

2 February 2019



KOAS (Keep Our Area Suburban)

The Independent Planning Commission
Level 3
201 Elizabeth Street
Sydney NSW 2000



Private and Confidential

Dear Commissioners

Re Proposed Planning Proposal for 642-644 Canterbury Road, 650-658 Canterbury Road, 1-3 Platts Avenue, 2, 2A, 2B, 2C and 2D Liberty Street Belmore.

We refer to the abovementioned.

We are a community based organisation which represents the residents and ratepayers of our local government area.

We are writing to you to express our concern at the proposal as stated above.


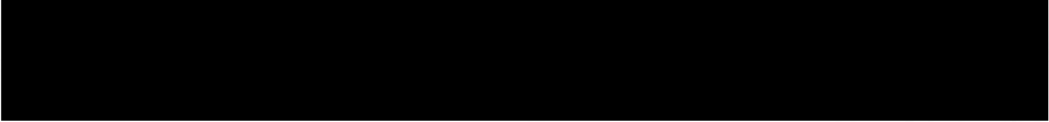
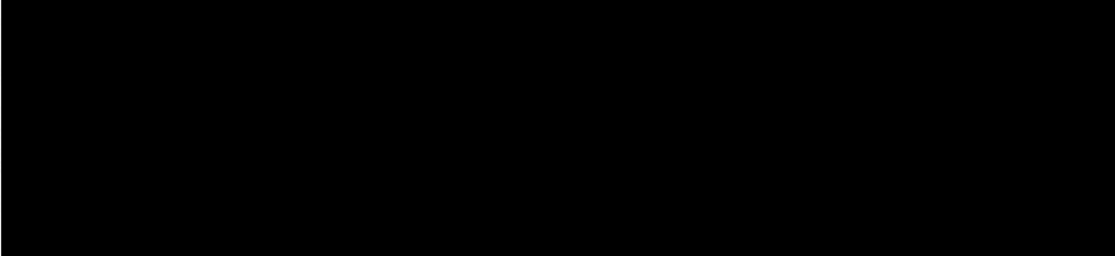
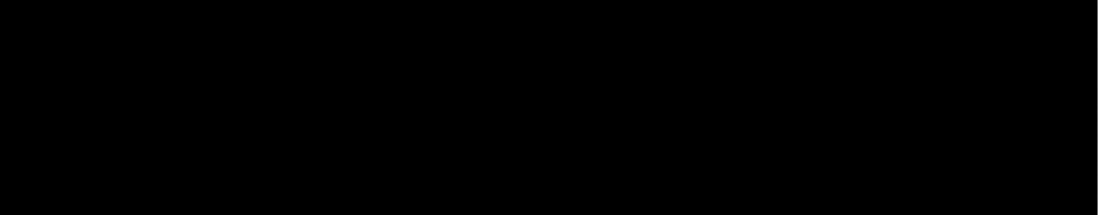
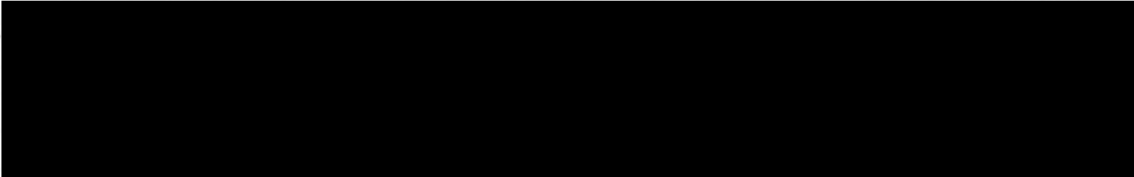
We attach a timeline of the Planning Proposal key dates and issues as **Attachment A** for your perusal and make the following comments and observations:

1. First and foremost we do not support the rezoning proposal and any intrusion of the proposed B5 zone into low scale residential streets which abut Canterbury Road

namely in this case an intrusion into Liberty and Platts Avenue which is predominantly R3 low rise housing.

2. We are aware that the Canterbury Road Masterplan did not include the properties known as **1-3 Platts Avenue** and **2C and 2D Liberty Street Belmore** as part of any proposed rezoning from the then Residential 2(C) to Specialised 3(F). The Canterbury Road Land Use Rezoning Strategy Current Zone Map illustrates this point.
3. The Canterbury Road Masterplan outlined a height of 5 storeys for Canterbury Road Residential Development and the definition of height in the CLEP 2012 for this style of development includes the lift overrun as part of the 18 metres restriction.
4. We are also aware that the Residential Development Strategy commissioned by the former Canterbury Council and which received funding from the Department of Planning **did not nominate 1-3 Platts Avenue as part of the rezoning proposal.**
5. We also refer to correspondence dated 8 May 2014 from the Department of Planning to former Canterbury Council re planning proposals (of which this site was included) stated the following:

Council should address the amount of land to remain for employment purposes to meet current and future employment forecasts, potential to set a precedent...
6. The original Gateway Determination made on 16 October 2015 was flawed (due to the omission of 2 Liberty Street from the identified lands) and rendered the planning proposal null and void and the time frame for the completion of the planning proposal was to be by 23 October 2016.
7. On 14 November 2016 some 21 days after the timeframe had expired an attempt was made to rectify the error of omission of 2 Liberty Street by including it in the description of lands in the **Altered Gateway and extended the time frame for completion of the planning proposal until 23 April 2017.**
8. We note that the time frame for completion of the Planning Proposal as per the original Gateway was not altered at any point after 23 April 2017.
9. We further note that in the correspondence dated 14 November 2016 a reference is made to a meeting held on 7 November 2016 with the council, the proponent and the Department to discuss the planning proposal in context of the current Canterbury Road Corridor Review work underway.

10. The proponent was fully on notice as early as November 2016 of the Corridor works and its implications for the proposal.
11. The 14 November 2016 correspondence also referenced the Council meeting the conditions of the Gateway Determination. Condition 6 was that the time for completion of the Planning Proposal was 23 April 2017.
12. We understand that the time frame for completion was not amended beyond 23 April 2017. We state that any decisions taken after this date rendered the Department and Council functus in their statutory role and obligations.
13. 
14. 
15. 
16. 
17. We have not been advised of what extra documentation was provided by the proponent other than sketches and maps of surrounding developments.
18. We note that some of the descriptions of the sketches are inaccurate particularly the 717-727 site which is partly 5 storey and part 6 storey.
19. 
20. We note that it appears that there was no Council report and or liaison with the elected body, the General Manager and or surrounding residents in relation to the

classification of the site for a Site Compatibility Certificate for affordable housing in toto in 2014. The inclusion of this site by the proponent is based on a flawed reclassification of the site.

21. We are concerned that this proposal will lead to a further deterioration in the loss of employment generating lands along Canterbury Road. The previous dismissed Council failed to provide information to the Department in 2014 as to how it was to address this issue.
22. The District Plan for the South is very clear in its objective not to support the loss of employment generating lands for residential use. This proposal is at odds with this objective.
23. Furthermore the current planning proposal is for a bulky style of unit development which is out of character with the low rise nature of the residential developments in the side street exceeding the height for the development standards and not in keeping with the character of the area.
24. The development is proposed for the southern side of Canterbury Road which elevates the overshadowing and privacy concerns to a point where the adjoining low rise dwellings will be severely impacted.
25. There is no justification for increasing the building height from 8.5 metres(R3) & 12 metres (B6) to heights up to 24 metres on a site that is so close to light industrial use and low rise residential uses (where the height for R3 is 8.5m)
26. The traffic generation has not been adequately addressed by the proponent and we understand that the RMS have expressed concerns.
27. We are concerned at the safety aspect of allowing development around a service station which has underground tanks of petrol and other highly flammable liquids.
28. We question the procedural fairness and appropriateness of rezoning adjoining properties of landowners who do not want their lands rezoned for such a use.
29. We question the procedural fairness of virtually land locking and isolating the sites of 650-658 Canterbury Road Belmore and 2 Liberty Street Belmore with this planned planning proposal.
30. The former Canterbury Council initiated the Canterbury Local Environmental Plan in 2012(CLEP 2012) without advising adjoining property owners of the upzonings.

31. The CLEP 2012 upzoned for 44,000 dwellings with the majority of the development occurring within the newly created B2 Town Centre and B5 shop top housing zones. The upzoning increased heights to 18 metres and removed Floor Space Ratios for B2 and B5 Zones. No technical reports exist which justify the removal of floor space ratio by the previous council for all the developments that have been put forward by the proponent as part of his case.
32. We note that many of the developments that the proponent outlines in sketches as part of his case are in fact part of the flawed CLEP 2012 gazetted on 1 January 2013(except the site known as Sandlers which was classified for a Site Compatibility Certificate in 2014)
33. The previous council (now dismissed) did not have a clear plan for development along Canterbury Road. It was adhoc decision making made from the floor of the council chamber much to the concern of the community.
34. The reports and studies that were undertaken were not adhered to rendering uncertainty and bias in the eyes of the community.

We ask that the Independent Planning Commission reaffirm the decision of the Council, the IHAP and the NSW Department of Planning in rejecting this planning proposal.

It is not in the public interest and the proponent has not articulated any valid reasons as to why the rezoning should proceed.

The Planning Proposal is in clear breach of The Canterbury Road Review and the District Plan.

The Proponent was fully aware of the Canterbury Road Review as early as November 2016.

The Proponent was fully aware of the extensive opposition to his planning proposal when he lodged a proposal for a maximum of 30 metres in 2014 reducing it to 25 metres and still faced the same amount of opposition from the adjoining land owner and surrounding properties.

We are concerned at the timing of the review sought by the NSW Department of Planning given it was requested over the holiday period when many of the affected residents would have been on holidays rendering them with very little time to respond.

We also express concern that no formal notification was sent to the immediate affected property owners of the review in order to allow them to make adequate representations.

We kindly seek an opportunity to present our case directly to the IPC prior to any decision being made on this matter.

[REDACTED]
[REDACTED]
Yours faithfully

[REDACTED]
For and on behalf of KOAS
[REDACTED]

Attachment A

Liberty and Platts Avenue Rezoning

