
Planning Matters - 26 November 2019

ITEM 5.2 Planning Proposal and Planning Agreement for 5-9 Croydon Street, Lakemba

AUTHOR Planning

PURPOSE AND BACKGROUND

At its September 2018 Ordinary Meeting, Council resolved to adopt a planning proposal for finalisation at 5-9 Croydon Street Lakemba. Finalisation of the planning proposal was reliant on a laneway being dedicated to Council through a site-specific clause being included in the Canterbury Local Environmental Plan (CLEP) 2012.

The Department of Planning Industry and Environment (the Department) has since indicated that it does not support the inclusion of a site-specific clause to deliver the laneway and requires the planning proposal to be amended and re-exhibited. This decision from the Department will also require the preparation and exhibition of a planning agreement.

The Department has also requested the inclusion of a satisfactory arrangements clause to facilitate an agreement between the developer and State Government about funding State infrastructure.

The purpose of this report is to seek Council's endorsement to:

- ensure delivery of a laneway through the site via a planning agreement
- include a satisfactory arrangements clause into the planning proposal
- re-exhibit the revised planning proposal concurrently with a planning agreement in accordance with the Department's requirements.

ISSUE

Notwithstanding Council's resolution in September 2019 to make the Plan, the Department has asked for two changes to the plan:

- Remove reference to the site-specific clause restricting the application of the new building height and FSR until a laneway is provided.
- Inclusion of satisfactory arrangements for contributions to State public infrastructure under the draft Sydenham to Bankstown Urban Renewal Corridor Strategy to facilitate an agreement between the developer and state government about funding state infrastructure.

These changes necessitate amendment and re-exhibition of the planning proposal and the preparation of a planning agreement to secure a laneway that will service the site and surrounding area.

RECOMMENDATION That -

1. Council exhibit the revised planning proposal as shown in Attachment C.
2. Council endorse and concurrently exhibit the draft planning agreement as shown in Attachment D.
3. The planning proposal not be progressed to the Department of Planning until the Planning Agreement is executed.
4. The matter be reported to Council following the public exhibition.

ATTACHMENTS

- A. Council report
- B. Letter and altered gateway
- C. Revised planning proposal
- D. Draft Planning Agreement
- E. Draft explanatory note

POLICY IMPACT

There is no policy impact.

FINANCIAL IMPACT

There is no financial impact. The dedication of land, design and construction of laneway will be met by the developer consistent with Council's VPA policy.

No offset from payment of Section 7.11 development contributions is to be provided.

COMMUNITY IMPACT

The proposal relies on the laneway to provide vehicle access into the site and provide adequate road width to enable service vehicles to circulate and for pedestrian access. The proposed land dedication by the developer will also increase permeability through this site to Jubilee Reserve and will result in a broader public benefit.

DETAILED INFORMATION

BACKGROUND

At its Ordinary Meeting of 25 September 2018, Council considered the outcomes of an exhibition for a planning proposal at 5-9 Croydon Street, Lakemba.

The planning proposal sought to amend the height of buildings and floor space ratio (FSR) controls for this site with the following amendments:

- Increase in the maximum height of buildings from 18m to part 18m, 24m and 33m.
- Increase in the FSR from 1.6:1 to 2:1.

The amendments will allow the site to be redeveloped for high density residential development consistent with the R4 High Density Residential zone.

A key aspect of the planning proposal proceeding to finalisation is the delivery of a public laneway. The laneway was required to improve pedestrian permeability, ensure adequate service vehicle access, and provide future development with a strong and legible street address.

An offer was made by the property owners to enter into a planning agreement for the dedication and construction of a laneway. The planning proposal included delivery of the laneways through:

- a clause to be inserted into the Canterbury LEP 2012 securing a public benefit prior to the proposed uplift in development potential being realised; and
- a finalised planning agreement between Council and the proponent as part of the development application process.

At that meeting, Council resolved to adopt the planning proposal for finalisation subject to the laneway being provided. Wording of the relevant part of the resolution is as follows:

1. *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.*
2. *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.*
3. *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.*

Based on Council's resolution above, a clause was to be inserted into the Canterbury LEP 2012 that limited the height and density on the site to the current floor space ratio (FSR) unless provision was made for the public benefit as part of the development of the site.

A copy of the Council report is show in Attachment A.

The Department's response to finalising planning proposal

In November 2018 Council requested the Department to finalise the planning proposal in accordance with Council's resolution.

In response to Council's request to finalise the planning proposal, the Department issued an alteration to the Gateway Determination on 5 August 2019 requiring the following amendments be made to the planning proposal:

- Remove all references to the site-specific clause restricting the application of the new building height and FSR until a laneway is provided along the northern and western boundaries. The proposal is to be amended to outline the intended outcome of the laneway and not include a draft clause.

- The Department also advised that the planning proposal needed to address the following issues:
 - The site is located within the Sydenham to Bankstown Urban Renewal Corridor Strategy area and the planning proposal will need to demonstrate consistency with the strategy.
 - As the site is located within the draft Sydenham to Bankstown Urban Renewal Corridor Strategy, an additional condition be included in the planning proposal to include a satisfactory arrangements clause for the provision of designated State public infrastructure as this is consistent with the State government's approach to funding of infrastructure to support residential uplift in areas that benefit from an urban renewal strategy.

A copy of the letter and altered Gateway is shown in Attachment B.

Given the Department does not support the delivery of a laneway through a site-specific clause, the planning proposal needs to be amended and re-exhibited. This now necessitates the preparation and exhibition of a planning agreement. The planning agreement would need to be entered into before the planning proposal is gazetted.

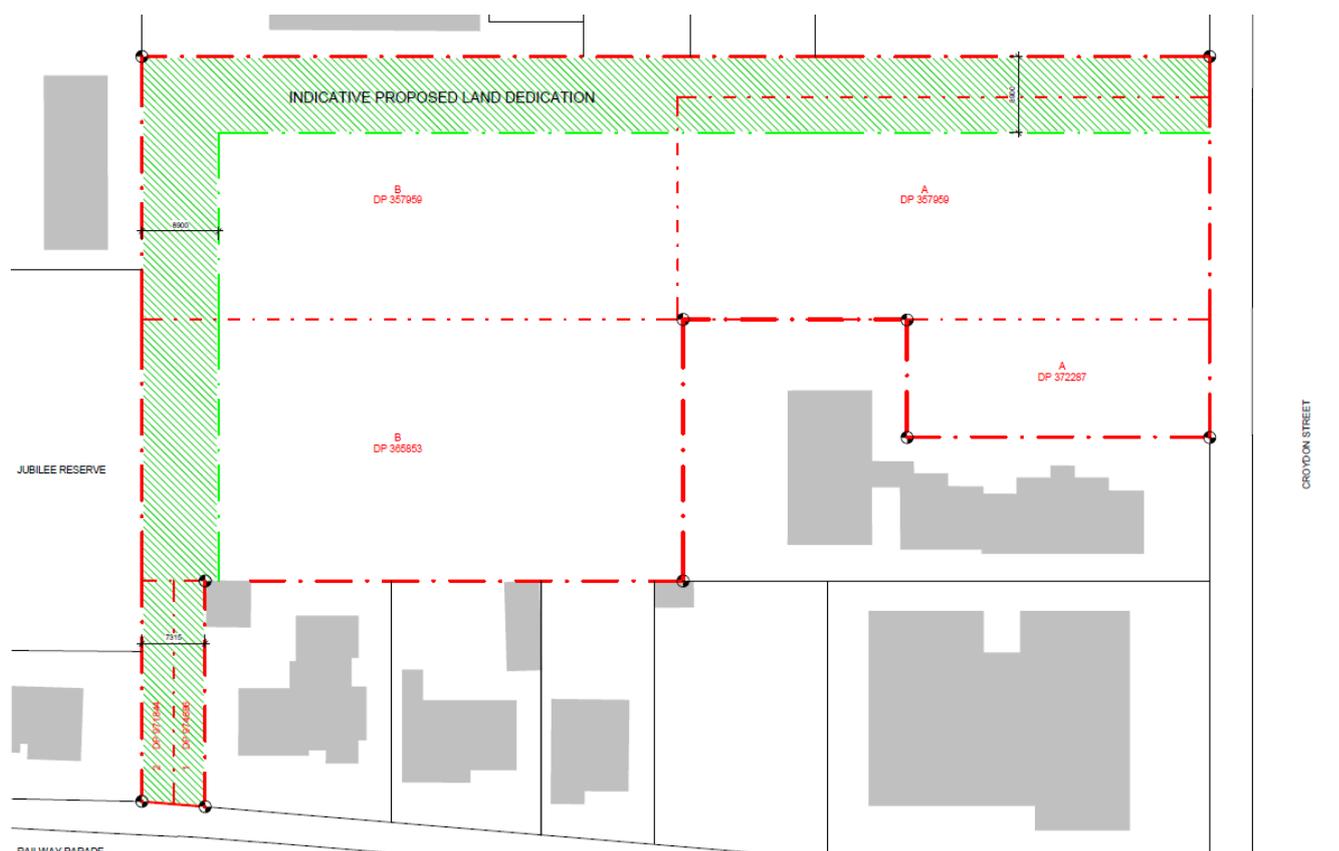
In this regard, a draft planning agreement for a laneway has been prepared and agreed to by the landowner.

The Altered Gateway Determination also requires the planning proposal be re-exhibited. The planning proposal has been updated in accordance with the Department's altered Gateway requirements and it will be re-exhibited with the draft planning agreement once the Department has agreed to the alterations via Gateway approval. A copy of the updated planning proposal is shown as Attachment C.

Details of the Planning Agreement offer

The dedication of the land as detailed in the draft planning agreement will result in the dedication of a new laneway 8.9m wide along the full length of the northern and western boundaries of the subject site connecting Croydon Street and Railway Parade. The new laneway is required to improve the pedestrian permeability, ensure adequate service vehicle access, and provide future developments with a strong and legible street address.

The land to be dedicated (in green hatching) is shown on the site plan below:



The draft planning agreement has been prepared in accordance with Council's Voluntary Planning Agreement's policy and meets legislative requirements in relation to planning agreements. A copy of the draft planning agreement and accompanying explanatory note is shown in Attachment D and E.

Next Steps

To progress the planning proposal and to ensure the delivery of this laneway, this report recommends the draft planning agreement and updated planning proposal to be publicly exhibited. Following the conclusion of the public exhibition, the outcomes of the exhibition and recommendations on next steps will be brought to Council for its consideration.