

Planning Matters - 25 September 2018

ITEM 5.1 Planning Proposal: 5-9 Croydon Street, Lakemba

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PURPOSE AND BACKGROUND

This report summarises the exhibition of a Council initiated planning proposal for a site at 5-9 Croydon Street, Lakemba and the proposed amendments to the exhibited proposal.

In considering the proposed amendments, it is recommended that Council adopt the proposed changes and exhibit a Development Control Plan (DCP) to guide future development on the site and the adjoining parcels of land.

Submissions for the landowner have been made by and on behalf of Eloura Holdings Pty Ltd.

ISSUE

- In November 2016, a Council initiated Planning Proposal was exhibited and five submissions were received. Council has been granted delegation from the Department of Planning and Environment to finalise the Local Environmental Plan (LEP) in this matter.
- Following public exhibition, the landowner made a submission requesting a minor amendment to the exhibited height controls to allow compliance with the Apartment Design Guide (ADG). This request is supported by Council.
- Council has two schemes for the site for consideration:
 - a scheme that it commissioned which achieves a Floor Space Ratio (FSR) of 2:1, proposes maximum building heights significantly higher than the exhibited versions of the Height of Building (HoB) Map but with greater laneway setbacks, and
 - the landowner's scheme which achieves an FSR of 2:1 and results in a lesser overshadowing impact on properties to the south and requires only a minor amendment to the exhibited HoB Map
- The proposal is reliant on the provision of a laneway on the northern and western boundaries of the site. The landowner will be required to enter into a planning agreement for the delivery of the laneway before the proposed increase in height and FSR can be achieved.
- A DCP will be prepared to guide future development of the site and adjoining sites.

RECOMMENDATION That -

1. Council note the submissions received and the responses as outlined in Attachment C.
2. The revised Planning Proposal at Attachment G be adopted for finalisation.
3. The proposed Height of Building Map be amended as shown in Attachment B provided the development delivers public benefits as outlined in the report and the attached

Planning Proposal. Otherwise the existing maximum building heights of part 18m and part 21m will continue to apply.

4. The proposed FSR Map be amended to reduce the proposed FSR from 2.2:1 to 2:1 as shown in Attachment B for the reasons contained in the report, provided the development delivers public benefits as outlined in the report and the attached Planning Proposal. Otherwise the existing maximum FSR of 1.6:1 will continue to apply.
5. Council's delegation to finalise the LEP Amendment be exercised and all necessary documentation be forwarded to the Department of Planning and Environment for finalisation.
6. A DCP be prepared to guide future development of the site and adjoining land and the exhibited and reported back to Council for making.
7. Council note that the landowner has submitted a letter of offer for the dedication of a new laneway at no cost to Council. The VPA will be negotiated with the landowner at the development application stage.

ATTACHMENTS

- A. Detailed History
- B. Planning Proposal Maps
- C. Submissions
- D. Council Consultant Proposed Scheme
- E. Landowner's Proposed Scheme
- F. Landowner's Letter of Offer
- G. Revised Planning Proposal

POLICY IMPACT

There will be no impact on policy arising directly from this approach to the planning proposal. The former Canterbury Council had resolved to increase density on this site through changes to principal development standards in October 2014. This resolution was broadly consistent with the Metropolitan Strategy at the time “*A Plan for Growing Sydney*”, and achieving the former Canterbury Council’s then dwelling target.

On 26 July, 2016, the Council Administrator resolved to defer planning proposals that rely on the draft Sydenham to Bankstown Urban Renewal Corridor Strategy for Justification until the strategy is finalised and reflective of *local planning needs*. This resolution is not relevant to this Planning Proposal as Council resolved to proceed with it before the Sydenham to Bankstown Urban Renewal Corridor was realised and it does not seek to rely on it.

FINANCIAL IMPACT

Council will apply its Voluntary Planning Agreement Policy which requires dedication and construction of the laneway at no cost to Council.

COMMUNITY IMPACT

The proposal to allow increased density on the site has been assessed by Council officers and supported by the former Canterbury-Bankstown IHAP on two occasions. Specific development controls and State Government policy will guide future development on the site.

DETAILED INFORMATION

Background

The history of the subject planning proposal is long and complex, stretching back to the making of the Canterbury LEP 2012, the preparation and implementation of the Canterbury Residential Development Strategy and the creation by Council of a standalone planning proposal for the site in 2014. A detailed timeline of the proposal is provided in Attachment A.

The site is located at 5-9 Croydon Street, Lakemba (Figure 1) and is currently vacant. It is located in close proximity to both Lakemba Station and the Lakemba business zone, centred on Haldon Street. The site has an area of 6,848 m².

Figure 1. Subject Site



Source: Six Maps

Canterbury LEP 2012

Under the Canterbury LEP 2012 the subject site is zoned R4 High Density Residential (Figure 2) and is subject to a maximum building height of 18m (approx 5 storeys) and an FSR of 1.6:1 (Figures 3 and 4).

Figure 2. Existing Zoning Map



Source: Canterbury LEP 2012

Figure 3. Existing Height of Building Map



Source: Canterbury LEP 2012

Figure 4. Existing Floor Space Ratio Map



Source: Canterbury LEP 2012

Planning Proposal

The Planning Proposal does not seek to change the existing R4 High Density Residential Zoning, only to increase the maximum height of buildings from 18m to part 18m, 24m and 33m and to increase the FSR achievable on the site from 1:6 to 2:1 (refer Attachment B for proposed HoB and FSR Maps)

Gateway Determination

A Gateway determination was initially sought in February 2015, however the Department of Planning and Environment requested further justification for the proposed uplift and additional information regarding compliance with State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65).

Council commissioned an urban design review of the proposal. This work initially determined that the proposed FSR should be reduced from 2.2:1 to 1.8:1, however following a request from Council to investigate potential alternative schemes that could achieve an FSR of 2.2:1, Council's consultant suggested a complex stepped building design including multiple height planes could achieve an FSR of 2.2:1 on the site.

The additional urban design analysis was submitted to the Department of Planning and a Gateway Determination was issued in October 2015 including request to consider simplifying the height map prior to public exhibition and conditions requiring the proposal to reflect the draft Sydenham to Bankstown Urban Renewal Corridor Strategy. These changes were made and the proposal was approved for public exhibition.

Public Exhibition

The Planning Proposal was exhibited for 29 days from 1 November 2016 to 30 November 2016 in accordance Clause 57 of the Environmental Planning and Assessment Act, 1979. Notices were placed in locally circulating newspapers, Council website and copies were made available at the Council's Customer Service Centres in Campsie and Bankstown, letters were sent to landowners and occupiers in the immediate vicinity of the site.

The proposal sought to increase the maximum height of building across the site from 18m to a range of, 18m, 24m and 33m and to increase the maximum FSR from 1.6:1 to 2.2:1.

Five submissions were received during the public exhibition including one joint submission from three persons and one petition of 10 signatures. This also included a submission from planning consultants acting on behalf of the landowner which is addressed below and a letter from Transport for NSW.

The submissions from private landowners were generally not supportive of the Planning Proposal, a detailed summary of issues raised and corresponding comments is provided in Attachment C.

Landowner Submission

A submission from The Planning Group was received on behalf of the site owners during the public exhibition process. The submission sought an amendment to the height boundary affecting the western portion of the site (the 33m and 24m zones) to a width of 35m from the western boundary of the site. This request was to enable double loaded apartment design that also met the required setback distances from adjoining residences and the park (as per the requirements of SEPP 65 and the ADG). This amendment is considered supported as it will ensure greater flexibility in future building design without increasing density on the site.

The exhibited HoB Map and the proposed HoB Map are provided in Figures 5 and 6 respectively.



Figure 5 Exhibited Height of Building Map



Figure 6 Proposed Height of Building Map

IHAP Consideration

1 May 2017

The exhibited proposal was considered by the IHAP on two occasions, the first being in May of 2017. On this occasion, the IHAP raised concerns regarding the proposed 2.2:1 FSR, however considered that an FSR of 2:1 could be accommodated on the site and that the heights as proposed, subject to any impacts on Jubilee Park being appropriate.

The panel recommended that:

in the absence of the Council being satisfied that an FSR of 2.2:1 would provide a built form outcome for the site that fully complies with ADG requirements, the draft LEP should not be made at this stage until such time as council is in receipt of documentation to demonstrate this.

Council then engaged an independent urban design and architecture specialist to undertake a review of the exhibited proposal and Council's suggested amendments to determine if the proposed scheme was able to produce an outcome that would satisfy the requirements of the Apartment Design Guide (ADG) and SEPP 65.

This work concluded that in order to ensure future schemes on the site achieve ADG compliance, the maximum FSR would need to be reduced from the exhibited 2.2:1 to 1.79:1. This was largely due to the awkward configuration of the site in terms of its dimensions and orientation and constraints imposed by adjoining strata titled residential flat buildings to the south.

1 December 2017

The IHAP considered the revised work by the independent urban design and architecture specialist on 1 December, 2017 and concluded that there is potential for an FSR of more than 1.8:1 on the site, however, did not agree that it should extend to 2.2:1. In the Panel's opinion an FSR of 2:1 could be accommodated on the site and the difference between 1.8:1 and 2:1 could be resolved through the normal development application process which would provide the fine grain analysis against the ADG and other relevant planning controls.

The IHAP specifically recommended:

- (a) That the maximum Floor Space Ratio Map be set at 2:1*
- (b) The Council's strategic planners to determine appropriate amendments to the proposed building height map to accommodate the floor space ratio of 2:1 after consultation with applicants.*

Concept Masterplan Options

Following the IHAP's second consideration of the proposal, Council staff requested the provision of a laneway on the site's northern and western boundaries to allow for servicing and garbage collection of the site and the properties in the adjoining B2 Zone. This laneway will be reflected in Council's Development Control Plan.

In order to ascertain if the 2:1 FSR could be preserved whilst allowing for the reduced building footprint associated with the provision of laneway and SEPP 65/ADG compliance, Council's independent specialist was further engaged to prepare a concept scheme for the site including proposed heights.

The independent's specialist's revised scheme is shown in Figure 7 and is at Attachment D. This scheme achieves a 2:1 FSR and proposes heights significantly beyond the heights identified in the proposed HoB Map (This height would extend even further if direct communal access was provided to the rooftop open space). The effect would be better laneway amenity but more overshadowing for properties to the south. As such, the Department of Planning has advised that the HoB Map required to accommodate this scheme would require re-exhibition.

Figure 7. Council consultant proposed scheme



Source: GMU Concept Masterplan, August 2018

In August this year, the landowner submitted a revised alternative scheme (Figure 8, Attachment E) that also achieves an FSR of 2:1, accommodates the required laneway and complies with the ADG. Whilst this scheme provides less laneway setback and longer buildings, it delivers a larger area of ground floor communal open space and has less overshadowing impact on adjoining properties due to its lower proposed building height. This scheme is also consistent with the proposed HoB Map meaning it does not require re-

exhibition. The landowner has also provided a letter of offer regarding dedication of the laneway to Council (Attachment F).

Figure 8. Landowners proposed scheme



Source: Stewart Hollenstein + Matthew Pullinger DCP Concept Plan, 2018

Table 1 provides a comparison of the Council commissioned scheme and the landowner's scheme. Whilst the two schemes are similar, the landowner's concept presents the preferred option as it proposes lower building heights with less potential for overshadowing impact on adjacent properties to the south and a larger area of ground floor communal open space whilst still achieving ADG compliance and allowing for the required laneway.

Whilst the Council commissioned scheme provides for better laneway amenity and a consistent setback to Croydon Street, on balance, this proposal is considered less suitable due to its potential overshadowing impacts related to its proposed building heights including the central portion of the scheme which has the most potential to overshadow 11 Croydon Street. It is also considered appropriate that issues regarding laneway amenity and setbacks are addressed through the application of development controls for the site and resolved at the development application stage.

Table 1. Comparison of the Council commissioned scheme and the landowner's scheme

Element	Council commissioned Scheme	Landowner Scheme
FSR	2:1	2:1
Laneway width	8.9m	8.9m
Setbacks	An additional 3m setback from the laneway on the northern and western boundaries. 6m from the Croydon Street boundary.	No setback from laneway on the northern boundary. 1-3m from laneway on the western boundary Part 3m and part 6m to Croydon Street.
Building Heights	Up to 27.4m (8 storeys) on Croydon Street 27.4m (8 storeys) in the central portion 30.5m (9 storeys) and 33.6m (up to 10 storeys) adjoining Jubilee Park Upper level setbacks throughout scheme	Part 24m (7 storeys) and part 18m (5 storeys) fronting Croydon Street 18m (5 storeys) in the central portion 24 (7 storeys) and 33m (10 storeys) adjoining Jubilee Park Upper level setback fronting Croydon Street
Overshadowing	ADG Compliant	ADG Compliant with a reduced impact on 11 Croydon Street adjoining the southern side of the site attributed to the proposed lower height.
Building length	Ranges from 25m to 38m	Ranges from 32m to 46m
Building form	3 buildings Finer grain buildings, narrower and taller Similar view lines between buildings	3 buildings Larger and longer buildings, lower height Similar view lines between buildings
Open Space	Smaller area of communal open space at ground floor Provides rooftop communal open space 3m laneway setback allows for private open space for ground floor units fronting the laneway	Larger communal open space at ground level No laneway setback to allow for ground floor front yards.

Infrastructure Delivery and Planning Agreement

Given the size and configuration of the subject site, public benefits in the form of a laneway are required to ensure adequate service vehicle access and pedestrian access to the adjoining Jubilee Park. This laneway is to be a minimum of 8.9m in width and must be provided for the full length of the northern and western boundaries of the site.

An appropriate mechanism is required to realise the delivery of this infrastructure in a timely manner. This may involve a planning agreement to legally capture the public benefits to be delivered by the proposed increase in maximum building height and FSR standards.

Section 7.4(1)(a) of the Environmental Planning and Assessment Act 1979 enables the proponent to provide a material public benefit through entering into an agreement with Council. Planning agreements are voluntary and must be freely entered into by Council and the proponent. It is noted that this commitment is in addition to any required contribution under the Canterbury S.94 Development Contributions Plan 2013.

Attachment F is a letter of offer from the landowner confirming their willingness to enter into a Planning Agreement for the delivery of the laneway. The specific details of this agreement are subject to negotiation.

An appropriate mechanism is required to be inserted into the Canterbury LEP 2012 prior to the proposed uplift in development potential being realised. The intent of this clause will be to ensure that a planning agreement is entered into by the landowners and Council at the development application stage to deliver the laneway. Should the landowner decide not to do this, the current development controls will continue to apply.

Proposed Amendments to the Planning Proposal

The proposed HoB Map has been updated to allow double loaded apartment design and to meet the setback requirements of the ADG which came into operation during the exhibition of the proposal.

The proposed FSR map has also been updated to reflect a reduced FSR, from the exhibited 2.2:1 to 2:1 consistent with the advice of the IHAP.

It is also proposed that an appropriate clause be inserted to Canterbury LEP 2012 to require that an FSR of 2:1 and a maximum height of part 18, part 24 and part 33m be applied to the site as provided in the maps at Attachment B only where the development delivers the required laneway to the satisfaction of Council. Where the development does not deliver the laneway, the existing maximum building height and FSR controls will continue to apply to the site. The intent of this clause is illustrated in the revised Planning Proposal at Attachment G.

Based on the above, it is recommended that Council adopt the revised Planning Proposal including revised HoB Map and revised FSR Map and intent of the clause intent at Attachment G.

Next Steps

Should Council decide to adopt the planning proposal, the next steps would be to;

- exercise Council's delegation to finalise the LEP Amendment
- inform submitters of the responses and Council's decision
- Prepare and exhibit a development control plan and report outcomes back to Council
- Liaise with the Department regarding the Gateway requirement to provide for the levying of contributions for State infrastructure