

Canterbury LEP 2012 - Correction of zoning error of Land at 430 Canterbury Road, Campsie

Proposal Title : Canterbury LEP 2012 - Correction of zoning error of Land at 430 Canterbury Road, Campsie

Proposal Summary : Council has prepared a planning proposal to correct a zoning error to Canterbury LEP 2012 (CLEP 2012) maps regarding land at 430 Canterbury Road, Campsie.

The proposal aims to:

1. Rezone land at 430 Canterbury Road, Campsie from SP2 Infrastructure to B5 Business Development;
2. Amend the Height of Buildings Map to show the land with an 18 metre height limit.

PP Number : PP_2013_CANTE_002_00

Dop File No : 13/09544

Proposal Details

Date Planning Proposal Received : 31-May-2013

LGA covered : Canterbury

Region : Sydney Region East

RPA : Canterbury City Council

State Electorate : CANTERBURY

Section of the Act : 55 - Planning Proposal

LEP Type : Housekeeping

Location Details

Street : Canterbury Road

Suburb : Campsie

City : Sydney

Postcode : 2193

Land Parcel : The site is located at 430 Canterbury Road, Campsie (Land parcel DP120416). It is approximately 165 sqm, situated at the junction of Canterbury Road, Bexley Road and Beamish Street, Campsie.

DoP Planning Officer Contact Details

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RPA Contact Details

Contact Name : Warren Farleigh

Contact Number : 0297899608

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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 :	Southern Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
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 : **The Department of Planning and Infrastructure is not aware of any meetings or communications with registered lobbyists concerning this planning proposal.**

Supporting notes

Internal Supporting Notes :	1. Council currently has delegation to make a plan and has submitted: • Attachment 1 – Information Checklist; • Attachment 4 – Evaluation Criteria for the Delegation of Plan Making Functions; and • Included a Project Timeline of 9 months to complete the plan. As this is a matter of local significance delegation to Council is supported. 2. The site is a small lot of approximately 165sqm and located on an Island of land between Canterbury Road and Bexley Road. The site's characteristics and location make it difficult for any significant development to occur. As the proposal is to correct an error in making of the CLEP 2012, no additional jobs are being provided. There is a single dwelling on the site which operates as commercial retail business and it is anticipated to remain in the short term. The Council aims to revert the zone back to B5 Business Development to support the current use on the site as it was in the previous LEP.
External Supporting Notes :	1. A letter from the current owner is provided. The letter states that the current owner purchased a s149 Certificate and found the land had been rezoned from Business 3f to SP2 Infrastructure in CLEP 2012 without their prior knowledge. 2. A letter from Roads and Maritime Services (RMS) is also provided (dated 10 April 2013). RMS advised in the letter that land parcel DP 120416 (430 Canterbury Road, Campsie), is best zoned SP2 to allow for eventual improvement of the intersection of Beamish Street/Bexley Road with Canterbury Road.

Adequacy Assessment

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

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

Comment : **The Planning Proposal seeks to make the following amendments to the Canterbury LEP 2012 by:**

- correcting a zoning error with the CLEP 2012 land use zoning map; and
- amending the Height of Buildings Map to show the land with an 18 metre height limit.

The statement of objectives advises that the intended outcome is to amend the CLEP 2012, specifically relating to zoning, floor space ratio and height.

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

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

Comment : **The explanation of provisions is adequate.**

The amendments to the CLEP 2012 will involve:

1. Alterations to the Land Use Zoning Map and Height of Buildings Map by:

- rezoning 430 Canterbury Road, Campsie from SP2 Infrastructure to B5 Business Development; and
- amending the Height of Buildings Map to show the land with an 18 metre height limit.

2. The update to the Canterbury LEP 2012 will:

- Correct an error to the CLEP 2012_007 Land Use Zoning Map; and
- Amend the CLEP 2012_007 Height of Buildings Map.

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**
6.2 Reserving Land for Public Purposes

* May need the Director General's agreement

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

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

d) Which SEPPs have the RPA identified? **N/A**

e) List any other matters that need to be considered : **The proposal is considered to be consistent with s117 Direction 1.1 Business and Industrial Zone's because it corrects an unintended mistake with the Land Use Zoning Map of the CLEP 2012 and reinstates a B5 Business Development Zone over the site.**

In relation to s117 Direction 6.2 Reserving Land for Public Purposes, the proposal is removing an SP2 Zone. This was included in the LEP as a mistake and was not specifically requested by RMS. Although RMS has now indicated it would prefer the land to remain a SP2 Zone, no studies or investigations have been provided to indicate that the land is required for future road purposes. The site has not been marked on the CLEP 2012 Land Reservation Acquisition Map Sheet LRA_007 as required for SP2 Infrastructure purposes.

In view of above, it is considered that the proposal is consistent with 6.2 Reserving Land for Public Purposes.

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 maps should be amended to clearly identify the subject land.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council proposes to undertake public exhibition by;

- advertising in the local paper;
- notification letters to relevant state agencies and other authorities;
- advertisement on the Council's website; and
- Exhibition notice displayed on Council's administration building.

Council has not specified a timeframe for exhibition.

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 : The Canterbury LEP 2012 was notified on 21 December 2012.
The Canterbury LEP 2012 was prepared as a translation of previous LEP controls.

Assessment Criteria

Need for planning proposal : The planning proposal is the only way to correct the error to the CLEP 2012 Land Use Zoning Map and Height of Buildings Map.

The planning proposal is not a result of any studies or reports.

The planning proposal is the result of the current owner of the site discovering the zoning had changed from 3f in the previous CLEP to SP2 in the new CLEP 2012.

The proposal seeks to correct an error by rezoning the site from SP2 Infrastructure to B5 Business Development. Rezoning the site to B5 brings it into line with the surrounding area land use. The site was previously zoned 3f Specialised Business in old versions of the CLEP and was inadvertently changed in the making of CLEP 2012.

Council has acknowledged the impact of the error to the owner and has proposed the zoning revert back to the equivalent zoning from previous versions of the CLEP.

Overall the rezoning of the site from SP2 Infrastructure to B5 Business Development is justified as it corrects an error in the CLEP 2012.

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Consistency with strategic planning framework :

The proposal is consistent with the Draft South subregional Strategy, the Metropolitan Plan for Sydney 2036 and the Draft Metropolitan Strategy for Sydney 2031.

Canterbury Council has advised that the planning proposal is consistent with Council's Community Strategic Plan.

Environmental social economic impacts :

Council has advised that the planning proposal will likely have no effect on threatened species, populations or ecological communities or their habitats.

There is unlikely to be any environmental effects as a result of the planning proposal.

Council has advised that the purpose is to correct a mistake on the Land Use Zoning Map of CLEP 2012. Therefore it is anticipated that there will not be any significant or adverse social or economic impacts.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	14 Days
Timeframe to make LEP :	9 Month	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Transport for NSW - Roads and Maritime Services		

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. :

Other - provide details below

If Other, provide reasons :

No additional studies required.

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
Canterbury PP_430 Canterbury RD Campsie_Council Cover letter_2955_001.pdf	Proposal Covering Letter	Yes
Canterbury PP_430 Canterbury RD Campsie_Planning Proposal_2956_001.pdf	Proposal	Yes
Canterbury PP_Attachment 1_Information Checklist_2957_001.pdf	Proposal	No

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Canterbury PP_Attachment 2_Council Report_April 2013_2958_001.pdf	Proposal	Yes
Canterbury PP_Attachment 4_Evaluation Criteria for the Delegation of Plan Making Functions_2962_001.pdf	Proposal	No
Canterbury PP_Attachment 5_Intial advice from RMS letter_2960_001.pdf	Proposal	Yes
Canterbury PP_Attachment 6_Corro received from current owner of 430 Canterbury Rd Campsie_2961_001.pdf	Proposal	Yes
Canterbury PP_Attachment 3_Existing Height of Building Map.pdf	Map	Yes
Canterbury PP_Attachment 3_Existing Land Zoning Map.pdf	Map	Yes
Canterbury PP_Attachment 3_Proposed Height of Building Map.pdf	Map	Yes
Canterbury PP_Attachment 3_Proposed Land Zoning Map.pdf	Map	Yes
Canterbury PP_Attachment 3_Land Identification Map.pdf	Map	Yes
Canterbury PP_Land Acquisition Map.pdf	Map	Yes

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones**
6.2 Reserving Land for Public Purposes

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

- 1. The planning proposal is exhibited for 14 days.**
- 2. The planning proposal is completed in 9 months time.**
- 3. Council has submitted Attachment 4 - Evaluation Criteria for the Delegation of Plan Making functions. This matter is considered to be of local significance and use of Council's delegation is supported.**
- 4. Consultation is required with Roads and Maritime Services (RMS).**
- 5. The planning proposal is consistent with 1.1 Business and Infrastructure of s117 Directions as it seeks to reinstate a business zone. It is also consistent with 6.2 Reserving Land for Public Purposes as it is correcting a mapping error which zoned the land as SP2 Infrastructure. No further considerations of s117 Directions is required.**
- 6. No further studies are required.**
- 7. The RPA should be requested to amend the maps to clearly identify the subject site.**

Supporting Reasons : **The proposal should be allowed to proceed as it:**
• **corrects an error with the Land Use Zoning Map_007 of CLEP 2012; and**
• **updates the Height of Buildings Map_007 under the CLEP 2012 consistent with B5 zoning in the area.**

It appears that there has not been any land acquisition action from RMS regarding the site and it is not shown on the CLEP 2012 Land Reservation Acquisition Map - Sheet LRA_007. This supports the purpose of the planning proposal.

Signature: D Pitney

Printed Name: DAVID PITNEY Date: 14/6/13