



Planning proposal to correct mapping anomalies, errors and Schedule 5 - Environmental heritage.

Proposal Title : **Planning proposal to correct mapping anomalies, errors and Schedule 5 - Environmental heritage.**

Proposal Summary : **The intention of the planning proposal is to amend Canterbury Local Environmental Plan 2012 to correct minor mapping anomalies, typographical errors, LEP text and Schedule 5 - Environmental heritage.**

PP Number : **PP_2016_CANTE_001_00** Dop File No : **15/18299**

Proposal Details

Date Planning Proposal Received : **04-Jan-2016** LGA covered : **Canterbury**
Region : **Metro(CBD)** RPA : **Canterbury City Council**
State Electorate : **CANTERBURY LAKEMBA** Section of the Act : **55 - Planning Proposal**
LEP Type : **Precinct**

Location Details

Street : **Whole of LGA**
Suburb : City : Postcode :
Land Parcel : **Whole of LGA**

DoP Planning Officer Contact Details

Contact Name : **Helen Wilkins**
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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Martin Cooper**
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Land Release Data

Growth Centre : Release Area Name :
Regional / Sub Consistent with Strategy :
Regional Strategy :

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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 proposal is generally supported because most items are of minor significance, administrative in nature or reflect the current status of items:

- Item 1 adds "Emergency Services Facility" as a permissible use in RE1 zone;
- Item 2 reflects Standard Instrument LEP Direction 2 for B6 Zones;
- Items 3-5 reflect the correct naming of current Heritage Items;
- Items 6-8 reflect completed land acquisitions by Council;
- Item 9 designates land, which is currently zoned RE1, as land to be acquired by Council;
- Item 10 seeks to change the zoning of 117 Rosemont Street, Punchbowl, from R3 to B2; increase the building height from 8.5m to 18m; and remove the FSR (currently 0.9:1);
- Items 11 and 12 remove split zoning of sites where an insignificant portion of the site is affected, so that the zoning aligns with current boundaries;
- Item 13 reflects the final subdivision and creation of a road through the Former Sunbeam Factory Campsie (Part 3A development approval) (refer to Tab A of this report);
- Item 14 corrects an anomalous planning control of a B2 Local Centre, by removing the FSR to be consistent with other B2 zones; and
- Item 16 aligns planning controls with changed lot boundaries, altered due to road widening.

The planning proposal is also consistent with:

- the Goals and Directions of A Plan for Growing Sydney;
- Council's Community Strategic Plan 2014-2023; and
- all SEPPs.

Item 15 of the planning proposal seeks to amend the FSR of 126 Dudley Street, 98 and 100 Broadway, and 1249, 1261, 1263 and 1265 Canterbury Road, Punchbowl, from 0.9:1 to 0.75:1.

Council's justification for Item 15 is that it is an error that came about in the translation from the Canterbury Planning Scheme Ordinance to the CLEP 2012 and that the change will make the subject sites consistent with surrounding R4 zoned land. The error has not been adequately explained or demonstrated in the planning proposal.

The proposed change would have the effect of reducing the development potential of the subject land, representing an inconsistency with s117 Direction 3.1 Residential Zones. It is recommended that the Gateway determination include a condition requiring Council to revise the planning proposal prior to exhibition to further justify the inconsistency of Item

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15 with s117 Direction 3.1 Residential Zones.

The development controls for certain land zoned R4 High Density Residential in Canterbury LEP 2012 do not meet the intent and purpose of the zone. Maximum building height controls of 8.5m and 11m, with corresponding FSR controls of 0.75:1 and 0.9:1, apply to land zoned R4 under the LEP. Such development controls are not commensurate with the objectives and purpose of the R4 zone.

This situation equally applies to land zoned R3 Medium Density Residential in Canterbury LEP 2012. A maximum building height control of 8.5m and an FSR control of 0.5:1 apply to land zoned R3 under the LEP.

Given the above, it is recommended that Council be requested to undertake a strategic review of the planning controls for land zoned R3 and R4 in the Canterbury LEP 2012. The review can form the basis of a future planning proposal.

External Supporting Notes :

Council supports this planning proposal because it:

- rectifies minor mapping anomalies, typographical errors, minor corrections to the LEP text and Maps, and the Heritage Schedule, which have occurred since the gazettal of the Canterbury LEP 2012; and
- supports Council's Community Strategic Plan long term goal of Balanced Development.

Adequacy Assessment

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

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

Comment : **The objective of the planning proposal is to correct a number of anomalies and drafting errors that have been identified in the Canterbury LEP 2012 since its gazettal. These are amendments to:**

1. the Planning Instrument;
2. the Heritage Schedule; and
3. various LEP's Maps.

This is considered adequate.

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

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

Comment : **The planning proposal seeks to amend Canterbury LEP 2012 as follows:**

Amendments to the Planning Instrument:

1. Add "Emergency Services Facility" as a permissible use in Zone RE1 Public Recreation.
2. Remove the objective "To provide for residential uses, but only as part of mixed use development" from Zone B6 Enterprise Corridor.

Amendments to Schedule 5 - Environmental Heritage:

3. Amend Item No. 169 - from "Inter war urban park — Mary MacKillop Reserve" to read "Inter war urban park — Saint Mary MacKillop Reserve".
4. Amend Item No. 182 — from "Canterbury Sugar Mill" to read "Canterbury Sugar Works".
5. Amend Item No. 1140 - from "Moorefields Methodist Cemetery" to read "Moorfields Methodist Cemetery".

Amendments to LEP Maps:

6. Amend the Land Reservation Map by removing the land reservation for 46 Fairmount Street, Lakemba.
7. Amend the Land Reservation Map by removing land reservation for 15 Wangee Road, Lakemba.
8. Amend the Land Reservation Map by removing land reservation for 39 Ludgate Street, Roselands.

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9. Amend the Land Reservation Map by adding land reservation for 34 Allan Avenue, Belmore.
10. In relation to land at 117 Rosemont Street South, Punchbowl amend the following Maps:
 - a. Land Zoning Map — change from Zone R3 Medium Density to Zone B2 Local Centre;
 - b. Height of Building Map to change from 8.5 m to 18 m, as applicable to Zone B2 Local Centre; and
 - c. Floor Space Ratio Map to change from 05:1 to no FSR Ratio, as applicable to Zone B2 Local Centre.
11. In relation to land at 102-102A Rogers Street, Roselands to amend the following Maps:
 - a. Land Zoning Map to rectify error from two (2) zonings of IN2 and R3 into one (1) Zone IN2 Light Industrial;
 - b. Height of Building Map to change from two (2) different height limit of 8.5 m and no height limit into no height limit for the whole site, as applicable to Zone IN2 Light Industrial; and
 - c. Floor Space Ratio Map to change from two (2) FSR of 1:1 and 05:1 into one (1) FSR of 1:1, as applicable to Zone IN2 Light Industrial.
12. In relation to land at 1214-1224 Canterbury Road, Roselands to amend the following Maps:
 - a. Land Zoning Map — rectifying error from two (2) zonings of B5 and R3 into one (1) Zone B5 Business Development;
 - b. Height of Building Map — change from two different height limits of 18 metres and 8.5 metres into 18 metres height limit for the whole site; and
 - c. Floor Space Ratio (FSR) — change from two (2) different FSR of no FSR and 05:1 into no FSR for the whole site.
13. In relation to land at 3 Sunbeam Street and 60 Charlotte Street, Campsie to amend:
 - a. Adjust zone boundary between R4 High Density Residential and B1 Neighbourhood Centre to reflect the final subdivision layout;
 - b. Height of Building Map to adjust accordingly to the zoning boundaries; and
 - c. Floor Space Ratio Map to adjust accordingly to the zoning boundaries.
14. In relation to land at 504-514 Burwood Road and 2 Wilson Avenue, Belmore to amend Floor Space Ratio Map to change from 0.5:1 into no FSR, as applicable to Zone B2 Local Centre.
15. In relation to properties at 126 Dudley Street, 98 and 100 Broadway, and 1249, 1261, 1263 and 1265 Canterbury Road, Punchbowl to amend Floor Space Ratio Map by changing from 0.9:1 to 0.75:1.
16. In relation to land at 1147-1157 Canterbury Road, Wiley Park to amend:
 - a. Land Zoning Map — adjust zone boundary to cadastral boundary;
 - b. Height of Building Map — adjust height of building boundary to cadastral boundary; and
 - c. Floor Space Ratio Map - adjust floor space ratio boundary to cadastral boundary.

This is considered adequate.

Draft maps have been provided and are adequate.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

- 1.1 Business and Industrial Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 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?

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

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

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SEPP No 65—Design Quality of Residential Flat Development
SEPP (Building Sustainability Index: BASIX) 2004

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 :

S117 Direction 3.1 Residential Zones

The Direction seeks to encourage a variety and choice of housing types, make use of existing infrastructure and services, ensure new housing has appropriate access to infrastructure and services, and minimise impact of residential development on environment and land resources, and is of good design. A planning proposal must not contain provisions that will reduce the permissible residential density of land, unless the inconsistency is of minor significance or justified by a strategy.

Item 15, to amend the FSR of 126 Dudley Street, 98 and 100 Broadway, and 1249, 1261, 1263 and 1265 Canterbury Road, Punchbowl, from 0.9:1 to 0.75:1, is not consistent with the Direction. The proposal seeks to reduce the permissible residential density in the R4 zone. It is recommended that the Gateway determination include a condition that the planning proposal be revised prior to public exhibition to address this inconsistency.

The planning proposal is consistent with all other relevant S117 Directions and SEPPs.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The planning proposal includes maps which adequately show the proposed mapping changes.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Given the nature of the planning proposal a community consultation period of 28 days is proposed by Council. This is supported by the Department.

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 :

Comments in relation to Principal LEP : **Canterbury LEP 2012 was published on 21 December 2012.**

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Assessment Criteria

Need for planning proposal : **A planning proposal is the only means to amend CLEP 2012 and to achieve Council's stated objectives.**

Consistency with strategic planning framework : **The planning proposal is consistent with A Plan for Growing Sydney.**

Environmental social economic impacts : **Environmental:**
The planning proposal will not result in any impact on critical habitat or threatened species, populations or ecological communities or their habitats, given that most of the proposed changes are administrative in nature and the subject sites are located within a fully urbanised environment.

Social and Economic:
The proposed amendments for 126 Dudley Street, 98 and 100 Broadway, and 1249, 1261, 1263 and 1265 Canterbury Road, Punchbowl (Item 15) has not been adequately explained as an error. There are other R4 zones within Canterbury LGA and within the immediate vicinity on Canterbury Road that also have a 0.9:1 FSR.

The proposal would also have the effect of reducing the development potential on the subject land. The Gateway determination includes a condition requiring Council to revise the planning proposal prior to exhibition to further justify the proposed inconsistency of Item 15 with s117 Direction 3.1 Residential Zones.

It is recommended that Council be requested to undertake a strategic review of the planning controls for land zoned R3 and R4 in the Canterbury LEP 2012, as Council's existing planning controls for the zones are not in keeping with the objectives and purpose of the zones.

Assessment Process

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

Timeframe to make LEP : **12 months** Delegation : **RPA**

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

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. :

If Other, provide reasons :

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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
Covering letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Maps.pdf	Proposal	Yes
Council Report and Resolution - 12 Nov 2015.pdf	Proposal	Yes
Attachment 1.pdf	Proposal	No
Attachment 4.pdf	Proposal	No

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones**
 2.3 Heritage Conservation
 3.1 Residential Zones
 3.4 Integrating Land Use and Transport
 6.2 Reserving Land for Public Purposes
 7.1 Implementation of A Plan for Growing Sydney

Additional Information : **It is recommended that the planning proposal proceed subject to the following conditions:**

- 1. The planning proposal is to be revised prior to exhibition to:
a) provide justification for the reduction in floor space ratio from 0.9:1 to 0.75:1 proposed under Item 15 as this amendment demonstrates inconsistency with section 117 direction 3.1 Residential Zones.**
- 2. Community consultation is required for a minimum of 28 days.**
- 3. No consultation is required with public authorities.**
- 4. A public hearing is not required to be held into the matter.**
- 5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.**

Supporting Reasons : **The planning proposal is generally supported with conditions because:**
 • **most of the proposed changes are of minor significance, administrative in nature or respond to business actions by Council;**
 • **will achieve a LEP that more accurately reflects current circumstances and applies more logical planning controls; and**
 • **it is consistent with the Goals and Directions of A Plan for Growing Sydney, Council's Community Strategic Plan 2014-2023, and all SEPPs.**

However, it is recommended that the Gateway determination include a condition that the planning proposal be revised prior to public exhibition, to:
 • **provide justification for the reduction in floor space ratio from 0.9:1 to 0.75:1 proposed under Item 15 as this amendment demonstrates inconsistency with section 117 direction 3.1 Residential Zones.**

In issuing the Gateway determination, it is recommended that Council be requested to

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undertake a strategic review of the planning controls for land zoned R3 and R4 in the Canterbury LEP 2012 given the existing controls are not commensurate with the objectives and purpose of the zones.

Signature:



Printed Name:

MARTIN COOPER

Date:

29/02/2016