

Canterbury LEP 2012 – Amendment to correct mapping anomaly at 30 Trevenar Street, Ashbury

Proposal Title :	Canterbury LEP 2012 – Amendment to correct mapping anomaly at 30 Trevenar Street, Ashbury		
Proposal Summary :	City of Canterbury Council proposes to correct a mapping anomaly in relation to 30 Trevenar Street, Ashbury (Lot: 1 DP: 566982). The proposal will correct an error from a previous LEP amendment (Amendment 1) which resulted in unplanned changes to map sheets FSR_006 and LZN_006 in relation to the subject property. The site is currently surplus Government agency land in the ownership of Ausgrid (formerly Energy Australia).		
PP Number :	PP_2014_CANTE_002_00	Dop File No :	14/05579

Proposal Details

Date Planning Proposal Received :	10-Mar-2014	LGA covered :	Canterbury
Region :	Sydney Region East	RPA :	Canterbury City Council
State Electorate :	CANTERBURY	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	30 Trevenar Street		
Suburb :	Ashbury	City :	Sydney
Land Parcel :	Owned by Ausgrid (formerly Energy Australia)		
		Postcode :	2193

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :	
Contact Number :	
Contact Email :	

Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with 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 : 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 : **The Department's Code of Practice in relation to communications and meetings with lobbyists has been complied with to the best of the Branch's knowledge. The Department is not aware of any meetings or communications with registered lobbyists concerning this planning proposal.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

The site comprises of 5,900m² of vacant surplus land owned by Ausgrid. It is located within the Ashbury Heritage Conservation Area that covers the entire suburb. The site adjoins open space (Peace Park) to the north and east, and residential properties in King Street and Fifth Street to the south and west. The site is geographically surrounded by low density residential development and is currently split between zone R3 Medium Density Residential to the east and R2 Low Density Residential fronting King Street. The site currently exhibits a floor space ratio of 0.5:1. The amendment aims to correct the mapping anomaly to realign the planning controls with those exhibited at Section 65 of the Comprehensive LEP being; R2 Low Density Residential and no FSR, prior to the unplanned changes being made.

Council currently has delegation to make the plan and has submitted Attachment 4 -Evaluation criteria for the Delegation of Plan Making functions in relation to the planning proposal. Council's request for delegation is supported. Council has supplied a timeline proposing a 3 month completion period. However, as this has not included all the steps involved (e.g. requirement for community consultation), a 6 month period is considered to be more realistic.

External Supporting Notes :

The proposal responds to the identified need to correct an existing mapping error. The amendments will correct an anomaly to ensure that Council's planning policies are consistently applied and efficient in operation.

Adequacy Assessment

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

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

Comment : **The objectives or intended outcomes are adequately expressed for the proposed amendment. The purpose of the planning proposal is to correct a mapping error on the land zoning and floor space ratio map that inadvertently accompanied a previous planning proposal in error.**

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

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

Comment : **The planning proposal provides a clear explanation for the amendment and intended outcome.**

The proposed outcome will be achieved by:

1. Amending zoning and floor space ratio map series comprising of map sheets LZN_006 and FSR_006 in relation to Lot:1 DP: 5666982, 30 Trevenar Street, Ashbury:

- a) Amending LZN_006 map from part R2 Low Density Residential and R3 Medium Density Residential to reflect R2 Low Density Residential; and**
- b) Amending FSR_006 map from 0.5 FSR to reflect no FSR.**

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

* May need the Director General's agreement

6.1 Approval and Referral Requirements

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

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 :

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

The inconsistency with S117 Direction 3.1 Residential zones is not discussed within the proposal. Council is required to update the planning proposal and include a discussion and justification for the above inconsistency. S117 Directions are further discussed later in the report.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Council has provided the following mapping:

- a) A locality plan to identify the subject site;**
- b) Location maps identifying existing LZN and FSR; and**
- c) Locations maps identifying proposed LZN and FSR.**

The maps provided are considered to be adequate.

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment :

Council proposes no community consultation for this planning proposal. The Department acknowledges the matter is of local significance and notes the proposal is considered low impact as it relates to correcting a mapping error. However, the mapping error was publically exhibited within a previous LEP amendment (Amendment 1), and the error relates to another planning proposal (Amendment 3) - that originally included the proposal for 30 Trevenar Street and had proceeded to public exhibition, however was not yet endorsed by Council to proceed to publication.

It is recommended the matter requires a community consultation period of 14 days in accordance with 'A Guide to Preparing Local Environmental Plans' and to provide

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transparency in the plan making process. Hence, the planning proposal is to be exhibited in accordance with the gateway determination. Council is required to update the 'Project Timeline' to reflect a period of 14 days community consultation.

Notification of the public consultation will be available via:

- Councils website;
- local newspapers; and
- letters to the landowner and adjoining neighbours.

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 :

The planning proposal and accompanying documentation is considered to satisfy the adequacy criteria by: providing an appropriate objective and intended outcome; providing a suitable explanation of the proposal; and providing adequate justification for the proposal.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

Canterbury LEP was notified on 21 December 2012.

Assessment Criteria

Need for planning proposal :

BACKGROUND

The exhibited version of Canterbury LEP 2012 proposed to zone the subject land R2 Low Density Residential. However, Ausgrid's submission sought greater density of development. To avoid any re-exhibition concerns, it was agreed that this and other proposed post-exhibition changes would be progressed through a planning proposal following finalisation of the draft plan.

Council subsequently submitted a planning proposal, seeking greater density of development for 30 Trevenar Street, as well as three other non-Ausgrid sites. Following extensive community opposition, Council resolved on the 14 November 2013 to defer the Trevenar Street component to enable further consideration of the zoning for the site and discussions with Ausgrid. The rest of the planning proposal (Amendment 3), including the remaining 3 sites was published on 14 April 2014.

However, Council inadvertently forwarded for finalisation the mapping for the R3 zoning of the site as part of a completely separate planning proposal (Amendment 1), which was finalised on 8 November 2013 with that error.

CURRENT POSITION

On the 28th November 2013, Council resolved to correct the error through s73A of the EP&A Act 1979, but were subsequently advised that as the error did not fall under the provisions S73A as it was not a 'minor' matter, a planning proposal was required. On 13th February 2014, Council resolved to prepare a planning proposal to revert the zoning of the subject land to R2 Low Density Residential.

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Consistency with strategic planning framework :

This amendment is to correct an identified error and has no significant strategic implications. The proposal is considered to be consistent with the Metropolitan Strategy, the draft South Subregional Strategy and Council's Community Strategic Plan.

Further, the proposal has been assessed against the following S117 Directions:

3.1 Residential zones

6.1 Approval and Referral requirements

The proposal is consistent with S117 Direction 6.1 Approval and Referral requirements.

The proposal is not considered to be inconsistent with any SEPP.

The proposal is inconsistent with the terms of S117 Direction 3.1 Residential zones as it reduces the potential on the site by reducing the permissible residential density of the land. This inconsistency is justified as being of minor significance, however Council's planning proposal will need to be amended to include this discussion.

Environmental social economic impacts :

No known significant social, economic or environmental impact. The planning proposal will provide net community benefit by correcting errors and inefficiencies, ensuring satisfactory operation of the LEP whilst providing transparency in the plan making process.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **Energy Australia**

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 :

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 :

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Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal - 30 Trevenar Street Ashbury .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**
 6.1 Approval and Referral Requirements

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

1. the planning proposal be supported;
2. Council be given plan making delegation;
3. the planning proposal be considered as routine and exhibited for a period of 14 days;
4. a public hearing is not required;
5. consultation is required with Ausgrid (formerly Energy Australia) in relation to land in their ownership;
6. the RPA should amend the project timeline to include the requirement of a community consultation period of 14 days;
7. the RPA should amend the planning proposal to include a discussion in relation to the inconsistency with S117 Direction 3.1 Residential Zones; and
8. the planning proposal to be finalised within 6 months from a week following the date of the gateway determination.

Supporting Reasons : The proposal should be allowed to proceed as it:
(a) responds to the need to correct the inadvertent mapping and zoning error;
(b) it represents the only means of achieving the necessary correction; and
(c) it allows Council to proceed with deciding the future of the site in keeping with its resolution to defer the matter from Amendment 3, to enable further discussions with Ausgrid.

For transparency in the plan making process, the Department has advised Ausgrid in writing of the planning proposal affecting the subject land. In addition, the Gateway Determination is subject to a condition requiring Council to consult with Ausgrid under Section 56(2)(d) of the EP&A Act 1979.

Signature:



Printed Name:

Diane Sarkies

Date:

5/5/14