

Planning proposal to reclassify seven sites from Community to Operational and remove interests

Proposal Title : **Planning proposal to reclassify seven sites from Community to Operational and remove interests**

Proposal Summary : **The intention of the planning proposal is to reclassify seven council-owned parcels of land from community to operational.**

The Planning Proposal does not propose to rezone any of the sites or amend the planning controls. The sites are zoned residential.

PP Number : **PP_2014_CANTE_005_00** Dop File No : **14/11987**

Proposal Details

Date Planning Proposal Received : **07-Oct-2014** LGA covered : **Canterbury**

Region : **Metro(CBD)** RPA : **Canterbury City Council**

State Electorate : **CANTERBURY LAKEMBA** Section of the Act : **55 - Planning Proposal**

LEP Type : **Reclassification**

Location Details

Street :	15 Attunga Avenue		
Suburb :	Earlwood	City :	Sydney
Land Parcel :	Lot 1 DP 1142452		Postcode : 2206
Street :	2 Whitfield Avenue		
Suburb :	Ashbury	City :	Sydney
Land Parcel :	Lot E DP 30778		Postcode : 2193
Street :	79 Viking Street		
Suburb :	Campsie	City :	Sydney
Land Parcel :	Lot 23 DP 35848		Postcode : 2194
Street :	49 Jeffrey Street		
Suburb :	Canterbury	City :	Sydney
Land Parcel :	Lot 1 DP 959315		Postcode : 2193
Street :	14 Warejee Street		
Suburb :	Kingsgrove	City :	Sydney
Land Parcel :	Lot 145 DP 16265		Postcode : 2208
Street :	24-26 Mazarin Street		
Suburb :	Riverwood	City :	Sydney
Land Parcel :	Lot 23 DP 237686		Postcode : 2210

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Street : 20A Cooks Avenue
Suburb : Canterbury City : Sydney Postcode : 2193
Land Parcel : Lot 61 DP 9484

DoP Planning Officer Contact Details

Contact Name : Helen Wilkins
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RPA Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :
MDP Number :	Date of Release :
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :
No. of Lots : 0	No. of Dwellings : 0 (where relevant) :
Gross Floor Area : 0	No of Jobs Created : 0

The NSW Government Yes
Lobbyists Code of
Conduct has been
complied with :

If No, comment : The Department's Code of Conduct has been complied with.

Have there been
meetings or
communications with
registered lobbyists? :

No

If Yes, comment : Metropolitan Delivery (CBD) Branch has not knowingly met with or communicated with any lobbyist in relation to this planning proposal.

Supporting notes

Internal Supporting
Notes : The planning proposal is supported because it:

- satisfies State and subregional metropolitan strategy objectives;
- implements the Canterbury Property Portfolio Policy (23 May 2013) by seeking to reclassify four parcels of land that have been subsequently identified as surplus to Council's needs in an initial review by Council of its property and asset portfolio:

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- 15 Attunga Avenue, Earlwood (Site 1)
- 2 Whitfield Avenue, Ashbury (Site 2)
- 79 Viking Street, Campsie (Site 3)
- 49 Jeffrey Street, Canterbury (Site 4)

The Property Portfolio Policy specifies the parameters for the management of Council's commercial and residential property assets to achieve maximum possible Total Returns and to enhance Council's long-term financial sustainability. Each parcel of land owned by Council was reviewed in terms of both its financial benefit and civic usefulness. In reviewing each parcel, the ability of the properties to support Council's functions and potential to be improved or altered, were considered. Properties that were deemed to have potential for improvement were assessed for possible upgrade/alteration. Properties that were deemed to be not supportive of Council's functions were considered for disposal. Properties that were found to have reached their functional limits were considered on a case-by-case basis for retention or disposal. The above properties were deemed to be:

- of minimal benefit to the community and an ongoing maintenance and financial burden to Council (Site 1);
- functionally redundant as its role as a vehicular access way to Wagener Oval is to be replaced by a proposed new access way further to the south (Site 2);
- strategically redundant as Council and the developer of the site to the west (Clemton Park Village) do not intend to use it to provide road access to the site, the purpose for which it was initially purchased (Site 3); and
- functionally redundant as the land was purchased for purposes of road widening, which is complete. Council's intention was to retain the residual land as green space until disposal (Site 4).

The planning proposal seeks to also reclassify three additional properties that were not listed in the Strategic Property Portfolio Plan:

- 14 Warejee Street, Kingsgrove (Site 5)
- 24-26 Mazarin Street, Riverwood (Site 6)
- 20A Cooks Avenue, Canterbury (Site 7)

These properties are proposed to be reclassified on the basis that they are:

- functionally redundant as its role as a pedestrian access way to the adjoining park is to be replaced by the adjoining former drainage reserve (Site 5);
- too small to provide functional open space, the purpose for which it was dedicated (Site 6); and
- not required as a sole drainage reserve, as Council are seeking to retain the drainage easement and to either licence the land for occupation or sell the land, with easement enforced (Site 7).

None of the sites are located in areas of high population density. None of the sites are significant areas of open space or form part of any larger open space linkages (Tag A). The planning proposal will not have a significant impact on the availability of, or access to, local open space in the Canterbury LGA:

- 15 Attunga Avenue (Site 1) is located adjacent to a substantial vegetated reserve.
- 2 Whitfield Avenue (Site 2) is located adjacent to, but is not an active part of, Wagener Oval.
- 79 Viking Street (Site 3) is in close proximity to local open space, such as Yatama Park two blocks to the south.
- 49 Jeffrey Street (Site 4) is located opposite Canterbury Oval and in close proximity to a large network of open space adjacent to the Cooks River.
- 14 Warejee Street (Site 5) is located adjacent to, but is not an active part of, a reserve to the south.
- 24-26 Mazarin Street (Site 6) is located directly opposite a small local park.
- 20A Cooks Avenue (Site 7) is narrow (3m) and does not function as local open space.

External Supporting
Notes :

Council supports this planning proposal because it commences the process of disposing of seven parcels of land which have been identified as surplus to needs under Council's Property Portfolio Policy (23 May 2013) and following an initial review by Council of its property and asset portfolio. The sites meet the criteria in the Policy as they have been assessed to be inefficient, underutilised, and providing no "financial benefit to Council" or

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"civic usefulness" to the community.

Adequacy Assessment

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

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

Comment : The objective of the planning proposal is to commence the process of disposing of 7 parcels of land.

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

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

Comment : Interests relating to the sites are as follows:

Part 1 of Schedule 4

- 49 Jeffrey Street, Canterbury (Site 4): No interests recorded on title.
- 14 Warejee Street, Kingsgrove (Site 5): No interests changed.

Part 2 of Schedule 4

- 15 Attunga Avenue, Earlwood (Site 1): 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 (Site 2): 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 (Site 3): It is proposed to extinguish the covenant on title relating to roads and fencing. There are no interests to remain.
- 24-26 Mazarin Street, Riverwood (Site 6): It is proposed to remove the caveat on title relating to public reserves. There are no interests to remain.
- 20A Cooks Avenue, Canterbury (Site 7): It is proposed to remove the drainage reserve notation on title. Drainage easement is be retained.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

2.3 Heritage Conservation

* May need the Director General's agreement

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

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

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

d) Which SEPPs have the RPA identified?

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)
GMREP No. 2 - Georges River Catchment

e) List any other matters that need to be considered :

The planning proposal was initially submitted to the Department on 14 July 2014, which was inadequate. Council were requested to revise the planning proposal. The date of receipt of the revised planning proposal is recorded as the date received.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

The planning proposal is consistent with all SEPPs.

The planning proposal inconsistent with a number of s.117 Directions.

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Direction 2.3 Heritage Conservation.

2 Whitfield Ave, Ashbury (Site 2) is located in a Heritage Conservation Area. The planning proposal is not inconsistent with the Direction as Council will apply Clause 5.10 of the Canterbury LEP to future development applications. This is considered acceptable.

Direction 4.1 Acid Sulphate Soils.

Three sites are identified on the Acid Sulfate Soils map in the Canterbury LEP:

- 15 Attunga Avenue, Earlwood (Site 1) – Class 5
- 49 Jeffrey Street, Canterbury (Site 4) – Class 5
- 20A Cooks Avenue, Canterbury (Site 7) – Class 5

The planning proposal's inconsistency with the Direction is of minor significance, as Council will apply Clause 6.1 of the Canterbury LEP to future development applications. This is considered acceptable.

Direction 4.3 Flood Prone Land.

15 Attunga Avenue, Earlwood (Site 1) is located in a Flood Planning Area. The planning proposal's inconsistency with the Direction is of minor significance as it does not seek to create, remove or alter a zone or a provision that affects flood prone land. However, as the land is currently zoned R2 Low Density Residential, the planning proposal will have the effect of activating residential development on the land. Consequently, it is recommended that the Office of Environment and Heritage be consulted. Council intend to manage future flood risks by applying Clause 6.3 of the Canterbury LEP to future development applications. This is considered acceptable.

Direction 6.2 Reserving Land for Public Purposes.

All the subject sites are currently owned by Council and classified as community land. The planning proposal is not inconsistent with the Direction as it does not create, alter or reduce existing zonings or reservations of land for public purposes. Council are seeking to achieve a more efficient use of the underutilised sites and so achieve a wider economic community benefit. This is considered acceptable.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **Mapping is not required.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Given the nature of the planning proposal a community consultation period of 28 days is proposed by Council.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

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Proposal Assessment

Principal LEP:

Due Date : December 2012

Comments in relation to Principal LEP : Canterbury LEP 2012 was published on 21 December 2012.

Assessment Criteria

Need for planning proposal : The planning proposal is the only means by which the parcels of land can be reclassified, in order to achieve Council's objectives and intended outcomes of divesting property that is inefficient or underutilised, and is not providing any "financial benefit to Council" or "civic usefulness" to the community. The seven sites identified in the planning proposal are deemed to meet these criteria.

Consistency with strategic planning framework : The planning proposal is consistent with Sydney Metropolitan Plan 2036. Objective D1: Locate at least 70 per cent of new housing within existing urban areas. The planning proposal seeks to facilitate more efficient use of underutilised sites in an existing urban area by reclassifying sites that are surplus to Council's needs and already zoned for residential purposes:

- 15 Attunga Avenue, Earlwood (Site 1) - R2 Low Density residential
- 2 Whitfield Avenue, Ashbury (Site 2) - R2 Low Density residential
- 79 Viking Street, Campsie (Site 3) - R3 Medium Density residential
- 49 Jeffrey Street, Canterbury (Site 4) - R4 High Density residential
- 14 Warejee Street, Kingsgrove (Site 5) - R3 Medium Density residential
- 24-26 Mazarin Street, Riverwood (Site 6) - R3 Medium Density residential
- 20A Cooks Avenue, Canterbury (Site 7) - R3 Medium Density residential

The five sites zoned R3 and R4 will have the potential to be developed as multi-dwelling housing, residential flat buildings or shop top housing.

The draft South Subregional Strategy 2007 emphasises total asset management planning and economic evaluation that considers the social and environmental aspects of projects. Council's Strategic Property Portfolio Plan examined Council's assets in terms of both its financial benefit and civic usefulness.

The planning proposal is consistent with Councils' key studies and strategies:

- Canterbury Council Strategic Property Portfolio Plan and Property Portfolio Policy (2013).

Environmental social economic impacts : **Environmental:** The Planning Proposal will not result in any impact on critical habitat or threatened species, populations or ecological communities or their habitats. Any potential environmental impact that might result from future development will be assessed by Council at the development application stage. The parcels of land are all located in built up urban areas. This is considered acceptable.

Social and Economic: The reclassification of the parcels of land will have a positive social and economic impact as it will permit the development of underutilised sites in an existing urban area and facilitate more efficient use of existing council assets.

It is recommended that various government agencies be consulted on the basis that this planning proposal will result in the residential development of the parcels of land, and as such provision of utilities and services will need to be considered.

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Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

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

Public Authority Consultation - 56(2) (d) : **Office of Environment and Heritage
Transport for NSW
Sydney Water
Other**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :
No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Covering letter to Department.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Project Timeline.pdf	Proposal	Yes
Attachment 1_Information Checklist.pdf	Proposal	Yes
Appendix A_Initial Planning Proposal for Gateway July 2014.pdf	Proposal	Yes
Appendix B_LEP Practice Note PN 09-003.pdf	Proposal	Yes
Appendix C_Table of Councils Interests and Titles.pdf	Proposal	Yes
Appendix D_Amendments to Schedule 4 of the Canterbury LEP (revised).pdf	Proposal	Yes
Appendix E_Community Strategic Plan 2014-2023.pdf	Study	Yes
Appendix F_Canterbury Strategic Recreation Plan May 2011.pdf	Study	Yes
Appendix G_Strategic Property Plan Report.pdf	Study	Yes

Planning Team Recommendation

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

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S.117 directions:

2.3 Heritage Conservation
3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.1 Acid Sulfate Soils
4.3 Flood Prone Land
6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes
6.3 Site Specific Provisions
7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information :

Delegation of this planning proposal is not permitted, as Council is seeking to reclassify seven parcels of land and extinguish public reserve status and other interests in four of the parcels. Consequently the Governor's approval is required.

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

1. The planning proposal is exhibited for a minimum of 28 days, consistent with Council's intentions.

2. The planning proposal be completed within 6 months.

3. A public hearing is required to be held on the reclassification of the subject land.

Supporting Reasons :

The planning proposal is supported for the following reasons:

- it is consistent with the NSW strategic planning framework and Council's strategic plan;
- it will have a positive social and economic impact as it will permit the development of underutilised sites in an existing urban area and facilitate more efficient use of existing council assets.
- it will not result in the loss of any active community open space.

Signature:



Printed Name:

Diane Sarkies

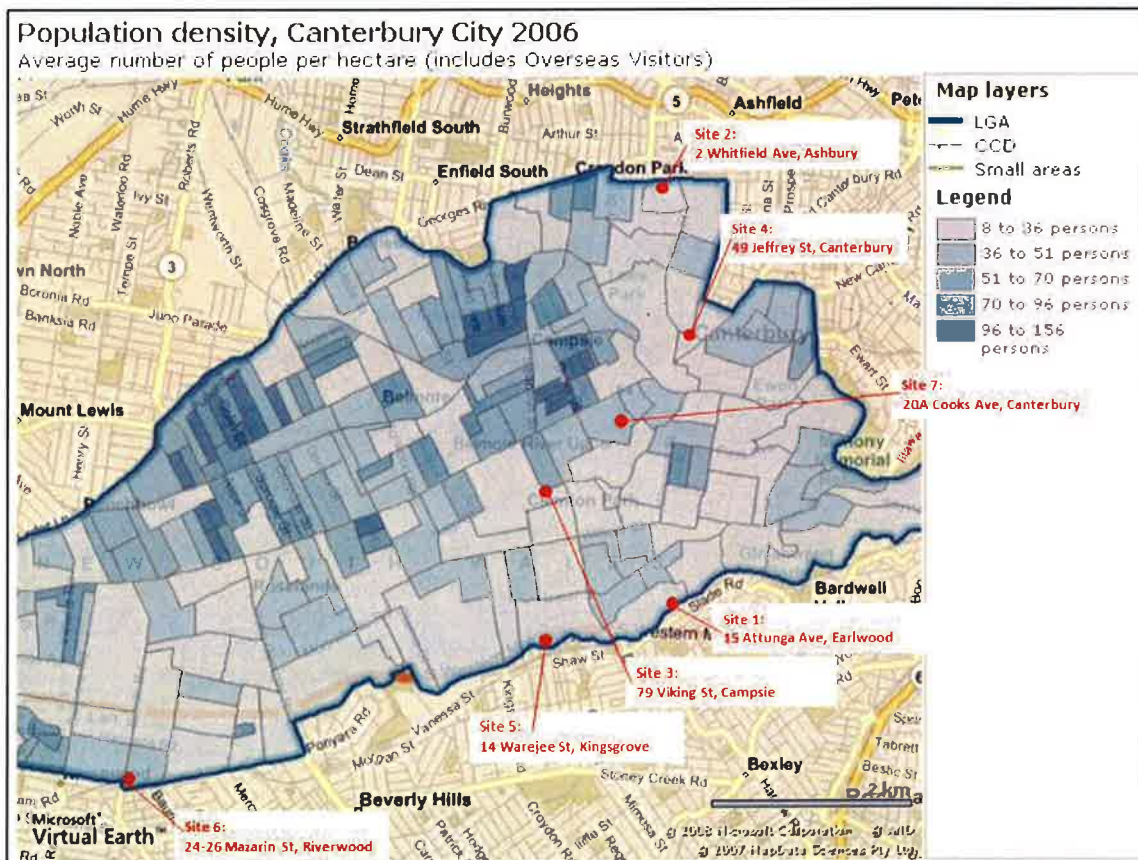
Date:

17/11/14

Tag A – Location and zoning of sites

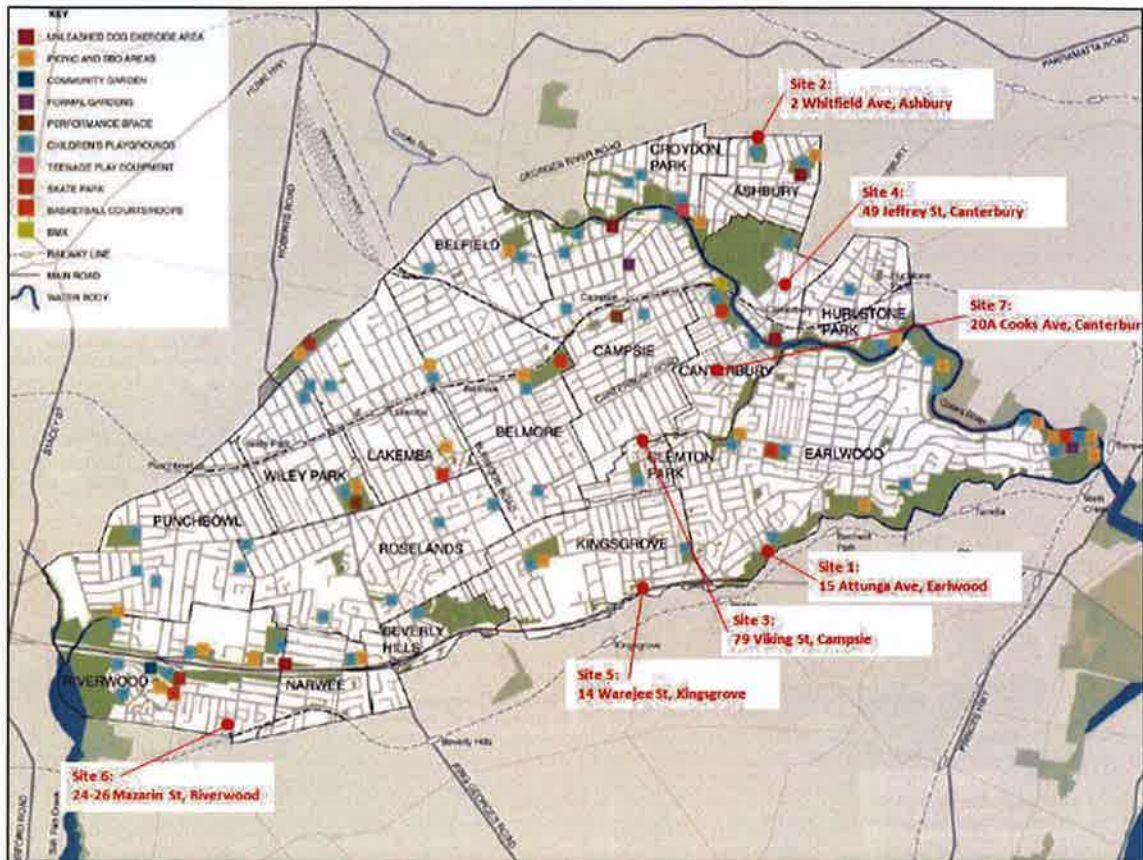


Location and zoning of Sites on Canterbury LEP 2012, Land Application Map



Location of Sites on Canterbury LGA Population Density map, Canterbury Strategic Recreation Plan

Tag A – Location and zoning of sites



Location of Sites on Canterbury LGA Outdoor Informal Recreation Facilities map, Canterbury Strategic Recreation Plan