



Planning Proposal

89-95 Karne Street North

Narwee NSW 2209

27 June 2017

SIMPLAN
Consulting Town
Planners

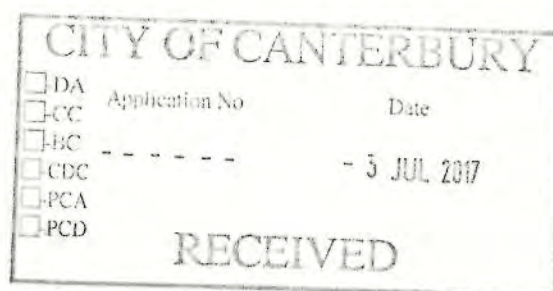
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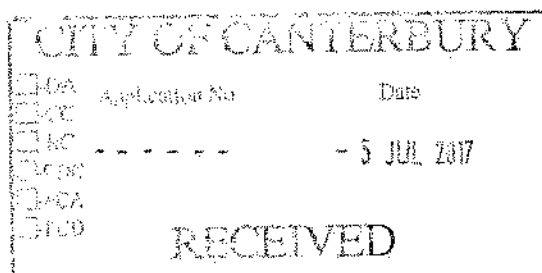
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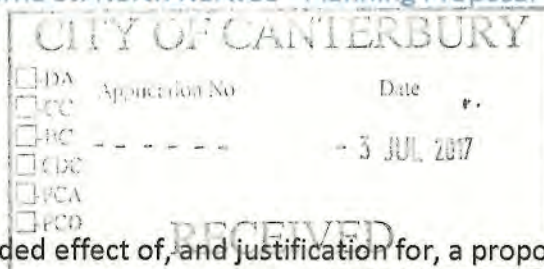
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1.0 Introduction

This Planning Proposal explains the intended effect of, and justification for, a proposed amendment to the Canterbury Local Environmental Plan (LEP) 2012. The Planning Proposal relates to business premises at Nos. 89-95 Karne Street North, Narwee.

It is proposed to rezone the above properties from R3 Medium Density Residential to a B1 Neighbourhood Centre Business Zone under Canterbury Local Environmental Plan (LEP) 2012.

The Planning Proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the relevant Department of Planning and Environment Guidelines including 'A Guide to Preparing Local Environmental Plans' and 'A Guide to Preparing Planning Proposals'.

A review of current zoning and development standards that apply to the subject sites and surrounding locality has been undertaken. The suitability of the proposed zoning and relevant development standards has also been considered.

If the proposal is progressed, it is intended to amend the zoning by way of amendment to LEP Maps currently part of Canterbury Local Environmental Plan (LEP) 2012. There is no necessity to amend the written instrument because of the Planning Proposal.

2.0 Background

This section provides a summary of the background to the Planning Proposal.

Pre-lodgement meeting with Council staff and previous correspondence from Council:

A meeting was held with Council officers on Thursday 19th January 2017 @ 9.30am. The Meeting was attended by Council officers (Manager Spatial Planning and Team leader- Urban Planning), the owner of 93,93A and 95 Karne Street North and the owner's Planning Consultant. At that meeting a previously circulated Preliminary **Submission** prepared by **SIMPLAN** Planning Consultants provided to Council officers prior to the meeting was discussed (**Annexure 1**). Council's Team Leader - Urban Planning indicated during discussions relating to the content of the Preliminary Submission that a B1 Neighbourhood Centre Business Zone may be a better zoning "fit" in terms of relevant land use zoning rather than the current R3 Medium Density Residential Zone.

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It was also indicated that a B1 Zone would align more closely with current business activities and that the best way of progressing this was via a Planning Proposal (this verbal advice mirrored previous written advice received from Council officers – see below).

Note: Although not discussed at the Pre-Lodgement Meeting, the applicant has provided a copy of a letter received from Canterbury Council in February 2014 which states (incorrectly) that the proposal for an upper level apartment is permissible within an R3 Zone with Council consent (see extract from letter below and letter at Annexure 5).

Dear Sir/ Madam,

Property:	93, 93A and 95 Karne Street North, Narwee
Development Description:	Application to rezone the subject site from R3 to B1 for partial demolition of the existing courtyard and associated structures and construction of first floor extension over the existing retail shop
Application Number:	PRE-38/2013

I refer to the concept plans submitted to Council for the subject property.

Following a preliminary consideration of your proposal, the following matters are referred for your attention to assist you in preparing your development application (DA).

Please note that this advice is based on the plans provided to Council. Should the development change in any way prior to the lodgment of a DA then this advice may no longer be fully accurate or complete.

Zoning

The land is zoned R3 Medium Density Residential in the Canterbury Local Environmental Plan (LEP) 2012. The proposal is permissible with consent, being defined as a dwelling house.

It appears this error occurred due to misinterpretation of a proposed shop -top apartment as a "dwelling-house" which is permitted in the R3 zone. The above letter of 24 February 2014 also states at Paragraph 5 on page 2 as follows (Note: it is not entirely clear why the following advice was provided concerning rezoning given the concurrent written advice received that upper level residential use was currently permissible):

5. With respect to the rezoning, Council would have no objections to a Planning Proposal for the change of zone to a B1 Neighbourhood Centre, however, the preference would be for the entire block, from 89 to 95 Karne Street (inclusive). For further information with respect to the Planning Proposal, please contact Warren Farleigh on 9789 9608.

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Architectural Plans were then prepared and a development application lodged with Canterbury Council for an upper floor apartment. The applicant was later informed by further letter from Council dated 18 February 2015 (See "letter 2" at Annexure 5) that the proposal was "shop-top housing" and that this use was prohibited within the R3 zone. The applicant was also requested to withdraw the development application (a refund of application fees was provided). The letter stated in relation to rezoning as follows:

As we discussed, you may wish to pursue the option of lodging a planning proposal seeking to amend the LEP in order to facilitate development of the type proposed. Should you wish to explore this, you should also include the adjoining property (No. 89-91 Karne St North, Narwee). In this regard, owner's consent from all property owners is required for the rezoning application

Unfortunately, because of the incorrect initial advice received from Council, the applicant has suffered considerable financial loss relating to preparation of architectural drawings and extensive delays between Council responses. However, the proponent has decided to proceed with the Planning Proposal given the positive advice received from Council officers in their letters dated 24 February 2014 and 18 February 2015 which encourage rezoning (Annexure 5). Additionally, there appeared to be no specific objections raised to lodging a Planning Proposal at the Pre-Lodgement Meeting held with Council officers on 19th January 2017.

3.0 Site Identification

The Sites:

The Planning Proposal applies to land located at 89-95 Karne Street North Narwee.

Table 1: Property Description and Current Land Use

Address & Parcel Size	Property Description	Current (commercial) Land Use
89-91 Karne Street North Narwee (342.55m ²)	Lot No.1 DP815357	Single storey "Roselands" Chinese Restaurant (restaurant use occupies single Lot)

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93 Karne Street North Narwee (109.703m ²)	Lot 4 DP29784	Single storey Spa/Beauty/Hair Salon (business use is conducted on all 3 Lots).
93A Karne Street North Narwee (105.139m ²)	Lot 5 DP29784	
95 Karne Street North Narwee (107.549m ²)	Lot 6 DP29784	

The subject sites are located at the eastern side of Karne Street North opposite Leigh Avenue at its intersection with Shorter Avenue. 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 18.315m. The sites are comprised of four allotments in two different ownerships. The combined area of all sites is 701.455m². Existing land uses on the sites are detailed in **Table 1**. All lots are used for business purposes (see Table above).

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 and are provided in a 90-degree configuration to the rear of these premises.

Existing development on the allotments comprises single storey commercial buildings fronting Karne Street North with secondary frontages to the rear laneway and Shorter Avenue. The rear laneway, Karne Street North, Shorter Avenue and the public footpath separate and "buffer" the subject commercial properties from nearby dwelling-houses.

Location Plan follows:



Figure 1: Location Plan (not to scale - source: Google Maps)

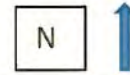


Figure 2: Aerial Location Plan (not to scale - Source: Google Maps)

Subject sites

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Figure 3:
Cadastral Plan
not to scale -
(Source: NSW
LIP)

 Subject sites

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Surrounds:

Surrounding development comprises primarily one and two storey dwellings. Bennett Park is located to the south-west and provides soccer, cricket, rugby and jogging facilities. Further to the west are industrially zoned properties extending as far as Belmore Road North. A large sub-regional shopping centre (Roselands) is located approx. 1.3 km north of the subject sites.



Photograph 1: 89-95 Karne Street North (looking north-east)



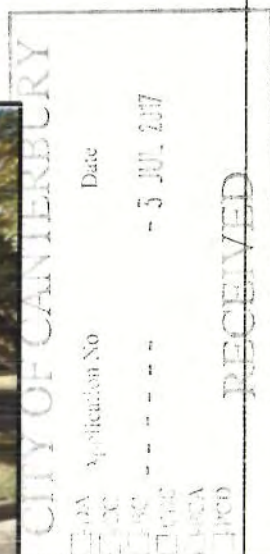
Photograph 2: View of properties looking south-east along Karne Street North.



Photograph 3: View of rear of subject properties looking north towards existing access and off-street parking adjacent to Shorter Lane.



Photograph 4 (a)



Photograph 4(b)



Photographs 4(a) and 4(b) - Single dwellings near the subject properties (a) Looking south along Karne Street North and (b) Looking east along Shorter Avenue.

4.0 The Planning Proposal

Part 1 - Objectives and Intended Outcomes

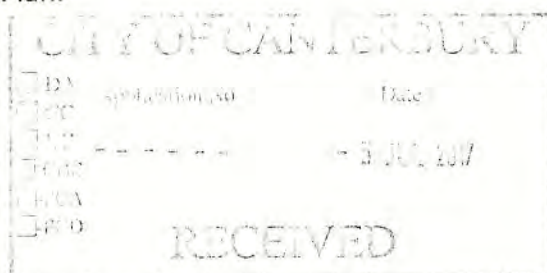
This part outlines the objectives and intended outcomes of the Planning Proposal.

Objectives

- Rezone the sites for business purposes to recognise current land uses.
- Provide shop-top housing opportunities as part of future development.
- Ensure that new development has an appropriate interface with adjacent low density residential development.
- Implement planning controls that are informed by local character, street proportions, interface with surrounding properties and community consultation.

Intended outcomes

- Change the zoning of the subject sites from "R3 Medium Density Residential" to 'B1 Neighbourhood Centre'.
- Improve the urban design qualities of buildings and surrounds.
- Improve housing choice and increase residential capacity.
- Facilitate future provision of -street parking for residents, staff and visitors and business clients in accordance with the relevant requirements of Part 6 of the Canterbury Development Control Plan.



Part 2 - Explanation of Provisions

Proposed Amendments to Canterbury LEP 2012:

This part will explain key existing planning controls that apply to the land, and will compare them to the controls that will be applied to the land because of this Planning Proposal. The proposed changes would be implemented via amendments to the relevant Maps forming part of Canterbury LEP 2012. No amendments are necessary to written LEP content.

Existing and Proposed Land Use Zoning: Canterbury Local Environmental Plan 2012

The Canterbury LEP 2012 Zoning Map (extract at **Figure 4** below) illustrates the existing land use zoning of the subject sites (site locations arrowed) along with adjacent zones. Note that the subject sites and immediately surrounding properties (excluding Bennett Park) are all within the R3 Medium Density Residential Zone.

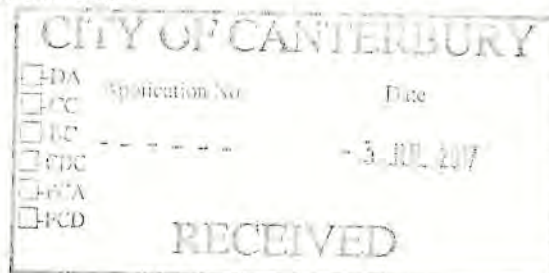
The land use *objectives* for the R3 zone are:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The land use objectives for the proposed B1 Zone are as follows:

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.

Note: *The Planning Proposal will retain and enhance the viability of the existing commercial uses in conjunction with shop top housing which is permitted with consent within this zone.*



Existing Land Use Zoning (R3 Medium Density Residential)

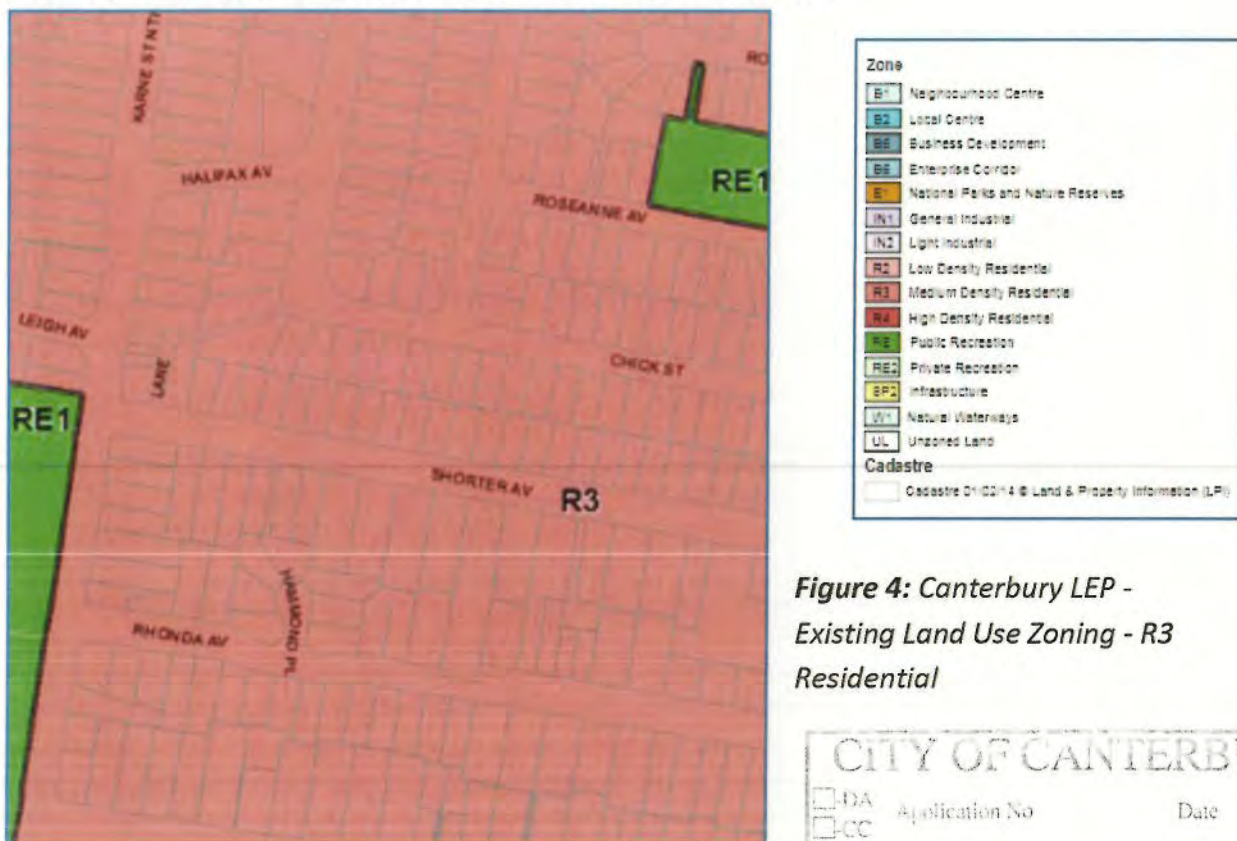


Figure 4: Canterbury LEP - Existing Land Use Zoning - R3 Residential

Proposed Land Use Zoning (B1 Neighbourhood Centre)



Figure 5: Canterbury LEP – Proposed Land Use Zoning - B1 Neighbourhood Centre.

Existing Maximum Floor Space Ratio (0.5:1)

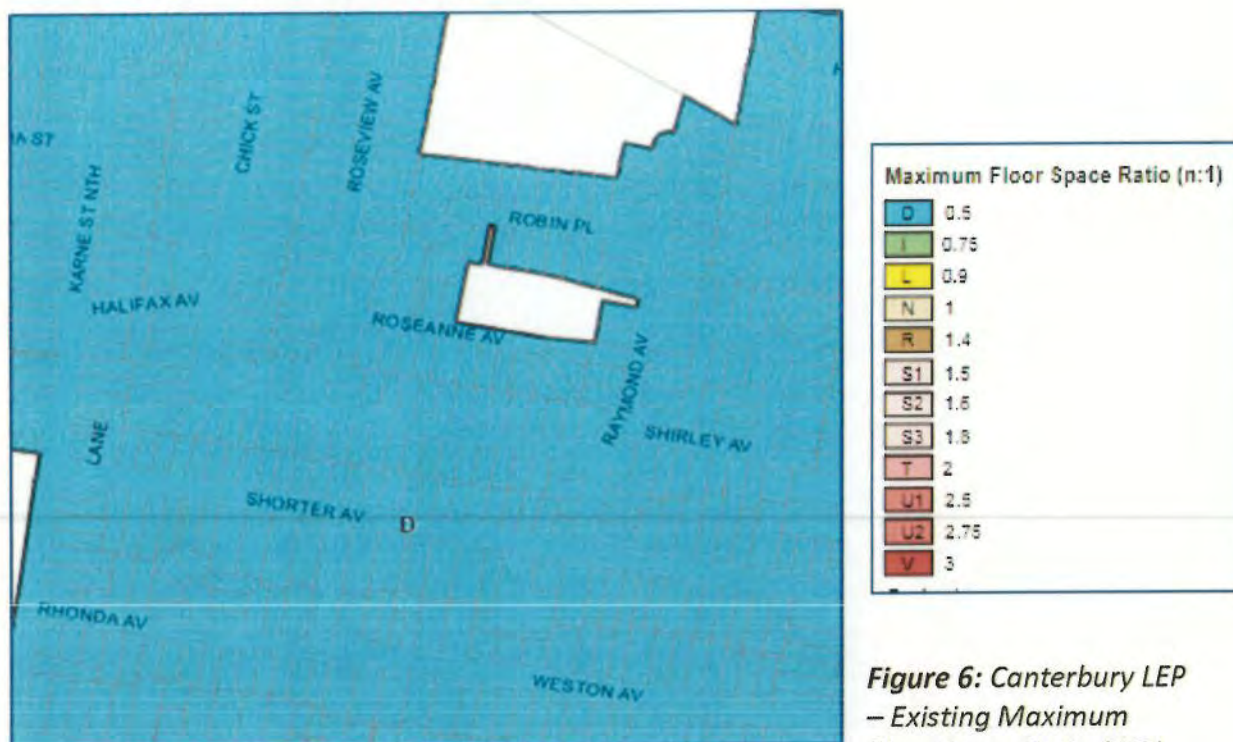


Figure 6: Canterbury LEP – Existing Maximum Floor Space Ratio (FSR)

0.5:1 - Area 'D'.

Proposed Maximum Floor Space Ratio - N/A (No Maximum FSR to apply)

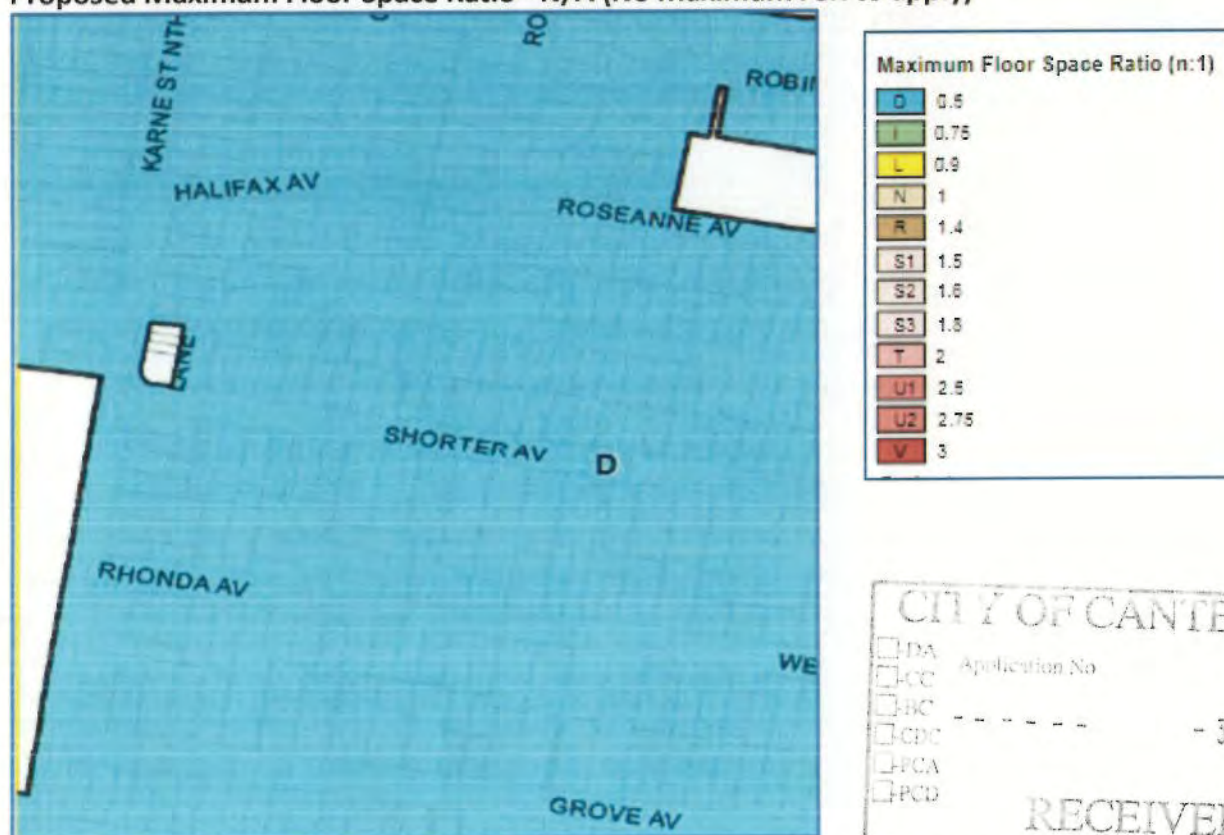
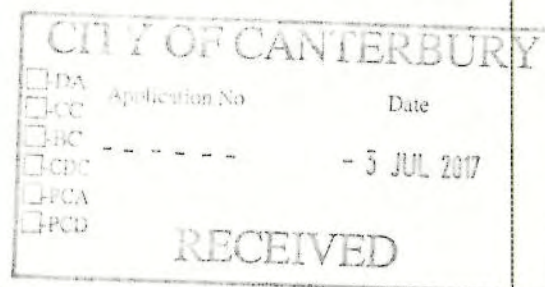


Figure 7: Canterbury LEP - Proposed Maximum Floor Space Ratio – N/A No Maximum FSR to apply.



Existing Maximum Building Height (8.5 Metres)

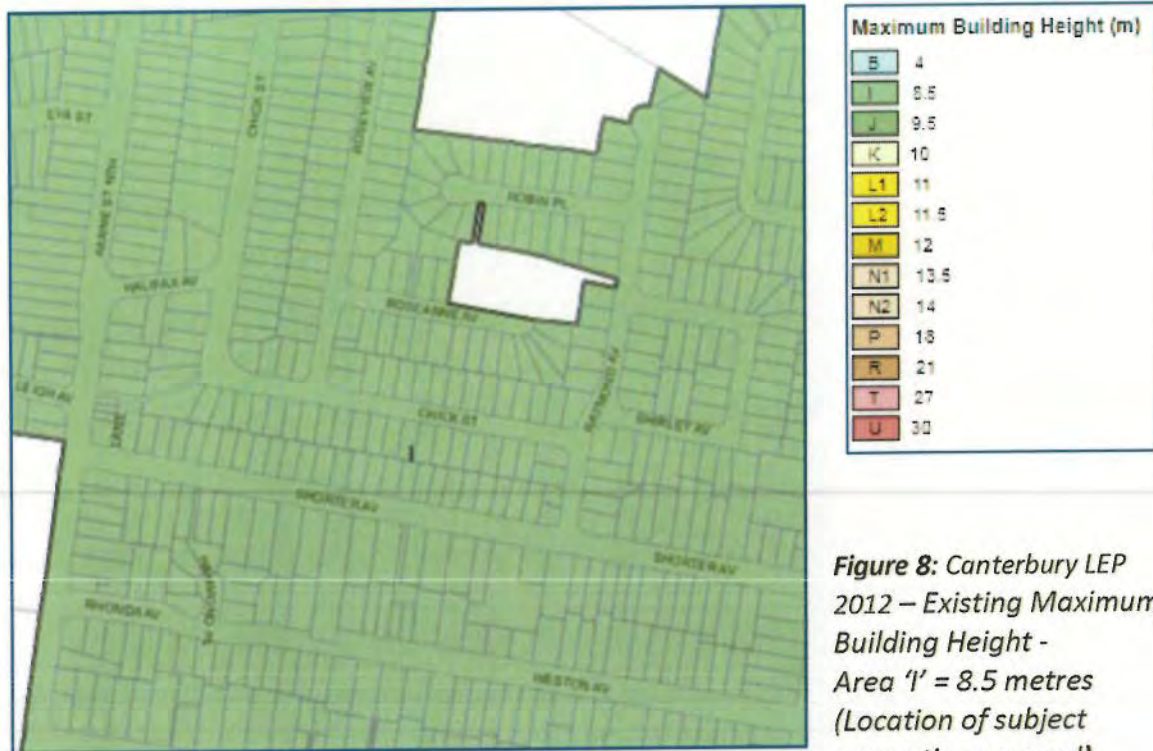


Figure 8: Canterbury LEP 2012 – Existing Maximum Building Height - Area 'I' = 8.5 metres (Location of subject properties arrowed).

Proposed Maximum Building Height (10 metres)

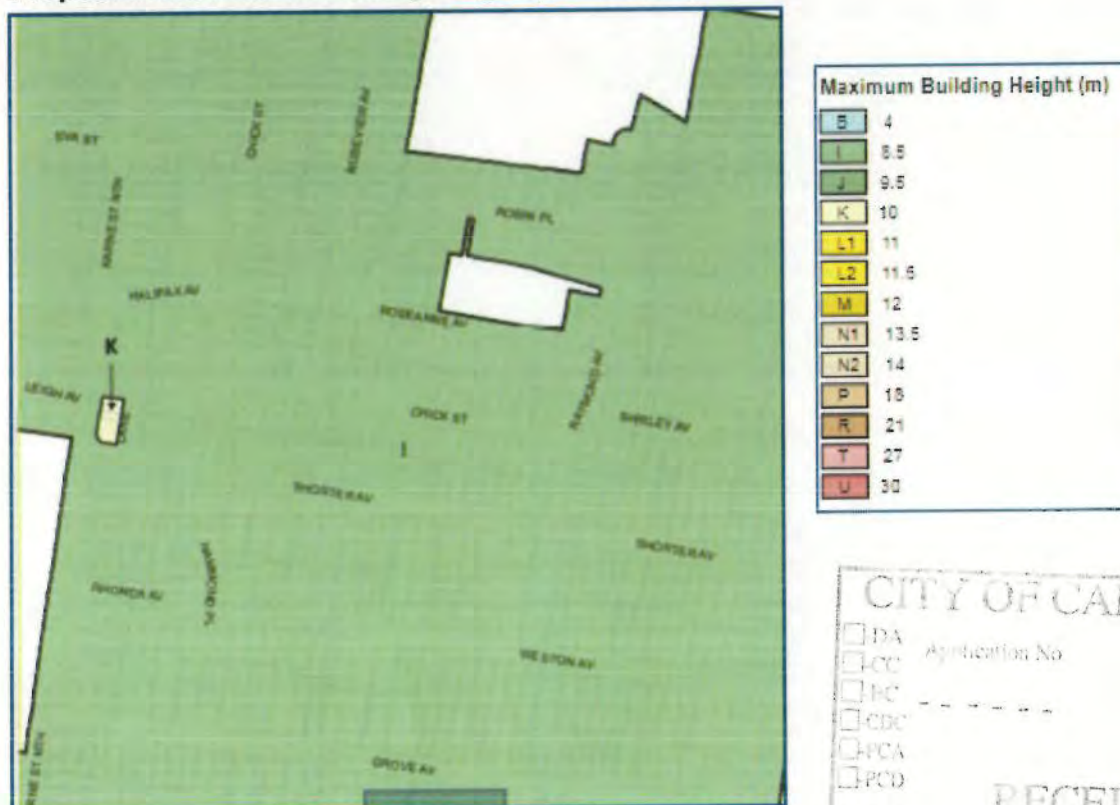


Figure 9: Canterbury LEP 2012 – Proposed Maximum Building Height "K" = 10 metres.

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Existing Minimum Lot Size (460m2)



Figure 10: Canterbury LEP 2012 Existing Minimum Lot size -
Area 'G' = 460m2.

Proposed Minimum Lot Size - N/A (No Minimum lot size to apply)

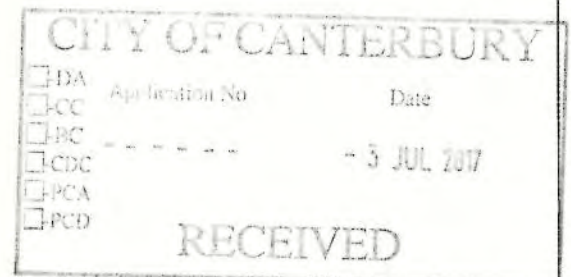
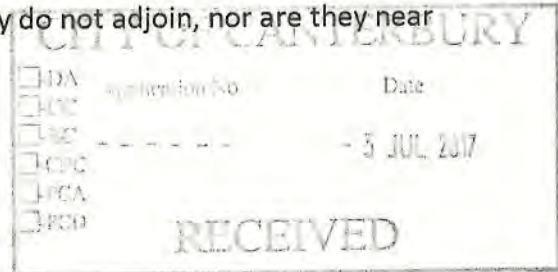


Figure 11: Canterbury LEP 2012 Proposed Minimum lot size -
N/A No Minimum lot size proposed

Existing and Proposed Heritage Provisions – N/A

The subject sites are not identified in the Canterbury LEP as heritage items and they are not located within a heritage conservation area. They do not adjoin, nor are they near any heritage listed properties.



Part 3 - Justification

Section A - Need for a Planning Proposal

This Section of the Planning Proposal sets out the case for amending the Canterbury LEP 2012. The Department of Planning & Environment's (DoP&E) 'Guide to Preparing Planning Proposals' outlines the overarching principles relating to the Justification section. The Guide outlines that firstly, the level of justification should be proportionate to the impact of the Planning Proposal. Secondly it provides that not all questions in the guide may be relevant and those not relevant need not be addressed.

Lastly, it outlines that the level of justification in the Planning Proposal should be sufficient to allow a Gateway determination to be made with confidence that an LEP can be completed within a reasonable time frame.

Is the Planning Proposal a result of any strategic study or report?

The proposal has been the subject of a **Preliminary Submission** prepared by town planning consultants on behalf of the owner of 93,93A and 95 Karne Street North. This submission is at **Annexure 1**.

The submission outlines the basic rationale for the Planning Proposal which is summarised as follows:

- The current R3 Zoning of this discrete premises appears to be an historical land use zoning anomaly because these existing commercial uses are not recognised and zoned appropriately. Although the R3 Medium Density Residential zone permits neighbourhood shops and restaurants, a B1 Neighbourhood Centre zone would provide a much "better fit" in terms of relevant zone objectives for these business premises and would allow more appropriate, realistic development standards and development control plan provisions to apply. There are also many examples of the application of the B1 neighbourhood Centre Zone in the near vicinity of these sites which apply to similarly sized groups of commercial premises.

- A neighbourhood business zone would allow modest improvements including provision of shop top housing which is currently not possible within the R3 zone. The concept plans prepared indicate that this could markedly improve the urban design qualities of what is prominent corner location. The architectural appearance of the existing single storey structures is at best described as "non-descript". In addition, their single storey scale does not visually accentuate this corner location which is otherwise desirable from an urban design perspective.
- To ensure the proposed new urban form can be appropriately accommodated in the existing streetscape and urban context of Karne Street North, concept elevations for the block and floor plans for 93,93A and 95 Karne Street North together with a supporting design statement have been prepared by *Micris Design - Annexure 4*. The plans demonstrate that a complying upper level addition comprising shop top housing can achieve a much-improved urban design response whilst respecting local built form context. Upgrades to the elevations of existing buildings and the provision of additional off-street parking by removal of existing outbuildings will also be beneficial.
- Development of the sites will be sympathetic in scale with surrounding development and offers an opportunity to deliver additional dwellings close to services and public transport with no adverse impacts to nearby dwellings.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal aims to rezone the subject sites to "B1 Neighbourhood Centre" and is the best means of achieving the stated objective of more closely aligning the zoning of the land with the current neighbourhood business uses. There is no alternative methodology other than a Planning Proposal to achieve rezoning of the subject sites and implement the necessary changes to permitted land uses and related development standards which are appropriate for the current business activities. The Planning Proposal utilises zones and adopts development standards that already form part of Canterbury LEP 2012. The required amendments to Canterbury LEP relate only to mapping.

Section B - Relationship to Strategic Planning Framework

Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited development or strategies)?

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(i) Does the proposal have strategic merit? Is it:

- *Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or*
- *Consistent with a relevant local council strategy that has been endorsed by the Department; or*
- *Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.*

Response:

See below.

Draft South Subregional Strategy (2007):

The Draft South Subregional Strategy was an intermediate step in translating the Metropolitan Plan at a local level and acts as a broad framework for the long-term development of the area, guiding government investment and linking local and state planning issues.

The following directions and actions apply to Proposal:

- B2 – Increase densities in centres whilst improving liveability.
- B2.1 – Plan for housing in centres consistent with their employment role.
- C1 – Ensure adequate supply of land and sites for residential development.
- C2.1 – Focus residential development around centres, town centres, villages and neighbourhood centres

The Planning Proposal proposes additional housing within an existing neighbourhood centre which can achieve high standards of amenity with no adverse impacts to neighbours. The Planning Proposal is consistent with the Draft South Sub-Regional Strategy and a Plan for Growing Sydney (see below).

A Plan for Growing Sydney (2014):

A *Plan for Growing Sydney* establishes a long-term planning framework to manage Sydney's growth in a sustainable manner and strengthen its economic development whilst enhancing the unique lifestyle, heritage and environment of Sydney. The following goals and directions apply to the Planning Proposal

Goal 2 – A city of housing choice, with homes that meet our needs and lifestyles.

Direction 2.1 - Accelerate housing supply across Sydney

Response:

The proposal will accelerate the delivery of new housing in Sydney to meet the growing population and to satisfy a growing demand for apartments close to transport and jobs. Increasing housing supply and choice in appropriate locations is identified as a high priority for meeting Sydney's future housing need and reducing pressure on house prices. The target of 725,000 new dwellings in Sydney by 2036 has been set by the Government with Action 2.1.1 stating that the area's most suitable for significant urban renewal are those connected to employment, well-served by public transport and in and around strategic centres. The Planning Proposal will allow for modest redevelopment of these sites to provide incremental additional housing opportunity in an area close to services and public transport.

Direction 2.2: Accelerate urban renewal across Sydney – providing homes closer to jobs

Response:

The Planning Proposal will encourage modestly scaled urban renewal on the sites. The location is accessible to services. Action 2.2.1 of the Plan acknowledges that a *significant proportion of Sydney's future housing supply is to come from small- scale, urban infill development around public transport and local centres*, which is achieved by this Planning Proposal. The Planning Proposal is therefore consistent with this Direction

Direction 2.3: Improve housing choice to suit different needs and lifestyles

Response:

The Planning Proposal provides additional housing choice. Housing affordability is also indirectly addressed in the Planning Proposal because the owner of 93, 93A and 95 Karne Street North intends to retain and rent any new shop top housing units. The Planning Proposal is consistent with this Direction.

Goal 3: A great place to live with communities that are strong, healthy and well connected:

Direction 3.1: Revitalise existing suburbs

Response:

The Planning Proposal involves revitalising a site for urban renewal which is already serviced with infrastructure and access to public transport and services. The Planning Proposal will improve the streetscape of these prominent sites. The Planning Proposal is consistent with this Direction.

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Goal 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources:

Direction 4.1: Protect our natural environment and biodiversity

Response:

The Planning Proposal will not adversely impact on the natural environment as the sites are already used for urban purposes. The Planning Proposal is consistent with this Direction.

Direction 4.2: Build Sydney's resilience to natural hazards

Response:

The site is not affected by any natural hazards which cannot be accommodated by the proposal. The Planning Proposal is consistent with this Direction.

Direction 4.3: Manage the impacts of development on the environment

Response:

The Planning Proposal will allow for a future redevelopment of the site in accordance with the LEP building height and supporting DCP controls. Any new development will be subject to the provisions of the BASIX SEPP to ensure it is energy efficient. The Planning Proposal is consistent with this Direction.

Draft South District Plan

The Greater Sydney Commission's Draft South District Plan sets a vision, priorities and actions for the planning and development of the southern district of greater Sydney. The southern district includes the local government area of Canterbury-Bankstown. The plan establishes a 20-year vision for the southern district to be a global sustainability leader, managing growth while maintaining and enhancing the district's liveability, productivity and attractiveness for residents and visitors. Priorities and associated actions for productivity, liveability and sustainability seek to deliver this vision.

The following table illustrates how the Planning Proposal is consistent with both the Priorities and Actions of the Draft South District Plan relating to housing and Urban design:

Principle: Increasing housing choice around all centres through urban renewal in established areas and the Draft Policy on Urban Design and architecture

(See Principles 1-7 at Page 100 of the District Plan).

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Priorities and Actions	Planning Proposal in relation to the priorities of the Draft South District Plan
Action L2: Identify the opportunities to create the capacity to deliver 20-year strategic housing supply target (83500 new dwellings to be provided by 2036).	Proposal will contribute incrementally to Council's housing targets.
Action L4: Encourage housing diversity	The Planning Proposal will create an increased diversity of housing types within a local neighbourhood centre, therefore providing better housing choice.
Action L11. Provide design led planning to support high quality urban design	The Proposal is informed by concept plans to ensure that future development can have an appropriate bulk/scale relationship with adjacent low rise residential zone. The building envelopes will be reinforced both by the development standards in the LEP and the Canterbury-Bankstown DCP.
Draft Policy – Urban Design and architecture Places should be designed to be integral with local people and cultures and connected to their landscape and setting. In this way, a place will be 'of its location' - distinctive, resonant and engaging.	See comments above and Design Statement See comment above and Design Statement

ii) Does the proposal have site-specific merit and is it compatible with the surrounding land uses, having regard to the following?

the natural environment (including known significant environmental values, resources or hazards)?

A. The proposal has substantial "sites-specific" merit. There will be no adverse impacts on the natural environment given that the sites are located in an existing urban area.

existing uses, approved uses, and likely future uses of land in the vicinity of the proposal?

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The proposed neighbourhood business zone is compatible with the existing commercial uses carried out on multiple lots which are detached by public roads and footpaths from nearby residential properties. The current land uses will continue with the addition of shop top housing which is a form of *residential accommodation* and a use compatible with the surrounding dwellings. No loss of amenity to nearby residential dwellings will occur. During the planning proposal's public exhibition stage, Council can also exhibit the *Concept Plans* at **Annexure 4** to illustrate improved urban design outcomes where an additional residential level above the existing premises comprising shop-top housing is provided. This will assist in generating informed community feedback.

the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision?

A. There are adequate existing water supply, sewerage disposal, and power supply services available.

Is the planning proposal consistent with Council's local strategy or other local strategic plan?

Response:
See below.

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Canterbury-Bankstown Community Strategic Plan 2014-2023

Reference - Priorities - Balanced development

1.2.1 Development brings attractive and sustainable buildings and homes, and a balance of houses and units, residential and business areas, and historic and modern streetscapes

- *Assess and report on development applications and issue building related certificates*
- *Assess, recommend improvements, and regulate where necessary, environmental performance of industrial and commercial businesses*
- *Produce urban planning policies which facilitate sustainable urban development*
- *Regulate building standards including fire safety and unauthorised building*

Response: The Planning Proposal meets the objectives of this Clause. It is consistent with the Canterbury-Bankstown Community Strategic Plan 2014-2023

Canterbury Residential Development Strategy 2013

The Planning Proposal is consistent with this Strategy. The Strategy indicates that Dwelling

densities in Narwee in 2013 were relatively low:

Narwee: 25.5 percent of the population owned their dwelling; 24.9 percent were purchasing, and 37.5 percent were renting (approx. 50 percent private and 50 percent social housing rental). 53 percent of the housing stock is medium or high-density housing.

Response: The Proposal will allow for an incremental increase in dwelling densities with a built form which will have no adverse impacts whatsoever on nearby low density residential development.

The current R3 Residential zone applying to the properties is inappropriate because this larger group of existing business premises are not zoned to reflect their current land use—refer to Part 6.22 of the Strategy – “Anomalies”, which states as follows (**highlight and bolded**):

*If the planning proposal relates to an anomaly in controls, then the proposal should be supported. Examples of zoning or planning control anomalies include the following: **Where a zone boundary has been arbitrarily positioned and where adjustment of that boundary in accordance with the planning proposal would be logical** (for example, one property in the street having a zoning and the rest of the street having a separate zoning with no underlying reason).*

Response: The Proposal meets the above criteria. The current zone R3 zone boundaries do not align geographically or reflect the functionality of these business uses which are located on multiple lots and separated from nearby residential uses by public infrastructure. If implemented, the Planning Proposal will permit shop top housing within a discrete group of commercial buildings which to all intents and purposes already functions as a “neighbourhood centre”. The proposed rezoning is an opportunity to address a zoning anomaly as the current zoning pattern effectively “ignores” the commercial usage of these four (4) allotments. As a result, current LEP R3 residential development standards and related residential DCP controls effectively negate any opportunity for further viable redevelopment of these smaller sites.

Towards 2032 - City of Canterbury Economic Development & Employment Strategy (2009)

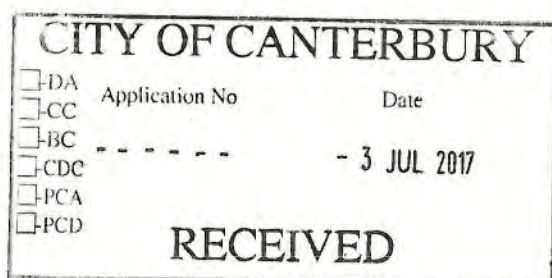
This strategy aims to preserve and nurture business and employment lands in the Bonds Road Riverwood industrial area which is to further to the west of the subject sites. Rezoning will permit new residents easy access to local employment in this area. There are no conflicts with this Strategy. Rezoning as proposed will ensure that employment related uses on the sites and local services for the community are retained for the foreseeable future.

Is the planning proposal consistent with applicable State Environmental Planning Policies?

Table 1 - Planning Proposal’s consistency with State Environmental Planning Policies (SEPPs) plus relevant deemed SEPPs.

No.	SEPP Title	Consistency of Planning Proposal
1	Development Standards	N/A
14	Coastal Wetlands	Not Applicable
19	Bushland in Urban Areas	Not Applicable
21	Caravan Parks	Not Applicable
26	Littoral Rainforests	Not Applicable
30	Intensive Agriculture	Not Applicable
33	Hazardous and Offensive Development	Not Applicable
36	Manufactured Home Estates	Not Applicable
44	Koala Habitat Protection	Not Applicable
47	Moore Park Showground	Not Applicable
50	Canal Estate Development	Not Applicable

No.	SEPP Title	Consistency of Planning Proposal
52	Farm Dam and Other Works in Land and Water Management Plan Areas	Not Applicable
55	Remediation of Land	Not Applicable
62	Sustainable Aquaculture	Not Applicable
64	Advertising and Signage	Not applicable
65	Design Quality of Residential Apartment Development	Not applicable



Subsequent future development applications would need to demonstrate how the proposal satisfies the requirements of LEP development standards for development within Neighbourhood Centres.

The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.

70 Affordable Housing (Revised Schemes)

Not Applicable

71 Coastal Protection

Not Applicable

SEPP (Affordable Rental Housing) 2009

Not Applicable

SEPP (Building Sustainability Index: BASIX) 2004

Consistent.

Subsequent future development applications will need to demonstrate design principles and objectives consent with BASIX requirements.

The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.

SEPP (Exempt and Complying Development Codes) 2008

Consistent.

Any exempt or complying development on the site will need to apply the provisions of the SEPP.

The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.

SEPP (Housing for Seniors or People with a Disability) 2004

Consistent.

The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.

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SEPP (Infrastructure) 2007

Consistent.

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~~SEPP (Integration and Repeals) 2016~~		

The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.

~~SEPP (Integration and Repeals) 2016~~

Not Applicable

SEPP (Kosciuszko National Park – Alpine Resorts)
2007

Not Applicable

SEPP (Kurnell Peninsula) 1989

Not Applicable

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

Not Applicable

SEPP (Miscellaneous Consent Provisions) 2007

Not Applicable

SEPP (Penrith Lakes Scheme) 1989

Not Applicable

SEPP (Rural Lands) 2008

Not Applicable

SEPP (State and Regional Development) 2011

Not Applicable

SEPP (State Significant Precincts) 2005

Not Applicable

SEPP (Sydney Drinking Water Catchment) 2011

Not Applicable

SEPP (Sydney Region Growth Centres) 2006

Not Applicable

SEPP (Three Ports) 2013

Not Applicable

SEPP (Urban Renewal) 2010

Not Applicable

SEPP (Western Sydney Employment Area) 2009

Not Applicable

SEPP (Western Sydney Parklands) 2009

Not Applicable

Table 2 – Planning Proposal's consistency with Regional Environmental Plans (REPs) - Deemed SEPPs:

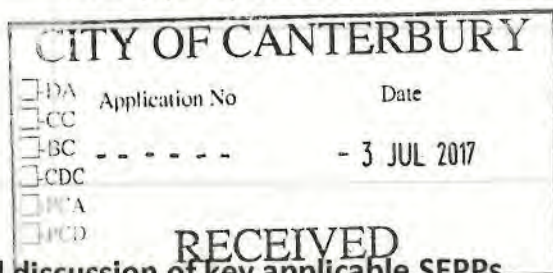
No.	REP Title	Consistency of LEP
8	SREP (Central Coast Plateau Areas)	Not Applicable

9	SREP Extractive Industry (No 2- 1995)	Not Applicable
16	SREP Walsh Bay	Not Applicable
20	SREP Hawkesbury Nepean River (No 2 – 1997)	Not Applicable
24	SREP Homebush Bay Area	Not Applicable
26	SREP City West	Not Applicable
30	SREP St Marys	Not Applicable
33	SREP Cooks Cove	Not Applicable

SREP (Sydney Harbour Catchment) 2005

Consistent.

The Planning Proposal does not contain provisions that contradict or would hinder application of the SEPP.



Detailed discussion of key applicable SEPPs

State Environmental Planning Policy 65 – Design Quality of Residential Flat Development:

State Environmental Planning Policy 65 - Design Quality of Residential Flat Buildings aims to improve the design quality of residential flat development across the state through the application of a series of design principles. Although not applicable to developments less

than three storeys, the *Concept Plans* annexed to this Planning Proposal have been prepared to respond to the nine design quality principles of SEPP 65 and related *Apartment Design Guide*. This includes consideration of building depth, building to building setbacks, natural ventilation, access to light and the creation of high residential amenity. The plans illustrate potential development that is consistent with the principles of the SEPP. In particular, the Planning Proposal will ensure future development is cognisant of the following key principles:

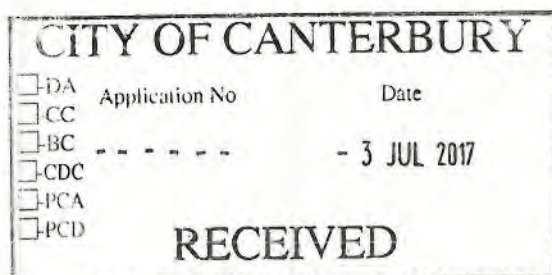
- Principle 1: Context and Neighbourhood Character
- Principle 2: Built Form and Scale
- Principles 6: Amenity

Is the planning proposal consistent with applicable Ministerial Directions (s 117 directions)?

An assessment of the Planning Proposal has been undertaken in respect to the relevant s117 directions as follows:

TABLE 3 – Planning Proposal's consistency with Relevant Section 117 Directions

Directions		Comments	Consistency
Employment and Resources	1.1 Business and Industrial Zones	Not Applicable	N/A
Environment and Heritage	2.3 Heritage Conservation	Not Applicable.	N/A
Housing, Infrastructure and Urban Development	3.1 Residential Zones	Consistent. The proposal meets the objectives of this direction as it seeks to provide residential development to incrementally satisfy existing and future housing needs. The site is in a location that can make efficient use of existing and proposed infrastructure. Environmental impacts of any development will be managed through Council's planning policy framework as part of any subsequent development assessment process.	Y
	3.3 Home Occupations	Consistent. The proposal does not contain provisions that would contradict the application of this direction.	Y
	3.4 Integrating Land Use and Transport	Consistent The site is optimally located in terms of access to existing public transport- with bus services within close walking distance. The Planning Proposal will increase development intensity in this area to a minor degree that may result in increased viability and patronage of public transport, reduced travel demand and	Y



existing good accessibility by
future residents to housing, jobs
and services.

Hazard and Risk	4.1 Acid Sulfate	Consistent The subject site is not affected by Class 5 Acid Sulfate Soils.	Y
Local Plan Making	6.1 Approval and Referral Requirements	The Planning Proposal does not include concurrence, consultation or referral provisions or identify any developments as designated development.	Y
	6.3 Site Specific Provisions	The proposal does not introduce unnecessarily restrictive site-specific controls.	Y
Metropolitan Planning	7.1 Implementation of a Plan for Growing Sydney	Consistent. The Planning Proposal is consistent with the aims, objectives and provisions of a Plan for Growing Sydney and the South District Plan.	Y

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Section C: Environmental, social and economic impact

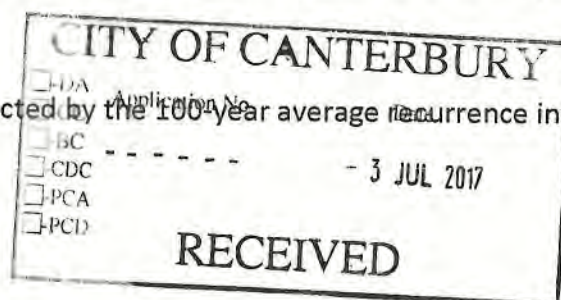
Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The Planning Proposal does not apply to land that has been identified as containing critical habitat or threatened species, populations or ecological communities, or their habitats.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The proposed zoning changes and anticipated future built form has been informed by urban design considerations. This review included an assessment of:

- **Interface issues** – Development in this neighbourhood centre will be of a similar scale to 2 storey dwellings in the surrounding area. The interface with the existing one and two storey residences will be carefully considered. Draft LEP and DCP provisions are in place to ensure the scale, setback and envelope of new buildings has adequate regard to interface issues.
- **Solar Access** – A key consideration for urban development is the impact it can have on the solar access of the surrounding properties, streets and public spaces. Shadow diagrams with concept plans indicate that there will be no loss of solar access to the private open space of adjoining residential properties.
- **Street Proportions** – The proportions of a street are generally set by comparing the width of the street against the street wall height. The scale, setback and envelope of one additional level comprising shop top housing will better relate in urban design terms to the Karne Street North road width proportions.
- **Street Character** – The character of Karne street North is established by a range of factors including front setbacks, street wall heights, active frontages and building details. The modest increase in street wall heights proposed will better define the spatial enclosure of the street. Subject to development proceeding in accordance with anticipated urban design outcomes, it is unlikely that the proposed amendments to Canterbury LEP 2012 will encourage development that will create significant environmental impacts. Adequate LEP and DCP controls are already in place to ensure any environmental impacts are mitigated and to inform future development application assessment.
- **Transport and Traffic** - The site is located on a public transport (2 bus routes – see **Annexure 3**) providing good access to surrounding shopping, business and service centres, to employment opportunities. The M5 East Motorway provides sub-regional and regional transport links and can easily be accessed via King Georges Road. The area is therefore well located in terms of accessibility. A DA for development of the site in accordance with the Planning Proposal may be accompanied by a traffic assessment but it is expected that the low level of additional traffic likely to be generated can be both easily and safely accommodated without any adverse impacts on the capacity or efficiency of the surrounding street system.
- **Flooding** - The sites are not affected by the 100-year average recurrence interval flood level.



- Contamination - There is no history of the site having been used for any purpose likely to have caused soil contamination. A future DA for development of the site Proposal would be accompanied by a preliminary site investigation if required. The Planning Proposal will not affect the capability of development of the site to comply with the requirements of SEPP 55.

Has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal may provide positive social and economic effects through:

- Improved housing diversity.
- Increase residential densities near an established centre.
- The planning proposal will facilitate housing close to public transport and amenities.

The proposed amendment to the Canterbury LEP will not affect the type or scale of development allowed on the site to an extent that would generate any adverse social or economic effects. Rezoning will have a positive economic impact because it will enhance the viability of the existing neighbourhood business activities.

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Section D: State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

Infrastructure	Availability	Comment
Public Transport	Available	The subject site is well serviced by public transport (2 bus routes nearby) which will assist in reducing dependence on private car travel and pressure on the local road network.
Utilities	Available	All utility providers will be notified of the Planning Proposal and be advised of the additional population to be catered for in terms of service i.e. Water, Sewer, Electricity.
Roads	Available	Existing infrastructure is located adjacent to subject properties
Waste Management	Available	The Planning Proposal is not expected to result in any significant implications for waste management and

and Recycling
Services

recycling services. A Waste Management Plan will be assessed with any future development application.

Essential
Services

Available

Essential services will be available for development facilitated by the Planning Proposal.

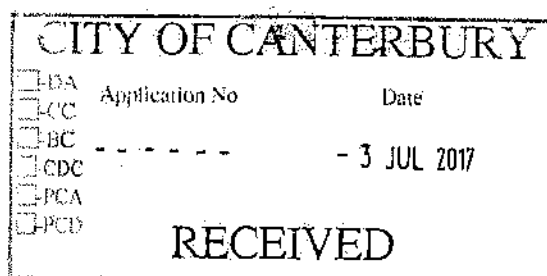
What are the views of State and Commonwealth public authorities consulted in the Gateway Determination?

No consultation has been carried out at this stage with any State and/or Commonwealth Public Authorities or service providers; however, consultation may occur in accordance with the requirements of the Gateway Determination.

Part 4 – Mapping

Extracts of existing and proposed amended Canterbury LEP 2012 Maps relevant to the Planning Proposal have been provided as follows:

Canterbury Local Environmental Plan 2012	Proposed Amendment(s)
Floor Space Ratio Map sheet FSR_005	Amend Canterbury LEP 2012 Floor Space Ratio Map to remove the current maximum permitted floor space ratio development standard.
Height of Buildings Map sheet HOB_005	Amend Canterbury LEP 2012 Floor Space Ratio Map to apply a "K" - 10 metre height control
Land Zoning Map sheet LZN_005	Amend Canterbury LEP 2012 Land Zoning Map to apply the "B1 Neighbourhood Centre" Business zone.
Lot size Map sheet LSZ_005	Amend Canterbury LEP 2012 Lot Size Map to remove the current minimum lot size standard.



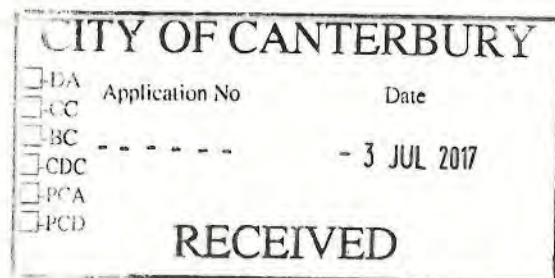
Part 5 – Community Consultation

The Planning Proposal will be exhibited by Council in accordance with the requirements of section 57 of the Environmental Planning and Assessment Act 1979 and as required by the recommendations of the Gateway Determination.

Notification of the community consultation will be provided in a local newspaper and on Council's website. In addition to this, adjoining landowners will be notified in writing.

During the public exhibition period, it is expected the following documents will be placed on public exhibition by Council:

- Planning Proposal document and Annexures
- Gateway Determination
- Relevant Council Report
- Maps
- Concept Plans



Part 6 – Project Timeline

Milestone	Timeframe and/or date
Anticipated Commencement date	Date of Council and subsequent Gateway determination.
Anticipated timeframe for the completion of required technical information	N/A
Timeframe for government agency consultation (pre-and post-exhibition as required by Gateway determination)	To be specified in Gateway determination. Usual timeframe is 28 days and to run concurrently with public exhibition period.
Commencement and completion dates for public exhibition period.	Dates are dependent on Council and subsequent Gateway determination. Anticipated timeframe for public exhibition is 28 days.
Dates for public hearing (if required)	Not applicable at this stage.
Timeframe for consideration of submissions	6 weeks.
Timeframe for consideration of a proposal post exhibition	6 weeks.
Date of submission to the Department to finalise the LEP	To be determined. Dependent on delegations.
Anticipated date the Council make the plan if delegated	To be determined. Dependent on delegations.

Anticipated date Council will forward to the department for notification

To be determined by the Department on delegations.

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5.0 Conclusion

This Planning Proposal has carefully assessed the proposed amendments to the Canterbury LEP 2012 for the area affected by the Planning Proposal against the Department of Planning and Environment's 'Guide to Preparing Planning Proposals'. The proposal is consistent with the Draft South Subregional Strategy, the Plan for Growing Sydney, the Draft South District Plan, and Canterbury Council's Local Strategies.

The Planning Proposal will correct a perceived zoning anomaly (see above) and will better align the zoning of these sites with their current uses. It will also permit application of development standards and DCP provisions which respond to the current neighbourhood business uses and lot configurations.

There are numerous examples of small groups of business premises nearby which are within the current B1 Neighbourhood business zone and are located within a surrounding R3 Zone. Many of these premises are not separated from adjacent residential properties by public infrastructure as is the case here. The roads and public footpath surrounding the allotments provides a logical boundary for adjustment of the existing zoning pattern. Rezoning as proposed will create potential opportunities for shop top housing and improved off street car parking. Any upper level residential apartments will also complement surrounding residential land uses in terms of scale and function. It is not anticipated there will be any adverse impacts to nearby residential properties.

The Proposal, if progressed, will ensure important local businesses remain viable, create additional housing diversity and will incrementally increase housing supply near services and recreational facilities whilst providing real opportunities for urban design improvements that have the potential to significantly improve the appearance of this visually prominent section of Karne Street North.

However, if rezoning as proposed is not progressed, no further development will be possible on these sites, as it is impractical to comply with current LEP Development Standards such as maximum permitted FSR, substantial setbacks, minimum landscape areas etc. (Example: maximum permitted FSR within the R3 zone is already exceeded on these properties and the existing buildings have zero front and side boundary setbacks). Council's DCP controls are more relevant to residential development elsewhere in the R3 zone rather than these existing business premises on smaller lots. There is also no incentive to amalgamate lots given their relatively small size. There is a possibility that the current (marginally viable) commercial uses may not continue indefinitely if

development opportunities are not made available to provide an ongoing rental income stream which will assist their ongoing viability. This scenario is not desirable and it would negate Council's stated strategic objectives of retaining and promoting neighbourhood business activity within the LGA.

It is therefore recommended that Council progress the Planning Proposal.

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Annexure 1 - Preliminary Submission



PRELIMINARY SUBMISSION TO CANTERBURY/BANKSTOWN COUNCIL.

PLANNING PROPOSAL - POTENTIAL REZONING OF EXISTING BUSINESS PROPERTIES AT 89-95 KARNE STREET NORTH, NARWEE, FROM "R3 MEDIUM DENSITY RESIDENTIAL" TO "B1 NEIGHBOURHOOD CENTRE" UNDER CANTERBURY LEP 2012.

SIMPLAN

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3 January 2017

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SUBJECT PROPERTIES: 89-95 KARNE STREET NORTH, NARWEE



Fig. 1 – Business properties outlined in red proposed to be rezoned from R3 Medium Density Residential Zone to B1 Neighbourhood Centre Business Zone.



Fig. 2 View of business properties looking south-east along Karne Street North

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Fig. 3 - Rear of Karne Street North business properties looking north showing access and parking adjacent to Shorter Lane

1. SIGNIFICANT PLANNING/ENVIRONMENTAL ISSUES SUPPORTING PROPOSED REZONING OF SUBJECT PROPERTIES A FROM AN R3 MEDIUM DENSITY RESIDENTIAL ZONE TO B1 NEIGHBOURHOOD CENTRE ZONE

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- The current Residential R3 medium density housing zone is not suitable for the land uses on these sites. The properties in question are a “discrete” block of business premises separated from nearby dwellings by a service lane to the east, public pas to the north and adjacent streets to the south and west. This is very different to more typical “non-residential uses in residential zones” scenarios where one or two shops or office uses are interspersed with residential properties and share a common boundary with them. In this instance, there are several properties involved which do not adjoin any dwellings. A logical alternative from both an urban design and land use perspective is to identify these properties within a B1 Neighbourhood Centre Zone. Shorter Lane and existing pathways/roads provide a logical zoning boundary. Development standards applicable to the B1 Neighbourhood Centre zone can be applied following rezoning to allow compliant additional development potential (see below).
- The current R3 zone permits attached dwellings, multi-unit housing, restaurants and neighbourhood shopping facilities. However, this zoning and related development standard such as the maximum permitted FSR of 0.5:1 (See FSR Map and Clause 4.4A of Canterbury LEP 2012) effectively removes any development potential for these sites. “Shop top housing” is prohibited within the R3 zone and the existing shops and restaurant premises located on relatively small allotments already exceed the

maximum 0.5:1 FSR. However, plans previously submitted to Council demonstrate that the addition of a single apartment above 93,93A and 95 Karne Street North complying with the maximum permitted building height specified for the B1 Neighbourhood Centre Zone would "fit" comfortably within the existing Karne Street North streetscape. In addition, such a development and would be compatible with the low rise built form and residential land uses located within the surrounding R3 Zone (see concluding comments in this submission).

- Although neighbourhood shops and restaurants are permissible land uses, the overriding objectives of the current R3 Medium density residential zone, which are to promote residential development comprising a variety of housing types, cannot be realised for these properties.
- The size and shape of smaller allotments at 89-95 Karne Street North are not conducive to dwelling house or to attached/multi-unit housing development currently permitted within an R3 Residential Zone. Development standards for medium density residential development within the current R3 Zone are clearly inappropriate for existing single fronted business premises located on relatively small allotments. Former Canterbury Council's current DCP controls (Part 2 - Residential Controls) also severely constrain development potential for these sites. These controls are designed to regulate non-residential built form in areas characterised by dwelling houses as opposed to mixed use development forms within groups of properties having a "commercial" character. Former Canterbury Council's *Draft DCP*, which concluded public exhibition in October 2016 (Part F8) states as follows in relation to non-residential development in residential zones:

F8.2 General Controls

- C1 Non-residential development in a residential zone will be assessed for its impact on residential amenity.
- C2 Non-residential development in a residential zone will only be acceptable where adverse impacts on the amenity of residences in the immediate area (for example through traffic generation, parking demand, noise or any other form of pollution that is incompatible with residential uses) are avoided or minimised.
- C3 Council may impose conditions of consent to minimise any impact on residential amenity including limiting the scale of the development, restricting hours of operation or the like.
- C4 Building design needs to be compatible with surrounding area.

We would contend that above Draft DCP controls are inappropriate to apply to the subject properties for the many reasons stated in this submission. There will be no adverse environmental impacts because of rezoning to B1 and

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business/shop- top housing uses will complement current land uses in the surrounding residential zone.

- Rezoning of these business premises to a B1 Neighbourhood Centre Zone would acknowledge their existing business use and “commercial” built form. It would also allow much more relevant and appropriate development standards to be applied which recognise current land use constraints. New development can align with the primary land use objectives of the Canterbury B1 Neighbourhood Centre Zone which are:

To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.

There are comparable examples of small groups of shops within primarily low density residential zones zoned “B1 Neighbourhood Centre” under Canterbury LEP 2012, including smaller groups business premises with upper level residential accommodation within the R2 and R3 residential zones. See Map extracts below at Figures 4 & 5 showing existing B1 Neighbourhood Centre Zones at William Street cnr. Main Street Earlwood, and corner of Kingsgrove Road and Turton Avenue. Similar examples in the former Bankstown LGA under Bankstown LEP 2015 are shown in Figures 6 & 7. Unlike the subject sites in Karne Street North there is no public domain separation present on all zone boundaries.



Fig 4.

Figs 4 & 5 – Examples of B1 Neighbourhood Centre zones in former Canterbury LGA located within residentially zoned areas (no public domain separation to all zone boundaries).



Fig. 5

Figs 6 & 7 – Examples of B1 Neighbourhood Centre zones in former Bankstown LGA located within residentially zoned areas (no public domain separation to all zone boundaries).



Fig. 6.

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Fig. 7.

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2. SHOP TOP HOUSING

- In addition to better aligning land use zoning with current business activities, a “shop top” apartment comprising a single level residence above business premises at 93,93A and 95 Karne Street would be permissible with consent within a B1 Neighbourhood Centre zone. Any apartment can be designed to minimise any adverse environmental impacts and comply with LEP development standards for the (preferred) B1 Neighbourhood Centre Zone. This includes the current maximum permitted building height within the B1 zone together with relevant built form controls included in former Canterbury Council’s DCP (Part 3 - Business). A two (2) storey built form will arguably enhance the existing streetscape in comparison with existing single storey structures.
- Shorter Lane provides a significant buffer to the adjacent single dwelling in Shorter Avenue within the R3 Zone to the east of the laneway. This will mitigate any overlooking or overshadowing impacts from a shop top dwelling erected above the commercial properties (the adjacent dwelling faces north and solar access to this property will not be affected).
- The provision of a shop top housing unit will allow an additional residential apartment to be constructed within a surrounding residential zone with minimal environmental impact. It is noted that many single dwellings in the immediate locality are in excellent condition and highly capitalised. Many have also been substantially extended. This means that the ongoing level of uptake for medium density residential development within the R3 Zone is likely to be modest.

3. CONCLUSIONS

- From a logical, town planning perspective, it is clear that the subject properties require rezoning to regularise/acknowledge present business land uses as occurs in other similarly zoned areas within the former Canterbury and Bankstown LGA's.

Current zoning, FSR and related development standards in the Canterbury LEP 2012, including the provisions of Part 3 of the Canterbury DCP, are inadequate because they are primarily targeted towards the goals of achieving acceptable medium density and low density residential outcomes rather than commercial development. Council's Draft DCP for *Non - Residential Development in Residential Zones (Part F8)* is also considered inappropriate for these (multiple) Karne Street North business properties separated from nearby dwellings and having existing rear lane access. A B1 Neighbourhood Centre zone would provide a much "better fit" in terms of zone objectives and would allow more appropriate, realistic development standards to be applied.

Importantly, rezoning to B1 Neighbourhood Centre would allow an upper level "shop top" apartment to be constructed above 93,93A and 95 Karne Street North. This development can comply with relevant LEP and DCP planning controls for a B1 Neighbourhood Centre Zone such as building height. A site specific maximum building height limit can be included in any amending planning instrument to ensure that any shop top apartment is of a scale compatible with existing and anticipated development in a surrounding Residential R3 zone. A well-designed upper floor addition has the potential to improve the amenity of the locality by providing variety and interest in built form in comparison with the existing "bland" single storey structures.

- There are unlikely to be any adverse environmental impacts because of the Planning Proposal. The proposed rezoning simply recognizes current land use patterns. Issues associated with modest redevelopment for a shop top apartment are likely to be minor and are manageable at future development application stage. Although not directly relevant to rezoning issues, the ability to construct a "shop-top" residence will also assist the ongoing viability of business premises which serve the local community by creating an additional income stream.
- Council's current town planning workloads are appreciated. However, we would request that a future Planning Proposal to rezone the subject sites be allocated reasonable priority (not deferred). This is because multiple premises used for business purposes are affected. It is also unlikely that there are groups of residentially zoned commercial properties within the former Canterbury LGA

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SIMPLAN Town Planning Consultants - Karne St. North Narwee - Planning Proposal

sharing similar site characteristics/ built form typologies and having comparable vehicular access arrangements. The applicant is agreeable to paying the required fees for any Planning Proposal to enable it to be progressed by Council staff and/or Council's consultants.

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Annexure 2 - Canterbury Development Control Plan

Existing DCP Controls

Canterbury Council's current DCP controls (Part C - Residential Controls) currently applies to the sites because they are located within the R3 zone. However, these DCP provisions severely constrain future development opportunities. Although neighbourhood shops and restaurants are permissible land uses on the subject sites, the LEP objectives for the R3 Medium density residential zone, which are to promote residential development comprising a variety of housing types, cannot be realised for these commercially utilised properties. The smaller size and shape of the allotments at 89-95 Karne Street North and the nature of the current improvements relative to lot size mean that the properties are not suitable for dwelling - house or attached/multi-unit housing development. In addition, DCP controls for medium density residential development within the current R3 Zone require substantial setbacks and landscape areas which are impossible to provide on these sites. Therefore, applicable Residential DCP controls relevant to the R3 zone are clearly inappropriate for a cohesive grouping of existing attached commercial buildings constructed on smaller allotments. This reinforces the need for a Planning Proposal which will alter the zoning of the subject properties to align development standards and apply DCP controls which align with current business activity and land use. The situation with the subject sites is also very different to a typical "non-residential use in residential zone" scenario where a shop or office premises may share a common boundary with adjacent residential properties. In this instance, there are several properties involved which do not adjoin residences.

Canterbury Council's DCP 2012 (Part F8) also states as follows in relation to "non-residential development" in residential zones:

F8.2 General Controls

- C1 Non-residential development in a residential zone will be assessed for its impact on residential amenity.
- C2 Non-residential development in a residential zone will only be acceptable where adverse impacts on the amenity of residences in the immediate area (for example through traffic generation, parking demand, noise or any other form of pollution that is incompatible with residential uses) are avoided or minimised.
- C3 Council may impose conditions of consent to minimise any impact on residential amenity including limiting the scale of the development, restricting hours of operation or the like.
- C4 Building design needs to be compatible with surrounding area.

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Council's DCP controls are clearly intended to regulate new non-residential uses located on sites surrounded by residences as opposed to the existing situation at 89-95 Karne Street North, which comprises several existing commercially utilised properties physically separated by public roads and public footpaths from nearby dwellings. To conclude, the above Draft DCP controls are inappropriate to apply to the subject

properties for the reasons stated above. There will be no adverse environmental impacts because of rezoning to a B1 Neighbourhood Centre zone. In addition, any shop-top housing uses constructed above commercial premises will complement current low density residential land uses in the vicinity.

Proposed DCP Controls

The provisions of Canterbury DCP 2012 - Part B – General Controls, Part C5 (Shop-top-housing) and Part D (Business Centres) would all apply in varying degrees to the land following rezoning to B1. Any new development can be designed to comply with required DCP design controls including requirements for upper level setbacks, façade/articulation/building modulation, use of materials and building envelope controls. Council's "Objectives for Business Centres" (D1.1 01-06) can be met in addition to key Canterbury LEP objectives and development standards for the B1 Neighbourhood Centre Business zone. Good levels of amenity and solar access can be achieved for any new first floor dwellings. Car access is readily available from the existing rear service lane and off-street parking will be provided. Public domain improvements may also be achieved along the street frontages and can be required as a future condition of development consent.

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Annexure 3 – Public Transport Context

Bus Routes 941 and 944 are in close proximity to the subject premises – See **Figure 1** below: Roseland Shopping Centre is 1.3km or 11minutes walking distance.

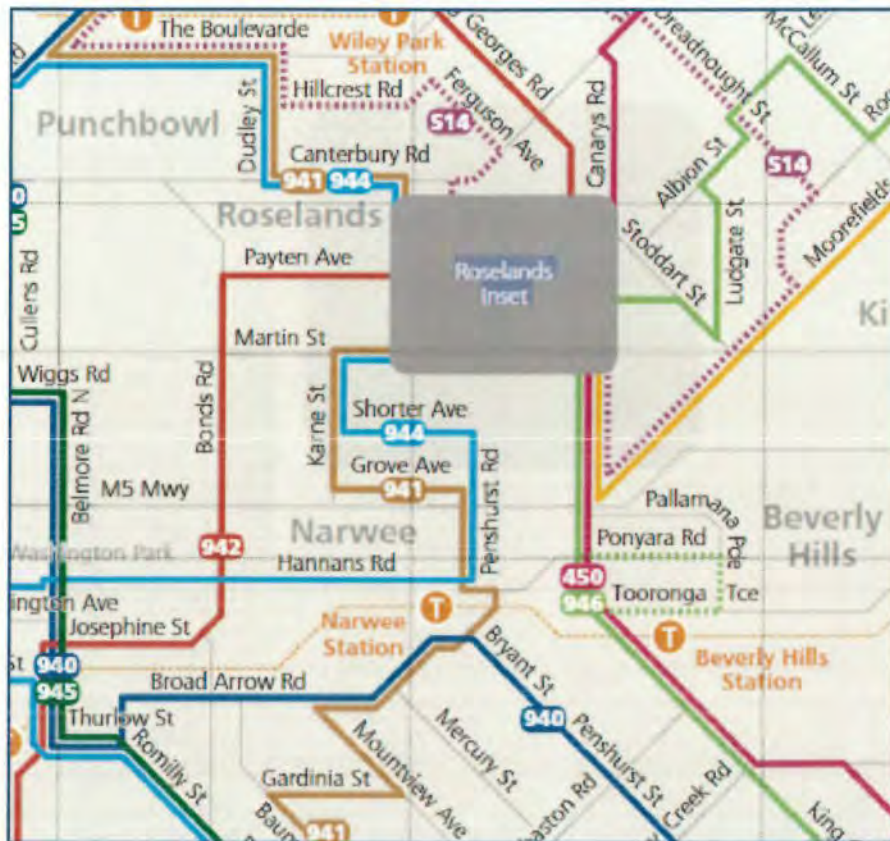


Figure 1

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Annexure 4 - Design Statement & Concept Plans

The eventual relationship of buildings to the street is intended to be that of 2 storey mixed use development. The **Concept Plans** below illustrate a building elevation to Karne Street North comprising an upper level addition to all properties. Plans are also provided showing only properties 93,93A and 95 Karne Street North extended the upper level (additional car parking provided below). Observations of the local area indicate that the character of residential development near the site is varied and includes new and extended 2 storey dwellings of a similar height to potential shop-top housing.

The additional first floor level will be visually recessive as it will be setback from the ground floor of the building in accordance with Council's Part 3 DCP requirements. Incremental shadow impacts to nearby dwellings due to constructing an upper level will be minimal due to the sites' corner location. Shop-top housing should not give rise to any material adverse impacts in terms of aural and visual privacy or view loss. Shorter Lane and presence of adjacent streets + the existing public walkway to the north of the properties mean that there are substantial physical buffers to nearby low-density dwellings.

The built form of future development will create a modulated "street wall" effect along Karne Street North. Creating a 2-level built form will also assist in creating a focal point to visually "reinforce" the corner of Karne Street North and Shorter Avenue in accordance with accepted good urban design practice. Importantly, it will also create a built form outcome that will visually "signal" the location of commercial uses within the proposed B1 Neighbourhood zone. Balconies and recesses in walls will provide contrasting light and shade to achieve visual interest and facade modulation along Karne Street North. External building materials will include traditional brick and timber fishes juxtaposed with muted rendered finishes and coloured metal louvres added to some balconies to achieve visual diversity and privacy whilst still achieving an overall cohesiveness in the design of development.

The layout of the proposed buildings will allow for lift access to the upper level. Additional off-street car parking will be provided. There is also consistently available extensive on-street car parking capacity in Karne Street North and Shorter Avenue given the low density residential nature of the locality and an absence of other commercial properties nearby. Shorter Lane is also a cul-de sac and can therefore be utilised for occasional loading and unloading purposes without compromising traffic movements.

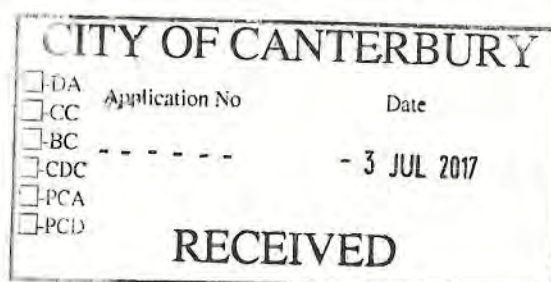


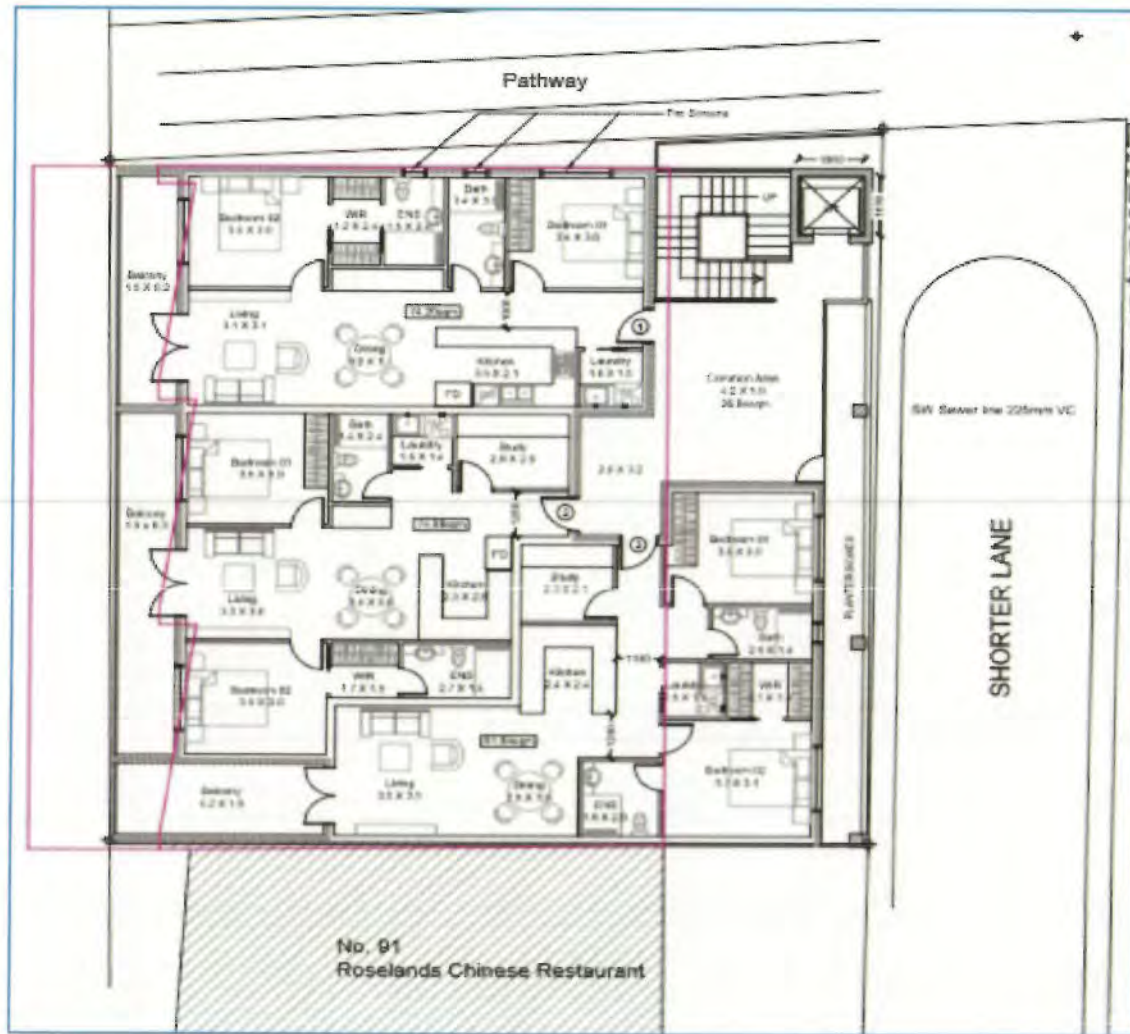


Fig. A. Concept street elevation looking south-east along Karne Street North.



Fig. B. Concept rear elevation (adjacent Shorter Lane) looking south-west.

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Annexure 5 - Copies of Council Letters



City of Canterbury

City of Cultural Diversity

463913AD PT2

Enquiries: Andrew Ison
Direct Phone: 9789 9512
Direct Fax: 9789 1542

Micris Design Pty Ltd
C/- Michael Di Ramio
23 Mount St
HURLSTONE PARK NSW 2193

Dear Sir/ Madam,

Property:	93, 93A and 95 Karne Street North, Narwee
Development Description:	Application to rezone the subject site from R3 to B1 for partial demolition of the existing courtyard and associated structures and construction of first floor extension over the existing retail shop
Application Number:	PRE-38/2013

I refer to the concept plans submitted to Council for the subject property.

Following a preliminary consideration of your proposal, the following matters are referred for your attention to assist you in preparing your development application (DA).

Please note that this advice is based on the plans provided to Council. Should the development change in any way prior to the lodgment of a DA then this advice may no longer be fully accurate or complete.

Zoning

The land is zoned R3 Medium Density Residential in the Canterbury Local Environmental Plan (LEP) 2012. The proposal is permissible with consent, being defined as a dwelling house.

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Town Planning Advice

1. The proposed development is to comply with the relevant clauses in the Canterbury Local Environmental Plan (LEP) 2012 and development controls in the Canterbury Development Control Plan (DCP) 2012.
2. With respect to the LEP, the gross floor area (GFA) of the land is 0.5:1, and it has been noted in your submission that the GFA already is over this development standard, at 0.65:1. However, pursuant to Clause 4.4 of the LEP, the FSR requirements do not apply to dwelling houses.
3. With respect to the car parking, it will require 2 additional car parking spaces, as per the 2 bedroom dwelling rate set in Part 6.8 of the DCP. The existing number of car parking spaces is to be calculated against the total floor area of the commercial development, set against the shop rate for "other locations". If additional spaces are required and cannot be provided, then it will require a variation to the DCP, and will be assessed on its merits, and in particular the commercial uses and their car parking generation.
4. If a DA is lodged, a Statement of Environmental Effects (SEE) must be submitted with the DA that fully describes the proposed development and assessed against the Canterbury LEP 2012 and Canterbury Development Control Plan (DCP) 2012 and the State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009.
5. With respect to the rezoning, Council would have no objections to a Planning Proposal for the change of zone to a B1 Neighbourhood Centre, however, the preference would be for the entire block, from 89 to 95 Karne Street (inclusive). For further information with respect to the Planning Proposal, please contact Warren Farleigh on 9789 9608.

Building Advice

6. A BASIX certificate is to be provided. The commitments as specified in this certificate are to be provided, where relevant, on the architectural plans.
7. If a Construction Certificate (CC) is applied concurrently with a DA, the proposed development is to demonstrate compliance with the National Construction Code (NCC). This will ensure that if a consent is issued, the CC could also be issued at the same time.

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Engineering Advice

8. Stormwater plans are to be prepared by an appropriately qualified engineer, demonstrating how water will be disposed of from the site.

Lodging the DA

9. Please refer to the "Development Application Process" section of the Council's website (www.canterbury.nsw.gov.au) for information and guidance on how to prepare and lodge a DA.
10. Prior to the lodgment of the DA, please contact the Customer Service team on (02) 9789 9300 to obtain a fee quote. This is to be presented at the time of the DA lodgment.
11. Council would welcome the opportunity to act as the certifier for this proposed development, for the Construction Certificate and Occupation Certificate. Should you choose this, please advise Council's customer service staff when lodging your DA to ensure that your application form is completed correctly and that the correct fees are paid for any certificates and inspections.
12. Please note that following receipt and full assessment of the DA, additional issues may arise that are not detailed in this letter that may require the development to be modified or additional information to be submitted. However, you will be advised of this as soon as possible following the submission of the DA.

If you should require any further information, please do not hesitate to contact me in City Planning on 9789 9512 Monday to Friday.

Yours sincerely,



Andrew Ison
SENIOR PLANNER
24 February 2014

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Letter 2.



465 9113

Enquiries: Deep Hang
Direct Phone: 9789 9368
Direct Fax: 9789 1562

Micris Design
C/- Michael Di Ramio
361 Stoney Creek Rd
KINGSGROVE NSW 2208

Dear Micris Design,

Property:	93, 93A and 95 Karne Street North, Narwee
Development Description:	Partial demolition of existing building with first floor addition for new residence above existing retail shops
Application Number:	DA-526/2014

Reference is made to your application on the subject property. The subject property is zoned R3 Medium Density Residential pursuant to Canterbury Local Environmental Plan (CLEP) 2012.

As discussed previously and further at our meeting held at Council on 16 February 2015, the proposed development has been reviewed, and is considered to fall within the definition of 'shop top housing' pursuant to CLEP 2012.

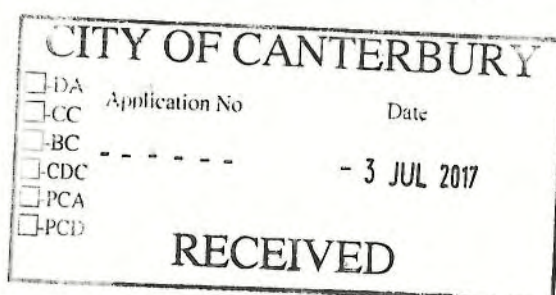
'Shop top housing' is defined as "one or more dwellings located above ground floor retail premises or business premises"

As shop top housing is not a permissible land use within the R3 Medium Density Residential zone pursuant to CLEP 2012, Council is unable to progress with your application as the proposed development is a prohibited land use in this zone.

It is recommended that you formally withdraw DA-526/2014 in writing, in which case Council will be able to refund DA fees paid in full.



As we discussed, you may wish to pursue the option of lodging a planning proposal seeking to amend the LEP in order to facilitate development of the type proposed. Should you wish to explore this, you should also include the adjoining property (No. 89-91 Karne



St North, Narwee). In this regard, owner's consent from all property owners is required for the rezoning application.

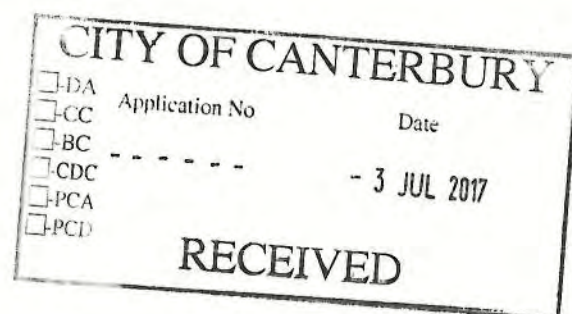
I await your advice as to how you now wish to proceed with this matter.

If you should require any further information, please do not hesitate to contact me in City Planning, on 9789 9368 Monday to Friday

Yours sincerely,

Diep Hang
PLANNER

18 February 2015



Annexure 6 – Copies of Email correspondence from adjoining owners of 89-91 Karne Street North referring to meeting held 20 May 2017 to discuss Planning Proposal + written authorisation raising no objection to lodgement of Planning Proposal with Canterbury-Bankstown Council

Re: Proposed Rezoning - 89-95 Karne Street North - Invitation to Attend Meeting



Kevin Lee <karfu890@gmail.com>

10 May

to me -

Hi Ron,

My name is Kevin Lee and I am the son of John Lee - owner of 89 Karne Street North. I will be representing my father through the invitation for the proposed re-zoning.

I am interested in attending the informal meeting with the stakeholders discussed in the letter addressed on the 28/04/2017.

Due to work and other commitments, I am only available to attend on Saturday to discuss the proposition for rezoning. Preferably, the meeting will be held on a Saturday from 20th May 2017 onward in a place which is mutually convenient for the other stakeholders.

If you have any queries, please contact me on this email or call me on 0425630061.

Kind regards

...

Kevin

Kevin Lee

29 May

to me -

Hi Ron,

After multiple discussions with my parents, unfortunately, we have not chosen to proceed with the rezoning. We have considered the potential monetary benefit of the rezoning, however, we believe our financial resources can be used for other purposes.

Thank you for providing the information in your previous emails and the time made to inform myself and my parents of the rezoning proposition.

Thank you

Kind regards

Kevin Lee

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Email from Lee family representative (son of owners of 89-91 Karne Street North) dated 30 May 2017 in response to email from applicant's town planning consultant raising no objection to lodgement of Planning Proposal to include all properties at 89-95 Karne Street North

On Mon, May 29, 2017 at 5:54 PM, ron sim <ronsim84@gmail.com> wrote:

Hi Kevin

Thank you for replying.

Can we assume you would not object to an application to rezone to B1 if the client decides to proceed independently and seeks rezoning for all properties, including your parent's property?

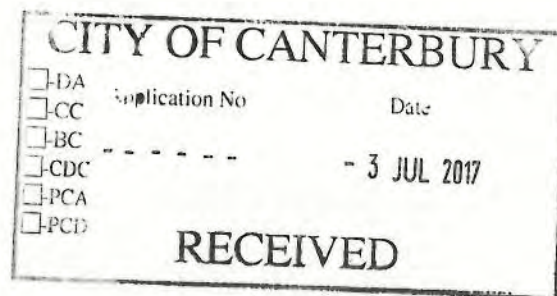
Kind Regards

Ron.

Ron Sim
BTP (Hons) (UOQ) LGTP, MPiA
Cert. Urban Design (USYD)
Dip.FLM (UNE)

SIMPLAN
Consulting
Town Planners
ABN 21737967818

17 Ivanhoe Road,
Croydon NSW 2132
Mobile: 0403 448 155
Email: ronsim84@gmail.com



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Environmental Sustainability:

Please consider the environment before printing this e-mail.

On 30 May 2017 15:43, "Kevin Lee" <karfu890@gmail.com> wrote:

Hi Ron,

Per discussion with my parents, we would not object if your client decides to independently rezone to B1 and pay for all fees inclusive of the process.

Kind regards,

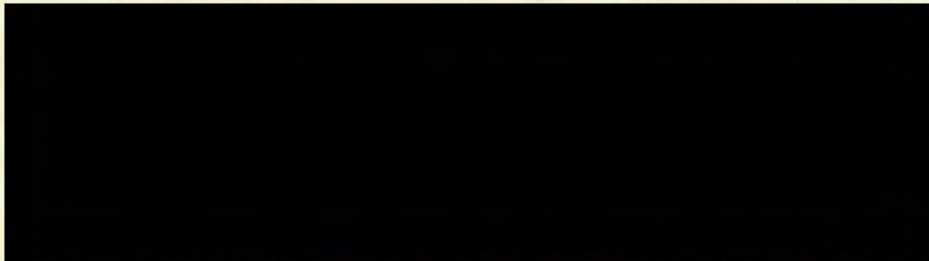
Kevin

DECLARATION BY OWNER

**Planning Proposal Application to Canterbury- Bankstown Council
89-95 Karne Street North, Narwee NSW 2209**

I, Charles Fondacaro, am an applicant for the above Planning Proposal.
I am the registered owner of properties 93, 93A and 95 Karne Street North
Narwee NSW 2209.

- I am currently an employee of Canterbury-Bankstown Council.
- I have not made a reportable political donation or gift within the two years preceding this Planning Proposal application.



Date: 27/6/17 June 2017