

Planning Proposal for Powells Creek School Site, Victoria Ave, Concord West

Proposal Title :	Planning Proposal for Powells Creek School Site, Victoria Ave, Concord West		
Proposal Summary :	Amendment to Canada Bay LEP 2008 to rezone land at 64-66 Victoria Ave, Concord West (Lot 5 DP 778667 and Lot 2 DP 218785) from RE1 Public Recreation to SP2 Infrastructure and to reclassify Lot 2 DP 218758 from community to operational land. The LEP amendments are required to facilitate the construction of a new primary school and associated community facilities.		
PP Number :	PP_2012_CANAD_001_00	Dop File No :	12/19201

Proposal Details

Date Planning Proposal Received :	26-Nov-2012	LGA covered :	Canada Bay
Region :	Sydney Region East	RPA :	City of Canada Bay Council
State Electorate :	DRUMMOYNE	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	64-66 Victoria Avenue		
Suburb :	Concord West	City :	Postcode : 2138
Land Parcel :	Lot 5 DP 778667, Lot 2 DP 218758		

DoP Planning Officer Contact Details

Contact Name :	Glenn Horal
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RPA Contact Details

Contact Name :	Caroline Hillen
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DoP Project Manager Contact Details

Contact Name :	
Contact Number :	
Contact Email :	

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro Inner West subregion	Consistent with Strategy :	Yes

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MDP Number :		Date of Release :	
Area of Release (Ha)		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**
If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**
If Yes, comment :

Supporting notes

Internal Supporting Notes : **The PP seeks to bring forward the rezoning and reclassification of the site that was intended to be incorporated in the draft Canada Bay LEP 2012 which was expected to be finalised in the first quarter of 2013.**

A recent request by the Department of Education and Communities (DEC) to Council to lease the site at Powells Creek for a school development had been permissible under the SREP24 Homebush Bay Area and the Department of Education & Communities was preparing a DA to lodge with Council.

The SEPP(Homebush Bay Area) Amendment 2012 gazetted in October 2012 removed the application of SREP24 Homebush Bay Area to land within Canada Bay and zoned the site RE1 Public Recreation which now prohibits educational establishments on the site.

It is considered that bringing forward the rezoning and reclassification in advance of the draft LEP 2012 will assist in DEC progressing with the early development of the school on the site.

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objective to facilitate the construction of a new public primary school and enable the land to be leased to DEC is clearly stated as are the outcomes to rezone the land to SP2 Infrastructure and reclassify land from community to operational land. The statement of objectives is generally consistent with the Departments "A guide to preparing planning proposals".**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **Council proposes to include Lot 2 DP 218758 as land to be reclassified as operational land in schedule 4 Part 1 of Canada Bay LEP 2008. Council also proposes to amend the Canada**

Bay LEP 2008 Land Zoning Map in accordance with the proposed new SP2 zone. The explanation of provisions is generally consistent with the Departments "A guide to preparing planning proposals".

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.1 Residential Zones

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SREP (Sydney Harbour Catchment) 2005

SREP No. 24 - Homebush Bay Area

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

Further discussion on consistency with SEPPs and s117 directions is provided in the assessment section of this report.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The maps provided identify the LGA, the site, existing and proposed zones and are considered adequate.

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment :

No further community consultation is proposed as the community was consulted on the proposed rezoning and reclassification as part of the preparation of the Comprehensive Draft Canada Bay LEP 2012.

The rezoning of the school site and reclassification was intended to be included in the draft Canada Bay LEP 2012 however due to SEPP(Homebush Bay Area) Amendment 2012, gazetted in October 2012, which removed the application of SREP24 to Canada Bay LGA. The site was zoned under the local planning instrument to RE1 Public Recreation.

The RE1 zoning prohibits educational establishments under Canada Bay LEP 2008. It is considered that bringing forward the rezoning and reclassification in advance of the Comprehensive LEP will assist in DEC progressing with the early development of the school on the site.

The Draft LEP was exhibited from 20 August 2012 to 17 September 2012 and included:

- advertisements in local newspapers;**
- individually addressed letters;**
- letters to government agencies;**

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- notification on Council's dedicated website

The rezoning of this site was included in the exhibition of the draft LEP 2012 and a public meeting was held on the reclassification of the site on the 22 October 2012.

Given community consultation has already been undertaken in the draft LEP 2012 it is considered that duplication of the consultation requirements would be unnecessary. However, should the Gateway decide to publicly exhibit the PP it is recommended this be limited to 14 days.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **March 2013**

Comments in relation
to Principal LEP :

Council resolved on 7 November 2012 to forward the draft Canada Bay LEP 2012 to the Department to be made. The Department is yet to receive the draft Plan.

Assessment Criteria

Need for planning
proposal :

The PP has is not the result of a strategic study or report. Council have stated that the PP follows an approach from the Department of Education and Communities (DEC) to lease Council owned land at the site for the purposes of a primary school.

Consistency with strategic planning framework :

Metropolitan Plan for Sydney 2036 (as supported by the Draft Inner West Subregional Strategy).

The PP is consistent with the following objectives and actions in the Metro Plan 2036; Objective A8: To plan and coordinate delivery of infrastructure to meet metropolitan housing and employment growth targets.

Action A8.2 Explore innovative arrangements to plan and deliver new school facilities in infill areas.

Objective H2 - To ensure appropriate social infrastructure and services are located near transport, jobs and housing.

The school site is located in close proximity to Olympic Park Rhodes specialised centres and the school provides additional infrastructure designed to meet the growing local population needs within the area. The site for the school is also well positioned with good public transport links to Concord West train station.

Local Strategies:

Futures Plan 20 (FP20) outlines Council's vision for the next 20 years and has set targets, objectives and actions to achieve themes in the plan. Council advise the PP is consistent with the following outcomes in the FP20 document:

- My City is well managed and my needs are met through high quality services and well maintained infrastructure.
- Encourage shared use of public space and facilities.
- Identify and support the development of community spaces for arts and culture.

State Environmental Planning Policies:

SEPP 55 Remediation of Land - Council states the site is contaminated and is classified as Unhealthy Building Land and will require remediation. Council's Report 7/8/2012 p277 (see Documents attached) advises that a contamination report is being undertaken (in accordance with clause 6 of the SEPP). The report notes that DEC has undertaken an Economic Feasibility Study and is satisfied that these matters (decontamination) can be addressed in the development of the site.

SREP 24 Homebush Bay Area - The SEPP(Homebush Bay Area) Amendment 2012 notified on 19 October 2012 removed the application of SREP24 to land within Canada Bay LGA. The site affected by this PP was zoned to RE1 Public Recreation under Canada Bay LEP 2008 by the amendment.

SREP(Sydney Harbour Catchment) 2005 - Council have stated the PP does not contain provisions that contradict or hinder the application of the SREP.

s117 directions:

The PP is consistent with the following S117 Directions or they not applicable:

2.1 Environment Protection Zones - Council identified the PP is consistent with this direction.

3.1 Residential Zones - Council have identified that the PP is not consistent with this direction. No explanation is given and it appears this may be error.

The direction applies when the PP will affect land within an existing or proposed residential zone or zones in which significant residential development is permitted. The site is currently zoned RE1-Public Recreation and is proposed to be zoned SP2 Infrastructure neither of which permits significant residential development. The Direction is not applicable to the PP.

6.1 Approval and Referral Requirement - Council identified the PP is consistent with this

direction.

6.2 Reserving Land for Public Purposes - the PP alters an existing zoning for open space purposes (introduced under the SREP amendment to LEP 2008). Council is the land owner and agrees and the Director-General under the Direction must also approve the alteration. On the basis that meeting the need for additional school facilities in the area and achieving remediation of the site is a priority over zoning of the site for open space, it is recommended that the Director-General approve the alteration as part of the Gateway determination to demonstrate consistency.

6.3 Site Specific Provisions - Council identified the PP is consistent with this direction.

7.1 Implementation of the Metropolitan Strategy - Council identified the PP is consistent with this direction.

The PP is inconsistent with the following S117 Directions:

2.3 Heritage Conservation - Council have identified that the Powells Creek Reserve is listed as an item of environmental heritage under Canada Bay LEP 2008. Council state a heritage impact assessment will be prepared should the PP proceed through Gateway. A planning proposal may be inconsistent with the direction where heritage significance of the item is conserved by existing or draft environmental planning instruments. As the site is included as an item of environmental heritage in Canada Bay LEP 2008 and is conserved under clause 5.10 of the LEP the inconsistency with the terms of the direction is considered to be justified.

4.1 Acid Sulfate Soils - Council identified the PP is inconsistent with the direction. Council state that an Acid Sulfate Soils Study is being prepared. The inconsistency with the direction has not justified by a study as yet nor can be considered of minor significance and the PP remains inconsistent with the direction. A study in accordance with the direction or justifying the inconsistency is required. This will be a condition recommended to the Gateway.

4.3 Flood Prone Land - Council have identified the PP is inconsistent with this direction. Canada Bay Council does not have any flood related policies and consequently no land is identified as being flood prone. Council state the land is known to be flood affected and a flood study is being prepared. The PP is inconsistent with this direction. A study in accordance with the direction or justifying the inconsistency is required. This will be a condition recommended to the Gateway

Environmental social
economic impacts :

Council have identified positive social effects where a local community school will fulfil the need for a rapidly growing population in Canada Bay LGA enabling children to be educated locally. The positive social benefits also include additional facilities such as a child care centre, early childhood centre and out of school care centre.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	Nil
Timeframe to make LEP :	6 Month	Delegation :	DG
Public Authority Consultation - 56(2)(d)	Department of Education and Communities Transport for NSW - Roads and Maritime Services		

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Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Flooding

Other - provide details below

If Other, provide reasons :

Contamination Report, Acid Sulfate Soils Report, Traffic and Transport Report.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Council Covering Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Planning Proposal - Attachment A - Site Identification Map.pdf	Map	Yes
Planning Proposal - Attachment B - Land Application Map.pdf	Map	Yes
Planning Proposal - Attachment C - Current Land Zoning Map.pdf	Map	Yes
Planning Proposal - Attachment D - Proposed Land Zoning Map.pdf	Map	Yes
Planning Proposal - Attachment E - Council Report.pdf	Proposal	Yes
Planning Proposal - Attachment E - Council Report Resolution.pdf	Proposal	Yes
Planning Proposal - Attachment F - Public Hearing Report.pdf	Study	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **2.1 Environment Protection Zones**

2.3 Heritage Conservation

3.1 Residential Zones

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **It is recommended that the Director-General approve the alteration of the existing zoning of the site for the public purposes of open space as part of the Gateway determination to demonstrate consistency with 6.2 Reserving Land for Public Purposes.**

The following conditions are recommended:

-Council to demonstrate its satisfaction with the remediation of the site as per SEPP 55 Remediation of Land prior to the determination of an application for the development of the site as a school.

-Council is to address the inconsistencies with s117 Direction 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land by the preparation of a study in accordance with the direction.

-The DG be satisfied that the inconsistency with the terms of .

-No Community consultation is required.

-No Public Hearing is required.

-Consultation with the following public authorities is required.

Transport NSW - RMS

Department of Education and Communities

-6 month timeframe.

Supporting Reasons :

It is recommended that the Director General also be satisfied that the planning proposal can proceed on the basis that inconsistency with Direction 2.3 Heritage Conservation is justified as the heritage item will be conserved under the draft Canada Bay LEP 2012

Signature:



Printed Name:

SUSAN SKY

Date:

6.12.2012