
Planning Matters - 26 February 2019

ITEM 5.3 Planning Proposal: 89-95 Karne Street North, Narwee

AUTHOR Planning

PURPOSE AND BACKGROUND

This report outlines the outcomes of the exhibition process for a Planning Proposal at 89-91, 93, 93A and 95 Karne Street North, Narwee and to request an amendment to the Planning Proposal to increase the floor space ratio from 0.9:1 to 1.3:1.

ISSUE

In September 2018, Council exhibited a planning proposal seeking to amend Canterbury Local Environmental Plan 2012 to rezone land at 89 -91, 93, 93A and 95 Karne Street North, Narwee, from R3 Medium Density Residential to B1 Neighbourhood Centre and amend associated development controls.

Council received four submissions in response to the exhibition including one from a planning consultant on behalf of the owner of part of the site at 93-95 Karne Street.

The key issues raised are in relation to traffic, parking, impact from increased residential development and FSR. Following the review of submissions, it is recommended to increase the exhibited FSR for the site from 0.9:1 to 1.3:1. Should Council adopt this amendment, the next step is to inform the Department of Planning and Environment (DPE) of the change and to re-exhibit the planning proposal.

RECOMMENDATION That -

1. Council adopt the amendments to the floor space ratio from 0.9:1 to 1.3:1 for land at 89-91, 93, 93A and 95 Karne Street North, Narwee as outlined in this report.
2. The Department of Planning and Environment be informed of the amendments to the planning proposal.
3. Council re-exhibit the amended planning proposal.
4. A further report be prepared to Council at the conclusion of the exhibition period outlining submissions received and a way forward.

ATTACHMENTS [Click here for attachment\(s\)](#)

- A. Council report - 27 February 2018
- B. Sim Plan Consulting submission
- C. Urban Design specialist Initial FSR Advice
- D. Urban Design Specialist review of FSR
- E. Updated Planning Proposal - February 2019

POLICY IMPACT

This report has no policy implications for Council.

FINANCIAL IMPACT

There is no financial impact.

COMMUNITY IMPACT

A strategic and site specific amendment has been undertaken in accordance with the Department of Planning and Environment's (DPE) guide to preparing planning proposals which has found that the proposal would not have a detrimental community impact and likely result in a contemporary built form outcome comprising balanced level of housing and commercial/retail given the locality and built form context.

Currently the site does not have a density (FSR) control. Applying a density control to this site will give greater certainty to the community about the development potential of the land.

DETAILED INFORMATION

Background

Council resolution to prepare planning proposal and Gateway Determination

In February 2018, Council resolved to prepare a planning proposal to amend Canterbury LEP 2012 as follows:

Planning controls	Current provisions	Proposed amendments
Zone	R3	B1
FSR	0.5:1	To be determined by Council
Height	8.5m	10m

The council report is shown as Attachment A.

As outlined at the 27 February 2018 Council meeting a review of Council's assessment of the planning proposal was undertaken by Don Fox Planning (DFP) as part of the site is owned by Mr Charles Fondacaro (Plant Operator – Public Works at Canterbury Bankstown Council). Mr Fondacaro has had no role in the assessment of the planning proposal and has signed a declaration which accompanied the planning proposal. No further contact or communication has occurred between Mr Fondacaro and the assessment team. The independent review by DFP supports Council's assessment of the planning proposal. The review found there were no probity issues.

In May 2018 the Department of Planning and Environment issued a Gateway Determination to enable the exhibition of the planning proposal subject to the inclusion of a proposed FSR for the site (should an FSR be deemed necessary).

Site Details

The site is situated within the eastern side of Karne Street North opposite Leigh Avenue at its intersection with Shorter Avenue (refer to maps over page). It has a total combined area of 701m². 89-91 Karne Street North is a corner lot with frontage to Karne Street North and a secondary frontage to Shorter Avenue. 93, 93A and 95 Karne Street North have a direct frontage to Karne Street North of 18.3m. The site comprises four allotments in two different ownerships.

The sites are accessible to pedestrians and vehicles from Karne Street North and via Shorter Avenue. Rear service lane access is from Shorter Lane which intersects with Shorter Avenue. A public footpath to the north of the properties connects Karne Street North with Chick Street to the north-east. Off street car parking spaces are accessed via the laneway at the rear of the site and are provided in a 90 degree configuration to the rear of these premises.

Surrounding development comprises one and two storey dwellings. Bennet Park is located to the south west and provides recreational sporting facilities. Roselands shopping centre is located approximately 1.3km north of the subject site.

The site is serviced by a number of local bus networks within 400m walking distance. The site is situated approximately 1.3km (walking distance by foot/road) from Narwee Railway Station and the Narwee town centre.



Map 1: Location (subject site shown edged in red)

FSR study

Council engaged an independent urban design specialist to provide an FSR study for the site in response to Council resolution and Gateway Determination. A number of design parameters and constraints were examined to determine an appropriate FSR for the site. The study concluded a FSR of 0.9:1 to be suitable for the site. The analysis has indicated that the GFA has been limited largely by the number of at grade car parking requirements in Council's DCP. This study formed part of the supporting material for the planning proposal and was placed on public exhibition. A copy of the FSR study is shown in Attachment C.

Exhibition

Council exhibited the planning proposal from 11 September 2018 to 12 October 2018.

The exhibition process included:

- Displays at Council's Customer Service Centre (Bankstown and Campsie Branch) and 'have your say' website.
- Notification in local newspapers.
- Notification letters to owners of subject site and surrounding property owners.

Public exhibition responses

A total of four submissions were received during the exhibition period. Three individual local residents and a submission from a planning consultant on behalf of the owner of part of the site.

- Local resident submissions
Submissions raised concerns with traffic and parking, overdevelopment, loss of employment uses and impact on the adjoining property to the east at 101 Shorter Avenue.

Key issues	Council response
Traffic congestion on Shorter Lane from proposed additional parking and impact on access to adjoining dwelling (101 Shorter Ave) garage from Shorter Lane.	<p>The proposal involves off street parking to be provided on site and will be accessed from Shorter Lane. While the proposal will involve additional cars using Shorter Lane, it will not obstruct access to the No.101 Shorter Ave's garage. The proposal is not likely to impede on 101 Shorter Ave's access to its garage/parking.</p> <p>In relation to traffic congestion. The proposal has the potential to yield a modest increase of up to 4-5 dwellings for the subject site and this is unlikely to create any adverse traffic and parking impacts on the surrounding locality.</p>
Overdevelopment and associated amenity impacts	<p>Proposal involves a modest increase in potential residential development (460m²).</p> <p>Any impacts associated future residential a development can be addressed through the DA stage.</p>
Overshadowing of adjoining dwelling at 101 Shorter Ave	<p>The proposed amendments to height of building controls in the B1 Neighbourhood Centre are compatible to the scale (height) of the surrounding R3 Medium Density zones. The site is separated by a 6m laneway and this would assist in mitigating any overshadowing/overlooking impacts.</p> <p>A maximum height of 10m and 2 storey height limit will occur on the site. Any impact associated with overshadowing can be dealt with through the development application stage.</p>
Loss of employment for existing shops (Helena's spa and Chinese restaurant)	<p>The proponent has advised the existing ground floor shops will be retained as part of future development of the site.</p> <p>In any case, the proposed B1 zoning will require ground floor commercial uses to be provided on the site. This will ensure employment related uses are maintained on site.</p>

- Submission from Simplan consulting town planners on behalf of the owner.

A detailed submission was received by Simplan Consulting Town Planners. The submission raises concern with the proposed FSR and the assumptions that appear to have been used in determining the FSR. The primary concerns are:

1. *The exhibited FSR at 0.9:1 is clearly uneconomically viable for us to implement, (or for that matter for the adjoining owner) as it is predicated on expensive demolition and total redevelopment and property amalgamations whilst reducing the existing commercial areas at ground level and permitting only a very modest additional amount of new residential floorspace at FFL.*
2. *The adjoining (restaurant) owner will never agree to amalgamate his property with ours and has told us categorically on more than one occasion that he has no interest whatsoever in redevelopment.*
3. *The primary reason for the excessively low FSR proposed (both the former Bankstown LGA and Inner West Councils currently permit a much more reasonable 1.5:1 FSR within their B1 business zones) appears to be a requirement to achieve 100% compliance with former Canterbury Council's DCP parking controls. We consider we can address this issue with an FSR of 1.4:1-1.5:1 which will allow us to extend above existing ground floor shop premises which are to be retained (a much "greener" and more cost-effective outcome compared to demolition and redevelopment) and also provide an upper level addition comprising 2 x 2br residential units of 85m² - 90m² (medium) sizes.*
4. *We assume other B1 zones within the former Canterbury LGA will not be subject to what is clearly an excessively low FSR. There are many, many B1 zones throughout both former LGA are which have existing substantial buildings constructed on smaller lots and with limited or zero off-street parking provision. Most of these buildings on smaller lots already have a much higher FSR than 0.9:1.(a common situation and built form configuration within many neighbourhood business zoned areas). This is precisely why most Council allow reasonable FSR's for these zones in the range of 1.5:1.*

Note: *If the proposed 0.9:1 FSR was applied uniformly to these B1 zones/areas most owners would effectively be prevented from achieving reasonable future redevelopment potential.*

A copy of the proponent's submission is shown in Attachment B.

FSR review

The proponent's submission was further tested by an independent urban design specialist including consideration of factors that had not formed part of the original FSR recommendation of 0.9:1 for the site.

Based on number of assumptions (retention of ground floor, number of parking spaces provided, maximum of two storeys) a revised FSR of 1.15:1 was recommended for the subject site.

A copy of the review of FSR is shown in Attachment D.

Proposed amendments to Planning Proposal

It is considered the matters raised in the submissions from residents do not warrant any changes to the planning proposal. This is a relatively minor zoning change creating capacity for 4 dwellings that will not impact on the amenity of the local area.

The table below shows a comparison of the FSR's for the site and likely development scenario based on the retention of the existing shops (466m²) and additional level of residential development.

Status	FSR (site area 701m ²)	Total development potential	Approximate yield	Parking spaces required
Exhibited	0.9:1	631m ²	<ul style="list-style-type: none">• Ground floor commercial• 3 × 1 bedroom units or 2 × 2 bedroom units	6 spaces: shops 2 spaces: residential (note additional space required for 1 bedroom scenario)
Consultant recommended	1.15:1	806m ²	<ul style="list-style-type: none">• Ground floor commercial• 4 × 2 medium sized 2 bedroom units (80-95m²)	6 spaces: shops 4 spaces: residential
Council staff recommended	1.3:1	911m ²	<ul style="list-style-type: none">• Ground floor commercial• 4 × 2 large 2 bedroom units (110m²)	6 spaces: shops 4 spaces: residential

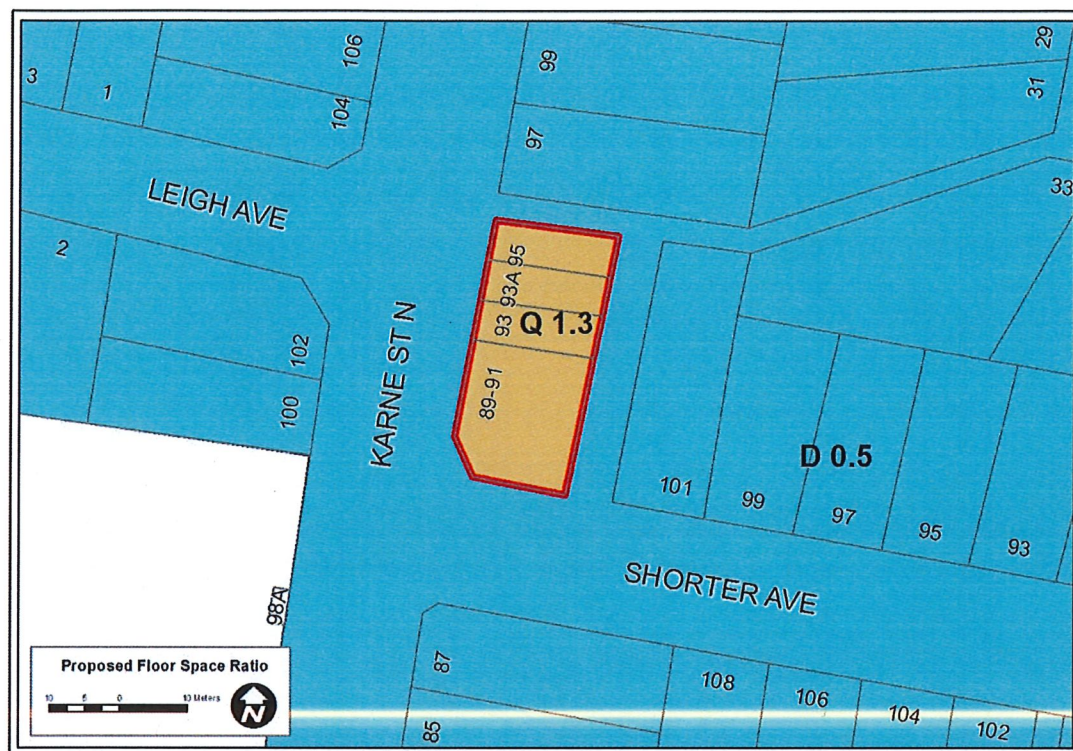
Based on the above analysis and submission put forward by the proponent to the recommended FSR of 1.15:1. It is recommended the FSR be amended to 1.3:1 for the following reasons:

- It will provide flexibility in design outcomes for the site in a high amenity area (close to Bennet Park and public transport).
- The proposed FSR can be accommodated within the desired building envelope.
- It will facilitate redevelopment of the site by ensuring the retention of an established neighbourhood centre. The B1 zoning will ensure that any development on this site will need to retain commercial ground floor uses.
- The proposed increase in FSR will not result in any adverse amenity outcomes on neighbouring properties as it does not affect the proposed height remaining at 10m (two storey).
- No FSR control applies to other B1 zoned sites in the former Canterbury LGA. This will be the only B1 site with an FSR control in the former Canterbury LGA.
- The proposed FSR is well under the maximum FSR for the B1 zone in the former Bankstown of 1.5:1.

- The FSR will enable the proponent to provide a simple single first floor extension of modest dimensions on the site.

A copy of the updated planning proposal is shown in Attachment E.

The recommended FSR is shown in the map below:



Next steps

The next step would be to re-exhibit the planning proposal. The DPE agrees with this course of action as the proposal involves an increase to the development standards (FSR). A further report will be provided to Council after exhibition.

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 26 FEBRUARY 2019

ITEM 5.2 **APPLICATION TO AMEND BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2015: 10 SIMMAT AVENUE, CONDELL PARK**

MOTION **CLR. ASFOUR:/CLR. ZAKHIA**

That -

1. Council adopt the planning proposal as shown in Attachment A.
2. Council exercise its delegation provided by the Department of Planning and Environment to finalise the plan.

THE MOTION WAS LOST.

For:- Clrs Asfour, Madirazza, Raffan, Waud, Zakhia and Zaman

Against:- Clrs Downey, Eisler, El-Hayek, Harika, Huda, Kuskoff, Saleh and Tuntevski

ITEM 5.3 **PLANNING PROPOSAL: 89-95 KARNE STREET NORTH, NARWEE**
(491) **CLR. EL-HAYEK:/CLR. HARIKA**

RESOLVED that

1. Council adopt the amendments to the floor space ratio from 0.9:1 to 1.3:1 for land at 89-91, 93, 93A and 95 Karne Street North, Narwee as outlined in this report.
2. The Department of Planning and Environment be informed of the amendments to the planning proposal.
3. Council re-exhibit the amended planning proposal.
4. A further report be prepared to Council at the conclusion of the exhibition period outlining submissions received and a way forward.

- CARRIED

For:- Clrs Asfour, Eisler, El-Hayek, Harika, Huda, Kuskoff, Madirazza, Raffan, Saleh, Tuntevski, Waud, Zakhia and Zaman

Against:- Clr Downey