

Our Reference: T-29-149

Enquiries: Lisa Ho Direct Phone: 9789 9377 Direct Fax: 9789 1542

Ms Juliet Grant Regional Director Sydney Region East Department of Planning and Infrastructure GPO Box 39 SYDNEY NSW 2001



Dear Ms Grant,

#### Planning Proposal for Amendment 1 to Canterbury LEP 2012

I am writing to you to advise that on 25 October 2012, Council resolved to initiate the preparation of a Planning proposal as a first amendment to the CLEP 2012 to:

- 1. Amend LEP maps as identified in the table.
- 2. Allow 'medical centres' as part of a mixed use development in business centre zones (B1, B2 and B5) where shop top housing is permitted.
- 3. Prohibit 'Amusement Centres' in the B6 Enterprise Corridor zone.
- 4. Add 38 Hampton Street, Croydon Park in the Heritage Schedule (Schedule 5).

Council has now prepared a Planning Proposal for these amendments and is submitting this for a gateway determination as set out in Sections 55 and 56 of the *Environmental Planning and* Assessment Act 1979.

The intention of the Planning Proposal is to correct drafting errors and anomalies as well as remove inconsistencies with the draft CLEP 2012.

Attached to this letter are:

- Council's report, attachments and resolution of 25 October 2012
- Planning proposal and attachments
- LEP maps (land identification, existing maps, proposed maps)

If you require any further assistance please contact our Urban Planner Lisa Ho on 9789 9377.

Yours sincerely

15 November 2012

Warren Farleigh TEAM LEADER URBAN PLANNING

Department of Planning Received z 3 NOV 2012 Scanning Room

Enclosure: Planning Proposal Canterbury City Council, Administration Centre 137 Beamish Street • PO Box 77 Campsie NSW 2194 When writing to Council please address your letter to the GENERAL MANAGER, MR JIM MONTAGUE Phone: (02) 9789 9300 Fax: (02) 9789 1542 TTY: (02) 9789 9617 DX 3813 Campsie email:council@canterbury.nsw.gov.au website:www.canterbury.nsw.gov.au ABN: 55 150 306 339

### PLANNING PROPOSAL TO AMEND CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

#### Background

Council on 26 July 2012 resolved to endorse the Canterbury LEP and to forward it to the Department of Planning and Infrastructure (the Department) to be finalised and made. At the time of preparing this planning proposal the CLEP has yet to be approved by the Minister.

During the course of preparing and exhibiting the draft LEP Council staff has identified a number of matters requiring amendments. These amendments were reported to the Council meeting on 25 October 2012 where it was resolved to prepare a planning proposal as a first amendment to the CLEP 2012.

#### PART 1 OBJECTIVES OR INTENDED OUTCOMES

The objectives of the Planning Proposal are to amend the CLEP 2012 to:

- i. Amend various LEP maps.
- ii. Allow 'medical centres' as part of a mixed use development in business centre zones (B1, B2 and B5) where shop top housing is permitted.
- iii. Prohibit 'Amusement Centres' in the B6 Enterprise Corridor Zone.
- iv. Add 38 Hampton Street, Croydon Park in the Heritage Schedule (Schedule 5).

#### PART 2 EXPLANATION OF PROVISIONS

#### 1. Mapping

A number of mapping anomalies have been identified in the LEP maps. These are generally the result of drafting errors made prior to the finalisation of the LEP.

Table 1 - Mapping amendments

Location	Map & Map reference	Change	Reason	
180-188 Lakemba Street, Lakemba	FSR	Remove 1.6:1 FSR on these properties.	Land is to be zoned B2 Local Centre under the LEP and erroneously shown as having a 1.6:1 FSR. Under the LEP land in town centres should not contair FSR which is consistent with other B2 zoned land.	
130-142 Canterbury Road, Hurlstone Park	FSR	Add 0.9:1 FSR	Land is within a current 2c4 zone and a proposed equivalent R4 zone. It was erroneously given no FSR when it should have been given a 0.9:1 FSR.	

Location	Map & Map reference	Change	Reason
	Height of Building (HoB)	18m to 11.5m	Land was erroneously given an 18m height limit instead of the correct 11.5m for the corresponding 0.9:1 FSR.
124, 126-128 Canterbury Road	Land Zoning	R3 to R4	Land with a current 2c4 zone and proposed equivalent R4 zoned at Hurlstone Park erroneously given a R3 zone.
	FSR	0.5:1 to 0.9:1	Land was erroneously given a 0.5:1 FSR instead of the correct 0.9:1 FSR for the zone.
	НоВ	8.5m to 11.5m	Land was erroneously given an 8.5m height limit instead of the correct 11.5m.
Block along 92A - 120 Rossmore Avenue, Punchbowl	НоВ	8.5m to 11.5m	This land is within a current 2c3 zone and proposed to go to the equivalent R4 zone. Land was erroneously given an 8.5m height instead of the correct 11.5m.
	FSR	0.75:1 to 0.9:1	Land was erroneously given a 0.75:1 FSR instead of the correct 0.9:1 FSR for the zone.
Rear of 195 Lakemba Street, Lakemba	FSR	0.75:1 to 0.9:1	Land is within the current 2c4 zone and proposed to go to an equivalent R4 zone was erroneously given a 0.75:1 FSR instead of the correct 0.9:1 FSR.
Croydon Park Town Centre	FSR	Remove 0.75:1 FSR on these properties.	This block is within the current 3a General Business zone and proposed equivalent B2 zone. It was erroneously given a 0.75:1 FSR however should instead contain no FSR control, which is consistent with other B2 zoned land.
38 Hampton Street, Croydon Park	Heritage	Add property as a heritage item	During the exhibition of the LEP the Office of Strategic Lands has requested that this property be added to the local heritage register.
			This land is owned by the Minister and is a potential heritage item (Victorian terrace house) identified in Council's Heritage Study Review. Council has

(1)

Location	Map & Map reference	Change	Reason
			agreed to this request and it was resolved to include this listing as an amendment to the LEP when this matter was considered at the Council meeting on 26 July 2012.
Canterbury Town Centre	НоВ	Include relevant height on roads within the Canterbury Town Centre.	Some public domain and infrastructure elements in the Canterbury Town Centre are currently not shown with a corresponding height on the height of building map. While the intention of not having these areas mapped were to indicate, in general, the location of relevant public infrastructure, there is a concern that the absence of a building height control could unreasonably be used to infer a literal translation as to the location of otherwise both public domain elements and built form outcomes on private land. This was not the intended outcome. The formulation of detailed public domain designs and precise details of public domain and infrastructure location is an ongoing work in progress and subject to change as plans are further refined. It is the role of the LEP to deal with the broader development and planning controls such as FSR, Height and land use, but not to suggest or infer the precise location of built form elements. To address this anomaly and potential for misinterpretation it is recommended the roads and public domain areas within the Canterbury Town Centre be mapped with the relevant heights.

Please refer to attachment 1 for the relevant maps. Maps have been prepared in accordance with the requirements of *Standard technical requirements for LEP maps*.

#### 2. LEP Schedule Amendments

#### Item 1 – Amusement Centres

Under the draft LEP Amusement Centres are erroneously shown as being permitted in the B6 Enterprise Corridor Zone. The B6 zone is intended primarily to replace the current specialized business 3 (f) and Light Industrial zones 4 (d) along Canterbury Road. Amusement Centres are currently prohibited in these zones. As part of this Planning Proposal we are proposing to remove Amusement Centre as a permitted use and prohibit them in the B6 zone so that it accurately reflects the current situation.

#### Item 2 - Medical Centres

Medical centres can be a suitable use as part of a mixed use development containing residential uses, however this is constrained by the Standard LEP template definition for Shop Top Housing which only allow business premises and retail premises, but not medical centres, at ground floor. The standard LEP definition of shop top housing only permits dwellings above retail or business at ground floor. A medical centre is not classed as either retail or business premises. We are proposing to allow medical centres as part of a mixed use development in business centres (B1, B2, and B5) where shop top housing is a permitted use.

#### PART 3 JUSTIFICATION

#### SECTION A: Need for the Planning Proposal

### 1. Is the planning proposal the result of any strategic study or report?

#### Heritage

Yes. The proposed amendment to Schedule 5 and the Heritage Map have been informed by Council's Heritage Study Review and a Heritage Assessment for the property prepared by Jackson-Stepowski for the Department of Planning and Infrastructure (owner of the site). Both of these studies support the listing of the property as a heritage item.

#### Other remaining changes

All other amendments in the planning proposal are not a result of any strategic study or report. It is required to correct a number of minor mapping errors and clarifying policy positions with the Canterbury LEP 2012.

# 2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes or is there a better way?

The planning proposal is considered the best way of achieving the objectives. The objective and intended outcomes of the planning proposal relate to resolving inconsistencies and clarifying policy positions with the Canterbury LEP 2012.

#### 3. Is there a net Community benefit?

Given the minor housekeeping nature of the matters contained within this planning proposal, it is not considered that a net community benefit test need to be undertaken. The planning proposal will make a number of minor amendments to the CLEP 2012 that will improve the operation of the CLEP 2012, which will be of benefit to the wider community.

### SECTION B: Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies?

The Planning proposal is consistent with the Draft South Sub region Strategy and the Sydney Metro Strategy.

5. Is the Planning Proposal consistent with the local Council's community strategic plan, or other local strategic plan?

The Planning proposal is consistent with Council's Community Strategic Plan.

6. Is the planning proposal consistent with applicable state environmental planning policies?

The Planning Proposal has been assessed against all relevant State Environmental Planning Policies (SEPPs). Based on this assessment, Council has concluded that the Planning proposal is consistent with the applicable SEPPs, as shown on the table below.

SEPP title	Consistency with Planning Proposal
State Environmental Planning Policy No 6 – Number of storeys in a building	Consistent
State Environmental Planning Policy No 22 – Shops and commercial premises	Consistent
State Environmental Planning Policy No 64 – Advertising and signage	Consistent
State Environmental Planning Policy No 65 – Design quality of residential flat development	Consistent
State Environmental Planning Policy (Affordable Rental Housing) 2009	Consistent
State Environmental Planning Policy (Infrastructure) 2007	Consistent

<ol><li>Is the planning proposal consistent with applicable Ministerial Directions (s directions)?</li></ol>	\$117	
--	-------	--

Direction	Title	Consistency with planning proposal
1.1	Business and Commercial	This direction is relevant to the proposal to permit medical centres in our business zones as part of a mixed use development. The planning proposal is consistent with this direction as it will encourage employment in this area.
		This direction is also relevant to the proposal to prohibit amusement centres in B6 Enterprise Corridor zone. The planning proposal seeks to rectify an error made in the exhibited LEP which erroneously showed Amusement Centres as being permitted in the B6 Enterprise Corridor zone. Accordingly, the planning proposal is considered to be consistent with this direction.
		The planning proposal also involves minor adjustments to the business zones by correcting mapping anomalies identified in the LEP maps. Accordingly, the planning proposal is considered to be consistent with this direction.
2.3	Heritage Conservation	This direction is relevant to the proposal to list 38 Hampton St, Croydon Park as a heritage item. The proposal is consistent with this direction as it will facilitate the conservation of the property.
3.1	Residential	The planning proposal makes minor adjustments to the residential zones by correcting mapping anomalies identified in the LEP maps. Accordingly, the planning proposal is considered to be consistent with this direction.
5.1	Approval and Referral requirements	The Department of Planning and Infrastructure have been consulted with regard to the listing of 38 Hampton St, Croydon Park as a heritage item. The Department supports the listing of this property on the heritage register. Accordingly, the planning proposal is considered to be consistent with this direction.

#### SECTION C: Environmental, social and economic impact

8. 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?

No. There is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Planning Proposal.

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

There are no likelihood of adverse environmental impact as a result of this planning proposal,

10. How has the planning proposal adequately addressed any social and economic effects?

The purpose of the planning proposal is to address identified anomalies and errors present within CLEP 2012. This will improve the operation of the CLEP 2012 and provide positive social and economic outcomes for the whole community.

#### SECTION D: State and Commonwealth interests

### 11. Is there adequate public infrastructure for the planning proposal?

Yes. The planning proposal does not generate any need to upgrade or improve public infrastructure.

# 12. What are the views of the State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation with appropriate State and Commonwealth public authorities has not yet been undertaken. Council will engage any such public authority in accordance with the Gateway Determination.

#### Part 5: Community Consultation

The Planning proposal will be placed on public exhibition in accordance with the Gateway Determination.

Notice of the public exhibition on the planning proposal will be prepared and will involve the following:

- Advertisement to the local newspaper (ie Torch, Valley Times)
- Notification letters to relevant State Agencies and other authorities nominated by the Department.

- Letters sent out to affected property owners and adjoining properties affected by the Planning proposal at Council's discretion.
  - .
  - Advertise the proposal on Council's website. Copies of the Planning Proposal to be available at Council's administration building. Undertake any other consultation methods appropriate to the proposal. e
  - .

### Attachment 1 : LEP Maps

#### **OFFICERS REPORTS**

#### 11 CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012 -AMENDMENT ONE

FILE NO:	T-29-149
Attachments:	Mapping Amendments
<b>REPORT BY:</b>	DIRECTOR CITY PLANNING

#### Summary:

- The Canterbury Local Environmental Plan (LEP) 2012 was adopted on 26 July 2012 and is currently with the Department of Planning and Infrastructure for finalisation and gazettal.
- During the preparation and exhibition of the draft LEP a number of matters were identified that require amendments including mapping anomalies, medical centre definition, amusement centre permissibility and listing of 38 Hampton Street, Croydon Park as a heritage item.
- The amendments are generally minor in nature as they seek to remove inconsistencies, enhance the current policy or align policy content with the intentions of the draft (exhibited) LEP 2012.
- These amendments are proposed to be addressed via the preparation of a Planning Proposal which seeks to amend the LEP.
- It is recommended that a Planning Proposal be prepared as a first amendment to the CLEP 2012 and forwarded to the Department of Planning and Infrastructure for assessment under the gateway process.

#### **Council Delivery Program and Budget Implications:**

This report has no implications for the Budget and supports our Community Strategic Plan long term goal of balanced urban development.

#### Report:

#### Background

Council on 26 July 2012 resolved to endorse the Canterbury LEP and to forward it to the Department of Planning and Infrastructure (the Department) to be finalised and made.

During the course of preparing and exhibiting the draft LEP, Council staff have identified a number of matters requiring amendments. These amendments are proposed to be addressed via the preparation of a Planning Proposal which seeks to amend the LEP. The amendment will be considered under the Department's new Gateway process for plan making.

#### Draft CanterburyLEP 2012 - Housekeeping Amendment

The issues proposed to be addressed in the Draft Canterbury 2012 – Housekeeping Amendment are detailed below:

#### **COUNCIL MEETING**

CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012 - AMENDMENT ONE (CONT.)

#### 1 Mapping Amendments

A number of minor mapping anomalies have been identified in the LEP maps. These are generally the result of drafting errors made prior to the finalisation of the LEP. A total of 12 maps will require changes. Below is a table of mapping amendments. The amended maps are included in the Attachments.

Location	Map	Change	Reason
180-188 Lakemba Street, Lakemba	FSR	Remove 1.6:1 FSR on these properties.	Land is to be zoned B2 Local Centre under the LEF and erroneously shown as having a 1.6:1 FSR. Under the LEP land in town centres should not contain FSR which is consistent with other B2 zoned land.
130-142 Canterbury Road, Hurlstone Park	FSR	Add 0.9:1 FSR	Land is within a current 2c4 zone and a proposed equivalent R4 zone. It was erroneously given no FSR when it should have been given a 0.9:1 FSR.
	Height of Building (HoB)	18m to 11.5m	Land was erroneously given an 18m height limit instead of the correct 11.5m for the corresponding 0.9:1 FSR.
124, 126-128 Canterbury Road, Hurlstone Park	Land Zoning	R3 to R4	Land with a current 2c4 zone and proposed equivalent R4 zoned at Hurlstone Park erroneously given a R3 zone.
	FSR	0.5:1 to 0.9:1	Land was erroneously given a 0.5:1 FSR instead of the correct 0.9:1 FSR for the zone.
	HoB	8.5m to 11.5m	Land was erroneously given an 8.5m height limit instead of the correct 11.5m.
Block along 92A - 120 Rossmore Avenue, Punchbowl	НоВ	8.5m to 11.5m	This land is within a current 2c3 zone and proposed to go to the equivalent R4 zone. Land was erroneously given an 8.5m height instead of the correct 11.5m.
	FSR	0.75:1 to 0.9:1	Land was erroneously given a 0.75:1 FSR instead of the correct 0.9:1 FSR for the zone.
Rear of 195 Lakemba Street, Lakemba	FSR	0.75:1 to 0.9:1	Land is within the current 2c4 zone and proposed to go to an equivalent R4 zone was erroneously given a 0.75:1 FSR instead of the correct 0.9:1 FSR.
Croydon Park Town Centre	FSR	Remove 0.75:1 FSR on these properties	This block is within the current 3a General Business zone and proposed equivalent B2 zone. It was erroneously given a 0.75:1 FSR however should instead contain no FSR control, which is consistent with other B2 zoned land.
38 Hampton Street, Croydon Park	Heritage	Add property as a heritage item	During the exhibition of the LEP the Office of Strategic Lands has requested that this property be added to the local heritage register. This land is owned by the Minister and is a potential heritage item (Victorian terrace house) identified in Council's Heritage Study Review. Council has agreed to this request and it was resolved to include this listing as an amendment to the LEP when this matter was considered at the

Location	Map	Change	Reason
Canterbury Town Centre	HoB	Include relevant height on roads within the Canterbury Town Centre	Some public domain and infrastructure elements in the Canterbury Town Centre are currently not shown with a corresponding height on the height of building map. While the intention of not having these areas mapped were to indicate, in general, the location of relevant public infrastructure, there is a concern that the absence of a building height control could unreasonably be used to infer a litera translation as to the location of otherwise both public domain elements and built form outcomes on private land. This was not the intended outcomes The formulation of detailed public domain designs and precise details of public domain and infrastructure location is an ongoing work in progress and subject to change as plans are further refined. It is the role of the LEP to deal with the broader development and planning controls such as FSR, Height and land use, but not to suggest or infer the precise location of built form elements. To address this anomaly and potential for misinterpretation it is recommended the roads and public domain areas within the Canterbury Town Centre be mapped with the relevant heights. This will also be consistent with current DoPI mapping protocols which do not exclude roads etc from showing mapped planning detail.

#### 2. Amusement Centres

Under the draft LEP, Amusement Centres are erroneously shown as being permitted in the B6 Enterprise Corridor zone. The B6 zone is intended primarily to replace the current Specialised Business 3(f) and Light Industrial zones 4(d) along Canterbury Road. Amusement Centres are currently prohibited in these zones. As part of this Planning Proposal, we are proposing to remove Amusement Centres as a permitted use and prohibit them in the B6 zones so that it accurately reflects the current situation.

#### 3. Medical Centres

Medical centres can be a suitable use as part of a mixed use development containing residential uses, however this is constrained by the Standard LEP template definition for Shop Top Housing which only allows business premises and retail premises, but not medical centres, at ground floor. The standard LEP definition of shop top housing only permits dwellings above retail or business at ground floor. A medical centre is not classed as either retail or business premises. We are proposing to allow medical centres as part of a mixed use development in business centres (B1, B2, and B5) where shop top housing is a permitted use.

This matter was considered at the council meeting on 26 July 2012 where it was resolved to include this as a future LEP amendment.

#### **Conclusion and recommendation**

The amendments outlined in the report are minor in nature. They seek to correct drafting errors and anomalies as well as remove inconsistencies. They do not impact on policy content or constitute a change in policy direction. It is recommended the CLEP 2012 be amended to include the changes as outlined in the report.

#### **RECOMMENDATION:**

THAT a Planning Proposal be prepared as a first amendment to the CLEP 2012 to:

- Amend LEP maps as identified in the table. 1.
- 2. Allow 'medical centres' as part of a mixed use development in business centre zones (B1, B2 and B5) where shop top housing is permitted.
- Prohibit 'Amusement Centres' in the B6 Enterprise Corridor zone. 3.
- 4. Add 38 Hampton Street, Croydon Park in the Heritage Schedule (Schedule 5).

### **COUNCIL MEETING**

### **RESOLUTION - 25 OCTOBER 2012**

#### 11 **CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012 - AMENDMENT** ONE

FILE NO: T-29-149

#### Min. No. 329 RESOLVED (Councillors Eisler/Hawatt)

THAT a Planning Proposal be prepared as a first amendment to the CLEP 2012 to:

- 1. Amend LEP maps as identified in the table.
- Allow 'medical centres' as part of a mixed use development in business centre zones 2. (B1, B2 and B5) where shop top housing is permitted.
- 3. Prohibit 'Amusement Centres' in the B6 Enterprise Corridor zone.
- Add 38 Hampton Street, Croydon Park in the Heritage Schedule (Schedule 5). 4.

FOR	AGAINST
The Mayor, Councillor Robson	
Deputy Mayor, CouncillorSaleh	(
Councillor Adler	
CouncillorAzzi	
CouncillorEisler	
CouncillorHawatt	
Councillor Nam	
CouncillorPaschalidis-Chilas	
CouncillorVasiliades	

#### 180-188 Lakemba St, Lakemba



Proposed FSR (no FSR)





Proposed FSR (0.9:1)







124, 126-128 Canterbury Rd, HurlstonePark







Proposed HOB (11.5m)





Proposed FSR (0.9:1)



### Rear of 195 Lakemba St, Lakemba Current FSR (0.75:1)



Proposed FSR (0.9:1)



### CroydonParkTown Centre

Current FSR (0.75:1)



Proposed FSR (no FSR)











Page 11

CanterburyTown Centre Height Map



**Proposed Height Map** 



**Current Height Map** 
































































## Part 6 - Project timeline

Plan making step	Estimated completion (before)
Gateway Determination (anticipated)	December 2012
Completion of technical assessment	February 2013
Government Agency consultation	February 2013
Public exhibition period	March 2013
Public hearing (if required)	N/A.
Submissions Assessment	April 2013
RPA assessment of Planning proposal and	May 2013
exhibition outcomes	
Submission of endorsed LEP to DP & I for	June 2013
Finalisation	
RPA decision to make LEP amendment (if	July 2013
delegated)	
Forwarding of LEP amendment to DP & I for	July 2013
notification (if delegated)	