
Planning Matters - 6 December 2016

ITEM 5.1 **15-33 Brighton Avenue, Croydon Park - Planning Proposal**

AUTHOR **Planning**

ISSUE

To consider a revised planning proposal for the site at 15-33 Brighton Avenue, Croydon Park, and to seek a revised gateway determination from the Department of Planning and Environment.

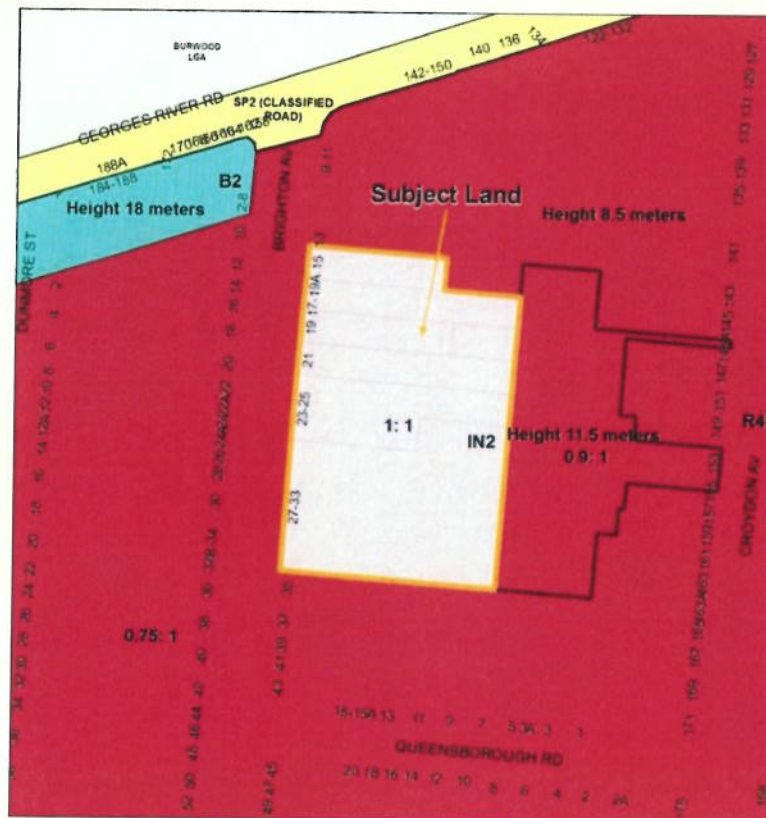
RECOMMENDATION That -

1. The planning proposal for land at 15-33 Brighton Avenue, Croydon Park, be revised to specify a maximum floor space ratio of 1.4:1 across the site with maximum building heights of four storeys across the Brighton Avenue frontage and five storeys across the rear of the site (with corresponding numeric heights in metres to be determined following further detailed design work);
2. The revised planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination.

BACKGROUND

In August 2013 a planning proposal was received for land at 15-33 Brighton Avenue, Croydon Park, from Dickson Rothschild & Dyldam.

The land is currently zoned IN2 Light Industrial under Canterbury Local Environmental Plan (CLEP) 2012. Under this LEP the floor space ratio is 1:1 (see map below). It contains industrial / warehousing uses consistent with the current zoning.



The planning proposal, as submitted, initially sought rezoning of the land to R4 High Density Residential, with a maximum building height of 26 metres, and a floor space ratio (FSR) of 2.5:1.

The planning proposal was referred to SGS Economics and Planning for an independent assessment and reporting.

The SGS report concluded that the planning proposal could be conditionally supported as this light industrial precinct is relatively isolated in terms of serving as a business and/or employment hub and has experienced recent decline in this context.

While the site was deemed suitable for residential development, the SGS report further concludes that new development should be considered in line with the surrounding built form and character. Preferred locations for high density and high rise development are close to railway stations, which this site is not.

In terms of built form controls, the SGS report recommended a FSR of 0.9:1 and height of 11.5 metres (as per the adjoining land). SGS advised that based on modelling undertaken, this would result in feasible development occurring.

A report on this planning proposal was submitted to the Council Meeting of 11 December 2014.

The following officer recommendation was made:

THAT:

1. *The conclusions and recommendations of the SGS report to rezone land at 15-33 Brighton Avenue, Croydon Park to R4 High Density Residential, set the maximum floor space ratio at 0.9:1 and the maximum building height at 11.5 metres, be supported.*
2. *A planning proposal be prepared as an amendment to Canterbury Local Environmental Plan 2012 and forwarded to the Department of Planning for Gateway determination and subsequent public exhibition.*

Council resolved the following:

THAT:

1. *The land at 15-33 Brighton Avenue, Croydon Park be rezoned to R4 High Density Residential.*
2. *The maximum floor space ratio be set at 2:1 and the maximum building height be set at 15.0 metres as the site has the capacity to accommodate increased development densities and will contribute to the achievement of strategic planning goals to provide higher density housing in an accessible location.*
3. *A planning proposal be prepared as an amendment to Canterbury Local Environmental Plan 2012 and forwarded to the Department of Planning for Gateway determination and subsequent public exhibition.*

Gateway Determination

A planning proposal was submitted to the Department of Planning and Environment in accordance with the Council resolution.

The Department issued a Gateway Determination on 18 September 2015. It advised of the following:

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to variations as outlined by the conditions in the attached Gateway determination.

The intent of the proposal to rezone fragmented industrial land that is within a medium-high density residential area and facilitate development of the site for residential purposes close to public bus routes, local services and facilities, is supported. However, the Department has concerns with the extent of the development potential sought by Council.

Therefore, prior to the commencement of public exhibition, Council is to update the planning proposal to reflect the planning controls (height of 15 metres and FSR of 0.9:1) recommended in the Council Report and supported by Council's peer review of the planning proposal by SGS (2014).

It is considered that these controls are more appropriate for the site, and will allow flexibility in the application of the maximum building height given the FSR control of 0.9:1, having regard to adjoining development. Further, Council is requested to integrate an area of public open

space within the site given the density of R4 zoned land within this locality and existing availability of informal recreation spaces for local residents.

The Gateway Determination also required a preliminary investigation of the land be carried out in accordance with the contaminated land planning guidelines, to meet requirements under State Environmental Planning Policy 55 - Remediation of Land (SEPP 55), prior to public exhibition.

Progression since Gateway Determination

The planning proposal has not been progressed to public exhibition since the Gateway Determination was issued. This is predominantly due to a request by the applicant to review controls for the site.

The applicant wrote to Council with a supporting urban design report, and has advised of the following:

- The proposed 0.9:1 FSR and public open space are an unreasonable imposition on the site
- Envelopes within a height of 15 metres can comfortably achieve a FSR of 1.9:1, whilst complying with State Environmental Planning Policy No. 65 and the Apartment Design Guide (ADG)
- Environmental, social and urban benefits can be achieved through well designed communal open space which would be utilized by residents within the development rather than dedicating land to Council to be zoned public recreation
- Croydon Park currently has a good provision of open space as per Council's Open Space Needs Review.
- The site is within close proximity to a network of linear open space that links Botany Bay to Homebush through cycle networks and parkland adjacent to the Cooks River.
- As the site is not located in an area that requires additional open space it would be unreasonable to burden the development with this requirement.

Council staff sought a peer review of this proposal to establish whether it had merit and this is discussed further below.

Height and FSR considerations

As noted previously in this report, the Gateway Determination from the Department of Planning and Environment allowed for a 15 metre height limit and 0.9:1 FSR over the subject land. This compares with the Canterbury Council resolution for the land that had a combination of 15 metres height and 2:1, and also the SGS recommendation of 11.5 metres height and 0.9:1 FSR.

The maximum FSR (of 0.9:1) conditioned in the Gateway Determination is one which generally applied to three storey residential flat development in the former Canterbury LGA. As a higher built form outcome which achieves compliance with the ADG can be achieved on this site, and that the Gateway Determination proposed to allow 15 metre high buildings, it is considered that an increased FSR on this site can be supported.

Council engaged an independent urban design consultant, Olsson & Associates, to review the proponent's most recent development scenario. The outcome of that review concluded that the site is capable of supporting an increased density achieving a floor space ratio in the range of 1.35:1 – 1.45:1 (approximating across the entire site) with building heights varying between four storeys (along the Brighton Avenue frontage) and five storeys (across the rear of the site).

In this regard it is recommended that the maximum floor space ratio be averaged out to 1.4:1.

Further design work will be undertaken to determine the most appropriate numerical height control expressed in metres that will facilitate four and five storey buildings and these will be incorporated into the planning proposal.

Public Open Space requirement

The review also concluded that the condition in the Gateway Determination to provide publicly accessible open space with the site is onerous and unnecessary. In general terms the concept of publicly accessible open spaces on privately owned land is not supported. It raises ongoing maintenance and liability issues and in this particular case it is considered there is sufficient public open space in the immediate locality to service the needs of this particular rezoning proposal. This position is supported by Council's Open Space Needs Review and draft Open Space Strategy

Development Control Plan

Along with the proposed change to zoning and planning controls for the land, it will also be necessary to prepare an accompanying Development Control Plan (DCP). In particular DCP controls will need to specify the following:

- Site amalgamation requirements
- Communal open space courtyards
- Built form controls, including building envelope controls

If the terms of preparing a revised planning proposal as recommended in this report are endorsed (maximum building heights and floor space ratio), the site specific DCP controls will be prepared and exhibited concurrently with the planning proposal.

Conclusion

Through a lengthy review process to consider suitable design outcomes Council staff have reached a position where a sustainable development outcome can be achieved for this site. While the terms of the original Gateway Determination were considered onerous and overly restrictive, the outcomes sought by the applicant were considered excessive given the constraints of the site and its locality.

The outcomes now recommended present an opportunity for a balanced and sustainable design outcome for this site. The revised recommended controls are supported by the applicants.

POLICY IMPACT

This report supports our Community Strategic Plan long term goal of Balanced Development.

FINANCIAL IMPACT OF RECOMMENDATIONS

This report has no implications for the Budget.

RECOMMENDATION That -

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2. The revised planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination.

ATTACHMENTS

Nil

NEW CITY OF CANTERBURY BANKSTOWN

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 6 DECEMBER 2016**

PRESENT: Administrator – Richard Colley
Director Planning – Scott Pedder
Director Corporate – Ken Manoski
Director Operations – Anthony Vangi
Director Community Services – Graeme Beattie
Director City Future – James Carey
Executive Director – Simon Manoski
Director People & Performance – Simone Cook
Manager Governance – Brad McPherson

APOLOGIES Nil

THE ADMINISTRATOR DECLARED THE MEETING OPEN AT 6.00 PM.

REF: CONFIRMATION OF MINUTES

(261)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the minutes of the Ordinary Council Meeting held on 22 November 2016 be adopted.

SECTION 2: LEAVE OF ABSENCE

Nil

SECTION 3: DECLARATIONS OF PECUNIARY INTEREST OR NON-PECUNIARY CONFLICT OF INTEREST

Nil

SECTION 4: ADMINISTRATOR MINUTES

Nil

SECTION 5: PLANNING MATTERS

ITEM 5.1 15-33 BRIGHTON AVENUE, CROYDON PARK - PLANNING PROPOSAL

(262)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That

NEW CITY OF CANTERBURY BANKSTOWN

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
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1. The planning proposal for land at 15-33 Brighton Avenue, Croydon Park, be revised to specify a maximum floor space ratio of 1.4:1 across the site with maximum building heights of four storeys across the Brighton Avenue frontage and five storeys across the rear of the site (with corresponding numeric heights in metres to be determined following further detailed design work);
2. The revised planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination.

ITEM 5.2

**308-310, 312-320 CANTERBURY ROAD AND 6-8 CANTON STREET, CANTERBURY:
DRAFT VOLUNTARY PLANNING AGREEMENT**

(263)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. The exhibited draft Voluntary Planning Agreement for 308-310 and 312-320 Canterbury Road and 6-8 Canton Street, Canterbury be endorsed, subject to the amendments outlined in this report, and the necessary steps taken to execute the relevant document.
2. The General Manager be given delegation to make minor mapping and wording changes to the document necessary to satisfy legal requirements, so long as these do not alter the intent or substance of the Deed.
3. The naming of the open space as Canton Street Park be endorsed and the developer advised of this naming.

ITEM 5.3

**702-704 CANTERBURY ROAD, BELMORE: DRAFT VOLUNTARY PLANNING
AGREEMENT**

(264)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. The draft Voluntary Planning Agreement for land at 702-704 Canterbury Road, Belmore, be placed on public exhibition in accordance with the Environmental Planning and Assessment Act, 1979.
2. After the conclusion of the public exhibition period the outcomes be reported to Council.