

Planning Services

Plan Finalisation Report

Local Government Area: Canterbury- Bankstown

File Number: IRF18/883

1. NAME OF DRAFT LEP

Canterbury Local Environmental Plan 2012 Amendment No.15 (draft LEP)

2. SITE DESCRIPTION

The proposal applies to all land in zone B6 Enterprise Corridor and zone RE1 Public Recreation under *Canterbury Local Environmental Plan 2012*, as well as various parcels of land across the former Canterbury Local Government Area, these are described in Table 1 below:

Table 1 - Land to which the proposal applies (the Site)

Address	Property Description
34 Allan Avenue, Belmore	Lot B DP355867
2 Mackinder Street, Campsie*	SP90544
4 Mackinder Street, Campsie*	SP90694
3 Sunbeam Street, Campsie*	SP89762
1 Victa Street, Campsie*	SP90693
260A, 260 and 262 Canterbury Road, Canterbury	Lots 1 and 2 DP 1137357 and part of Lot 7018 DP 93382
2-4 Sugar House Road, Canterbury	SP70958 and SP80997
96A Moorefields Road, Kingsgrove	Lot 2 DP594305
46 Fairmount Street, Lakemba	Lot 49 DP6351
15 Wangee Road, Lakemba	Lot D DP312230
39 Ludgate Street, Roselands	Lot 4 DP701311
102-102A Rogers Street, Roselands	Lot 1 DP623244 and Lot B DP399441

* Collectively referred to as 3 Sunbeam Street, Campsie in the planning proposal.

3. PURPOSE OF PLAN

The planning proposal seeks to amend the Canterbury Local Environmental Plan (LEP) 2012 to correct a number of mapping and written provision errors and improve its implementation. Specifically, the proposed changes relate to rectifying mapping anomalies, making minor changes to the Land Use Table and updating the names and site identifiers for various existing heritage items under Schedule 5 Environmental heritage of the LEP.

The full list of proposed amendments can be found at [Appendix 1](#) of this Planning Finalisation Report.

4. STATE ELECTORATE AND LOCAL MEMBER

The sites fall within the Lakemba and Canterbury State Electorates. Mr Jihad Dib MP is the State Member for Lakemba and Ms Sophie Cotsis MP is the State Member for Canterbury.

The Hon Tony Burke MP is the Federal Member for Watson and the Hon Linda Burney MP is the Federal Member for Barton.

To the regional planning team's knowledge, no MP has made any written representations regarding the proposal.

NSW Government Lobbyist Code of Conduct: There have been no meetings or communications with registered lobbyists with respect to this proposal.

NSW Government reportable political donation: There are no donations or gifts to disclose and a political donation disclosure is not required.

5. GATEWAY DETERMINATION AND ALTERATIONS

The Gateway determination issued on 3 March 2016 (**Attachment C**) determined that the proposal should proceed subject to conditions. The Gateway determination was altered on 27 January 2017 to extend the time for completion to 10 December 2017.

The Gateway was altered again on 1 August 2017 removing condition 1(a). Condition 1(a) required the planning proposal to be updated prior to public exhibition to include further justification to reduce floor space ratios at properties located along Canterbury Road. Prior to exhibition, the proposal was updated to remove these properties, and the condition was no longer necessary.

6. PUBLIC CONSULTATION

In accordance with the Gateway determination, community consultation was undertaken by Council from 17 July 2017 to 14 August 2017.

No submissions were received from the community.

7. ADVICE FROM PUBLIC AUTHORITIES

The Gateway did not specify any public authorities with which Council was required to consult, however a submission was received from the Heritage Council.

The Heritage Council raised concerns about the proposed name change of Item No. I 82 from the 'Canterbury Sugar Mill' to 'Canterbury Sugar Works', as their records list the name as 'Old Sugarmill at Canterbury'.

Council staff advised they consulted further with the Heritage Council, informing them of the work undertaken by historians engaged by Council. This work identified the correct name of item to be Canterbury Sugar Works. Council also reiterated that prior to Canterbury LEP 2012, the name of the item was correctly identified as 'Canterbury Sugar Works' in LEP 138.

In response, the Heritage Council raised no further objections to the naming of the Canterbury Sugar Mill proposed by Council, provided that an updated inventory sheet be forwarded to the Heritage Division once the Plan is made (**Attachment G**).

No changes were made to the proposal as a result.

8. POST EXHIBITION CHANGES

In the post-exhibition Council report dated 28 November 2017 (**Attachment H**), Council noted a minor change to the exhibited version of heritage Item No. I 82, from 'Canterbury Sugar Works' to 'Canterbury Sugar Works (former)'. The report stated that as the item is no longer in its original use, a reference to it being a former use is appropriate.

In an email dated 15 December 2017, Council confirmed that the preferred name of Item I.82 is 'Canterbury Sugar Works (former)'.

It is recommended that this amendment be endorsed without requiring further exhibition as it does not change the intent of the planning proposal as exhibited, but merely adds clarity.

9. ASSESSMENT

It is considered the LEP amendment is appropriate and it is recommended that the delegate of the Greater Sydney Commission, as the local plan-making authority, make the LEP as it seeks to rectify minor errors and anomalies, resulting in an accurate and consistent planning instrument.

The Council has complied with the conditions of the Gateway determination (as amended) and has adequately addressed issues raised during consultation. The proposal is not inconsistent with the strategic planning framework.

Section 9.1 Directions

Direction 6.2 Reserving land for public purposes remains unresolved following the Gateway Determination. This Direction requires the approval of the relevant public authority and the Secretary of the Department, when a proposal seeks to amend or remove public reservations. Council supports the proposal, however there has been no resolution of the Secretary to support the changes.

As outlined in Table 2, it is considered the Secretary's delegate can be satisfied that the inconsistency with this Direction is justified in accordance with the terms of Direction for the following reasons:

Table 2 - Amendments relevant to Direction 6.2

Amendment No. (as outlined in Appendix 1)	Justification
1	The land use table is the most appropriate mechanism for determining permissible land uses, and the proposed use 'Emergency Services Facility' is considered to be consistent with the zone objectives.
12, 13, 14	Council has completed the relevant acquisitions for public recreation purposes, providing additional public open space in the area.
15	The land is zoned RE1 Public Recreation; was only excluded from the Land Acquisition Map in error; and the Act prescribes that the relevant Council is responsible for acquisition in relation to local open space.

The proposal is otherwise consistent with Section 9.1 Directions.

State Environmental Planning Policies

The draft LEP is consistent with relevant SEPPs or deemed SEPPs. An assessment of the proposal against the relevant SEPPs was conducted before the Gateway determination was issued. No changes to the planning proposal have caused it to be inconsistent with the relevant SEPPs.

10. MAPPING

The maps associated with the LEP amendment are summarised at Attachment MCS and can be viewed at Attachment Maps.

The maps are considered to be correct, were checked by the Department's ePlanning team and sent to Parliamentary Counsel on 27 February 2018.

11. CONSULTATION WITH COUNCIL

Council was consulted on the terms of the draft instrument (**Attachment E**). Council confirmed on 14 February 2018 that the draft is suitable and that the Plan should be made (**Attachment F**).

12. PARLIAMENTARY COUNSEL OPINION

On 19 February 2018, Parliamentary Counsel provided the final Opinion that the draft Plan could be legally made. This Opinion is provided at **Attachment PC**.

13. RECOMMENDATION

It is recommended that the Greater Sydney Commission's delegate as the local plan-making authority determine to make the draft LEP because:

- the changes will rectify anomalies and errors in the Canterbury Local Environmental Plan 2012, resulting in an accurate and consistent planning instrument;
- there are no outstanding agency objections; and
- the proposal is not inconsistent with the strategic planning framework.


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Appendix 1: List of Proposed Amendments

Amendments to the Land Use Table:

No.	Zone	Amendment
1	RE1 Public Recreation	Add 'Emergency Services Facility'
2	B6 Enterprise Corridor	Remove objective 'To provide for residential uses, but only as part of mixed use development'

Amendments to Schedule 5:

No.	Item	Current (Canterbury LEP 2012)	Amendment
3	Item No. I 69	'Inter war urban park – Mary MacKillop Reserve'	'Inter war urban park – Saint Mary MacKillop Reserve'
4	Item No. I 82	'Canterbury Sugar Mill'	'Canterbury Sugar Works (former)'
5	Item No. I 140	'Moorefields Methodist Cemetery'	'Moorfields Methodist Cemetery'

Amendments to the FSR Map:

No.	HOB Map	Address	Current (Canterbury LEP 2012)	Amendment
6	FSR_004	102-102A Rogers Street, Roselands	N 1 (1:1) and D 0.5 (0.5:1)	N 1 (1:1) - boundary adjustment
7	FSR_007	3 Sunbeam Street, Campsie*	L 0.9 (0.9:1) and no controls	L 0.9 (0.9:1) – boundary adjustment

Amendments to the Zoning Map:

No.	LZN Map	Address	Current (Canterbury LEP 2012)	Amendment
8	LZN_004	102-102A Rogers Street, Roselands	IN2 Light Industrial and R3 Medium Density Residential	IN2 Light Industrial - boundary adjustment
9	LZN_007	3 Sunbeam Street, Campsie*	R4 High Density Residential and B1 Neighbourhood Centre	R4 High Density Residential - boundary adjustment

Amendments to the HOB Map:

No.	HOB Map	Address	Current (Canterbury LEP 2012)	Amendment
10	HOB_004	102-102A Rogers Street, Roselands	No control and 8.5 (8.5m)	No control - boundary adjustment
11	HOB_007	3 Sunbeam Street, Campsie*	L2 11.5 (11.5m) and K10 (10m)	L2 11.5 (11.5m) - boundary adjustment

Amendments to Land Reservation Acquisition Map:

No.	LRA Map	Address	Current (Canterbury LEP 2012)	Amendment
12	LRA_004	46 Fairmount Street, Lakemba	Local Open Space (RE1)	No reservation
13	LRA_004	15 Wangee Road, Lakemba	Local Open Space (RE1)	No reservation
14	LRA_004	39 Ludgate Street, Roselands	Local Open Space (RE1)	No reservation
15	LRA_004	34 Allan Avenue, Belmore	No reservation	Local Open Space (RE1)

* also known as 2 Mackinder Street, Campsie; 4 Mackinder Street, Campsie; 3 Sunbeam Street, Campsie; 1 Victa Street, Campsie.