development at seven intersections and 11 localities along the corridor (Figure 5);
- improving the delivery of medium-density housing types such as semi-detached and town housing developments on R3-zoned land within the corridor; and
- that proponents of planning proposals evaluate and revise their planning proposals to demonstrate compliance with the Review or to propose other actions to achieve the corridor vision.

The site of the subject planning proposal is near the proposed neighbourhood centre for Burwood Road, but not located within this or any proposed centre or locality along the corridor (**Figures 5–7**).

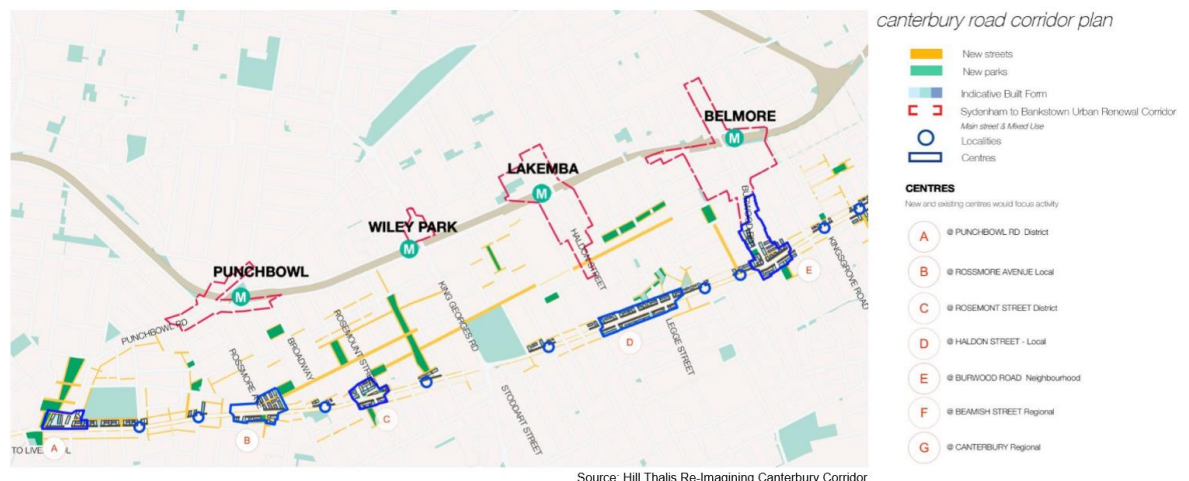


Figure 5: Canterbury Road Review – proposed centres and localities (in blue)



Figure 6: Canterbury Road Review plan including the site

The Review made the following recommendations for the site:

- restrict multi-storey residential development;
- maintain B6 Enterprise Corridor zoning or similar;
- maintain R3 Medium Density Residential zoning; and
- maintain current height and FSR provisions.

The Review was exhibited between 12 September and 24 October 2017. The proponent made a submission during the exhibition period, questioning why the subject site had not been included in any of the nearby identified centres along the corridor and requesting that Council continue to progress the planning proposal.

The proponent did not revise the planning proposal to accord with the Review findings and/or recommendations and did not propose any actions to achieve the Review's corridor vision.

On 22 May 2018, Council reported the responses received during the exhibition period of the Review and endorsed the Review. In its report, Council indicated that all remaining nine planning proposals (including the subject planning proposal) relating to land within the Canterbury Road Corridor would not be further progressed due to an

unresolved objection by Roads and Maritime Services (RMS).



Figure 7: Canterbury Road Review recommendations for road widening along Canterbury Road

Council also reviewed the proponent's submission and recommended the planning proposal not proceed as the proposal would result in a loss of employment land (which was contrary to the South District Plan's direction to retain and manage employment land), and the proposal was contradictory to the Review's recommendations.

It is intended the Review will guide land use and building form control changes along the corridor. The Review is being updated to include a long-term structure plan to identify urban amenities, open space, active transport and other infrastructure needed to support the development potential within the corridor. It is understood that these next steps are being carried out by Council.

Alteration of Gateway determination

The planning proposal was reported to the Local Planning Panel and was discussed at the 5 June 2018 meeting and deferred to the 13 June 2018 meeting (**Attachment F**).

The report of 5 June 2018 to the panel recommended the planning proposal not be supported for the following reasons:

- *Insufficient justification has been provided for rezoning employment land to another alternate use (ie. the proposed rezoning of B6 Enterprise Corridor zoned land).*
- *The subject land is not within a proposed junction or locality pursuant to the Canterbury Road Review.*
- *The proposed maximum height and FSR is not in keeping with the maximum height of 6 storeys and the maximum FSR of 2.5:1 (residential 1.9:1 and 0.6:1 commercial) defined in the Review.*

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| | <p>The panel recommended the proposal should not progress as is was not consistent with Council's current strategic direction.</p> <p>The panel noted that <i>“Even if the applicant was to amend the proposal to more closely align with the current strategy, the Panel concluded that other planning merit issues are unlikely to be satisfied.”</i></p> <p>The panel had concerns with the planning proposal due to:</p> <ul style="list-style-type: none"> • the potential isolation of Site B from a development outcome of the remainder of the site; • inconsistency with the Canterbury Road Review, the Greater Sydney Commission's South District Plan and development control documents such as the <i>Apartment Design Guide</i>; and • the proponent had not fully demonstrated how the current planning proposal and proposed development complied with the current strategic planning documents referred to above through a submission of an updated consolidated planning proposal (as opposed to the submission of the proponent's planning consultant dated 7 June 2018). <p>On 26 June 2018, Council resolved not to proceed with the planning proposal, along with the eight other outstanding planning proposals along Canterbury Road based on the reasons outlined in the report to Council (Attachment K).</p> <p>On 12 July 2018, Council wrote to the Department requesting the planning proposal not proceed.</p> <p>After considering Council's request, the Department issued a Gateway alteration on 21 August 2018 determining that the planning proposal should not proceed (Attachment G).</p> <p>On 23 August 2018, the Department received information from the proponent in support of the planning proposal (cover letter was dated 21 August 2018).</p> <p>In response, the Department wrote to the proponent on 18 October reaffirming the decision not to proceed with the planning proposal and outlined the key reasons for this (Attachment H).</p> |
| <p>Strategic context</p> | <p>Greater Sydney Region Plan (2018)</p> <p>In March 2018, the Greater Sydney Commission finalised the Greater Sydney Region Plan. The plan provides objectives to achieve a vision of three cities.</p> <p>The plan notes that infill development within the city will be sympathetic to well-established communities in traditional suburban neighbourhoods and focus on improved local connections. The retention and management of industrial and urban services land is identified as a priority as it will enable the growth of nationally significant and locally important businesses and services.</p> <p>South District Plan (2018)</p> <p>The subject site is located within the South District. The Greater Sydney Commission's South District Plan provides a district-level framework for achieving the objectives set out in the Greater Sydney Region Plan.</p> <p>The district plan identifies the Sydenham to Bankstown Urban Renewal Corridor as a key housing initiative for the area and the importance of providing diverse housing types and medium-density housing in walkable neighbourhoods as a key priority for this district.</p> <p>The plan stipulates the vision of Canterbury Road as a movement corridor that is safe, reliable and allows for efficient movement between centres, neighbourhoods and places. The plan notes that high-density residential development along Canterbury</p> |

Road has poor access to open space.

The district plan is also clear about retaining and managing employment land, which include B6 Enterprise Corridor land such that this is safeguarded to enable urban services and industrial uses that support local communities and to provide local employment opportunities.

Sydenham to Bankstown Urban Renewal Corridor Strategy (2017)

The Department commenced preparation of a draft strategy for the Sydenham to Bankstown corridor, known as the Sydenham to Bankstown Urban Renewal Corridor Strategy (2017) (S2B Strategy). The S2B Strategy was prepared in response to the proposed Sydenham to Bankstown Metro project.

The strategy identified precincts for each of the 11 stations, including the Belmore Station Precinct. The subject site was not within the boundary of the precinct (Figure 8). The S2B Strategy proposed a mix of business/enterprise and main street shop-top housing within the Belmore Station Precinct, mostly focused along Burwood Road.

The Canterbury Road Review was recognised by the S2B Strategy as potentially having an impact on the future development activity in the Belmore Station Precinct.

The S2B Strategy acknowledged that the owners of Site A within the subject site sought to increase the heights for their site but indicated that the area would be considered under the Canterbury Road Review.

The Department is reviewing the S2B Strategy to develop a high-level strategic plan for the Sydenham to Bankstown corridor. Council will then seek to implement this revised strategy.



Figure 8: Sydenham to Bankstown – Belmore Station Precinct including the site

Council feedback

On 5 December 2018, Council provided a submission to the Department after it had reviewed the proponent's request for a Gateway review (**Attachment J**). Council reaffirmed its decision not to support the planning proposal.

Council's decision not to proceed with the planning proposal was based on the following reasons:

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| | <ul style="list-style-type: none"> • inconsistency with the Canterbury Road Review – The Canterbury Road Review was undertaken to develop a coherent strategic direction for Canterbury Road. The planning proposal does not align with the Review recommendations, particularly: <ul style="list-style-type: none"> ○ the subject site is not within an identified junction or locality; ○ the proposed height and density are not aligned with the FSR controls in the Review; and ○ the proposal seeks to remove R3 Medium Density Residential land, which provides for a diverse housing selection; • inconsistency with section 9.1 Directions – Council is of the view that the planning proposal is inconsistent with Direction 1.1 Business and Industrial Zones, which relates to retaining areas and locations of existing business and industrial zones, and Direction 7.1 Implementation of A Plan for Growing Sydney. Under both Directions, strong justification must be provided for rezoning employment land to another use and this has not been provided; • inconsistency with the South District Plan – Council is of the view that the planning proposal is inconsistent with the South District Plan’s Planning Priority S10 to maintain and manage industrial and urban services land; • the Local Planning Panel recommended not proceeding – On 5 and 13 June 2018, the panel recommended Council not proceed with the planning proposal due to its inconsistency with the Canterbury Road Review, the South District Plan and development control documents. Furthermore, the proponent has not fully demonstrated how the current planning proposal and proposed development aligns with the Canterbury Road Review; and • the owner of Site A objects to the proposal – The owner of 650-658 Canterbury Road and 2 Liberty Street has objected to both the planning proposal and the development application. <p>Council has also provided a detailed response to the issues raised by the proponent. These are provided in Attachment B of Council’s comments (Attachment J).</p> |
| <p>Reason for alteration of Gateway determination</p> | <p>On 12 July 2018, Council wrote to the Department stating that it had resolved to take no further action with the planning proposal and requested that the delegate of the Greater Sydney Commission determine that the matter not proceed.</p> <p>A Gateway alteration was issued on 21 August 2018 by the delegate of the Greater Sydney Commission determining that the planning proposal should not proceed (Attachment G).</p> <p>In evaluating Council’s request not to proceed with the planning proposal, it was acknowledged that the planning proposal had an extensive history that started in 2014. However, since then, the strategic planning framework and direction relevant to the site and the broader Canterbury Road corridor has evolved and taken a different direction, which is reflected in the Council endorsed Canterbury Road Review (Attachment D).</p> <p>The Review establishes the strategic planning framework for the corridor, taking into account a detailed review of previous planning decisions, and will further implement a comprehensive approach to infrastructure delivery and managing traffic impacts. The Review has been based on and justified by comprehensive traffic, urban design and economic studies.</p> <p>The Review has also been prepared considering the directions set by the Greater Sydney Region Plan and the South District Plan, both of which guide strategic planning undertaken by councils’ local areas and subsequently guide all planning proposals.</p> |

Additionally, the state and subregional strategies that were relevant when the original Gateway determination was issued have been replaced by the Greater Sydney Region and South District Plans, and the Canterbury Residential Development Strategy and the urban design assessment by Annand Alcock have been superseded by the broader Hill Thalys urban design study, which underpins the Canterbury Road Review.

The Review has clearly identified seven key centres and 10 localities along the corridor that would be best placed to support additional development. However, none of these centres or localities include or are adjacent to the site of the subject planning proposal.

The Department considered that the planning proposal was inconsistent with the Canterbury Road Review and had not been revised to demonstrate compliance or proposed actions to achieve the corridor vision (e.g. land offsetting or dedication of open space) as recommended by the Review. Based on the above, the Gateway was altered on 21 August 2018 on the basis that:

- the site of the planning proposal is not within the proposed centres or localities identified in the Canterbury Road Review. The Review was based on comprehensive traffic, urban design and economic studies and is aligned with the directions set out in the Greater Sydney Region Plan and South District Plan; and
 - the planning proposal is contrary to the site-specific land use and built form recommendations of the Canterbury Road Review, including:
 - restricting multi-storey housing on this site;
 - maintaining the B6 Enterprise Corridor zone or a similar zone;
 - maintaining the R3 Medium Density Residential zone or a similar zone; and
 - maintaining the current floor space and height controls for the site.
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PROPONENT'S JUSTIFICATION FOR REVIEW

Details of justification

The proponent's justification for review has been set out in response to the three key reasons for Council's request for the Gateway alteration. The proponent's justification is provided at **Attachment I** and is summarised below.

Insufficient justification regarding employment land

The proponent indicates that the matter of potential loss of employment land as a result of the proposal was addressed in the Department's Gateway determination report, which then formally approved that any inconsistency with Section 9.1 (formerly Section 117) *Direction 1.1 Business and Industrial Zones* is was considered by the Department to be acceptable outcome.

The proponent states that the proposal will enable the development of a total of 2,490m² (GFA) of commercial development on the site, which is 302m² more than is currently situated over the site. Therefore, the the proposal will result in increased commercial development and employment outcomes.

The proponent's consultant PPM has evaluated the SGS Economics and Planning Study that was prepared on behalf of the Council and was relied upon to development the Canterbury Road Review. PPM indicate that limiting intensification of development at nodes such as that for Burwood Road and Canterbury Road, may result in higher vacancies for sites like the subject site as these businesses move to new premises in residential or mixed use developments elsewhere.

The other concern raised in the justification is that the retention of the B6 zoned land will result the site being isolated. The proponent is concerned that this outcome:

- is inconsistent with the findings of the Review;
- is inconsistent with the objectives of the B6 zone; and
- will create land use conflicts with other uses in these adjoining zoned lands.

The land is not within a proposed junction or locality nominated in the Review

The proponent indicates that retaining the B6 zoning on the site and excluding the whole site from the proposed centre at the junction at Burwood and Canterbury Roads, will limit the development potential of this site because it will remain isolated from this centre and will be inconsistent with other land use zones in the vicinity of the site.

The expectation raised in the justification is that the land to the west of the site along Canterbury Road will be zoned B2 to accord with the nominated centre at the intersection of Burwood and Canterbury Roads. The proponent expects that this will result in further isolation of the site and is an outcome that it is at odds with that desired by the Council to protect employment land along the corridor.

The proponent notes that the Review does not indicated any built form massing for the site and yet the Review has not undertaken a site-specific assessment for the adequacy of these proposed controls. It is also noted by the proponent that nominated boundaries of the Burwood Road centre have not been tested by the Review and there appears to be an absence of rationale in the Review about why these boundaries have been delineated, which exclude the subject site.

The proponent argues that the Review is to apply to the whole of the corridor, not just the nominated centres and localities where additional density and land use change may be afforded. Therefore, the proponent is of the view that the Review should be used to instruct all land uses in the corridor.

The proponent also argues that the subject planning proposal would result in development that this consistent with the current character of Kingsgrove Centre and the proposed Burwood Road centre. It is for these reasons that the proponent is of the view that the site be located within the boundaries of the nominated Burwood Road centre.

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| | <p>The proposed height and FSR are inconsistent with the Canterbury Road Review</p> <p>The proponent recognises that the Review seeks to enable densification of development in localities where they will or do have high amenity, and that this development can reach building height of up to 9 storeys, particularly where this development overlooks parks and green streets.</p> <p>It is noted by the proponent that the Review does not recommend building heights of up to 9 storeys for adjoining centres, however dismisses the fact that there are existing 8 storey developments in these centres.</p> <p>The proponent states that the planning proposal had already been the subject of site specific review by Council’s consultant’s Annand Alcock to determine the most appropriate built form outcomes for the site and locality. This advice indicated that a maximum of 8 storeys part of the site and other lower building heights elsewhere was considered appropriate and that Council had supported this.</p> <p>The Review’s recommendation for a laneway over part of the site is reflected in the scheme for the planning proposal, and that is taken by the proponent to provide a direct public benefit that is sought by the Review. The proponent also indicates that the required setback to Canterbury Road sought by the Review would also enable the planting of urban trees in the verge and setback, is reflected in the subject planning proposal for the site.</p> <p>It is for these reasons that the proponent is of the view that the amendments for the site are considered appropriate.</p> |
| <p>Material provided in support of the Gateway review request</p> | <ul style="list-style-type: none"> • Formal request for Gateway review dated 26 October 2018. • Department advice regarding site compatibility certificate dated 2 November 2018. • Chronology. • Gateway determination and letter. • Submission to Canterbury Road Corridor Review. • Submission to Local Planning Panel. • Ann and Associates independent report. • Draft DCP. • DA 25 metre height plane. • Certification of <i>Apartment Design Guide</i> (related to the current DA). • SEPP 65 compliance statement and certification (related to the current DA). • DA photomontage (related to the current DA). • Stanisic plans: Site A and Site B study. • Landscape plan. |

ASSESSMENT

Department's Assessment

The Department's assessment has been structured in response to the proponent's 13 November 2018 letter (**Attachment I**), which refutes Council's three main reasons for not proceeding with the planning proposal:

- *Insufficient justification has been provided for rezoning employment land to another alternate use (ie. the proposed rezoning of B6 Enterprise Corridor zoned land).*
- *The subject land is not within a proposed junction or locality pursuant to the Canterbury Road Review.*
- *The proposed maximum height and FSR is not in keeping with the maximum height of 6 storeys and the maximum FSR of 2.5:1 (residential 1.9:1 and 0.6:1 commercial) defined in the Review.*

Insufficient justification regarding loss of employment land

The proponent indicates that the matter regarding loss of employment land was justified by the original Gateway determination report, which indicated that the Department did not require further justification to address the Section 9.1 (section 117) Direction 1.1 Business and Industrial Zones.

In the original Gateway determination report, the Department identified that the proposal was inconsistent with this Direction as it sought to reduce the amount of business and employment floor space from 2188m² to 1245m² (415m² for Site A and 830m² for Site B).

The Department however recognised that the Canterbury Road Masterplan 2010 and the Residential Development Strategy 2013 indicated that there was capacity for land-use changes to facilitate mixed-use development and the proposal sought to implement this outcome at that time. It was on this basis that the inconsistency with Direction 1.1 was considered to be of minor significance. Despite this, the absence of a conditional requirement under a Gateway determination does not negate the need to adequately address whether the proposal's potential loss of employment land on the site is appropriate. It is noted that the strategic context for the locality has since changed and this is a matter that now needs to be considered.

The planning proposal report that was exhibited in 2015 indicates that development of the site in accordance with the proposal would only result in a total of between 415m² and 900m² of commercial space. These estimates of floor space figures for commercial or employment generating development on the site are significantly less than the 2490m² now estimated to be achieved by the proponent as part of the Gateway review request documentation. No justification has been provided to show how the new figure has been derived.

The planning proposal was clear that the intention for the site's use was for predominately residential development, and that any commercial development would be at the ground floor of any resultant development over the site. The planning proposal states that this was also for the purposes of ensuring that commercial uses over the site would not impact the viability of existing commercial development in the nearby town centres, as retail uses are not permitted in the B5 zone (see page 21 of the planning proposal report – **Attachment A**).

If the intention of the proposal was to retain or improve the employment outcomes for the site, the proposal could have been amended to implement a minimum non-residential or commercial floor space ratio requirement for the site. This approach would have enabled and ensured a retained employment outcome for the site's redevelopment.

In response to the matter raised about the retention of the B6 zone results in an isolated site that will have land use conflicts (most particularly because the land to the west will be rezoned to B2 Local Centre), is not considered correct. The Review has not included this land to the west of the site as part of the Burwood Road centre and therefore there is

no intention that there be any land use changes for this site. The subject site is not the only portion of land along the Canterbury Road corridor that is zoned B6 and is therefore not anomaly. While the site is not contiguous with other B6 zoned land, the Review's recommendation to keep the current B6 zone will not likely result in additional land use conflicts as the Review has not identified any changes to the land uses for any adjoining sites.

The site's current uses are best described as urban services and industrial land uses, which are deemed under the Greater Sydney Region Plan to be employment generating uses. The Region Plan identifies B6 Enterprise Corridor zoned land as being employment land that is required to be retained throughout the South District.

The endorsed South District Plan has further supported this outcome and seeks to retain and manage this land. The purpose of this approach is to ensure that employment land such as that over part of the site is not compromised by other competing land uses, such as residential development. While the subject proposal had been prepared prior to these strategic plans, the Council's Review has sought to implement retention of employment land along the corridor in accordance with the South District Plan.

Council identified that retention of this zone as valuable in supporting the provision of support services, providing the opportunity for new businesses and industries, and continuing to provide local employment opportunities. Retaining the B6 zoning for the part of the site will safeguard this land for a range of uses that will continue to support the local community.

Since the original Gateway determination in 2015, the Canterbury Road Review has superseded the Canterbury Road Masterplan 2010 and the Residential Development Strategy 2013 and seeks to maintain the B6 Enterprise Corridor zoning with the objective to retain employment land in the corridor. Therefore, the objective of the planning proposal to rezone the B6-zoned land to permit residential uses is not consistent with this objective.

The urban design study underpinning the Council's Review also indicates the importance of protecting employment precincts along the corridor and the reinforcing the role of Canterbury Road as an enterprise corridor. This aim is reflected in the current B6 zoning for the site, which has the objectives that are principally to promote businesses along main roads and provide a range of employment uses.

For these reasons the request has not adequately addressed how it will achieve employment outcomes for the site that align with the Review and the South District Plan.

The land is not within a proposed junction or locality

A key recommendation of the Review is the concentration of new and additional development (particularly residential development) within the nominated junctions and localities. A key urban design outcome of the Review recommendations is to recreate new precincts between the station and Canterbury Road.

Relevant to Belmore, the Review seeks to deliver an activated main street along Burwood Road, between Belmore Station and Canterbury Road. This main street is to be designed to develop into a new pedestrian-friendly streetscape that will be characterised by significant street planting, slower moving traffic and an improved urban domain. This will be complemented with increased mixed-use and residential development along the main street. The revitalised street environment will have improved amenity through these streetscape improvements that is also located with good proximity to support services, is walkable to Belmore Station and has good proximity to new and existing open spaces.

This urban design response under the Review is to re-orientate and permit for additional residential and mixed-use development along this main street, where a higher level of amenity can be achieved. By comparison, this level of amenity for mixed use and residential uses is not expected to be able to be achieved along Canterbury Road.

This main street approach is sought to be repeated for other centres along the

Canterbury Road corridor. Therefore, this urban design approach is not unique to the Burwood Road neighbourhood centre.

The recommended sites for proposed 'localities' along the corridor are all north of Canterbury Road, as to encourage walkability from these areas along other north-south roads connecting to nearby rail stations and to locate these in close proximity to new open space locations.

The site of the subject planning proposal does not correspond with the criteria for inclusion in these locations as it is not:

- within these nominated centres or localities as it does not have the characteristics sought by the urban design study. It is not able to contribute to the refocus of mixed-use and residential development along new main street corridors or within a key intersection;
- north of Canterbury Road; and
- well proximate to most new proposed parks in the Belmore area.

Council's endorsement of the Review and its direction to refocus development in designated main street and intersection locations signals a new approach for the Canterbury Road corridor. Therefore, the proponent's argument that the planning proposal should be consistent with the current development and urban design approach that is currently reflected along parts of the corridor only seeks to retain and reinforce the previous approach to intensify development along the corridor, which is no longer supported by Council. The Review's new urban design approach is supported by the Department.

The proposed height and FSR are inconsistent with the draft strategy

A number of recommendations in the Review do not support the argument provided in relation to the proposed heights and floor space ratio.

Recommendation 3 of the Review states that multi-storey housing should be precluded on land that is on Canterbury Road, where the use is not already permitted or that is outside of the nominated centres and localities. This site is not within the nominated areas or permits multi storey housing.

Recommendation 7 of the Review states that an appropriate FSRs should be applied to sites along the Canterbury Road corridor, but only on land currently zoned to permit for mixed-storey housing developments. The reason for this is that the urban review study identified the existing B5 zoned land did not include an FSR and had resulted in poor built form outcomes along the Canterbury Road.

It is noted that on sites that are proposed to be included in localities and centres along the corridor, the Review recommends a range of suitable FSRs for these sites that ranges from 1.2 to 1.8:1 for residential development, and a minimum of 0.6:1 FSR for non-residential development.

Recommendation 6 of the Review seeks to improve the delivery of medium-density housing, such as semi-detached and town housing development, on R3-zoned land within the Canterbury Road corridor area and south of Canterbury Road. This is to enable the delivery of greater housing choice in areas in and around the Canterbury Road corridor.

The Review recognises there is a low take up of this alternative form of housing. Council had indicated it will be reviewing these controls in the short term.

The planning proposal does not align with the recommendations of the Review given that:

- the proposal site is not within any of the nominated centres or localities;
 - the proposal site does not currently permit for any multi-storey housing, including
-

in the existing R3 Medium Density Residential zone; and

- The R3 zoned area of the site may be better redeveloped to accommodate medium density housing that helps to support housing choice and diversity.

The subject planning proposal does not propose any FSR maximums for the site.

It is noted that the proposal has not been updated to reflect recommendation 15 of the Review. This recommendation required planning proposal in the corridor to be updated to reflect the Review findings.

The Review's recommendations do not contemplate increases in building height and/or FSR for any site in the corridor, unless this corresponds with recommended land-use changes. Therefore, any proposed FSRs increases for the site cannot be supported unless there is corresponding support by the Review for residential and/or mixed-use development on the site. Given the Review does not endorse any land use changes for the site, and the proposal had not contemplated any comparable FSR limits, the proposal cannot be supported.

Conclusion

The Canterbury Road Review seeks to encourage new and additional development in localities where higher amenity can be achieved and to retain existing employment lands. The subject planning proposal does not meet these objectives.

The Review has set in place a strategic framework for the Canterbury Road corridor that moves away from the heavy concentration of residential development along the fuller corridor and orientates new development along new main streets linking stations to Canterbury Road. This fundamental change in strategic planning direction for the corridor does not align with the planning proposal.

Further, the Review seeks to retain the value of land zoned B6 Business Enterprise Corridor and R3 Medium Density Residential, such that retention of these lands help to support employment and housing diversity outcomes. This consistent with the regional plan and district plan.

Recommendation

In considering Council's request to not progress the planning proposal for the subject site, the strategic and site specific merits of the proposal were considered and were key to determining why the proposal should not proceed. Further contemplation of the reasons raised by the proponent as part of the Gateway review request to justify why the proposal should proceed do not outweigh the strategic merit of a broader and well considered strategic approach now set by the Council's Canterbury Road Review.

Therefore, for the reasons originally determined on 21 August 2018 and further considered above, the Department continues to recommend that the Gateway determination for the planning proposal is not amended as the planning proposal does not meet the strategic intentions for the Canterbury Road corridor and does not align with the recommendations of the Canterbury Road Review.

COMMISSION'S RECOMMENDATION

Reason for review: A determination has been made that has imposed requirements (other than consultation requirements) or makes variations to the proposal that the proponent or council thinks should be reconsidered.

| | | |
|------------------------|--------------------------|---|
| Recommendation: | <input type="checkbox"/> | The planning proposal should proceed past Gateway in accordance with the original submission. |
| | | <input type="checkbox"/> no amendments are suggested to original determination. <input type="checkbox"/> amendments are suggested to the original determination. |
| | <input type="checkbox"/> | The planning proposal should not proceed past Gateway. |

Attachments:

- Attachment A – Planning proposal (2015)
- Attachment B – Canterbury Residential Development Strategy (2013)
- Attachment C – Original Gateway determination (2015)
- Attachment D – Canterbury Road Review (2017)
- Attachment E – Current planning controls under the Canterbury LEP 2012
- Attachment F – Local Planning Panel minutes (13 June 2018)
- Attachment G – Alteration of Gateway determination (21 August 2018)
- Attachment H – Letter to proponent (18 October 2018)
- Attachment I – Proponent's justification (13 November 2018)
- Attachment J – Council comments in response to Gateway review request (5 Dec 2018)
- Attachment K – Extract of agenda and minutes for Council meeting 26 June 2018
- Attachment L – Timeline of events relating to the planning proposal

Endorsed by: