



Amanda Harvey
Director, Sydney Region East
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

5 December 2018

Attention: Mr Brendan Metcalf, Team Leader, Sydney Region East

**Subject: 642-644 Canterbury Road, 650-658 Canterbury Road, 1-3
Platts Avenue and 2, 2A-2D Liberty Street, Belmore
(PP_2015_CANTE_006_00)**

Dear Ms Harvey,

I understand a Gateway Review has been requested in relation to the planning proposal applying to land at 642-644 Canterbury Road, 650-658 Canterbury Road, 1-3 Platts Avenue and 2A-2D Liberty Street, Belmore.

The purpose of this submission is to provide Council's perspective on the matter to assist the Department of Planning and Environment, and the Independent Planning Commission. Attachment A outlines the reasons for not supporting the proposal, and Attachment B is a table of issues previously raised by the applicant, and the responses from Council staff.

Council requested that this planning proposal and several others in the corridor not proceed on 12 July 2018. The Department notified Council in writing of its agreement to this course of action in its letter of 21 August 2018.

Council's decision to not proceed was based on an extensive evidence base which included an urban design study, traffic and transport investigation, and economic analysis. The review was overseen by an inter-agency project control group involving key State Government agencies and chaired by the Department.

I trust this information is of assistance to the Department and the Independent Planning Commission. If you would like more information in relation to, please do not hesitate to contact me on (02) 9789 9361.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Mitchell Noble", written over a light blue horizontal line.

Mitchell Noble
Manager Spatial Planning

ATTACHMENT A: REASONS FOR NOT SUPPORTING THE PROPOSAL

Council did not proceed with the planning proposal applying to land at 642-644 Canterbury Road, 650-658 Canterbury Road, 1-3 Platts Avenue and 2A-2D Liberty Street, Belmore for the following reasons:

Inconsistency with the Canterbury Rd Review

Rezoning the land to permit high density mixed use development would not be in keeping with the findings and recommendations of the review and as such it is considered that the land should remain in the B6 Enterprise Corridor and R3 Medium Density Residential zone. In particular:

- The proposed maximum height and density (i.e. no FSR) is not in keeping with the maximum height of 6 storeys and the maximum FSR of 1.9:1 in the review for development within junctions and localities.
- The junctions and localities in the review have been defined to concentrate development in locations that will provide opportunities for the creation of open space, pedestrian connectivity, take advantage of north/south bus links and result in the lowest levels of additional traffic congestion.
- High density residential development on the north side of Canterbury Road can both back onto the road and orientate the apartments and open space to the north. This results in providing better amenity and design outcomes for residents; and shields other lower density sites to the north from the adverse traffic impacts from Canterbury Road. This cannot be achieved by high density housing development on the southern side of Canterbury Road which instead creates amenity impacts to the rear south low density sites, such as the subject site, as demonstrated by recent development.
- With a finite supply of single dwellings in the area, there is a high demand for alternate housing types such as medium density housing, beyond apartment living, that is permitted in the existing R3 Medium Density Residential zone (see above) which includes part of the subject land.
- Additional multi storey housing development will have significant traffic impacts which have not been modelled.

Inconsistency with section 9.1 Directions

Justification is not able to be provided for rezoning employment land to another alternate use (i.e. the proposed rezoning of B6 Enterprise Corridor zoned land to allow mixed use development). Under section 9.1 of the *Environmental Planning and Assessment Act 1979*, Council is required to consider policy directions for plan making (i.e. for amending the CLEP). Direction 1.1 relates to retaining areas and locations of existing business and industrial zones and Direction 7.1 relates to the NSW Government's 'A Plan for Growing Sydney'. Under both directions, strong justification must be provided for rezoning employment land to another use and this has not been provided.

Inconsistency with the South District Plan

Under Planning Priority S10 of the Greater Sydney Commission's South District Plan, industrial and urban services land such as the B6 Enterprise Corridor zone is to be planned, retained and managed. Action 39 of the plan states:

Retain and manage industrial and urban services land, in line with the Principles for managing industrial and urban services land, in the South District by safeguarding all industrial zoned land from conversion to residential development, including conversion to mixed-use zones. In updating local environmental plans, councils are to conduct a strategic review of industrial lands.

Justification has not been provided by the applicant for rezoning employment land to another alternate use. Council will be undertaking a strategic review of its employment lands as part of its new LEP.

The Local Planning Panel recommended not proceeding

On 5 and 13 June 2018, the Canterbury-Bankstown Local Planning Panel recommends that Council not proceed with the planning proposal for the following reasons:

- Inconsistency with the Canterbury Road Review, the Greater Sydney Commission's South District Plan and development control documents such as the Apartment Design Guide.
- The proponent had not fully demonstrated how the current planning proposal and proposed development complies with the Canterbury Road Review.
- If the applicant was to amend the proposal to more closely align with the current strategy, the Panel concluded that other planning merit issues are unlikely to be satisfied.

Mr. Matthew Daniel of Pacific Planning addressed the panel on both occasions and his comments were considered.

Council resolved not to proceed with the Planning Proposal

Council considered the advice of the Local Planning Panel and resolved on 26 June 2018 not to proceed with the planning proposal. At this stage, Mr Daniels was also given the opportunity to address Council, which was declined.

The owner of Site A objects to the proposal

The proposal includes two development sites, one of which is not owned by the applicant (refer to planning proposal for details). Although the application designed an outcome for that site, it would be difficult for a development on the smaller site to comply with the Apartment Design Guide if developed separately.

The owner of the land of the smaller site has objected to both the planning proposal and development application indicating that the development of the site the subject of the planning proposal is unlikely to be realised.

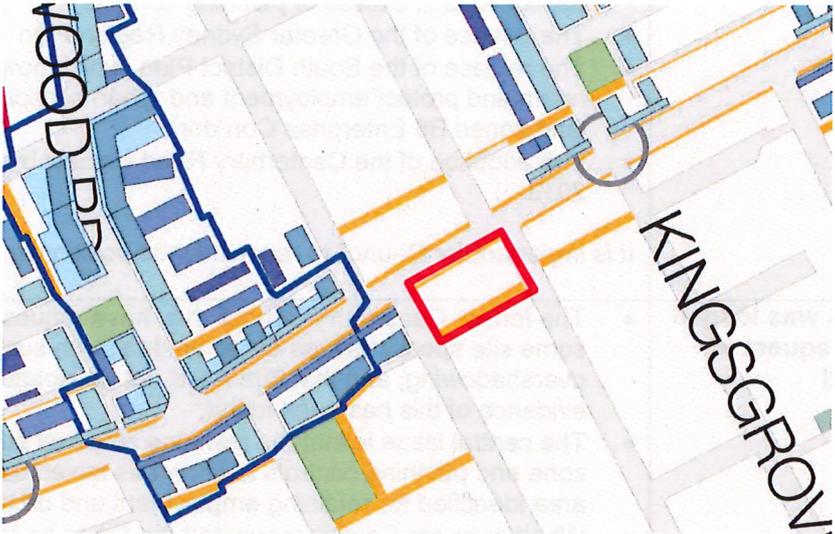


2 Liberty Street and 650-658 Canterbury Rd (Site A)

A copy of the reports and minutes to Council and the Local Planning Panel are attached. More information in relation to the Canterbury Road Review can be found at <https://www.cbccity.nsw.gov.au/development/planning-for-the-city/canterbury-road-review-july-2017>

ATTACHMENT B: RESPONSES TO ISSUES RAISED BY APPLICANT

Issues previously raised by applicant	Council staff response
<p>Criticism about governance processes and procedural fairness</p>	<p>The applicant was given every opportunity to express their view, in particular the applicant</p> <ul style="list-style-type: none"> • Made a submission to the Canterbury Rd Review • Addressed the Local Planning Panel on 5 June 2018 to seek a deferral to provide additional information • Provided additional information to the Local Planning Panel for its consideration • Addressed the Local Planning Panel on 13 June 2018 • Met with Council staff to express their views on the Canterbury Road Review and the planning proposal • Was provided with an opportunity to present to Council at the 26 June 2018 Ordinary Meeting, where a decision not to proceed with this planning proposal and others was made by Council. <p>The applicant's views have been considered at each point in the process. Council has continued to operate with full transparency throughout the process.</p>
<p>The decision disregards the Gateway Determination which states that the proposed loss of employment land is of minor significance</p>	<p>The former Canterbury Council proceeded with this planning proposal as it was consistent with its intention to rezone all B6 Enterprise Corridor land along Canterbury Road to B5 Business Development which allows mixed use development. At that point in time, the proposal was supported by the former Canterbury Council and the Department of Planning and Environment via its Gateway Determination of 16 October 2015.</p> <p>However, since that time, some significant changes to State and local planning landscape have occurred which triggered a comprehensive review of planning for the Canterbury Road Corridor. In particular:</p> <ul style="list-style-type: none"> • Cumulative impact issues raised by RMS • The Administrators decision to commence a review of planning controls due to ad hoc planning proposals and approval of development applications in excess of planning controls • The release of the Greater Sydney Region Plan • The release of the South District Plan, which now requires Council to retain and protect employment and urban services land (which includes land zoned B6 Enterprise Corridor); • The adoption of the Canterbury Road Review by Council on 22 May 2018 <p>It is important for Council to reconsider its position in light of those changes.</p>
<p>The DA was lodged at the request of Council</p>	<ul style="list-style-type: none"> • The former Canterbury Council may have requested a DA to show how some site specific issues are to be dealt with such as traffic, overshadowing, and that Site A will not be isolated. However no evidence of this has been found. • The central issue is that the planning proposal seeks to change the zone and planning controls to allow this mixed use development in an area identified for retaining employment and urban services land. • Whether or not Council requested the DA to be lodged is not relevant to the strategic issues being considered.

Issues previously raised by applicant	Council staff response
<p>The planning proposal is substantially progressed</p>	<p>Specific provisions of the EP&A Act 1979 allow Council to change a planning proposal or not proceed with it altogether (sections 3.35(4) and 3.36(2)(b)). As such, Council is able to reconsider its position on the planning proposal, and itCouncil has decided not to proceed with the planning proposal.</p> <p>Since the Gateway Determination was issued for this planning proposal on 16 October 2015, some significant changes to State and local planning frameworks have occurred.</p> <ul style="list-style-type: none"> • Cumulative impact issues raised by RMS • The Administrator's decision to commence a review of planning controls due to ad hoc planning proposals and approval of development applications in excess of planning controls • The release of the Greater Sydney Region Plan • The release of the South District Plan, which now requires Council to retain and protect employment and urban services land (which includes land zoned B6 Enterprise Corridor); • The adoption of the Canterbury Road Review by Council on 22 May 2018 <p>Council and the Department must consider the most recent planning direction for the site.</p>
<p>The site should be in a junction or locality</p>	<p>The steering committee and the consultants undertaking the studies had a preference for avoiding the rezoning of employment land, and to move away from long string of mixed use development and to cluster development potential in proximity to transport (bus routes and walking catchments to stations). The site does not fall in one of those strategic locations.</p> <p>The proposed height and density is greater than recommended for proposed junctions and localities. While there is no FSR control proposed for the site under the planning proposal, the Statement of Environmental Effects that accompanies the DA indicates the floor space ratio would be 2.9:1, and the building is up to 8 storeys.</p> 

Issues previously raised by applicant	Council staff response
<p>The site is surrounded by mixed use development</p>	<ul style="list-style-type: none"> • The site is located between a junction and locality, and Council's intention is to retain the current zoning to reinforce the nodal approach that has been adopted through the Canterbury Road Review. • Rezoning the land to allow mixed use development would work against the nodal approach which concentrates development potential in strategic locations. • Land on the opposite side of the road at 677-687 Canterbury Road Belmore is also zoned B6 Enterprise Corridor, and Council has no intentions of rezoning the site for mixed use purposes.
<p>The planning proposal would result in an increase in employment land</p>	<ul style="list-style-type: none"> • The planning proposal would result in loss of urban services land, which would likely be replaced with a mixed use development containing some commercial uses. • The South District Plan specifically advises against proposals of this nature, and recommends applying a 'retain and manage' approach to industrial and urban services land. • In any case, the planning proposal results in an overall increase in land zoned for business purposes but the DA shows a net decrease in employment land overall. • A significant portion of the employment floorspace has been assigned to Site A, which is not owned by the applicant. The owner of Site A has objected to the planning proposal. • Council will be undertaking a review of industrial and urban services land to inform its new LEP.
<p>The planning proposal is generally consistent with the review.</p>	<ul style="list-style-type: none"> • The planning proposal is inconsistent with the Canterbury Road Review. • For sites within strategically located junctions or localities, the review recommends heights of 4-6 storeys and a floor space ratio control of 2.5:1 (1.9:1 maximum for residential). • This site is not within a junction or locality, and the proposed height and density controls exceed the recommendation for junctions and localities. • While there is no FSR control proposed for the site under the planning proposal, the Statement of Environmental Effects that accompanies the DA indicates the floor space ratio would be 2.9:1, and the building is up to 8 storeys.
<p>Traffic issues have been resolved, including cumulative impact, to the satisfaction of RMS</p>	<ul style="list-style-type: none"> • Traffic impact of this proposal would need to be considered in light of that new work if there was a decision to proceed with this proposal. • In that scenario, the applicant should be required to use the traffic model for the Canterbury Road Review to demonstrate the impact is acceptable.