



AGENDA FOR THE CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

29 July 2019 - 6.00pm

Location:

**Canterbury-Hurlstone Park
RSL Club
Heritage Room
20-26 Canterbury Road,
Hurlstone Park**

ORDER OF BUSINESS

APOLOGIES AND DECLARATIONS

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

CANTERBURY WARD

1 149-171 Milton Street, Ashbury - Post Exhibition Outcomes

3

Canterbury Bankstown Local Planning Panel - 29 July 2019

ITEM 1 149-171 Milton Street, Ashbury - Post Exhibition Outcomes

AUTHOR **Planning**

PURPOSE AND BACKGROUND

A Council initiated Planning Proposal for land at 149-171 Milton Street Ashbury has been prepared and placed on public exhibition. The planning proposal has a long and complex history dating back to the submission of two landowner requests in 2014 and 2015 for the land to be rezoned from IN2 Light Industrial to R4 High Density Residential to permit redevelopment for residential purposes. These two landowner requests were not supported, leading Council to initiate its own planning proposal to rezone the land at a significantly reduced scale and density than initially sought.

The purpose of this report is to present the outcomes of the exhibition to the Canterbury Bankstown Local Planning Panel and seek a recommendation to finalise the plan to bring the proposed controls into effect. It is being reported to the panel at this stage in the process as the requirements for Local Planning Panels were introduced in March 2018, after a gateway determination had been received.

ISSUE

The planning proposal seeks the following amendments to the Canterbury Local Environmental Plan (LEP) 2012:

Control	Existing	Proposed by applicants (not progressed)	Proposed by Council
Zone	IN2 Light Industrial	R4 High Density Residential	R4 High Density Residential
FSR	1:1	2:1	1.1:1
Height	NA	Up to 34m	Part 8.5m, part 11m, part 14m, part 18m and part 21m.
Yield (approx.)	Industrial only	700 + units	342-427 units (depending on unit mix)

The planning proposal was placed on public exhibition from 28 November 2017 to 16 February 2018. A total of 129 public submissions and five government agency submissions were received. The top five issues raised relate to:

- Heritage and conservation
- Traffic
- Density
- Height
- Public Transport

Details about the engagement activities undertaken, submissions received, and responses from Council staff can be found in Attachments 5 and 6. A substantial submission by the Ashbury Community Group, which includes a petition signed by over 1000 residents, will be provided to panel members under a separate cover.

The site is an isolated parcel of industrial land surrounded by a low density residential area. It was identified in the former Canterbury Council's Economic Development and Employment Strategy as being suitable to be considered for rezoning for residential purposes given its relatively small size and isolation from other larger industrial precincts. While the Greater Sydney Commission's South District Plan applies a 'retain and manage' approach to industrial and urban services land, this does not apply to this proposal as a Gateway determination to proceed was issued by the Department of Planning and Environment in 2017, well before the introduction of the new policy approach introduced by the Greater Sydney Commission.

The proposal offers:

- Renewal and remediation of a parcel of deteriorating industrial land that has been identified by Council's strategies as being suitable for converting to other uses.
- Increased housing choice in an area of predominantly one and two storey detached dwellings within a heritage conservation area, which presents limited opportunities for renewal to occur.
- Improved access and view lines to WH Wagener Oval from Milton Street via a new street and view corridors.
- A proposed built form which utilises low - medium rise building forms to maximise private/communal open space, sunlight and airflow to new dwellings. These forms are proposed at the western side of the site, within a depression which conceals the buildings from Milton Street.
- A sensitive transition to the adjoining Ashbury Heritage Conservation Area, with two storey forms proposed where the site adjoins the HCA.
- A proposed residential density control that is similar to what is currently permitted on the site for industrial uses (the floor space ratio control is proposed to increase from 1:1 to 1.1:1).
- The potential for the provision of a small neighbourhood sized retail facility to service the day-to-day needs of nearby residents.

This report recommends that the Local Planning Panel support the planning proposal, and draft DCP to guide the future development of the site. The next step would be to report the matter to Council for a decision.

RECOMMENDATION

That :

1. The submissions received during the exhibition period, and the responses from Council staff, be noted.
2. The planning proposal to rezone the site at 149- 171 Milton Street, Ashbury from IN2 Light Industrial to R4 High Density Residential, amend the FSR control from 1:1 to 1.1:1 and Introduce height controls ranging from 8.5 metres to 21 metres (See Attachment 3) be endorsed to proceed to finalisation and gazettal.
3. The proposed amendments to Canterbury DCP 2012, as outlined in this report, be adopted and brought into effect from the date of finalisation of the planning proposal.

1. History up to Public Exhibition
2. Exhibited Planning Proposal (Attachments to be available separately)
- 3A. Proposed Floor Space Ratio
- 3B. Proposed Land Zoning
- 3C. Proposed Height Of Buildings
4. Amended Development Control Plan
5. Community Engagement Report (Straight Talk Report)
- 5A. Appendix A - Submissions
- 5B. Appendix B - Presentation Summary
- 5C. Appendix C - Notes - Minutes and Supporting Material
6. Response to Submissions Report
7. Post Exhibition RMS Submission
8. Revised Traffic Impact Assessment
9. Post Exhibition EPA Submission
- 10A. Site Audit Statement 149-163 Milton Street, Ashbury
- 10B. Site Audit Statement 165 Milton Street, Ashbury
11. Ashbury Community Group Submission (Circulated under separate cover)

POLICY IMPACT

This Planning Proposal presents no policy impact. The 'Towards 2032 – Canterbury Economic Development and Employment Strategy' recognised this site as one which had a limited future as employment land once the then current uses ceased. Rezoning the subject land as proposed would be consistent with the recommendations of this study.

The limitation of building height and bulk on the site by use of height planes will assist in mitigating the impact of the proposed developments on the adjoining Ashbury Heritage Conservation Area as per the recommendations of Council's Heritage Advisor. This will assist in maintaining the integrity of the Ashbury Heritage Conservation Area, currently the only conservation area within the city other than those proposed for Hurlstone Park.

FINANCIAL IMPACT

The recommendations do not commit Council to expending funds now or in the future.

COMMUNITY IMPACT

There has been a relatively high level of community interest in this planning proposal. A total of 129 submissions were received during the exhibition period from 28 November 2017 to 16 February 2018, and it is estimated that around 80 people attended drop in sessions.

External consultants were engaged to assist with the community engagement process and collating submissions. Their report is at Attachment 5 and a detailed response to submissions report prepared by Council staff is at Attachment 6.

DETAILED INFORMATION

Introduction

This report discusses the public exhibition and proposed post public exhibition outcomes, of a planning proposal (and draft Development Control Plan) relating to land at 149-171 Milton Street, Ashbury. A map showing the site is at Figure 1 below.

Figure 1. Subject Site – (identified by yellow marking)



Site location and description

The site is located in the northern part of the suburb of Ashbury. The area of the site is 31,320m² (3.1 hectares).

Address	Description	Site Area (m ²)
149-163 Milton Street	Lots B & C in DP30778	16,450
165-171 Milton Street	Lot A in DP 30778	14,870
Total Area		31,320

While the surrounding locality predominantly consists of single storey dwelling houses dating from the Federation and Inter War periods, interspersed with some more recent development, the site includes buildings dating from the 1960s (Figure 2). This is a legacy of the land being part of a former brick pit, along with the adjoining open space at Wagener Oval.

The two properties that comprise the site are held in separate ownership. They are occupied by two, three and four storey commercial and warehouse buildings. The site is, and has been, used for a variety of light industrial uses.

Chubb site

The land at 149-163 Milton Street is an irregular shaped area of 16,450m², and has a frontage of approximately 103m to Milton Street. The property abuts dwelling houses within the Inner West Local Government Area to the north, with secondary access to Yabsley Avenue in the north-west corner of the site. There is no proposition for any access to be gained to the site from Yabsley Avenue. The western boundary adjoins Wagener Oval, which is at a lower ground level than the subject land, and which also has a limited frontage to Whitfield Avenue. The land contains a two and three storey office/warehouse building formerly occupied by Chubb Industries, and is commonly known as “The Chubb site”.

Tyres 4 U site

The land at 165-171 Milton Street is also an irregular shaped site with an area of 14,870m² and a frontage of approximately 45m to Milton Street. The land abuts rear boundaries of dwelling houses on Milton Street for the remainder of its eastern boundary and on Trevenar Street for the entire length of the southern boundary. The western boundary also adjoins Wagener Oval. This land contains two and three storey office/warehouse buildings formerly occupied by Tyres 4 U and is commonly known as “The Tyres 4U site”. The area surrounding the site is shown in Figure 2 ahead.

Figure 2: Site and surrounding area plan (Site edged yellow, Ashbury Heritage Conservation Area shown hatched and Wagener Oval shown green)



The majority of the suburb of Ashbury is within a Heritage Conservation Area (HCA) under the Canterbury Local Environmental Plan 2012. The only parts of the suburb not with a HCA are the subject land and the adjoining Wagener Oval. The HCA was introduced because of the consistent Federation and Inter War character of the suburb. The subject land in many places either adjoins or has an interface with the HCA. The land within the HCA is predominantly zoned R2 Low Density Residential. This reflects the single dwelling nature of the area.

The land adjoining the site to the north within Inner West Council local government area (LGA) is also zoned R2 Low Density Residential. It is not, however, within a Heritage Conservation Area in that LGA.

The closest railway station to the site is Ashfield which is approximately 1.4 km walking distance. Sydney Buses route 413 (Campsie – City) traverses Milton Street, and a bus stop exists at and opposite the site. Canterbury Station is approximately 1.8 km walking distance to the south of the site.

The site borders and slopes down towards the Council owned property at Whitfield Reserve (including WH Wagener Oval). WH Wagener Oval is a former brick pit and landfill site.

Current planning controls

The site is currently zoned IN2 Light Industrial and has a Floor Space Ratio (FSR) of 1:1 under the Canterbury Local Environmental Plan (CLEP) 2012 as shown in Figures 3 and 4 ahead. There is no prescribed maximum building height under CLEP 2012.

Building height is controlled by Canterbury Development Control Plan DCP 2012. Section E1 of the DCP provides a height plane of 45 degrees at a height of 1.8 metres, from the adjacent residential property boundaries and adjoining roadways.

The site also adjoins the Ashbury Heritage Conservation Area under Canterbury LEP 2012 (Figure 3). The site is immediately adjacent to R2 Low Density Residential zoned land, to the north east and south. That residential land has a current maximum building height of 8.5m.

Figure 3 Existing Zoning Map – site is that land zoned IN2 Light Industrial

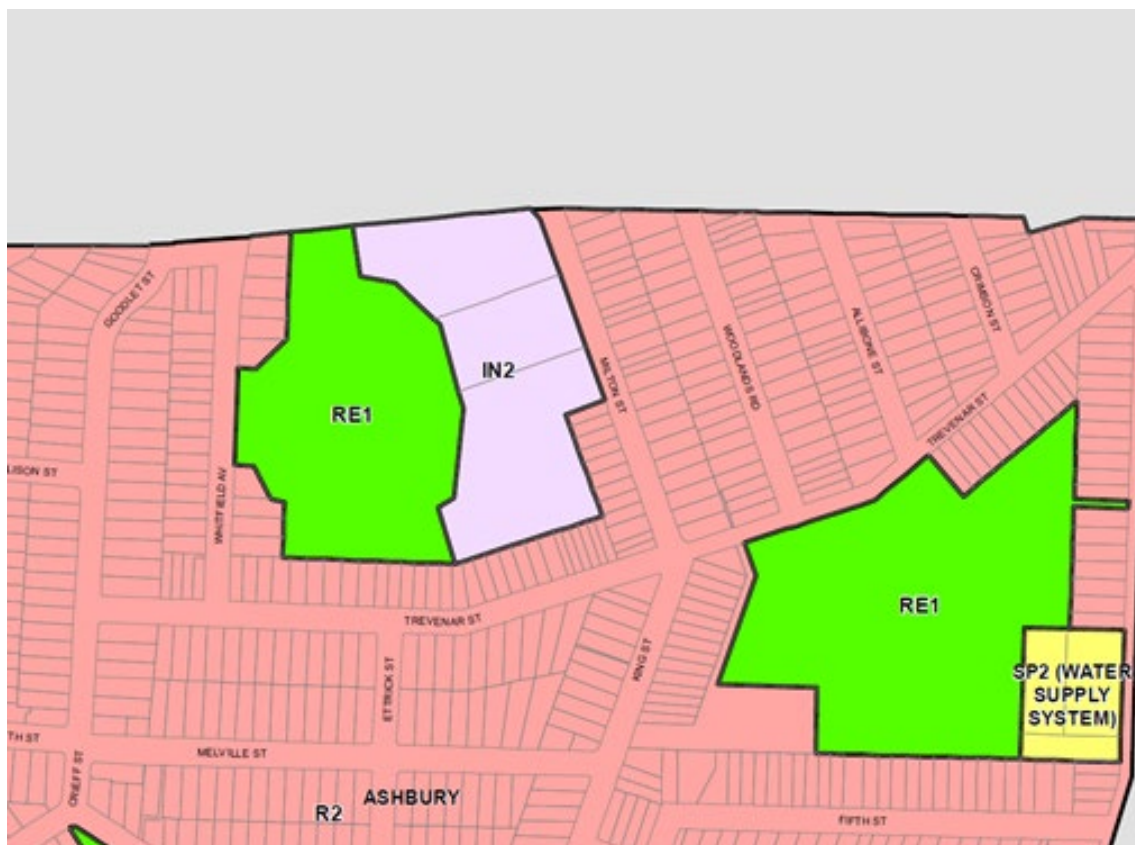
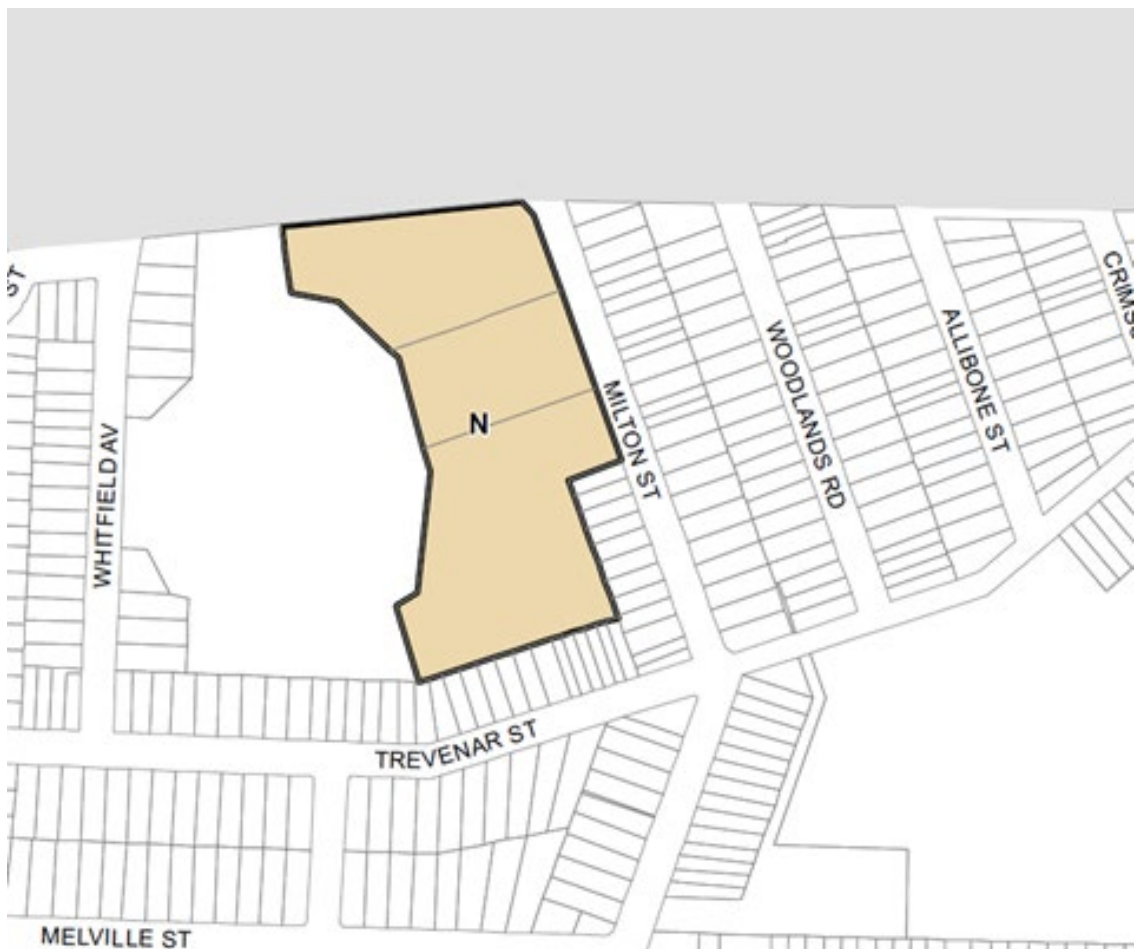


Figure 4 Existing FSR Map – site identified as N with a FSR of 1:1



Planning Background

The site has previously been the subject of separate owner initiated planning proposals which were lodged in 2014 (165-171 Milton Street) and 2015 (149-163 Milton Street). A detailed history has been provided at Attachment 1. Both planning proposals sought rezoning from the current IN2 Light Industrial zone to R4 High Density Residential, along with substantial building height and floor space ratio increases (up to 34m and 2:1 were proposed respectively).

Proposed control in applicants proposals	165-171 Milton St (Tyres 4U site)	149-163 Milton St (Chubb site)
Zoning	R4 High Density Residential	R4 High Density Residential
Height	33m	33/34m
Floor space ratio	2:1	2:1
Approx. yield	330 units	385 units

Council did not support either of the applicant initiated planning proposals as the proposed height and density were considered excessive. Instead, it resolved to prepare a single, Council-led planning proposal to rezone the sites to R4 High Density Residential, with a range of building heights from 8.5m to 21m (six storeys), and an increase to the existing maximum FSR from 1:1 to 1.1:1. At this time, Council also resolved that an amendment to Canterbury Development Control Plan 2012 be prepared to contain additional site specific development controls.

Council's decision to prepare its own planning proposal prompted one of the two owners to seek Rezoning Review through the Department of Planning and Environment. This Request was subsequently rejected by the Sydney South Planning Panel in February 2017.

The planning proposal was subsequently sent to the former Department of Planning and Environment (DPE) for a Gateway Determination.

Gateway Determination

A Gateway Determination for the subject Planning Proposal was obtained from the DPE on 12 July 2017. The Gateway approval set several conditions for implementation of the planning proposal including:

- Updating parts of the planning proposal to clarify certain matters including referencing of relevant supporting studies;
- Undertaking public consultation for a minimum of 28 days.
- Consulting with the following public authorities:
 - Roads and Maritime Services
 - Transport for NSW
 - Sydney Water
 - Environmental Protection Authority
 - Inner West Council
 - Ausgrid
 - Office of Environment and Heritage

Public Exhibition

The planning proposal (Attachments 2 and 3), and draft development control plan (Attachment 4), were placed on public exhibition for 12 weeks from 28 November 2017 until 16 February 2018. The extended public exhibition period was due to the exhibition taking place during the Christmas/New Year Holiday period and the high degree of community interest that was apparent in the proposal.

The following engagement measures were undertaken:

- Written notification to owners in Ashbury;
- Have Your Say page on the Council website;
- A notice in the Council Column; and
- Display posters at the Campsie and Bankstown Customer Service Centres

The extent of written notification is shown shaded in the map below.



Community Engagement

Given the level of community interest in the planning proposal and the approaches to Council made by the Ashbury Community Group, it was decided that a more comprehensive community engagement strategy was required than the minimum levels specified in the Environmental Planning and Assessment Regulation 2000.

Independent community engagement experts were procured to assist with the engagement activities and provide a degree of separation from Council and to ensure that feedback from the community would be independently released.

Meetings were held with stakeholders such as the Ashbury Community Group in advance of the formal exhibition process, including a town hall style meeting on 27 November 2017 which was attended by over 100 people. A briefing session was also held for Ward councillors prior to the exhibition commencing. A copy of the Community Engagement Report is at Attachment 5.

Two 'display and discuss sessions' were held during the public exhibition period at the Ashbury Senior Citizens Centre. This format involved a number of display boards being set up with information on the proposal. This format provided Council staff the opportunity to discuss various aspects of the proposal directly with members of the community.

Exhibited Planning Proposal

In summary, the planning proposal aims to:

- Rezone the site at 149- 171 Milton Street, Ashbury from IN2 Light Industrial to R4 High Density Residential under the Canterbury LEP 2012 (See Figure5).
- Amend the FSR control from 1:1 to 1.1:1 (See Figure 6).
- Introduce height controls ranging from 8.5 metres to 21 metres (See figure7).

Figure 5 Proposed Zoning R4 High Density Residential Map (site outlined in yellow)

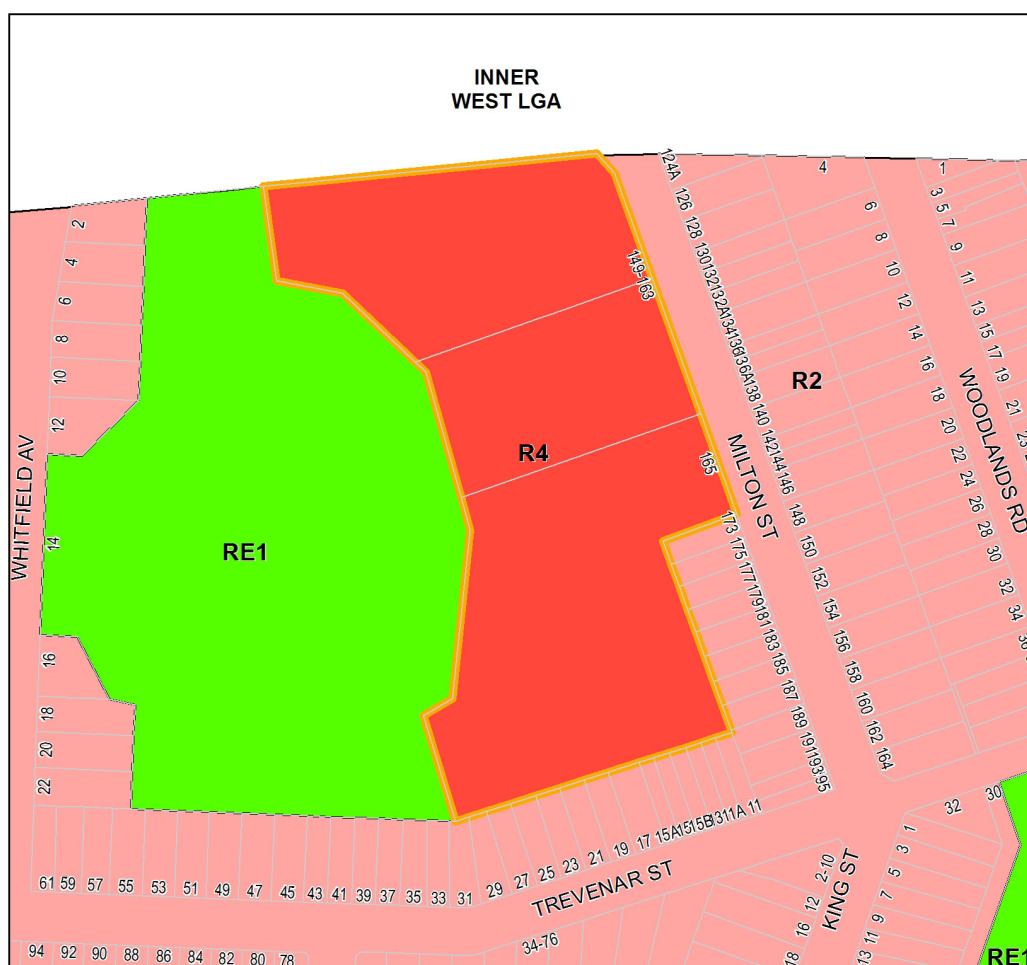


Figure 6 Proposed FSR map (1.1:1)

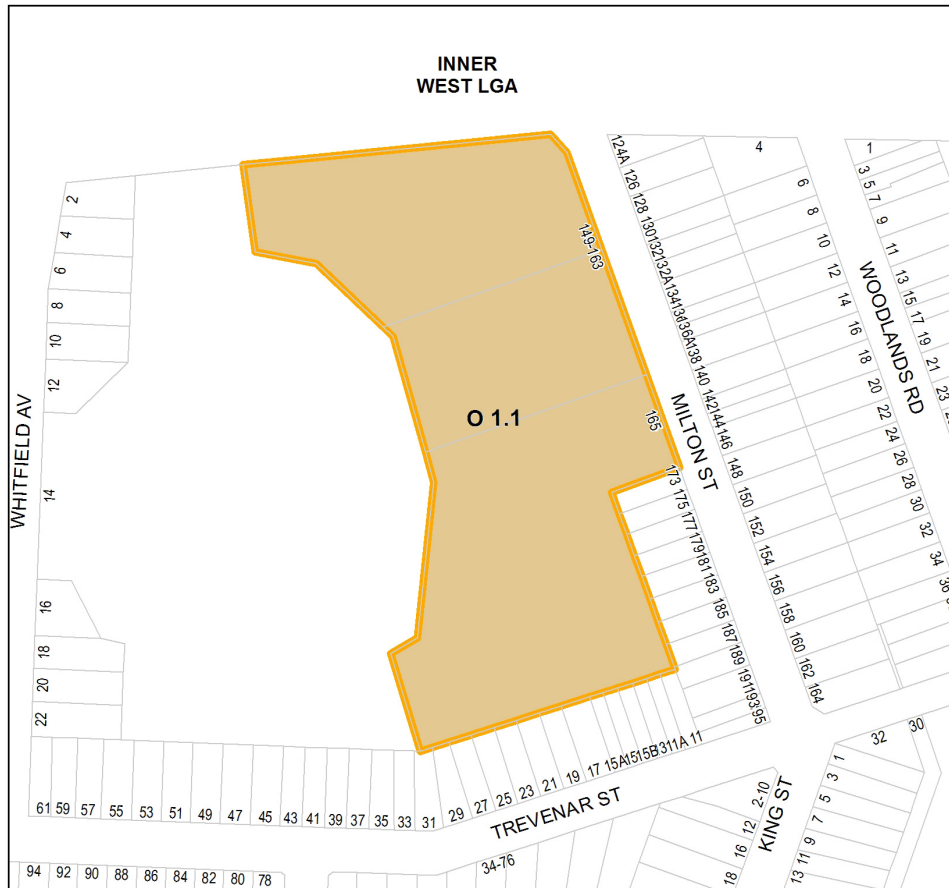


Figure 7 Proposed building height map

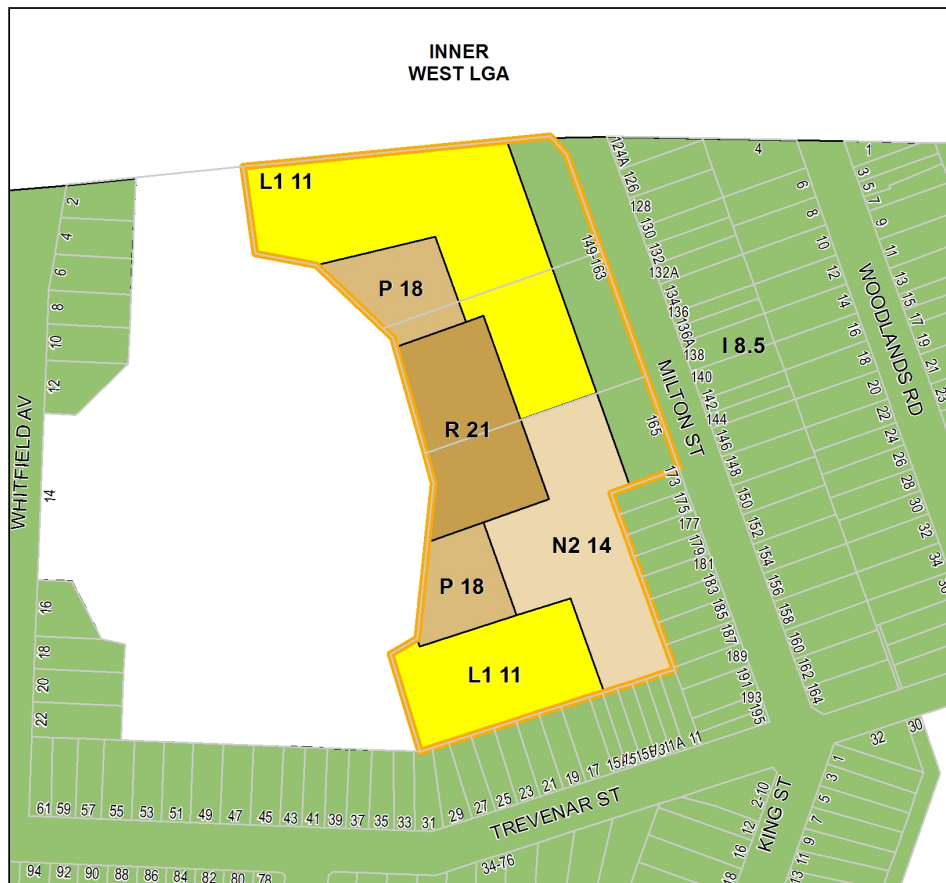


Figure 8 ahead shows the indicative building footprint, communal open space and number of storeys for the site. This was prepared subsequent to detailed consideration of the site, its constraints, appropriate development forms and layout, along with a desire to minimise impacts on the surrounding residential areas.

Figure 8 Indicative footprint, communal open space and number of storeys for the site (formed part of the exhibition)



Source: GMU Urban Design and Architecture

Submissions

Council received 129 public submissions and 3 government agency submissions in response to the public exhibition of the planning proposal in 2017-18. This included a detailed submission and petition from the Ashbury Community Group. An additional two government agency submissions were received after the exhibition period had closed. Refer to Attachments 5 and 6 for further detail on the issues raised in submissions and responses provided by Council staff.

In summary, the key issues raised in the submissions included:

- Impact on the adjacent heritage conservation area (HCA);
- Excessive density;
- Excessive height;
- Transport and traffic impacts;
- Inconsistency with surrounding neighbourhood;
- Interface with surrounding low density residential area;
- Aesthetics and view loss;
- Lack of public transport to support the increased development, particularly given distance to rail transport;
- Inappropriate urban design e.g. building envelope and setbacks;
- Conflicts with the NSW Apartment Design Guideline (ADG);
- Lack of other public infrastructure for the local neighbourhood;
- Contamination and groundwater;
- Sustainability;
- Water management;
- All user access and circulation, in and around the site;
- Impact on recreation facilities;
- Need for developer contributions;
- Concern about on site open space and future landscaping selection.

Key Issues

Traffic and transport

Concerns were raised regarding the ability of local roads to accommodate the increased traffic associated with the proposal as well as the importance of pedestrian and traffic safety. The RMS also raised concerns regarding the methodology used to estimate vehicle generation by the proposal and consequently requested a revised Traffic Impact Assessment based on an approved methodology (Attachment 7).

Response

An independent expert traffic and engineering specialist was commissioned by Council to prepare a revised Traffic Impact Assessment (Attachment 8) for the planning proposal to supplement the initial traffic study prepared by the proponents. The assessment, based on an RMS approved methodology, found that currently the site generates approximately 30 trips in the AM peak hour and 14 trips in the PM peak hour, with a high proportion of these trips being made by heavy vehicles. The assessment estimated that traffic generation from the proposed development would be in the order of an additional 89 trips in the AM peak hour and 161 trips in the PM peak hour.

The traffic assessment concluded that if the site remained occupied by light industrial development, the level of service for each intersection in 2031 would be the same or worse than if the subject site were occupied by high-density residential development today. Therefore, projected traffic from the proposal would not have unacceptable additional traffic implications in terms of road network capacity and in particular that the intersections of Milton Street/Hume Highway and Milton Street/George River Road will need to be upgraded irrespective of the development on the site. As both of these intersections are of classified RMS roads, the RMS is responsible for these upgrades.

In terms of parking, it was estimated that the proposal would generate the need for approximately 577 parking spaces and that they can be accommodated on site in a single or double level basement. Upon approving the methodology for the revised Traffic Impact Assessment, the RMS required that on-site parking be restricted so as to reduce traffic generation, in this regard it is recommended that four hour time restricted parking be imposed on all streets on the site.

This recommendation has been noted and it is recommended that this issue be discussed with the Local Traffic Committee at the development application stage.

Pedestrian safety

Pedestrian safety is an important consideration in the future development of the site. Transport for NSW raised the issue of pedestrian safety particularly across Milton Street, WH Wagener Oval, and the new road and requested allowances for pedestrians and cyclists, near public transport and local schools and the proposed round about.

At the moment, the nearest assisted access is the 150m south of the site. In this regard, the following has been recommended:

- A through-site pedestrian/cycling link to Goodlet Street, which is designated as a future mixed-traffic cycling route.

- The addition of a pedestrian refuge in Milton Street along the frontage of the site to assist pedestrians to cross the road to access local facilities and transport infrastructure.

Response

Should Council resolve to finalise the planning proposal these recommendations can be investigated further. This would occur through the Pre-DA and DA processes as part of the detailed design phase.

Public transport

Residents raised concerns regarding the adequacy of the existing public transport system including the inefficiency of the existing bus route which would service the subject site, and the 1.4km distance to the nearest railway station. Transport for NSW also suggested that a developer funded bus infrastructure upgrade on Milton Street should also be considered.

Response

The revised Traffic Impact Assessment explains that whilst the site is 1.6km from Ashfield Train Station and 1.9km from Canterbury Train Station, it does have access to bus services located on the site's frontage (adjacent to 171 Milton Street). This stop is serviced by route 413, providing access between Campsie and the City and route 491 which provides access between Hurstville and Five Dock. The site's limited access to public transport is acknowledged and is reflected in the relatively lower density that is being proposed.

It is recommended that the landowner be encouraged to reach agreement with the Local Traffic Committee regarding the provision of upgraded bus infrastructure, such as new bus shelters on Milton Street, at the development application stage.

Heritage and Conservation

Concerns were raised regarding the impact of the planning proposal on the adjacent Ashbury Heritage Conservation Area and specifically:

- How the proposal would interface with the existing bungalow structures on the street.
- Why the subject site would be exempt from HCA restrictions.
- The need for built form and finishes to blend with the established heritage of the area.
- The inconsistency of the proposed R4 High Density Residential zoning with the character of the surrounding R2 Low Density Residential zoned area.

The NSW Heritage Council raised concerns regarding the appropriateness of the proposed R4 High Density Residential zone and its ability to compliment the "*fine grained urban patterns characteristic of surrounding neighbourhoods*" (Attachment 4).

Response

Having regard to the Statement of Significance for the adjoining HCA it is evident the significance of the Ashbury/ Croydon Park area derives primarily from its historic residential subdivision pattern of small to medium size allotments featuring predominantly Inter War, and to a lesser extent, Federation period single storey dwellings.

The existing buildings on the site are large mid-20th century industrial buildings of utilitarian design. It is considered these buildings do not have any heritage value as they fall outside of the key period of development, are uncharacteristic of the building typology predominantly found in the area and do not reflect subdivision patterns or allotment sizes found thorough the HCA.

As detailed above, it is considered that the subject sites and their associated buildings do not have any heritage value. It would therefore be considered inappropriate to extend the boundaries of the existing HCA to include the subject sites. Therefore, it is proposed to retain the existing boundaries of the Ashbury HCA.

The building form proposed for the site has advantages in that it allows for a greater proportion of green/open space, allowing visual relief and built form separation. Noting that historically, the sites did not have a suburban density found elsewhere in Ashbury owing to their former industrial use as brickworks.

Whist the proposed buildings on site will range in height from two storeys at the Milton Street end (a height permissible within Ashbury HCA) through to six storeys towards Wagener Oval, the taller building forms are largely mitigated by topography, setbacks and existing vegetation. The sites are set substantially lower than allotments along Milton and Trevenar Streets and when combined with the substantial setbacks from the rear of property boundaries within the HCA would substantially reduce visual impacts.

The aims and objectives of the draft DCP for the subject sites are considered satisfactory. Whilst it is proposed to zone the site R4 High Density Residential, it is not proposed that the site be developed at a high density as the title of the zone suggests. The R4 High Density Residential zone is proposed as it is the only zone that would permit residential flat buildings and town houses, which is needed to distribute the dwellings into medium rise tower forms to maximise private/communal open space, solar access, and ventilation. The proposed maximum FSR provisions in the LEP will ensure that the site cannot be developed to a density of more than 1.1:1, 0.1:1 above its current control for light industrial uses.

Importantly, Council's Heritage Advisor has informed the consideration of this planning proposal throughout the process and is comfortable with the proposed outcomes. Additionally, there will be further opportunity for more detailed involvement at the time of any development application.

Visual impact/height

Concerns were raised generally regarding the proposed height, in particular:

- The proposed built form is too high, particularly on the WG Wagener Oval side.

- Ability to blend with the existing streetscape.
- Questioned how the building envelope would be enforced.
- Some buildings would be higher than the tallest existing buildings on the site.
- Four storeys should be the maximum height rather than six.

Response

The proposed development controls have been specifically designed to minimise the visual impact of any proposed development when viewed from Milton and Trevenar Streets whilst maintaining a 1.1:1 FSR. It is acknowledged that the heights of existing development on the site range from two to four storeys. The planning proposal includes a maximum height of six storeys, equal to 21.2m (RL 57.0 and RL 56.5) for the northern and southern parts of the site respectively. This height is located toward the rear and central part of the site, where the levels of the site are lower and where its visual impact is subsequently less than if it were located closer to the front or side boundaries.

The use of height based on RLs allows the bulk of the development to cascade toward, and be massed at, the rear central portion of the site. This ensures a building form more sympathetic to adjoining residential development at the sites' interface. In addition, a visual screening barrier will be provided through the landscaping on the boundary of the site. There is currently no prescribed LEP height limit for the site. The existing four storey industrial buildings are considered to have a greater adverse visual impact given their positions, width and lack of current screening.

Building envelopes for future development on the site will be enforced through a combination of provisions and controls. These would be provided via the draft LEP and DCP i.e. the maximum number of storeys, setbacks, separation distance/s and building footprints in addition to ADG requirements.

The two, six storey buildings at the rear of the site would be visible from the Oval. This is considered the optimum position for these buildings. Taller development toward the front of the site would have an adverse impact on the adjoining HCA and would provide less internal amenity to future residents. Further, Apartment Design Guide and draft DCP provisions regarding landscaping and deep soil provision on the boundaries of the site will provide a visual screening barrier.

Density concerns

Concerns were raised regarding additional density, especially the increase in population – and the impacts on the amenity of the suburb. Some are concerned about the suburb changing from a close and cohesive community to a much expanded community.

Some residents were concerned that developments in other areas may set a precedent for the planning proposal. There were also concerns around sustainability of services to adjust to

the influx of new residents. Many in the community raised this point on the understanding of the calculations that the building envelope could produce 450 apartments.

Response

The proposal is consistent with the former Canterbury Council's *Economic and Employment Strategy* which identifies the site as an isolated pocket of employment land in an otherwise residential area and that they were unlikely to remain as employment lands once the existing uses ceased operation. Given the specific characteristics of the site, its development for residential purposes will not set an unacceptable precedent in the locality. The proposal has also been assessed against the relevant objectives and outcomes of the *South District Plan* and is generally considered to be consistent with these.

Depending on the unit mix, it is estimated that the proposal would yield a total of 342-427 units. It is considered that an FSR of 1.1:1 is modest in relative terms and a reduction in proposed FSR is not supported as 1.1:1 is already on the lower side of the range (0.75 – 2.75) for R4 zones in the former Canterbury LGA. Further, a maximum FSR of less than 1.1:1 would effectively act as an additional constraint to the future development of the site.

The proposed FSR is also generally consistent with FSRs recommended by the Department of Planning and Environment in its Low Rise Medium Density Design Guide released in 2017. This document recommends an FSR of 1:1 for terrace and multi dwelling housing with basement parking.

Concerns regarding infrastructure capacity impacts are addressed ahead.

Social and community infrastructure capacity

The increased demand for social infrastructure associated with the proposal was also raised as was the potential public utilisation of community spaces created by the planning proposal. Other submissions suggested that future development on the site could include retail, childcare or aged care to activate a commercial centre for the suburb.

Response

Future development on the site will be subject to local contributions, levied to pay for local infrastructure including sewer, drainage, community facilities and open space. The planning proposal will also improve visual, pedestrian, cyclist, car and other user access to WH Wagener Oval, via a through site link.

While *neighbourhood shops* are permissible in the R4 High Density Residential zone, they are limited to 100m² maximum retail space and it is not proposed that the site become a commercial centre. Further, restaurants and cafes are also permissible within the zone which provides opportunity for small scale facilities to serve the local community. Seniors living developments are not specifically permitted in the R4 Zone in CLEP 2012, however, State Environmental Planning Policy (SEPP) Housing for Seniors and People with a Disability may be used as an avenue for seniors living development on the site. Centre based childcare operations are also permissible developments within the proposed R4 zone.

Design and aesthetics

Submissions made specific suggestions to ensure that future development is consistent with the aesthetics of the surrounding area including setbacks, landscaping and screening.

Response

The control provisions within the site specific DCP are the same or exceed those required in R4 High Density Residential zones elsewhere in the LGA and include measures to ensure sufficient deep soil zones, appropriate building siting and landscaping that will assist in screening the subject buildings. In addition, the Apartment Design Guide will guide residential flat buildings on the site and includes provisions regarding deep soil area, open space, setbacks and landscaping.

Contamination

The original proposals for the site included a Preliminary, Phase One and Detailed Phase Two site assessment for the northern site and a Preliminary Phase One site assessment for the southern site. These were referred to the EPA. In response, the EPA requested further investigation of contaminants on the site. This included characterisation, delineation and a Site Audit Report certifying suitability for the proposed residential land use for both site (see Attachment 10).

Response

Following further consultation with the EPA, a Phase Two, detailed site assessment was also commissioned by the landowner and submitted to Council for the southern site. Both detailed site investigations were independently prepared and identified that the site was subject to contamination associated with former uses and the adjoining landfill at WH Wagener Oval. The investigations concluded that the site could be made suitable for residential use, following remediation.

Both landowners have subsequently submitted a Site Audit Statement that confirms the findings and recommendations of the Phase Two Reports (Attachment 10).

The Site Audit Statements conclude that the site is capable of remediation and will be suitable for residential use provided it is remediated in accordance with a Remediation Action Plan. Subsequent advice from the Site Auditor has indicated the presence of leachate within the site however details regarding the likely source of the leachate, at what depths it has been found, and whether this may impact on the proposed development have not been provided.

There will be further opportunity to examine this issue when Development Applications (DA) are lodged in the future. However, it is important to note at this point that the site adjoins Wagener Oval which is a former brick pit and has ongoing groundwater and leachate management issues that Council manages on an ongoing basis.

Geotechnical Hazards

The site may also be subject to stability issues due to the presence of the former landfill on WH Wagener Oval adjoining the western boundary of the site, and deep fill located toward the centre of the western boundary.

Response

The Geotechnical Investigation Reports prepared for both site identified the need to identify the extent of fill on the site and several related issues including groundwater considerations, basement excavation resulting in damage to nearby structures, vibration risks and foundation design. The Geotechnical reports also made several recommendations regarding work to be undertaken prior to the excavation including a review of the recommendations of the report following the preparation of detailed designs. These are matters appropriately addressed through the DA process when detailed building designs are prepared.

Groundwater

Groundwater is reported to lie above the assumed depth of bulk excavation (RL 30.0m AHD) with groundwater flowing toward Wagener Oval adjoining the site's western boundary which will impact the detailed design of the proposal.

Response

Initial geotechnical investigations submitted by landowners confirmed the presence of groundwater 8.4 -1.9 m below existing ground level (RL 28.3-38.5) on the northern site and 2.3 – 6.2 m below existing ground level (RL 33.9 – 30.9) on the southern site which may impact the future design of basement levels.

Geotechnical investigations found the level of groundwater would *not have an adverse impact on the proposed development or adjoining site due to the low permeability of the soil and bedrock profile* and have made several recommendations regarding groundwater management control during the excavation stage and measures to be incorporated into the detailed design of future development.

It is considered that these issues can be addressed at the detailed design stage including the preparation of a revised geotechnical study and drainage management plans.

Landowner's Submission

A submission was made on behalf of Coronation Property who are the owners of the southern part of the site at 165-171 Milton Street. This submission raised concerns regarding the height map and some provisions of the DCP, in particular its prescriptive nature and the design

excellence competition and concerns regarding compliance with the Apartment Design Guide (ADG).

Whilst it is agreed that some provisions of the DCP require amendment with regard to consistency with the ADG and the design excellence competition provisions can be removed, requests to make the DCP more flexible are not supported. The landowner submission is addressed in detail in the attached Response to Submissions at Attachment 5.

Alternative Designs

In response to submissions requesting reduced building height and density, and objecting to the R4 High Density Residential zone, alternate development scenarios were prepared for the site for consideration and discussion. There were:

- a lower height scenario which maintains the exhibited floor space ratio of 1.1:1; and
- a town house scenario for site.

The conclusions of these scenarios are discussed below:

Lower Height Scenario

The lower building height scenario is presented in Figure 5 below and involves reducing the maximum building height to four storeys. Whilst this scenario presents a lower building height when viewed from Wagener Oval and cannot be viewed from Milton Street, it necessitates longer, wider buildings with greater building footprints with less communal open space. Privacy is reduced as the units are closer together, and overshadowing is increased. This scenario also presents a continuous built form on the Milton Street frontage and its boundary with the oval with greater over shadowing of open space. The four storey buildings will continue to be visible from Trevenar Street.

Figure 9: Built Form Testing - Lower Height Scenario



Source: GMU

Town house scenario

This scenario involves developing the entire site with town houses (also known as multi dwelling housing). The density is much lower for this scenario than the current proposal, making the scale and bulk of the development more consistent with surrounding dwellings. The lot sizes would also be more closely aligned to the surrounding development. However, there are several issues, including:

- The development would be unable to achieve the maximum 0:5:1 FSR that is typically utilised for the R3 Medium Density Housing zone in the Canterbury LEP 2012.
- The reduced yield will severely impact upon the feasibility of the development including environmental benefits associated with site remediation.

- No large communal open spaces are provided.
- More roads, car parking, and hard surface areas will be required to service town houses which will increase site coverage.
- The smaller yards of town houses would reduce potential for mature trees to screen the development from surrounding areas.
- The topography of the site will necessitate high side and low side townhouses which will prevent sufficient passive visual surveillance to streets.
- The oval would be bound by fences which provides a poor interface, however if an open fence arrangement is presented along the oval, the privacy of those lots will be compromised.
- There would be no delivery of dwelling choice, as the only type of dwelling added to the existing housing stock would be townhouses.

Figure 10: Built form testing -townhouse scenario



Following analysis of the exhibited planning proposal scheme and the alternative scenarios, it is considered that the exhibited planning proposal scheme is the preferred scenario for the future development of the site. The exhibited scheme provides a higher level of amenity for future residents within the development, whilst also providing an appropriate transition to existing development.

Development Control Plan (DCP)

A draft Development Control Plan amendment was concurrently exhibited with the Planning Proposal (see Attachment 4). The draft amendment includes building height plane controls to conceal bulk and scale of future development and reduce impact on the adjoining Ashbury HCA.

As a result of the submissions received, and further consideration, the following DCP amendments are proposed. The Table below sets these out.

Exhibited Control	Change proposed	Reason
<p>F11.16 Design Excellence</p> <p>Proposed that a design competition be held prior to the submission of any DA</p>	Delete Control	<p>The control is now no longer necessary. The establishment of the Local Planning Panel and the presence of specific design related principles and built form controls in the DCP make the provision previously requiring a design competition superfluous and unnecessary. Any proposed future developments on the site will also need to comply with Council's DCP and Apartment Design Guideline requirements and be subject to design peer review.</p>
<p>F11.14 Basement Parking</p> <p>Control C3. Basements are to be located directly below building footprint</p>	Amend control to allow some flexibility in the location and extent of basement parking	<p>In order to reduce excavation, basement parking should be permitted to extend beyond the building footprint. ADG requirements and the DCP will ensure deep soil provision will not be affected.</p>
<p>F11.3 New Road</p> <p>Control C1. The location of the New Road shall be generally in accordance with Figure 11.9 New Road</p>	Amend control to better articulate the location of the new road.	<p>Agree. The control should read 'the location of the new road shall be generally along the common boundary and shared equally between both lots and generally in accordance with Figure 11.9'.</p>

Conclusion

The proposal presents an improved built form outcome and amenity for surrounding residents. The proposed R4 High Density Residential Zone and modest increase in FSR from 1:1 to 1.1:1, combined with detailed height controls, will allow this redundant industrial land to be remediated and redeveloped in a way that is sympathetic to the surrounding heritage conservation area and Wagener Oval.

Council has engaged extensively beyond the minimum requirements set by Gateway Determination. Council staff together with independent specialist advice have reviewed the planning proposal and made a number of amendments to the DCP to address specific concerns.

This report recommends that the Local Planning Panel advise Council:

1. The submissions received during the exhibition period, and the responses from Council staff, be noted.
2. The planning proposal to rezone the site at 149- 171 Milton Street, Ashbury from IN2 Light Industrial to R4 High Density Residential, amend the FSR control from 1:1 to 1.1:1 and Introduce height controls ranging from 8.5 metres to 21 metres (See Attachment 3) be endorsed to proceed to finalisation and gazettal.
3. The proposed amendments to Canterbury DCP 2012, as outlined in this report, be adopted and brought into effect from the date of finalisation of the planning proposal.

Next Steps

Should Council decide to agree with the recommended Local Planning Panel's advice, and adopt the planning proposal and amended DCP, the next steps would be to:

- exercise Council's delegation to finalise the LEP Amendment;
- inform submitters of Council's decision; and
- take the necessary steps to bring the DCP into effect at the time of gazettal of the LEP.