

Reclassification of land at 34 Coreen Avenue, Peakhurst from 'community' to 'operational'

Proposal Title : **Reclassification of land at 34 Coreen Avenue, Peakhurst from 'community' to 'operational'**

Proposal Summary : **The planning proposal seeks to amend Schedule 4, Part 1 of the Hurstville Local Environmental Plan 2012 (HLEP2012) by reclassifying land at 34 Coreen Avenue, Peakhurst (part Lot 18 in Deposited Plan 31882) from 'community' to 'operational' land.**

The site is a small portion of the public reserve. The site does not have interests on the land. No interests will change as a result of the reclassification. The proposal does not change the land use zoning.

PP Number : **PP_2016_GRIVE_001_00** Dop File No : **16/08386**

Proposal Details

Date Planning Proposal Received :	08-Jul-2016	LGA covered :	Georges River
Region :	Metro(CBD)	RPA :	Georges River Council
State Electorate :	OATLEY	Section of the Act :	55 - Planning Proposal
LEP Type :	Reclassification		

Location Details

Street :	34 Coreen Avenue		
Suburb :	Peakhurst	City :	Sydney
		Postcode :	2210
Land Parcel :	Lot 18 DP31		

DoP Planning Officer Contact Details

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Reclassification of land at 34 Coreen Avenue, Peakhurst from 'community' to 'operational'

Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub
Regional Strategy :

Consistent with Strategy :

MDP Number :

Date of Release :

Area of Release (Ha)
:

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings 0
(where relevant) :

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 : **The Department of Planning and Environment is not aware of any meetings or communications with registered lobbyists concerning this proposal.**

Supporting notes

Internal Supporting
Notes :

On 14 June 2016, Georges River Council submitted a planning proposal to the Department, resolved by the former Hurstville Council, while currently seeking to reclassify land at 34 Coreen Avenue, Peakhurst.

34 Coreen Avenue is split into two parts via the Road (Coreen Ave). The northern part of the land is the subject site of this planning proposal while currently part of the reserve, it has no primary use or operation due to the size, orientation and location immediate adjacent to the walkway. The site is 45.4 square metres in size.

The proposal seeks to amend Schedule 4, Part 1 of the Hurstville Local Environmental Plan 2012 to reclassify land at the site from 'community' land to 'operational' land. No further amendments to the HLEP2012 have been proposed.

The objective of this proposal is to enable the surplus site to be sold by Council following future subdivision, and for the funds to be used for other community assets.

The land was originally acquired by Hurstville Council prior to 1960 as part of the overall subdivision of land, and at that time, was provided for the purpose of a reserve. In October 1960 the Council reserve was bisected by a road (Coreen Avenue) and formed part of the further subdivision of surrounding land. The resultant subdivision of 34 Coreen Avenue caused the single allotment to be separated into two (2) parts as they exist today.

Council granted permission in 1978 to the adjoining land owners (31 Iruga Avenue, Peakhurst) to fence the north-western portion of the reserve.

The planning proposal was prepared in association with a subdivision application of this land (currently under separate DA Assessment). The Development Application (DA2015/0285) relates to the subdivision of one lot (spanning Coreen Avenue) into two lots and was submitted on 10 August 2015. The DA has yet to be determined. As a result, Council have suggested two options for the reclassification, that includes part lot

Reclassification of land at 34 Coreen Avenue, Peakhurst from 'community' to 'operational'

reclassified or new lot reclassified to operational from community.

No change to the existing R2 Low Density Residential zoning or development standards under this zoning have been requested.

Removing the lands public reserve status will require the Governor's approval.

The proposal is supported as:

- it is consistent with the NSW strategic planning framework and Council's strategic plan;
- it assists Council with operational objectives to achieve total asset management through better management of Council-owned land; and
- the site is limited (45.4sqm) in size and is impracticable for open space use.

External Supporting
Notes :

Georges River Council, on behalf of the former Hurstville Council, submitted a planning proposal to the Department on the 14 June 2016, which seeks to reclassify part of the land at 34 Coreen Avenue, Peakhurst, from 'community' to 'operational' land.

The subject site is 45.4 square metres.

The land was originally acquired by Council for the purpose of a reserve prior to the 1960's. In October 1960, Council built a road, Coreen Avenue, which split the reserve into two (2) parts. The northern part of the site is the subject of this Planning Proposal.

Council supports this planning proposal because it promotes the orderly and economic use and development of surplus land.

The Department requested additional information from Council on 22 June 2016. The requested additional information was received on 8 July 2016.

The site is a small portion of the public reserve. The site does not have any interests on the land. The proposal does not change the current R2 Low Residential Density zoning of the land or any development controls applying to it.

Adequacy Assessment

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

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

Comment : The primary objective of this planning proposal is to reclassify land at 34 Coreen Avenue, Peakhurst from community to operational land.

The reclassification will enable Council to sell the site, which is considered unusable for public open space purposes and surplus to community needs. The site currently forms part of the backyard of this neighbour. The site is small (45.4 square metres) and is dissected by a road from the remainder of the reserve.

The objectives of the planning proposal are considered to be clear and adequate.

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

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

Comment : The objectives will be achieved through an amendment to Schedule 1, Part of the HLEP2012.

The Proposal reclassifies part lot at 34 Coreen Avenue, Peakhurst, from community to operational.

The proposed intended outcome will be achieved by amending the HLEP2012 in either of the two ways (subject to the approval of DA2015/0285 for the subdivision of land):

- If subdivision of the land has not been approved, amending Part 1 and Part 3 of Schedule 4 – Classification and Reclassification to Public Land of HLEP2012 to refer to a new "Land

Reclassification of land at 34 Coreen Avenue, Peakhurst from 'community' to 'operational'

Reclassification (Part Lots)" map which identifies the part of Lot 18 DP31882 being reclassified as operational land and the remaining part which retains its community classification; and

•If subdivision of the land has been approved, amending Part 1 of Schedule 4 – Classification and Reclassification of Public Land of HLEP2012 to refer to the new Lot and DP for the subject parcel of land being reclassified as operational land.

The explanation of provisions clearly outlines the purpose, intent and application of the proposal.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

3.1 Residential Zones

3.4 Integrating Land Use and Transport

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

7.1 Implementation of A Plan for Growing Sydney

* May need the Director General's agreement

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified?

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

PN09-003 'Classification and reclassification of public land through a local environmental plan': This Practice Note provides guidance on the classification and reclassification process, and includes general requirements for exhibition and public hearings. The planning proposal generally accords with the Practice Note, and Council is obliged to follow the guidance and requirements relating to public exhibition and public hearings as set out in PN 09-003.

The following strategic planning documents have been considered in respect of this planning proposal:

•State Environmental Planning Policies;

•Section 117 Directions;

•Hurstville Open Space, Recreation and Community Facilities Strategy; and

•Hurstville Community Strategic Plan 2021.

State Environmental Planning Policies

No relevant SEPP's are applicable to the planning proposal.

Section 117 Directions

The planning proposal is consistent with all relevant S117 Directions.

Hurstville Open Space, Recreation and Community Facilities Strategy

In 2010 Hurstville Council adopted the Hurstville Open Space, Recreation and Community Facilities Strategy (Open Space Strategy) which identifies the overall strategy for the use of Council's open space assets or divestment of underutilised open space. The proposal is consistent with this Strategy. The site was not specifically identified within the Strategy.

Hurstville Community Strategic Plan 2021

In 2011, Hurstville Council adopted the Hurstville Community Strategic Plan 2021 (CSP) which structures Council's aspirations and strategies over a 10 year period. The CSP promotes the cycling of assets in order to improve existing assets or obtain new assets. The planning proposal is consistent with the CSP.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The planning proposal contains indicative mapping reflecting the intent of the proposal. The mapping is considered adequate for public exhibition purposes.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council proposes a twenty eight (28) day public exhibition period and, as required by the Local Government Act 1993, a public hearing. The Department's Practice Note PN 09-003 provides guidance on the requirements for public exhibition and public hearings.**

A 28 day public exhibition period is supported.

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 : **There are no additional Secretary's Requirements.**

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The HLEP2012 took effect on the 7 December 2012**

Assessment Criteria

Need for planning proposal : **The planning proposal is the only means of achieving the aims of the proposal.**

However, Under s45 of the Local Government Act 1993, Council's cannot sell, exchange or dispose of community land. Reclassification of the subject land to 'operational' land is required to facilitate its sale.

Consistency with strategic planning framework : **The proposal is consistent with Hurstville Open Space, Recreation and Community Facilities Strategy and Hurstville Community Strategic Plan 2021.**

Environmental social economic impacts : **Environmental**
The planning proposal is unlikely to adversely affect any critical habitat or threatened species, populations or ecological communities, or their habitats.

There are no known critical habits or threatened species, populations or ecological communities or their habitats which will be affected by the proposal. Other environmental effects (bushfires, land slips and flooding) are unlikely in Hurstville LGA and the proposal will not impact or enhance environmental risks.

Social and Economic
No adverse social or economic effects are likely to arise as a consequence of the planning proposal. Given that the site is unusable and does not serve any public benefit due to the

Reclassification of land at 34 Coreen Avenue, Peakhurst from 'community' to 'operational'

impracticable size and orientation of the land, no adverse social or economic impacts are to prevail.

The reclassification from community to operational land will enable disposal of the site. Proceeds from sale will be directed to Council's Property Realignment Reserve for community use in line with Council's Open Space Strategy.

The planning proposal is considered to be of positive environmental, social and economic benefits. No likely adverse effects as a consequence of the planning proposal.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation :

Public Authority
Consultation - 56(2)(d)
:

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

(2)(a) Should the matter proceed ? **No**

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Cover Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal 1 of 3.pdf	Proposal	Yes
Planning Proposal 2 of 3.pdf	Proposal	Yes
Planning Proposal 3 of 3.pdf	Proposal	Yes
Additional Information.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **3.1 Residential Zones**
3.4 Integrating Land Use and Transport

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Additional Information :

It is recommended that the planning proposal proceed, subject to the following conditions:

1. Prior to public exhibition, the planning proposal is to be updated to:
 - (a) Include a plain English explanation of the intended effect of the proposed provision;
 - (b) Include a clear copy of the current Land Zoning Maps, Site Identification Maps and Land Reservation Acquisition Maps;
2. A public hearing is required to be held on the reclassification on the subject land;
3. The planning proposal is to be publically exhibited for 28 days;
4. The planning proposal be completed within 9 months;

Supporting Reasons :

The planning proposal is supported for the following reasons:
•it is consistent with Council's strategic plan for the divestment of Council's underutilised open space;
•it assists Council to better manage Council-owned land; and
•it provides economic return from the sale of the land so it can be used to support existing community assets.

Signature:



Printed Name:

MARTIN COOPER

Date:

12/08/2016

