

# Revised Planning Proposal

## Amendment to Canterbury Local Environmental Plan 2012



## Reclassification of Land from Community to Operational Various Sites

Submitted to Department of Planning and Environment  
On Behalf of City of Canterbury Council

Volume 1 of 1

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# 1.0 Introduction

This report has been prepared by JBA on behalf of Canterbury City Council (the **Council**) in support of a Planning Proposal to amend Schedule 4 of the *Canterbury Local Environmental Plan 2012* (**Canterbury LEP**) to reclassify the following seven (7) Council-owned properties in the Canterbury local government area (**LGA**) from community land to operational land:

- 15 Attunga Avenue, Earlwood, being Lot 1 DP 1142452
- 2 Whitfield Avenue, Ashbury, being Lot E DP 30778
- 79 Viking Street, Campsie, being Lot 23 DP 35848
- 49 Jeffrey Street, Canterbury, being Lot 1 DP 959315
- 14 Warejee Street, Kingsgrove, being Lot 145 DP 16265
- 24-26 Mazarin Street, Riverwood, being Lot 23 DP 237686
- 20A Cooks Avenue, Canterbury, being Lot 61 DP 9484

This Planning Proposal does **not** propose to rezone any of the sites or amend the applicable development standards under the Canterbury LEP. The sites are already zoned for residential purposes (R2 Low Density Residential, R3 Medium Density Residential or R4 High Density Residential).

The Planning Proposal has been prepared following the Council's adoption of its Property Portfolio Policy on 23 May 2013 and an initial review by Council of its property and asset portfolio. As a result of that review, the above sites were identified as being surplus to Council's needs and having the potential to be sold.

## 1.1 Initial Planning Proposal

This report is entitled 'Revised Planning Proposal' because it provides additional information requested by the Department of Planning and Environment (**DPE**) following the Council's submission of an initial Planning Proposal on 3 July 2014 (see **Appendix A**).

On 6 August 2014, the DPE wrote to Council requesting a revised Planning Proposal that complies with the DPE's '*A guide to preparing planning proposals*' and '*A guide to preparing local environmental plans*'. The purpose of this report is to address the matters required by the DPE.

Specifically, the DPE's letter stated that the Planning Proposal needs to provide:

- Adequate evidence to justify the outcomes of the proposal;
- Relationship of the proposal to a strategic planning framework;
- Explanation of consistency with the relevant Metro, regional, subregional and Council policies, State Planning Policies and Minister's section 117 Directions, with each inconsistency individually outlined and justified;
- Environmental, social and economic impacts comprehensively outlined and justified;
- Maps to identify the area to which the Planning Proposal applies referenced correctly; and
- Extinguishment of any interests in the reclassified land clearly outlined (the Table of Council's Interests already submitted is sufficient).

The DPE's letter also stated that the Planning Proposal needs to address the matters required by section 55(3) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, namely:

- Is the planning proposal the result of a strategic study or report?
- Is the planning proposal consistent with the local council's community plan, or other strategic plan?
- If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished should be provided.
- The concurrence of the landowner, where the land is not owned by the relevant planning authority (this is not applicable to this Planning Proposal, as the Council is the landowner in all cases).

As the Planning Proposal seeks to reclassify public land, it must also address LEP Practice Note PN 09-003, *"Classification and reclassification of public land through a local environmental plan"*.

This Planning Proposal is consistent with guiding strategic documents, State Environmental Planning Policies and relevant Section 117 Ministerial Directions.

## 1.2 Statutory Background

Under Part 2 of the *Local Government Act 1993*, all public land vested in a council (except a road or land to which the *Crown Lands Act 1989* applies) must be classified as either 'community land' or 'operational land' (section 26). Land may be classified or reclassified either through an LEP (section 27(1)) or by resolution of council in certain limited circumstances (section 27(2)).

The purpose of classification is to identify land which should be kept for use by the general public (community) and land which need not (operational). The major consequence of classification is that it determines the ease or difficulty with which land may be alienated by sale, leasing or some other means.

Classification of community land reflects the importance of the land to the community because of its use or special features. Generally, it is land intended for public access and use, or where other restrictions applying to the land create some obligation to maintain public access (such as a trust deed, or dedication under section 94 of the EP&A Act).

Community land:

- Cannot be sold (except in limited circumstances referred to in section 45(4));
- Cannot be leased, licenced or any other estate granted over the land for more than 21 years, and may only be leased or licensed for more than 5 years if public notice of the proposed ease or licence is given;
- Must have a plan of management prepared for it. Until a plan of management is adopted, the nature and use of the land must not change.

No such restrictions apply to operational land.

## 2.0 The Sites

This chapter of the report identifies the sites to which the Planning Proposal relates. Details regarding the date each parcel was acquired and the reason for acquisition are provided in the Table of Council's Interests at **Appendix C**.

### 2.1 Site 1: 15 Attunga Avenue, Earlwood

This site is legally described as Lot 1 DP 1142452. It has a site area of 2,318m<sup>2</sup>, and is a battle-axe shaped lot with a 3.6m wide panhandle access way (see **Figure 1**). The land is vegetated with relatively substantial/mature trees and is unused.

The site is located at the end of a residential cul-de-sac. It is at the southern edge of a large low density residential area, and falls sharply to the south into dense bushland known as Harrison Reserve. Wolli Creek borders the southern side of Harrison Reserve. Access to Harrison Reserve is available from the nearby Bray Avenue and Forrest Avenue, therefore access to the Reserve would not be compromised if 15 Attunga Avenue were to be redeveloped in the future.

Council reports state that Council bears the cost of maintaining the property and it provides minimal benefit to the community. Some of the adjoining owners have enclosed some of the land into their properties and action is underway to remove the encroachments onto 15 Attunga Avenue.

The site is zoned R2 Low Density Residential under the Canterbury LEP.



15 Attunga Avenue, Earlwood (Lot 1 DP 1142452)

**Figure 1** – 15 Attunga Avenue, Earlwood  
Source: Nearmap

## 2.2 Site 2: 2 Whitfield Avenue, Ashbury

This site is legally described as Lot E DP 30778. It is a generally rectangular parcel of land with a site area of 562.7m<sup>2</sup> and a 15.24m frontage to the junction of Whitfield Avenue and Dougan Street (see **Figure 2**).

The site is located in a predominantly low density residential area, with the exception of a light industrial block to the east. The site is currently used as an access way to Wagener Oval, between two existing dwelling houses. Council proposes to relocate the access way further south along Whitfield Avenue on existing recreational land to enable 2 Whitfield Avenue to be sold.

The site is zoned R2 Low Density Residential under the Canterbury LEP.



2 Whitfield Avenue, Ashbury (Lot E DP 30778)

**Figure 2** – 2 Whitfield Avenue, Ashbury

Source: Nearmap

## 2.3 Site 3: 79 Viking Street, Campsie

This site is legally described as Lot 23 DP 35848. It is a generally rectangular parcel of land with a site area of 644.9m<sup>2</sup> and a frontage to Viking Street of approximately 15m (see **Figure 3**).

This site is currently vacant (aside from vegetation) and reasonably flat. It is located in a low density residential street between two dwelling houses. The site adjoins Australand's Clemton Park Village estate to the west, which has Part 3A concept plan approval for a mixed use development. A Stage 1 project approval and multiple development applications for individual stages of the development have been approved, and construction is well underway across that site.

This site was initially earmarked as land that could potentially accommodate a through-site link from the Clemton Park Village site to the east. However, recently, Council has advised Australand and Bupa Care Services (being the developers of land within the Clemton Park Village site immediately west of 79 Viking Street) that a through-site link is no longer intended to be provided. 79 Viking Street is therefore redundant to Council's earlier strategic requirements.

The site is zoned R3 Medium Density Residential under the Canterbury LEP.



79 Viking Street, Campsie (Lot 23 DP 35848)

**Figure 3 – 79 Viking Street, Campsie**

Source: Nearnap

## 2.4 Site 4: 49 Jeffrey Street, Canterbury

This site is legally described as Lot 1 DP 959315. It is a rectangular parcel of land with a site area of 385.7m<sup>2</sup> and a 9.14m frontage to Jeffrey Street. The site is located on the corner of Jeffrey and Unwin Streets (see Figure 4).

Aside from three substantial gum trees, the site is vacant and gently slopes from east to west. It is located in a predominantly low density residential area, although there are some residential flat buildings nearby. The site is located opposite Canterbury Oval but is physically separated given the road junctures and traffic islands within the road reserve.

The site is zoned R4 High Density Residential under the Canterbury LEP.



49 Jeffrey Street, Canterbury (Lot 1 DP 959315)

**Figure 4 – 49 Jeffrey Street, Canterbury**  
Source: Nearmap

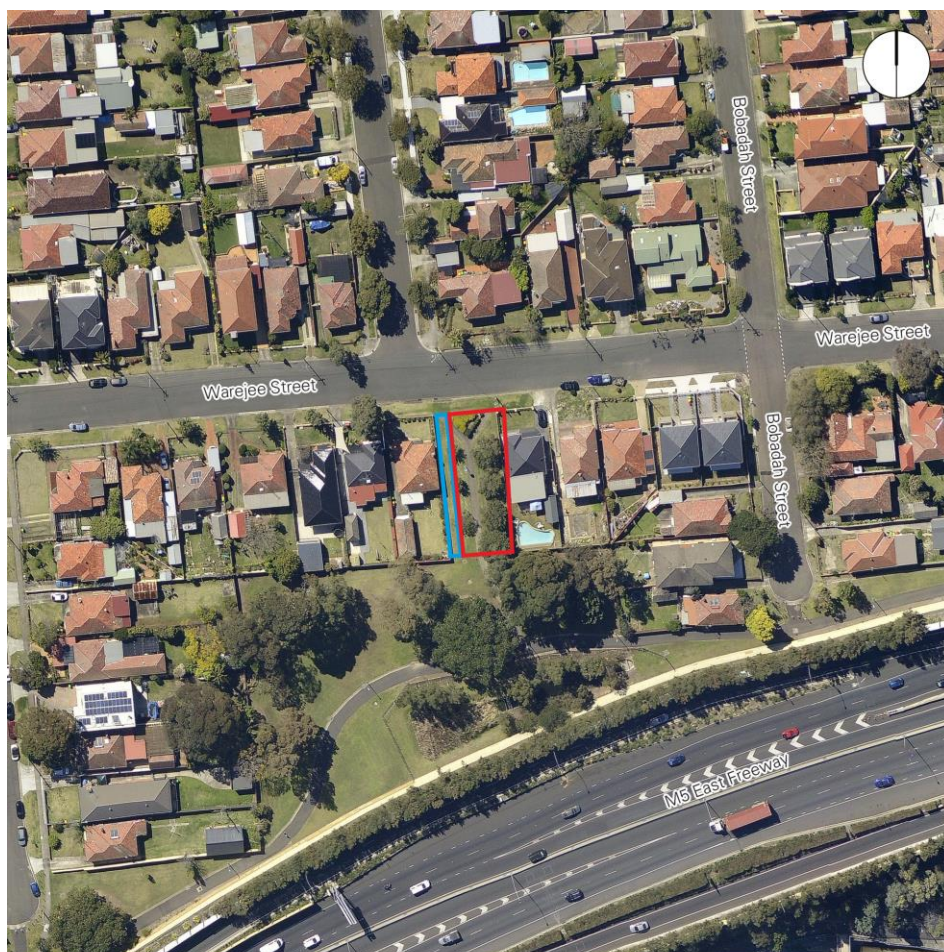
## 2.5 Site 5: 14 Warejee Street, Kingsgrove

The site is legally described as Lot 145 DP 16265. It is a rectangular parcel of land, with a site area of 499.6m<sup>2</sup> and a frontage of 13.56m to Warejee Street (see Figure 5).

The land is grassed and has some vegetation. It serves as a pedestrian access way between Warejee Street and the reserve to the south. Adjoining the site to the west is a former drainage reserve approximately 3m in width. Council proposes to use the former drainage reserve as the access way to the park; therefore 14 Warejee Street is no longer required to provide that access.

The site is located between two dwelling houses, in a low density residential area, although the Kingsgrove light industrial area is located nearby to the west.

The site is zoned R3 Medium Density Residential under the Canterbury LEP.



- 14 Warejee Street, Kingsgrove (Lot 145 DP 16265)
- 3m wide former drainage reserve

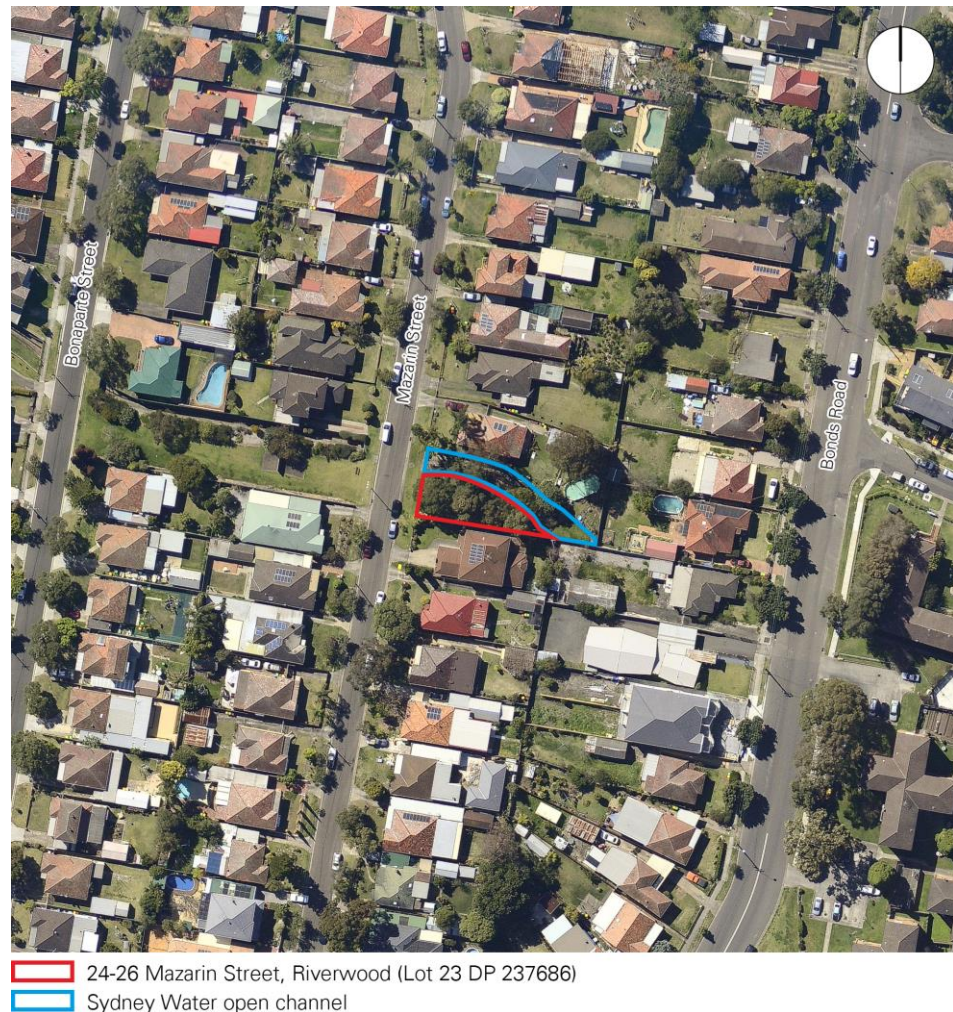
**Figure 5 – 14 Warejee Street, Kingsgrove**  
Source: Nearmap

## 2.6 Site 6: 24-26 Mazarin Street, Riverwood

The site is legally described as Lot 23 DP 237686. It is an irregularly shaped lot with a site area of 265.5m<sup>2</sup> and a frontage to Mazarin Street of approximately 10m (see **Figure 6**).

The site is flat, mainly grassed and contains four mature trees and small shrubs. A Sydney Water open channel abuts the site to the north. The site is located between two dwelling houses, in a predominantly low density residential area, although there are some residential flat buildings one block to the east.

The site is zoned R3 Medium Density Residential under the Canterbury LEP.



**Figure 6** – 24-26 Mazarin Street, Riverwood  
Source: Nearmap

## 2.7 Site 7: 20A Cooks Avenue, Canterbury

The site is legally described as Lot 61 DP 9484. It is a rectangular, elongated parcel of land with an area of approximately 170m<sup>2</sup> and a width of approximately 3m. It extends from Cooks Avenue to Howard Street (see **Figure 7**).

The site is grassed. It was created as a drainage reserve in a subdivision of 1918. The site is located in a low density residential area.

The site is zoned R3 Medium Density Residential under the Canterbury LEP.



 20A Cooks Avenue, Canterbury (Lot 61 DP 9484)

**Figure 7** – 20A Cooks Avenue, Canterbury

Source: *Nearmap*

## 3.0 The Planning Proposal

This Planning Proposal has been prepared in accordance with section 55 of the EP&A Act, and *'A guide to preparing planning proposals'* prepared by the former Department of Planning & Infrastructure, which requires the following matters to be addressed:

- Objectives and intended outcomes of the amendment to the LEP;
- Explanation of provisions;
- Justification;
- Relationship to strategic planning framework;
- Environmental, social and economic impact;
- State and Commonwealth interests; and
- Community consultation.

The first two matters are addressed in this chapter of the report, while the remaining matters are addressed in the next chapter.

### 3.1 Objectives and Intended Outcomes

The objective of this Planning Proposal is to enable Canterbury City Council to commence the process of disposing seven (7) parcels of land within the Canterbury Local Government Area which have been identified as being surplus to Council's needs. To realise this objective, the Planning Proposal intends to reclassify various sites under an amendment to the Canterbury LEP.

On 23 May 2013, Council adopted the Strategic Property Portfolio Plan and Property Portfolio Policy. The Property Portfolio Policy, attached at **Appendix G**, relevantly requires Council to:

- Review its property portfolio to determine the usefulness of each asset in performing its intended Council or public function;
- Identify inefficient or inappropriate assets and develop an asset plan for each; and
- Implement measures to improve underperforming assets where identified and where possible.

In accordance with that Policy, an initial review was undertaken of some of Council's properties with the intention of identifying surplus non-income producing properties that have the potential to be sold and replaced with better-performing, local, income-generating commercial property. That initial review found that the seven (7) properties the subject of this Planning Proposal were not providing any "financial benefit to Council" or "civic usefulness" to the community. **Table 1** sets out the specific reasons for seeking to reclassify each site.

**Table 1 – Site-Specific Reasons for Reclassification**

| Site                                    | Reasons for Selection                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Site 1: 15 Attunga Avenue, Earlwood     | This site was transferred to Council from the former Metropolitan Water Sewerage & Drainage Board following the Board's resumption of an easement. This site is vacant, provides little benefit to the community and is an ongoing cost burden to Council. The site is burdened by easements for water pipes and transmission lines which will be retained following reclassification. The Public Reserve designation of the site will be removed.                                                                                                                                                                                      |
| Site 2: 2 Whitfield Avenue, Ashbury     | This site was acquired by Council on 21 July 1961 to provide an access way to Wagener Oval, which is its current use. However, Council proposes to relocate the access way further south along Whitfield Avenue on existing recreational land; therefore this site is no longer needed for this purpose. To ensure an alternative access is provided and avoid potential land locking, Council would only seek to dispose of the site when an alternative access is provided.                                                                                                                                                           |
| Site 3: 79 Viking Street, Campsie       | This site was purchased from the former Housing Commission on 11 July 1956. The site is burdened by a restrictive covenant which prevents the land being used for any purpose other than as a road, and prevents the erection of fencing or other structures on the boundaries of the land other than of a standard previously approved of in writing by the Housing Commission. This site is vacant and is not used for the purpose of a road or for any purpose relating to public housing. Therefore it is not being used for the purpose for which it was apparently transferred and does not provide any benefit to the community. |
| Site 4: 49 Jeffrey Street, Canterbury   | This site was purchased from the adjoining owner on 19 March 1975 for the purpose of open space and future road widening. It is no longer needed for this purpose and therefore can be disposed. There are no easements, covenants or other interests recorded on title.                                                                                                                                                                                                                                                                                                                                                                |
| Site 5: 14 Warejee Street, Kingsgrove   | This site was acquired on 17 September 1948 for the purpose of public recreation. While it continues to provide public access to the adjoining park, this is no longer necessary as the adjoining lot is a 3m wide former drainage reserve that could provide access to the park. It is not proposed to discharge any interests on title.                                                                                                                                                                                                                                                                                               |
| Site 6: 24-26 Mazarin Street, Riverwood | This site was dedicated to Council on 22 April 1969 for a public reserve as part of the surrounding subdivision. It is too small to provide functional open space, and Council will attempt to sell it to the adjoining owner when required to reduce the maintenance cost for this site. Therefore it is proposed to remove the caveat on title relating to public reserves.                                                                                                                                                                                                                                                           |
| Site 7: 20A Cooks Avenue, Canterbury    | This lot was created as a drainage reserve in the subdivision of 1918. Council intends to sell it to the adjoining owner to reduce maintenance costs.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

## 3.2 Explanation of Provisions

The proposed outcome will be achieved by amending Schedule 4 of the Canterbury LEP (see **Appendix D**). Schedule 4 identifies land that is to be classified or reclassified as either 'community land' or 'operational land'. Schedule 4 is divided into three parts as follows:

- Part 1: Identifies land being classified or reclassified as 'operational' where the trusts, estates, interests, dedications, conditions, restrictions and covenants will remain on title after classification/reclassification – i.e. where no interests will change.
- Part 2: Identifies land being classified or reclassified as 'operational' where some (but not all) of the trusts, estates, interests, dedications, conditions, restrictions, or covenants over the land will remain after classification/reclassification. The interests to remain are identified in column 3 of this part of the schedule.
- Part 3: Identifies land being classified or reclassified as 'community' land. This Planning Proposal does not propose to list any properties in Part 3.

This Planning Proposal proposes to list the following sites in Part 1 of Schedule 4:

- 49 Jeffrey Street, Canterbury: There are no interests recorded on title;
- 14 Warejee Street, Kingsgrove: It is not proposed to change any of the interests recorded on title.

This Planning Proposal proposes to list the following sites in Part 2 of Schedule 4:

- 15 Attunga Avenue, Earlwood: It is proposed to remove the caveat on title relating to the site's status as a public reserve. The two easements to remain are listed in Column 3 of Part 2, and they relate to water pipes and transmission lines.
- 2 Whitfield Avenue, Ashbury: It is proposed to remove two of the four easements on title that are no longer valid, as they benefited the adjoining site when it was a brick works (for which it is no longer used). The two easements to remain are listed in Column 3 of Part 2, and they relate to drainage.
- 79 Viking Street, Campsie: It is proposed to extinguish the covenant on title relating to roads and fencing. There are no interests to remain, therefore no addition to Column 3 is proposed.
- 20A Cooks Avenue, Canterbury: It is proposed to remove the drainage reserve notation on title.

### 3.3 Mapping

This Planning Proposal does not propose to amend any maps that form part of the Canterbury LEP.

## 4.0 Justification

The following section includes an assessment against the requirements in *A guide to preparing local environmental plans* (April 2013) and *A guide to preparing planning proposals* (October 2012) published by the former Department of Planning and Infrastructure.

### 4.1 Need for the Planning Proposal

#### 4.1.1 Q1 – Is the Planning Proposal a result of any strategic study or report?

Yes. On 23 May 2013, Council adopted the Strategic Property Portfolio Plan and Property Portfolio Policy. The Property Portfolio Policy relevantly requires Council to:

- Review its property portfolio to determine the usefulness of each asset in performing its intended Council or public function;
- Identify inefficient or inappropriate assets and develop an asset plan for each; and
- Implement measures to improve underperforming assets where identified and where possible.

In accordance with that Policy, an initial review was undertaken of some of Council's properties with the intention of identifying surplus non-income producing properties that have the potential to be sold and replaced with better-performing, local, income-generating commercial property. That initial review found that the seven (7) properties the subject of this Planning Proposal were not providing any financial benefit to Council or civic usefulness to the community.

#### 4.1.2 Q2 – Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. Preparation of a Planning Proposal is the only way to achieve the objectives or intended outcomes.

As explained in section 1.2 of this report, there are two ways to reclassify land from community to operational under the *Local Government Act 1993*:

1. Through an LEP (section 27(1)); or
2. By resolution of council in certain limited circumstances (section 27(2)). This only applies where the land was acquired by council after 1 July 1993 (section 31) or where the land was dedicated under section 94 of the EP&A Act (section 32). Neither of these circumstances applies to the seven (7) sites.

Therefore, preparation of a Planning Proposal (LEP amendment) is the only way. This Planning Proposal seeks to reclassify a number of sites with one LEP amendment, thereby reducing complexity and confusion.

## 4.2 Relationship to the Strategic Planning Framework

This section discusses the consistency of the Planning Proposal with the State, regional and metropolitan strategic planning framework.

### 4.2.1 Q3 – Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes.

#### Metropolitan Plan for Sydney 2036

The *Metropolitan Plan for Sydney 2036* (Metropolitan Plan) is the current strategic plan for the Sydney metropolitan area, and has been the guiding document for development and growth since its publication in 2010.

The Metropolitan Plan places a strong emphasis on achieving efficient use of existing urban areas that already enjoy access to infrastructure and services. This Planning Proposal seeks to facilitate the more efficient use of underutilised sites in existing urban areas, by reclassifying those lots which will allow them to be disposed and redeveloped in the future.

All of the sites are already zoned for residential purposes. Five (5) of the seven (7) sites are zoned either R3 Medium Density Residential or R4 High Density Residential, in which multi-dwelling housing or residential flat buildings and shop top housing are permitted with consent. If the sites are not reclassified, then they cannot be redeveloped with surrounding land, which will cause site isolation and inhibit the surrounding areas to deliver high quality residential development that can substantially contribute to the dwelling targets for the Canterbury LGA. Reclassification is therefore important to promote the orderly and economic use and development of land, consistent with the objects of the EP&A Act.

We note that one of the actions of the Metropolitan Plan (Action H1.1) requires that local open space provision is adequate, accessible and appropriate, with good access to regional open space. Currently six (6) of the seven (7) sites (i.e. not 20A Cooks Avenue) are either used as an access way to local/regional open space or have the potential to perform the function of a pocket park. However, the reclassification of the sites to enable future disposal and redevelopment will not have a significant impact on the availability of, or access to, local open space in the Canterbury LGA, for the reasons set out in **Table 2**.

**Table 2 – Justification for loss of local open space**

| Site                       | Justification                                                                                                                                                                                                                                                                                                            |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Site 1: 15 Attunga Avenue  | This site is located adjacent to a substantial vegetated reserve, including a cleared area which will continue to be publicly accessible from Bray Avenue. Therefore access to this public recreation area will not be compromised by the loss of this comparatively small parcel of land.                               |
| Site 2: 2 Whitfield Avenue | This site is currently used as an access way to Wagener Oval, however Council proposes to relocate the access way further south along Whitfield Avenue on existing recreational land. Therefore the availability of/access to Wagener Oval as local open space will not be compromised by the proposed reclassification. |
| Site 3: 79 Viking Street   | This site is located in close proximity to local open space such as Yatama Park which is only 2 blocks to the south, and which will not be affected by the                                                                                                                                                               |

| Site                         | Justification                                                                                                                                                                                                                                                                          |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                              | proposed reclassification. Yatama Park will therefore be retained to provide local passive recreation to this neighbourhood.                                                                                                                                                           |
| Site 4: 49 Jeffrey Street    | This site is located opposite Canterbury Oval and in close proximity to a large network of open space adjacent to the Cooks River, which will not be affected by the proposed reclassification.                                                                                        |
| Site 5: 14 Warejee Street    | This site serves as an access way to the reserve to the south. However, adjoining the site is a 3m former drainage reserve that can be used as the access way to the park. Therefore the proposed reclassification will not compromise the availability of/access to local open space. |
| Site 6: 24-26 Mazarin Street | This site is located directly opposite a small local park that links Mazarin and Bonaparte Streets. That park will not be affected by the proposed reclassification.                                                                                                                   |
| Site 7: 20A Cooks Avenue     | This site is narrow (3m) and does not perform a local open space function or as an access way to local open space.                                                                                                                                                                     |

Furthermore, it is important to point out that this Planning Proposal seeks to reclassify the land which is in essence an administrative process. Reclassification itself will not change the form and/or function of the seven (7) sites. Future development applications to redevelop the sites will consider the impacts of their change of use and loss of 'open space'.

### South Subregion Draft Subregional Strategy 2007

The metropolitan area is too large and complex to effectively resolve all the planning challenges down to a detailed local level. The former Metropolitan Strategy for Sydney 2036 therefore formulated ten subregions within the Sydney metropolitan area to facilitate the delivery of the objectives of the plan. Canterbury falls within the South Subregion and is governed by the *South Subregion Draft Subregional Strategy 2007*.

The South Subregional Planning Strategy, which covers LGAs of Hurstville, Rockdale, Sutherland, Marrickville, Kogarah and Canterbury, sets the broad direction for additional dwelling and employment growth. The target for the South Subregion is 29,000 new jobs and 35,000 new dwellings by 2036. Canterbury LGA is expected to deliver 7,100 (or 20%) of the 35,000 of the subregion's projected dwellings by 2031. This proportion is the second largest expected of Councils within the subregion.

The Draft Strategy also recognises that Canterbury's built environment is characterised by a high quantity of residential land consisting of predominantly single detached housing.

Due to the small number and size of the sites to which this Planning Proposal relates, the sites potentially have minimal capacity to contribute to the dwelling targets set for the Canterbury LGA if they are redeveloped for the purpose of dwelling houses consistent with their surrounding context.

However, five (5) of the seven (7) sites (and surrounding areas) are zoned either R3 Medium Density Residential or R4 High Density Residential, in which higher density forms of housing are permitted. The reclassification of the sites will 'unlock' their capacity to be redeveloped with the surrounding area, thereby contributing to the dwelling targets set for the LGA. Failure to reclassify the sites could cause site isolation and inhibit the orderly and economic development of land.

### Draft Metropolitan Strategy for Sydney to 2031

The *Draft Metropolitan Strategy for Sydney to 2031* (Draft Metropolitan Strategy) was exhibited until 31 May 2013. Once adopted by the NSW Government, the Strategy will guide and shape development across the Sydney metropolitan area over the next 20 years.

The Draft Metropolitan Strategy places the Canterbury LGA in the South Subregion. It aims to enhance the South Subregion's role in housing delivery. For the reasons stated above, this Planning Proposal will 'unlock' the sites' capacity to contribute to housing delivery in the South Subregion.

The Draft Metropolitan Strategy also highlights the need for accessible and adaptable recreation and open spaces. For the reasons outlined above, the Planning Proposal is not inconsistent with these objectives.

#### 4.2.2 Q4 – Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

Yes.

##### City of Canterbury Community Strategic Plan 2014-2023

Council's Community Strategic Plan 2014-2023 (**Community Plan**) sets the vision for the Canterbury LGA into the next decade and aims to promote sustainable living. The Community Plan sets out long term goals under five key themes being:

- Attractive city;
- Stronger community;
- Healthy environment;
- Strategic leadership; and
- Improving Council.

The Community Plan promotes active living and equitable access to recreation facilities. It plans to maintain and facilitate equitable use of parks, sports fields, gardens and bushland and facilities. This Planning Proposal is consistent with the Community Plan as it seeks to ensure the optimum use of Council assets, thereby safeguarding maximum return on investment. Further, as explained in **Table 2** above, the reclassification of the sites to enable future disposal and redevelopment will not compromise the provision of, and access to, local open space in the Canterbury LGA.

A copy of the Community Plan is provided at **Appendix E**.

##### Strategic Recreation Plan

The Strategic Recreation Plan (May 2011) identifies key issues facing Canterbury in terms of planning for its future recreation needs. These key issues include:

- Open space across the LGA is inequitably distributed;
- Poor access to open space in the area and poor condition of some community and recreation facilities; and
- Financial limitations on addressing increasing recreational demands.

Significant areas of open space are concentrated along the banks of the Cooks River. On the northern bank, between Wardell Road and Brighton Avenue, are Ewen Park, Close Street open space, Canterbury Racecourse, Lees Park and Croydon Park. Along the southern bank in the same stretch are Tasker Park, Saint Mary MacKillop Reserve, Heynes Reserve, Sutton Park and Wills Ground. The identified shortages of open space occur westwards from the Cooks River in areas such as Lakemba, Punchbowl, Wiley Park and Campsie.

The Strategic Recreation Plan identifies an opportunity to better connect the open space networks along the Cooks River and provide better access to the open space. It also identifies the need to increase access for families and older people to more low cost leisure and recreation indoor programs. The need for quality informal low cost leisure recreation opportunities is also identified for youth.

While this Planning Proposal seeks to reclassify land that either provides a connection to open space or has the potential to be used as passive local pocket parks, it will not affect Council's ability to achieve the objectives of the Strategic Recreation Plan. None of the sites are significant areas of open space, and nor do they form part of any larger open space linkages. Some of the sites serve as an access way to open space, however in all cases there are (or will be) alternative access arrangements in place. Furthermore, the sites are already zoned for residential purposes; therefore they are not currently being used in the most efficient manner.

A copy of the Strategic Recreation Plan is provided at **Appendix F**.

### Canterbury Residential Development Strategy

The Residential Development Strategy (or RDS) has been prepared to ensure that the right package of zonings, development controls and planning framework are in place to guide and cater for the growth of the Canterbury residential community and be consistent with the State Government's metropolitan housing agenda to at least 2031. The RDS includes tools to assist decision-makers in reviewing and adjusting development strategies: a decision-making framework for planning proposals and a residential development feasibility model.

Whilst none of the subject sites are specifically identified as opportunities to deliver housing, their reclassification does satisfy the strategic directions set out at Section 6 of the RDS. For example, section 6.1.5 recommends that Council should adjust planning policy to enable residual isolated underdeveloped land in R4 zones to be redeveloped. This applies to 49 Jeffrey Street which is an isolated corner lot in the R4 zone. If surrounding sites are redeveloped in a manner consistent with the R4 zone, then this site will remain isolated and underdeveloped. Reclassification is required to 'unlock' its development potential. This applies equally to land in the R3 zone where multi dwelling housing can be developed.

### 4.2.3 Q5 – Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

Yes. An assessment of the Planning Proposal against relevant State Environmental Planning Policies (SEPPs) is set out in the **Table 3** below.

**Table 3** – Consistency with State Environmental Planning Policies

| SEPP                                                                          | Consistent? |    | N/A | Comment                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------------------------------------------------------------------------------|-------------|----|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                               | Yes         | No |     |                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment | ✓           |    |     | This Planning Proposal will not have any direct impacts on the Georges River or its tributaries. While it does seek to 'unlock' various sites to facilitate redevelopment, such development is unlikely to have adverse impacts on the Georges River provided appropriate design measures and conditions of development consent (relating to stormwater management, etc) are incorporated at the future DA stage. |

| SEPP                                                      | Consistent? |    | N/A | Comment                                                                                                                                                                                                                                                                                 |
|-----------------------------------------------------------|-------------|----|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                           | Yes         | No |     |                                                                                                                                                                                                                                                                                         |
|                                                           |             |    |     | The principles of the REP will be taken into account in greater detail with any future DA for the land.                                                                                                                                                                                 |
| SEPP 1 Development Standards                              |             |    | ✓   | SEPP 1 does not apply to the Canterbury LEP.                                                                                                                                                                                                                                            |
| SEPP 32 Urban Consolidation (Redevelopment of Urban Land) | ✓           |    |     | The Planning Proposal is consistent with SEPP 32 in providing for the opportunity for the development of additional housing in an area where there is existing public infrastructure, transport, and community facilities, and is close to employment, leisure and other opportunities. |
| SEPP 55 Remediation of Land                               |             |    | ✓   | This Planning Proposal does not seek to rezone land.                                                                                                                                                                                                                                    |
| SEPP 64 Advertising and Signage                           |             |    | ✓   | Not relevant to proposed LEP amendment.                                                                                                                                                                                                                                                 |
| SEPP 65 Design Quality of Residential Flat Development    |             |    | ✓   | Not relevant to proposed LEP amendment. Detailed compliance with SEPP 65 will need to be demonstrated in the event a DA is lodged for a residential flat building on 49 Jeffrey Street in future (i.e. the only site on which residential flat buildings are permitted).                |
| SEPP 70 Affordable Housing (Revised Schemes)              |             |    | ✓   | Not relevant to proposed LEP amendment.                                                                                                                                                                                                                                                 |
| SEPP (Affordable Rental Housing) 2009                     |             |    | ✓   | Not relevant to proposed LEP amendment.                                                                                                                                                                                                                                                 |
| SEPP (BASIX) 2004                                         |             |    | ✓   | Not relevant to proposed LEP amendment. Detailed compliance with SEPP (BASIX) will be demonstrated at the time of making any development applications for the subject sites facilitated by this Planning Proposal.                                                                      |
| SEPP (Exempt and Complying Development Codes) 2008        |             |    | ✓   | Not relevant to proposed LEP amendment. May apply to future development of the sites.                                                                                                                                                                                                   |
| SEPP (Infrastructure) 2007                                |             |    | ✓   | Not relevant to proposed LEP amendment.                                                                                                                                                                                                                                                 |
| SEPP (State and Regional Development) 2011                |             |    | ✓   | Not relevant to proposed LEP amendment.                                                                                                                                                                                                                                                 |

#### 4.2.4 Q6 – Is the Planning Proposal consistent with applicable Ministerial Directions (s. 117 directions)?

Yes. An assessment of the Planning Proposal against applicable Section 117 Directions is set out in the **Table 4** below.

**Table 4** – Consistency with Section 117 Ministerial Directions

| Ministerial Directions             | Consistent? |    | N/A | Comment                                                                                                                                                                   |
|------------------------------------|-------------|----|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                    | Yes         | No |     |                                                                                                                                                                           |
| <b>1. Employment and Resources</b> |             |    | ✓   |                                                                                                                                                                           |
| <b>2. Environment and Heritage</b> |             |    |     |                                                                                                                                                                           |
| 2.1 Environmental Protection Zones |             |    | ✓   |                                                                                                                                                                           |
| 2.2 Coastal Protection             |             |    | ✓   |                                                                                                                                                                           |
| 2.3 Heritage Conservation          | ✓           |    |     | 15 Attunga Avenue (site 1) is located in a heritage conservation area. This Planning Proposal does not affect clause 5.10 of the Canterbury LEP which contains provisions |

| Ministerial Directions                                  | Consistent? |    | N/A | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------------------------------------------|-------------|----|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                         | Yes         | No |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|                                                         |             |    |     | relating to the protection of heritage conservation areas.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 2.4 Recreation Vehicle Areas                            |             |    | ✓   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>3. Housing, Infrastructure and Urban Development</b> |             |    |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 3.1 Residential Zones                                   | ✓           |    |     | <p>This direction states that a Planning Proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none"> <li>(a) broaden the choice of building types and locations available in the housing market, and</li> <li>(b) make more efficient use of existing infrastructure and services, and</li> <li>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</li> <li>(d) be of good design.</li> </ul> <p>This Planning Proposal is consistent with this direction in that it will make more efficient use of existing infrastructure and services by 'unlocking' the development potential of underutilised land in an existing urban area. By doing so it will (in theory) reduce the need for land for housing on the urban fringe.</p> <p>Further, this direction states that a Planning Proposal must:</p> <ul style="list-style-type: none"> <li>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</li> <li>(b) not contain provisions which will reduce the permissible residential density of land.</li> </ul> <p>This Planning Proposal does not affect the existing provisions of the Canterbury LEP relating to the adequate servicing of land (Part 6) or the permissible density of land (Part 4).</p> |
| 3.2 Caravan Parks and Manufactured Home Estates         |             |    | ✓   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 3.3 Home Occupations                                    |             |    | ✓   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 3.4 Integrating Land Use and Transport                  | ✓           |    |     | <p>This direction states that a Planning Proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <ul style="list-style-type: none"> <li>(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</li> <li>(b) The Right Place for Business and Services – Planning Policy (DUAP 2001).</li> </ul> <p>The proposed reclassification is broadly consistent with the aims, objectives and principles of the above documents, in that it will make more efficient use of space and infrastructure on an underutilised site.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 3.5 Development Near Licensed Aerodromes                |             |    | ✓   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 3.6 Shooting Ranges                                     |             |    | ✓   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>4. Hazard and Risk</b>                               |             |    |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 4.1 Acid Sulphate Soils                                 | ✓           |    |     | 15 Attunga Avenue (site 1), 49 Jeffrey Street (site 4) and 20A Cooks Avenue (site 7) are                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

| Ministerial Directions                                      | Consistent? |    | N/A | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------------------------------------|-------------|----|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                             | Yes         | No |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|                                                             |             |    |     | identified as 'class 5' on the Acid Sulfate Soils map in the Canterbury LEP. Acid sulphate soils are generally not found in class 5 areas and this Planning Proposal does not affect the probability of acid sulphate soils occurring on those sites. Clause 6.1 of the Canterbury LEP will be considered if and when a DA is lodged in the future.<br>The remaining four (4) sites are not identified on the Acid Sulfate Soils map in the Canterbury LEP. |
| 4.2 Mine Subsidence and Unstable Land                       |             |    | ✓   |                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 4.3 Flood Prone Land                                        | ✓           |    |     | The only site that is identified as flood affected in the Canterbury LEP is 15 Attunga Avenue (site 1), which is within a 'flood planning area' as identified on the Flood Planning Map.<br>This Planning Proposal is consistent with this direction as it does not seek to create, remove or alter a zone or a provision that affects flood prone land.                                                                                                    |
| 4.4 Planning for Bushfire Protection                        |             |    | ✓   | Canterbury does not have a bushfire prone land map.                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>5. Regional Planning</b>                                 |             |    |     | ✓                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>6. Local Plan Making</b>                                 |             |    |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 6.1 Approval and Referral Requirements                      | ✓           |    |     | This Planning Proposal is consistent with this direction in that it does not introduce any provisions that require any additional concurrence, consultation or referral.                                                                                                                                                                                                                                                                                    |
| 6.2 Reserving Land for Public Purposes                      | ✓           |    |     | This Planning Proposal is consistent with this direction in that it does not create, alter or reduce existing zonings or reservations of land for public purposes.                                                                                                                                                                                                                                                                                          |
| 6.3 Site Specific Provisions                                | ✓           |    |     | This Planning Proposal is consistent with this direction in that it does not seek a rezoning, an amendment to Schedule 1 or any other site-specific provision to permit a particular development that is not otherwise permitted in the zone.                                                                                                                                                                                                               |
| <b>7. Metropolitan Planning</b>                             |             |    |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 7.1 Implementation of the Metropolitan Plan for Sydney 2036 | ✓           |    |     | This Planning Proposal is consistent with the Metropolitan Plan, as discussed in section 4.2.1 of this report.                                                                                                                                                                                                                                                                                                                                              |

## 4.3 Environmental, Social and Economic Impact

### 4.3.1 Q7 – 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?

The Planning Proposal will not result in any impact on critical habitat or threatened species, populations or ecological communities or their habitats. In the event that any of the sites are redeveloped, these matters will be appropriately considered at

the development application stage which is the more appropriate time to consider such matters.

### 4.3.2 Q8 – 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 other significant environmental effects that are likely to arise as a consequence of this Planning Proposal. In the event that any of the sites are redeveloped, these matters will be appropriately considered at the development application stage which is the more appropriate time to consider such matters. It is considered that the development controls under the Canterbury LEP and relevant development control plan provide appropriate guidance to ensure that a high quality development outcome is achieved for the future development of the sites.

### 4.3.3 Q9 – Has the Planning Proposal adequately addressed any social and economic effects?

It is considered that the reclassification of land to facilitate their sale and redevelopment will have a positive social and economic impact upon the Canterbury LGA. First, the proposed reclassification will 'unlock' the development potential of underutilised sites in existing urban areas, thereby promoting the more efficient use of existing infrastructure and, therefore, the orderly and economic use and development of land. This is consistent with the objects of the EP&A Act.

The proposal is unlikely to have any negative social impacts related to the loss of local open space, for the reasons discussed in sections 4.2.1 and 4.2.2. Furthermore, the sites are already zoned for Residential purposes, not Public Recreation, under the Canterbury LGA. Therefore the reclassification of the sites is not considered to result in a 'loss' of public open space in the relevant sense.

Finally, where an increase in value as a result of redevelopment or funds are realised through lease or sale, the funds will be used solely for the purpose of purchasing new commercial property that will meet Council's functional requirements, provide a financial return to Council and therefore have positive impacts on the community.

## 4.4 State and Commonwealth Interests

### 4.4.1 Q10 – Is there adequate public infrastructure for the Planning Proposal?

Existing public transport, roads, utilities, waste management, recycling services and other essential services such as health, education and emergency services exist within the Canterbury LGA and are generally adequate to serve and meet the needs of the proposal.

Whilst there will inevitably be some additional demand on public infrastructure associated with the ability for specific sites to be developed, much of this demand will be addressed either as part of any future Development Application or through consultation with public authorities identified as part of the Gateway determination process.

#### **4.4.2 Q11 – What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

The views of State and Commonwealth public authorities will be known once consultation has occurred as part of the Gateway determination of the Planning Proposal.

## 5.0 Practice Note – Classification of Public Land

On 12 June 2009, the Department of Planning issued Practice Note PN 09-003 *“Classification and reclassification of public land through a local environmental plan”*. The Practice Note provides guidance on the process to classify or reclassify public land through an LEP, including an amending LEP. A copy of the Practice Note is provided in **Appendix B**.

This Planning Proposal addresses the Planning Practice Note as follows:

**Table 5 – Practice Note PN 09-003 – Required Information**

|    | PN 09-003 Requirement                                                                                                                                                                                                                                                                            | Compliance      | Response / Location in Report                                                                                                                                                                                    |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | The reasons why the draft LEP is being prepared including the planning merits of the proposal, e.g. the findings of a centres' strategy, council's intention to dispose of the land, provision of open space in a town centre                                                                    | Yes             | Section 1.0, Section 3.0 and Section 4.0.                                                                                                                                                                        |
| 2. | The current and proposed classification of the land                                                                                                                                                                                                                                              | Yes             | All parcels in the Planning Proposal are currently classified as community and are intended to be reclassified to operational.                                                                                   |
| 3. | The reasons for the reclassification including how this relates to council's strategic framework, council's proposed future use of the land, proposed zones, site specific requirements, e.g. heritage controls, anticipated physical or operational changes resulting from the reclassification | Yes             | Section 3.0, Section 4.0 and Appendix C.                                                                                                                                                                         |
| 4. | Council's ownership of the land, if this applies                                                                                                                                                                                                                                                 | Yes             | All land in the Planning Proposal is owned by Canterbury City Council.                                                                                                                                           |
| 5. | The nature of council's interest in the land, e.g. council has a 50 year lease over the site                                                                                                                                                                                                     | Yes             | Appendix C                                                                                                                                                                                                       |
| 6. | How and when the interest was first acquired, e.g. the land was purchased in 20XX through section 94                                                                                                                                                                                             | Yes             | Appendix C                                                                                                                                                                                                       |
| 7. | The reasons council acquired an interest in the land, e.g. for the extension of an existing park; council was given responsibility for the land by a State agency                                                                                                                                | Yes             | Appendix C                                                                                                                                                                                                       |
| 8. | Any agreements over the land together with their duration, terms, controls, agreement to dispose of the land, e.g. whether any aspect of the draft LEP or planning proposal formed part of the agreement to dispose of the land and any terms of any such agreement                              | Yes             | Appendix C                                                                                                                                                                                                       |
| 9. | An indication, as a minimum, of the magnitude of any financial gain or loss from the reclassification and of the type(s) of benefit that could arise e.g. council could indicate the magnitude of value added to the land                                                                        | Yes (generally) | The financial gain for each property is the potential sale of the land for redevelopment. The specific likely financial benefit is unknown at this stage, and is subject to a valuation report at a later stage. |

| PN 09-003 Requirement |                                                                                                                                                                                                                                                                         | Compliance | Response / Location in Report                                                                                                                                                                                                                                                                                  |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                       | based on comparable sites such as the land is currently valued at \$1500 per square metre, nearby land zoned for business development is valued at between \$2000 and \$5000 per square metre                                                                           |            |                                                                                                                                                                                                                                                                                                                |
| 10.                   | The asset management objectives being pursued, the manner in which they will be achieved and the type of benefits the council wants, i.e. without necessarily providing details of any possible financial arrangements, how the council may or will benefit financially | Yes        | Section 3.0                                                                                                                                                                                                                                                                                                    |
| 11.                   | Whether there has been an agreement for the sale or lease of the land; the basic details of any such agreement and, if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time                       | Yes        | There are no agreements with any parties to sell these sites. They will be offered to adjoining owners only if an open market sale cannot be achieved.                                                                                                                                                         |
| 12.                   | Relevant matters required in plan making under the EP&A Act                                                                                                                                                                                                             | Yes        | Details of the land are provided with the Planning Proposal, including title details. No specific changes to the map layers in terms of planning matters (zoning, height, FSR) are proposed. All relevant matters regarding DP&I's <i>Guide to Preparing Planning Proposals</i> are included in this document. |
| 13.                   | A copy of this practice note must be included in the exhibition material to assist the community in identifying information requirements. Council staff may wish to identify the column in Attachment 1 that applies                                                    | Yes        | A copy of the Practice Note is attached to this report ( <b>Appendix B</b> ) and will be provided in the exhibition materials.                                                                                                                                                                                 |

## 6.0 Community Consultation

Community consultation (inclusive of a public hearing for sites in need of reclassification from 'community' to 'operational') will be undertaken in accordance with section 57 of the EP&A Act.

The Planning Proposal will be exhibited following the LEP Gateway determination. A period of 28 days would be appropriate for the exhibition. Notification is able to be conducted by way of direct correspondence to the surrounding owners, publication within the local press and information on Canterbury Council's website.

Once the exhibition period has concluded a public hearing will be held subject to section 57(6) of the EP&A Act and section 29 of the *Local Government Act 1993* for land involving reclassification from community to operational. There will be further notification in the local press of the public hearing as well as direct correspondence with any parties that provide a submission or request to attend a hearing at least 21 days prior to such hearing. A report will then be submitted to Council with details of the results of the public hearing and also submitted to the Secretary of the DPE and Minister for Planning.

## 7.0 Conclusion

This Planning Proposal seeks an amendment to Schedule 4 of the Canterbury LEP to reclassify seven (7) Council-owned properties from ‘community’ to ‘operational’ under the *Local Government Act 1993*.

The purpose of the proposed reclassification is to enable the sites to be sold. Following the adoption of its Property Portfolio Policy, Council has undertaken a review of its property portfolio and identified a number of sites that are not providing any financial benefit to Council or civic usefulness to the community. These sites must be reclassified to operational before they can be sold.

The Planning Proposal is considered justified for the following reasons:

- The proposal is consistent with the objects of the EP&A Act, including promoting the orderly and economic use and development of land. It seeks to enable the more efficient use of underutilised sites in existing urban areas by reclassifying those lots which will allow them to be disposed and redeveloped in the future.
- The proposal is consistent with the metropolitan, regional and sub-regional strategic planning framework which places a strong emphasis on achieving efficient use of existing urban areas that already enjoy access to infrastructure and services.
- In addition, five (5) of the seven (7) sites are zoned either R3 Medium Density Residential or R4 High Density Residential, in which multi-dwelling housing or residential flat buildings and shop top housing are permitted with consent. If the sites are not reclassified, then they cannot be redeveloped with surrounding land, which will cause site isolation and inhibit the surrounding areas to deliver high quality residential development that can substantially contribute to the dwelling targets for the Canterbury LGA. This Planning Proposal will ‘unlock’ the sites’ capacity to contribute to housing delivery in the South Subregion.
- The reclassification of the sites to enable future disposal and redevelopment will not have a significant impact on the availability of, or access to, local open space in the Canterbury LGA.
- The proposal is consistent with Council’s local strategies and strategic plans, including Council’s Community Strategic Plan as it will not compromise access to parks and open space and seeks to ensure the optimum use of Council assets, thereby safeguarding maximum return on investment.
- In addition, this proposal will not affect Council’s ability to achieve the objectives of the Strategic Recreation Plan. None of the sites are significant areas of open space, and nor do they form part of any larger open space linkages. Some of the sites serve as an access way to open space, however in all cases there are (or will be) alternative access arrangements in place. Furthermore, the sites are already zoned for residential purposes; therefore they are not currently being used in the most efficient manner.
- The proposal is consistent with applicable SEPPs and Section 117 Directions.

In light of the above, we would have no hesitation in recommending that the Planning Proposal proceed through the Gateway to public exhibition.