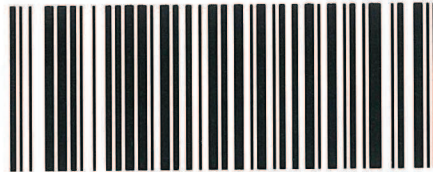




City of Canterbury

City of Cultural Diversity

Our Reference: T-29-150



PCU042969

Enquiries:
Direct Phone:
Direct Fax:

Allan Shooter
9789 9364
9789 1542

Ms Juliet Grant
Regional Director
Sydney Region East
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2000

Department of Planning
Received

28 MAR 2013

Scanning Room

Dear Ms Grant,

Planning Proposal for Amendment 2 to Canterbury LEP 2012

I am writing to you to advise that on 22 November 2012 and 14 February 2013, Council resolved to initiate the preparation of a planning proposal as a second amendment to the CLEP 2012. It involves the following sites:

1. 30 Trevenar Street, Ashbury
2. 436 and 446-454 Canterbury Road, Campsie
3. 591-605 Canterbury Road, Belmore
4. 754-794 Canterbury Road and 1A Trafalgar Street, Belmore

The amendments specifically relate to zoning, floor space ratio, and height. In all instances the amendments will allow a greater density of residential development on these sites. This will have the effect of facilitating development and increasing the housing supply in Canterbury and for the Metropolitan area.

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

Attached to this letter is the planning proposal and attachments which include Council reports and mapping

If you require any further assistance please contact Allan Shooter on 9789 9364.

Yours sincerely

Warren Farleigh
TEAM LEADER URBAN PLANNING

21 March 2013

Enclosure: Planning Proposal

PLANNING PROPOSAL TO AMEND CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012 (SECOND AMENDMENT)

BACKGROUND

Council on 26 July 2012 resolved to endorse Canterbury LEP (CLEP 2012), and forward it to the Department of Planning and Infrastructure (the Department) for finalisation. CLEP 2012 was subsequently gazetted on 21 December 2012, and came into force on 1 January 2013.

As part of the draft CLEP 2012 exhibition process submissions were received requesting the rezoning of land or variations in planning controls. Council resolved that these submissions would be further considered as part of a review process which would form part of its Residential Development Strategy (RDS) process.

An initial report on the review process for the LEP submissions was submitted to Council's City Development Committee on 22 November 2012. This report identified four sites that had merit to be included as part of an initial CLEP 2012 amendment. The other LEP submissions sites required further investigation which would be undertaken as part of the RDS. A copy of the Council report is attached, along with the relevant LEP submissions.

A further report was submitted to Council's City Development Committee on 14 February 2013. This arose after an inconsistency was discovered in CLEP 2012 relating to space the floor ratio of land at 446-454 Canterbury Road, Canterbury. As this land was near to one of the sites identified in the 22 November 2012 resolution and involved a similar change to planning controls, it was resolved to include this land in the planning proposal that was being prepared as part of the 22 November 2012 resolution. Again a copy of this report is attached.

PART 1 OBJECTIVES OR INTENDED OUTCOMES

The objectives of the Planning Proposal are to amend the CLEP 2012 in respect of the following four sites or areas:

1. 30 Trevenar Street, Ashbury
2. 436 and 446-454 Canterbury Road, Campsie
3. 591-605 Canterbury Road, Belmore
4. 754-794 Canterbury Road and 1A Trafalgar Street, Belmore

In all instances the planning proposal is seeking a change of controls to allow a greater density of residential development on these sites. This will have the effect of facilitating development and increasing the housing supply in Canterbury and for the Metropolitan area.

The amendments specifically relate to zoning, floor space ratio, and height. The changes are outlined in more detail for each site/area in Part 2.

PART 2 EXPLANATION OF PROVISIONS

The amendments to CLEP 2012 will involve alterations to the map series in respect of zoning, floor space ratio, and height. It is not intended or necessary to alter the LEP instrument.

1. 30 Trevenar Street, Ashbury

The subject land is shown on Map 1 below. It comprises 30 Trevenar Street, Ashbury, with the exception of the King Street frontage of this site (located between 27 and 33 King Street).



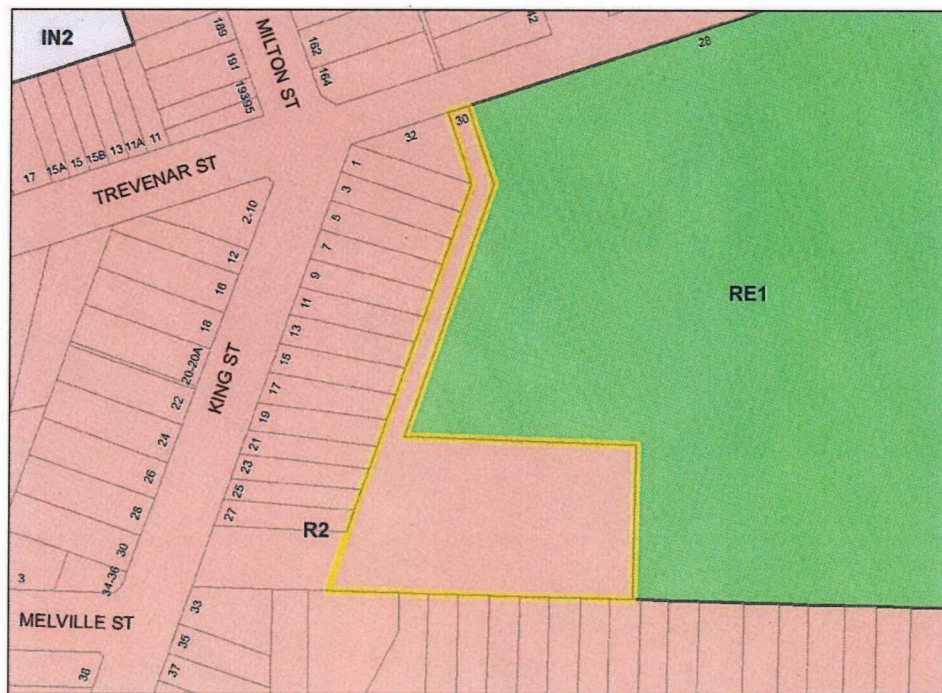
Map 1: Locality Plan

The current zoning of the subject land is R2 Low Density Residential in CLEP 2012, with a height control of 8.5 metres. No floor space ratio (FSR) controls apply. The zoning of the subject land and surrounding area is shown on Map 2 below. The site is also within the Ashbury Heritage Conservation Area, which includes the entire suburb of Ashbury and some adjoining parts of Croydon Park.

This site comprises vacant land with an area of 5,900m², which is a large area for an undeveloped site in the City of Canterbury. It is the only residential zoned site of its size and nature in Ashbury. The site is surplus Government agency (Ausgrid) land. It adjoins open space (Peace Park) to the north and east, and residential properties in King Street and Fifth Street to the south and west.

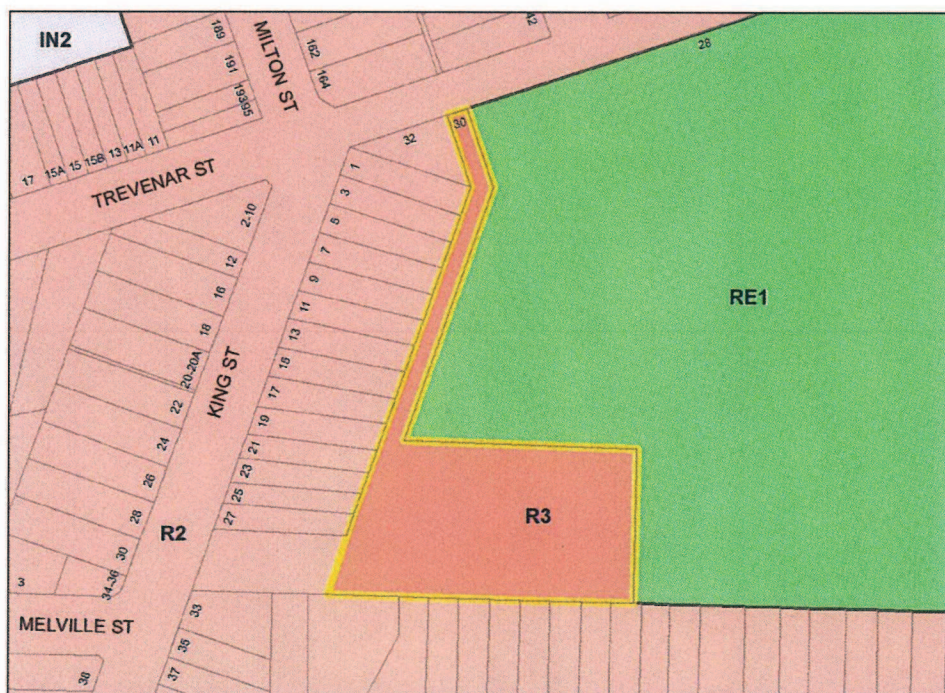
The previous Residential 2(a) zoning of the site (under Canterbury LEP 138) allowed for town house and villa development on this land similar to what is permitted in the R3 Medium Density Residential zone in CLEP 2012. However the R2 Low Density Residential under CLEP 2012 does not allow this type of development. The author of the submission objected to the new zoning as it removed the opportunity to develop the site for this form of housing, and requested a R3 Medium Density

Residential zoning that will allow multi dwelling housing (which includes town house and villa type development) more consistent with the original zoning.



Map 2: Current zoning

It is proposed to rezone the land to R3 Medium Density Residential, shown on Map 3 below. There is no change proposed to the Heritage Conservation Area or existing height control.



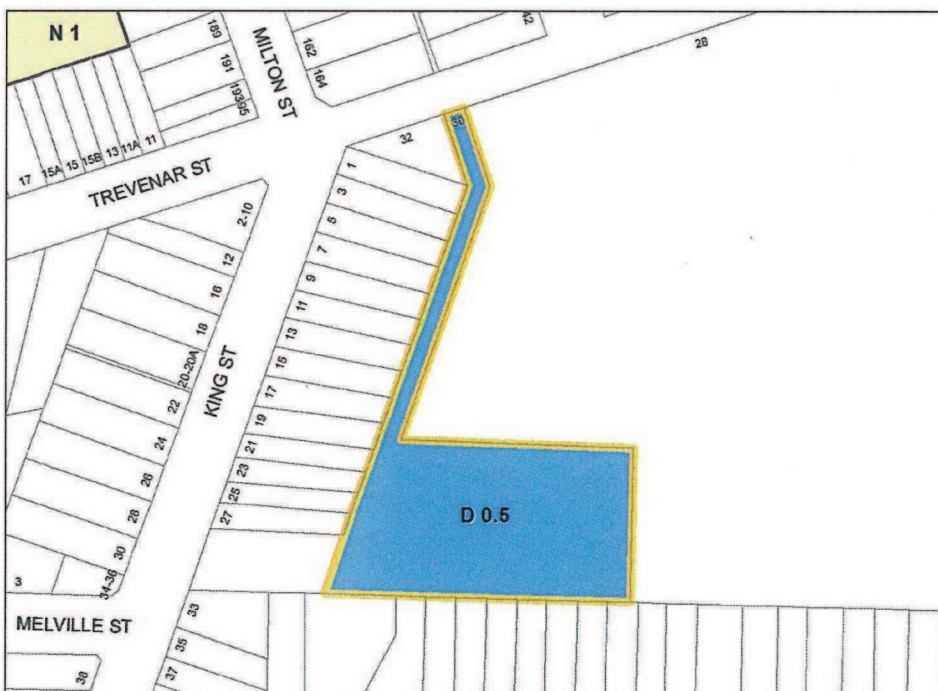
Map 3: Proposed zoning

Ashbury was zoned R2 Low Density Residential under CLEP 2012 because of its designation as a Heritage Conservation Area. This was to establish Council's intention for Ashbury as an area of single dwelling houses. Most sites in Ashbury in any event do not meet our DCP frontage requirements to be developed for town houses and villas. There were also no other objections during the LEP consultation period to the introduction of the R2 zoning in Ashbury.

This site however is a unique site in Ashbury, and allowing multi dwelling housing is not anticipated to cause an adverse impact on the conservation area. This is because of the land locked nature of the subject land, new development is unlikely to be visible from the surrounding streets (King Street and Fifth Street). Council has sought to further protect the conservation area by not rezoning the King Street frontage of this land. Having much of the site adjoining Peace Park will also mean that any potential amenity impacts of new development will be significantly reduced, and the future housing will have an open outlook. While the residential properties to the south will lose their existing undeveloped outlook, the site is already zoned for residential purposes and could be developed for dwelling houses or dual occupancies which would have a similar impact on outlook.

The land is both an isolated site and a unique site in Ashbury, and therefore will not create a precedent for future rezonings. The rezoning will also reinstate the development rights that Ausgrid previously had.

As noted above there are no FSR controls on this site. An FSR of 0.5:1 is proposed (shown on Map 4 below). This is the FSR that applies to other R3 zones in Canterbury, and also to dual occupancies in the R2 and R3 zones. It will apply to potential multi dwelling housing that may occur on this site.



Map 4: Floor Space Ratio controls

2. 436 and 446-454 Canterbury Road, Campsie

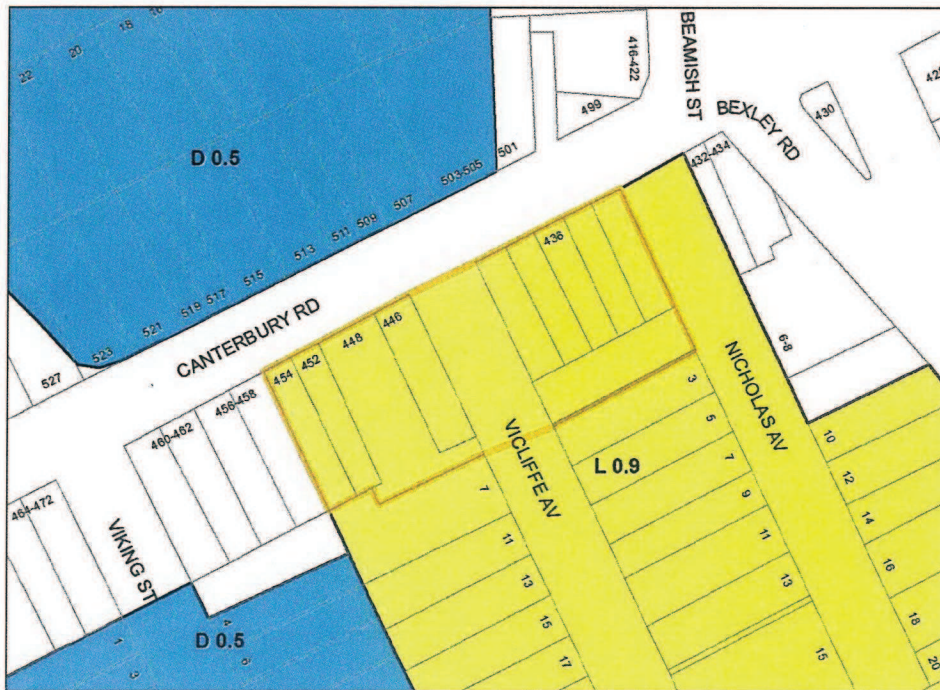
Map 5 shows the locality of this land.



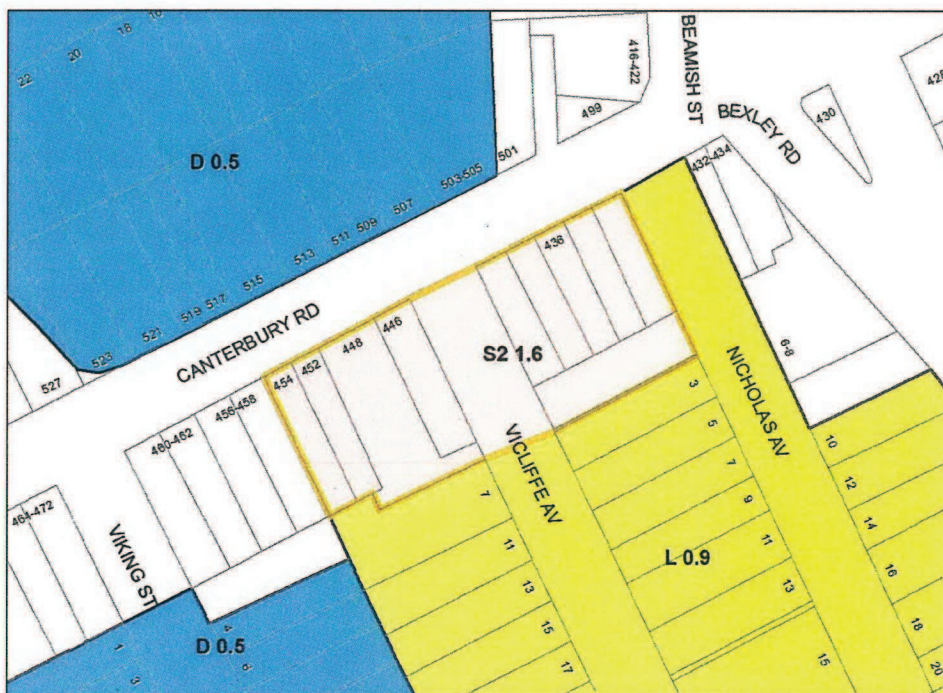
Map 5: Locality Plan

The current zoning which is R4 High Density Residential in CLEP 2012, with a height control of 18 metres. A floor space ratio of 0.9:1 applies. 436 Canterbury Road is owned by the NSW Land and Housing Corporation (Department of Housing) and contains a three storey residential flat building.

It is proposed to amend the existing floor space ratio control (shown on Map 6) by increasing it to 1.6:1, as shown on Map 7. All other R4 zoned sites in CLEP 2012 with an 18 metre height control also have a 1.6:1 FSR. This is to ensure development of this height is feasible. The intention of the amendment here is to ensure consistency in the controls applying to this site by correcting this mapping anomaly.



Map 6: Existing FSR controls



Map 7: Proposed FSR controls

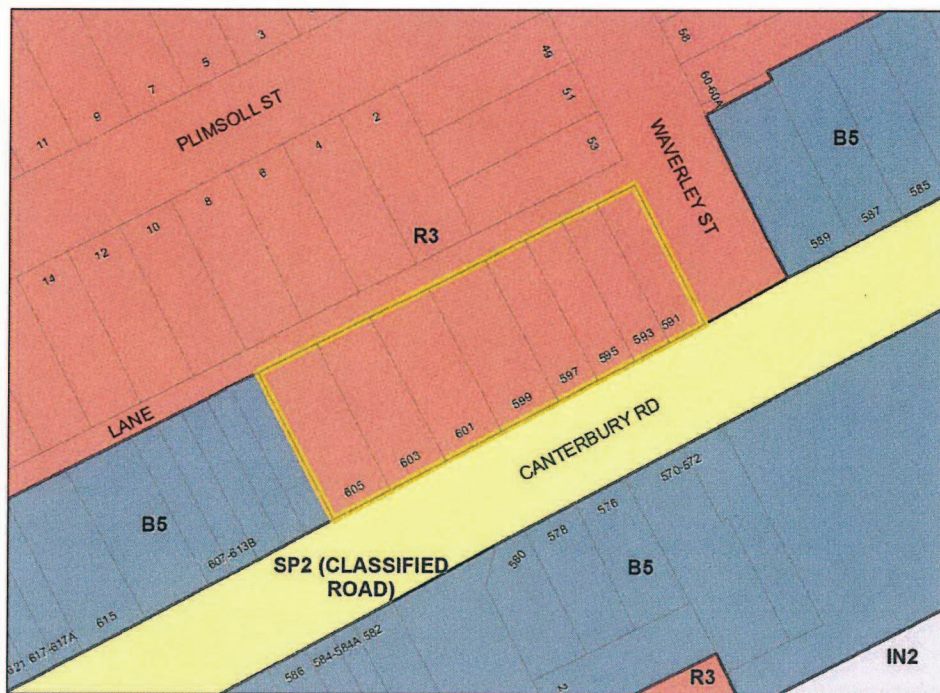
3. 591-605 Canterbury Road, Belmore

Map 8 shows the locality of this land.

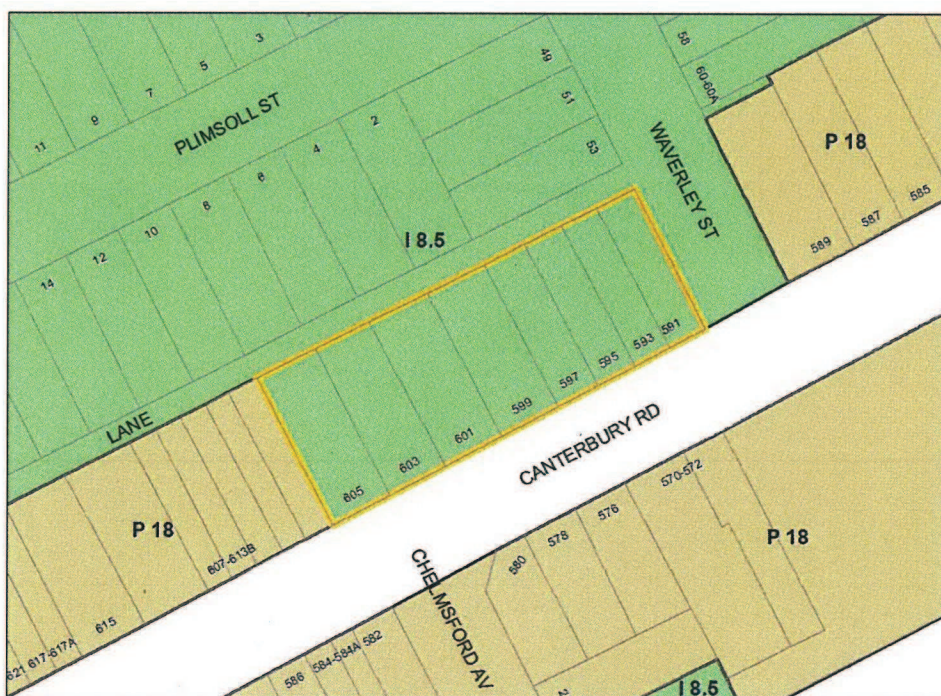


Map 8: Locality Plan

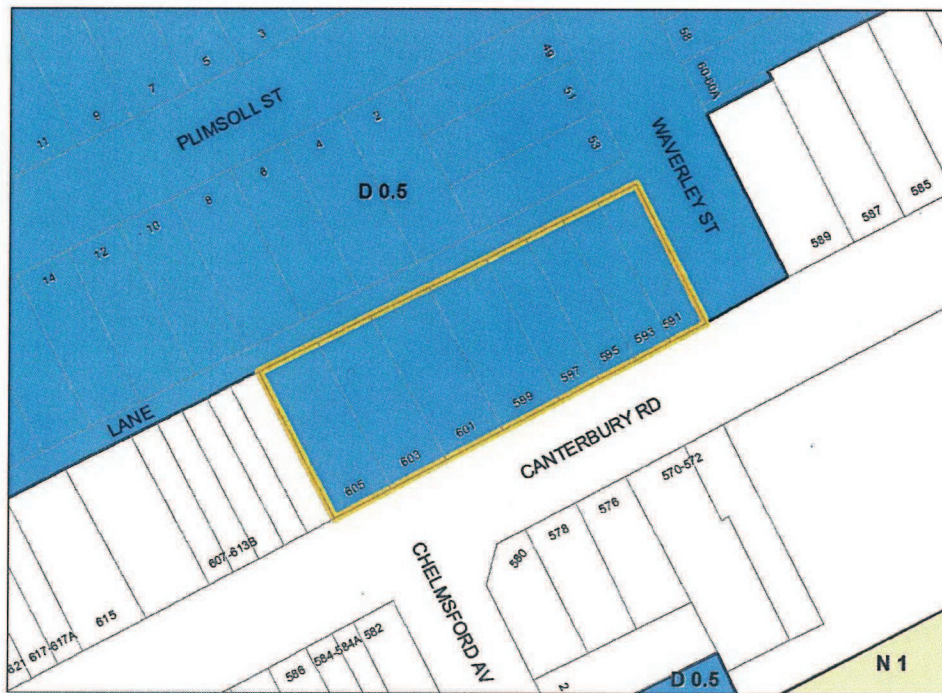
The zoning of this land under CLEP 2012 is R3 Medium Density Residential. The land has the typical height and FSR for R3 zoned land in the LEP which are 8.5m and 0.5:1 respectively. The existing zoning, height, and FSR controls relating to this land is shown on Maps 9, 10 and 11.



Map 9: Existing zoning

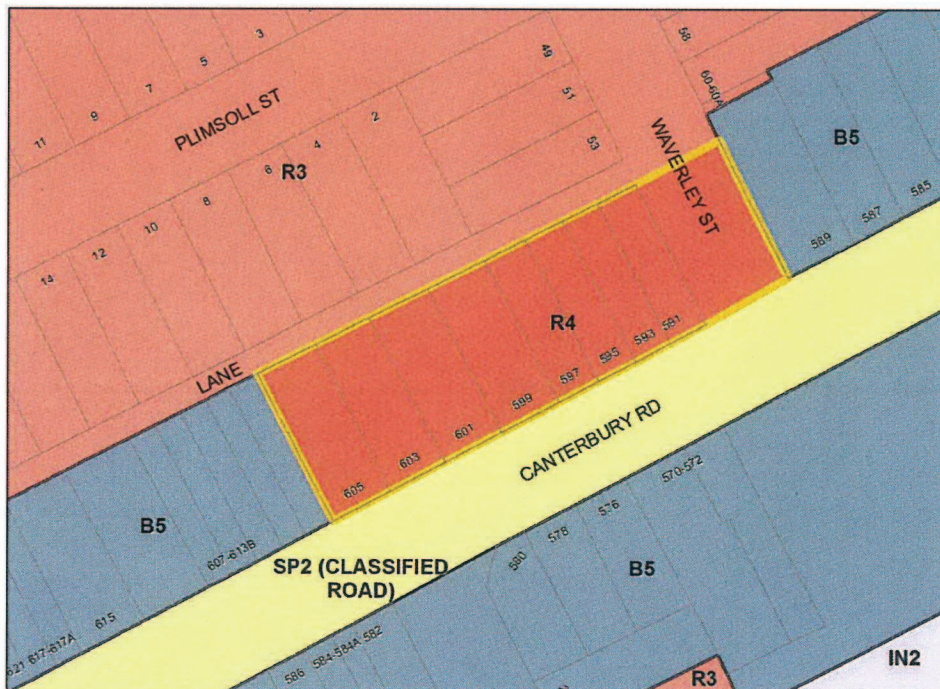


Map 10: Existing height control

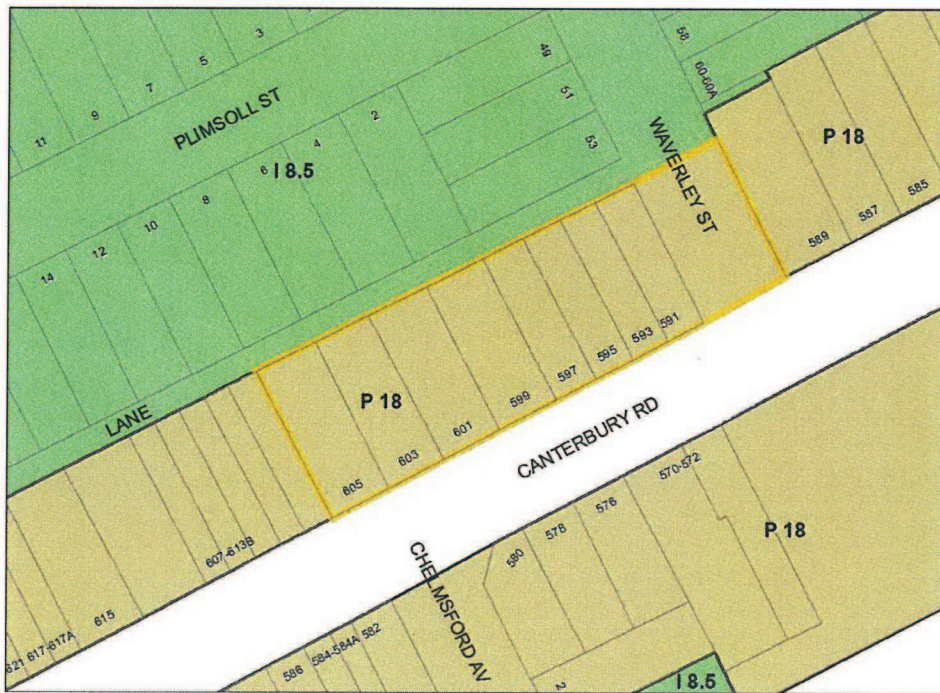


Map 11: Existing FSR control

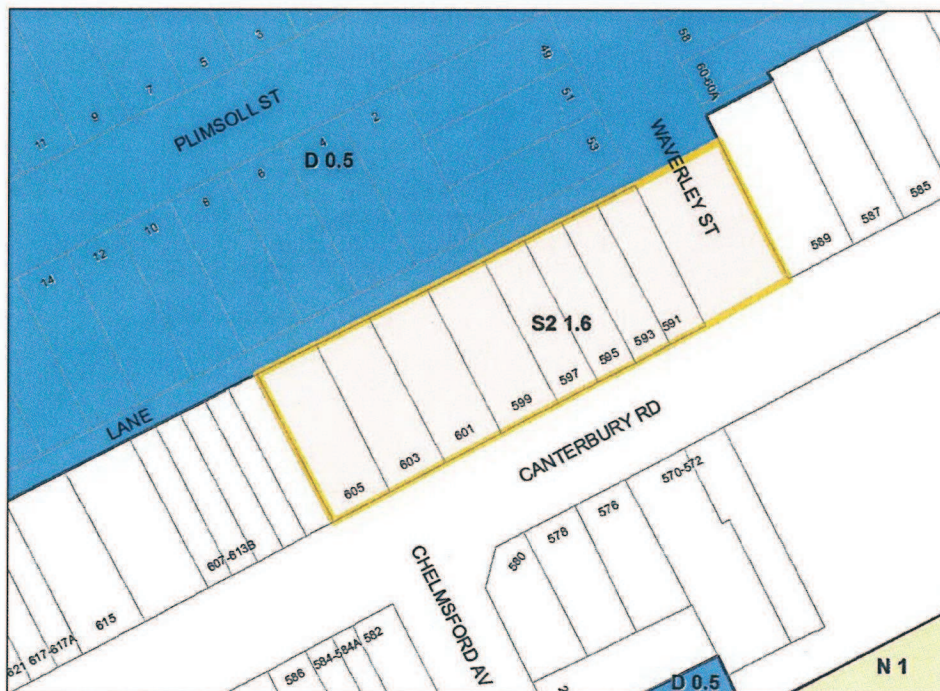
It is proposed to rezone this land to R4 High Density Residential, with a corresponding amendment to increase the height control to 18 metres and the FSR to 1.6:1. These changes are shown on Maps 12, 13 and 14 below.



Map 12: Proposed zoning



Map 13: Proposed height control



Map 14: Proposed FSR control

Significant sections of Canterbury Road were rezoned in CLEP 2012 to allow for high density residential or mixed use development. This has been under the guidance of the Canterbury Road Master Plan which was developed to revitalise this road corridor and provide development controls. The Canterbury Road Master Plan and Land Use Zoning Strategy were adopted by Council on 2 December 2010. A copy of this documentation is contained at Appendix 4. The Master Plan indicated the land had potential for an increase in density to R4 High Density Residential. However CLEP 2012 only implements part of the Master Plan recommendations, and this land was not part of this initial round of rezonings.

The land is located between two areas that have received zoning and/or density increases under CLEP 2012. It is within a section of road corridor nearly 2 km long that has received zoning changes under the Master Plan. Within this section all other properties have an 18 metre height limit, with the exception of a small section of B6 Enterprise Corridor zoned land. A consistent FSR of 1.6:1 applies to R4 zoned land within this area.

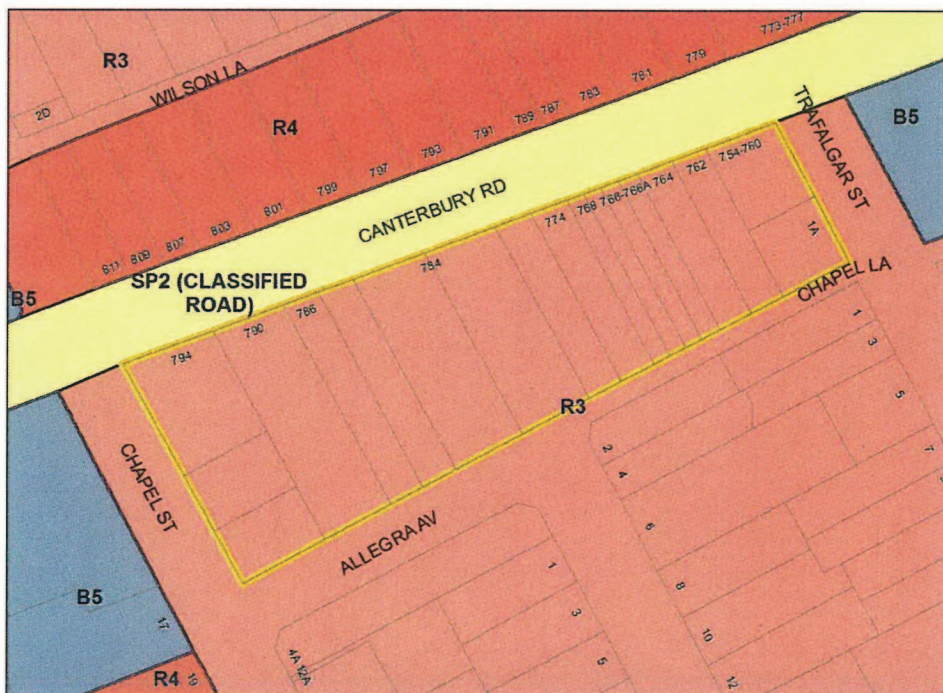
The zoning and density controls relating to this land under CLEP 2012 only allow for two storey development with the most intensive housing form being multi dwelling housing. This is clearly out of character with the other zonings nearby and the desired future character of this section of the corridor. The land also benefits from rear lane access which will help facilitate redevelopment. For these reasons a change in the existing LEP controls was supported and resolved by Council.

4. 754-794 Canterbury Road and 1A Trafalgar Street, Belmore

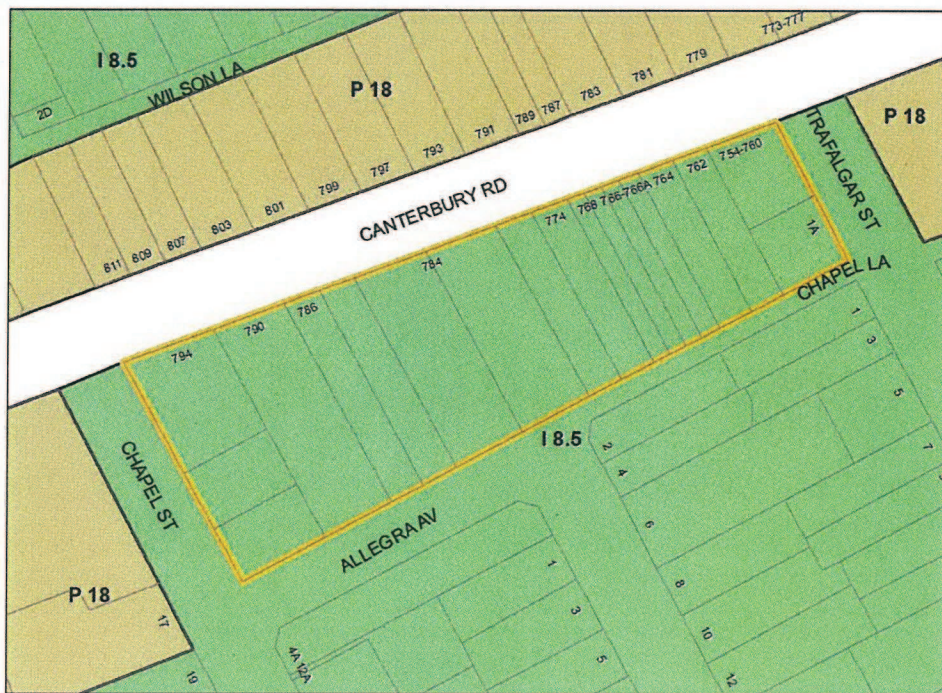
This land has much the same planning issues as 591-605 Canterbury Road, Belmore. Like these properties it has a R3 Medium Density Residential zoning under CLEP 2012, with a height and FSR of 8.5m and 0.5:1 respectively. The location of this land, existing zoning, height and FSR controls are shown on Maps 15, 16, 17 and 18.



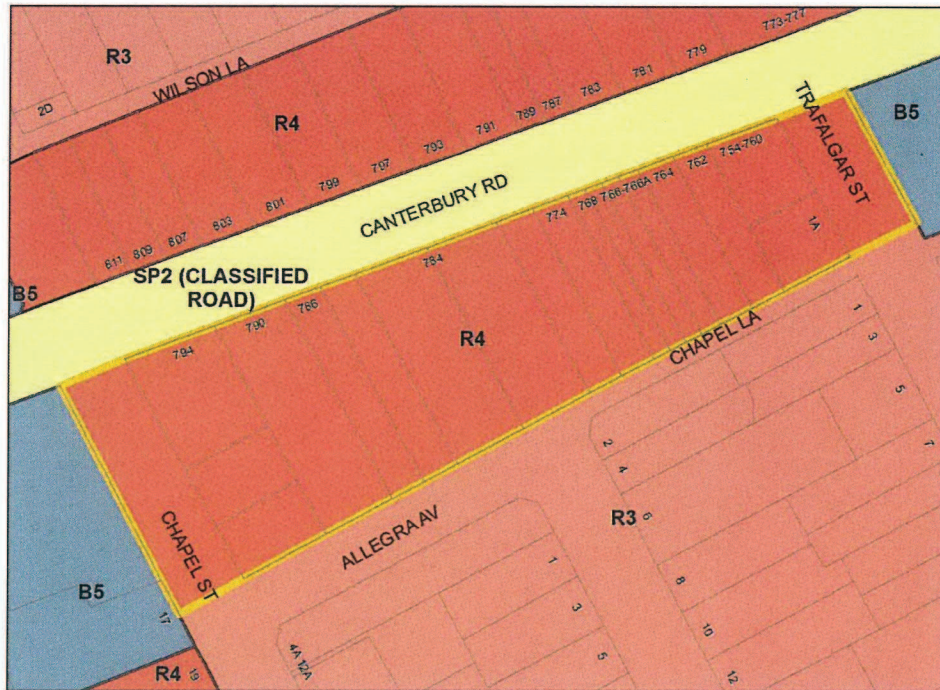
Map 15: Locality Plan



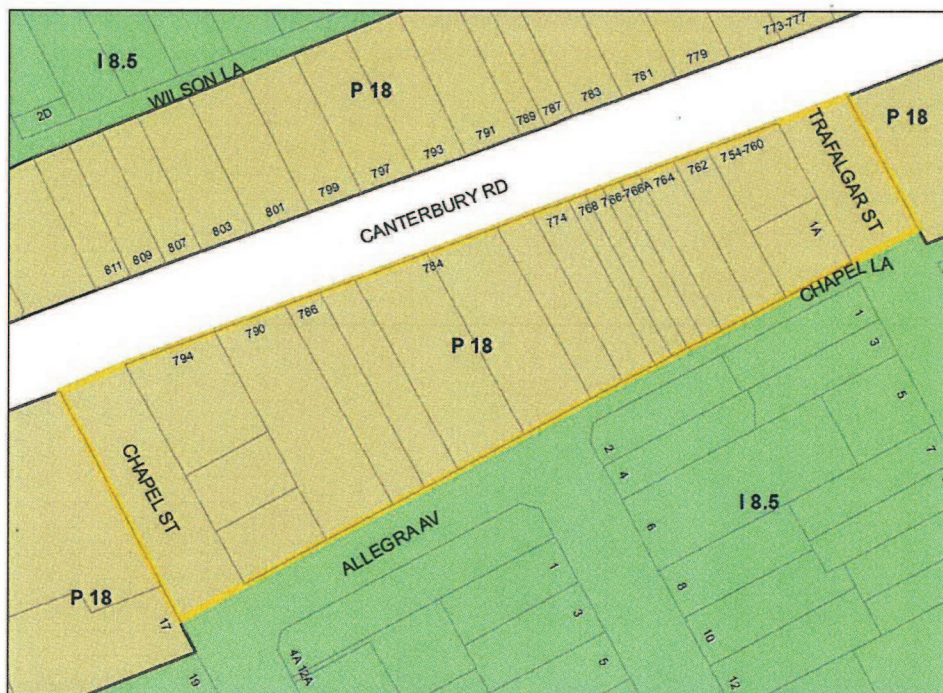
Map 16: Existing zoning



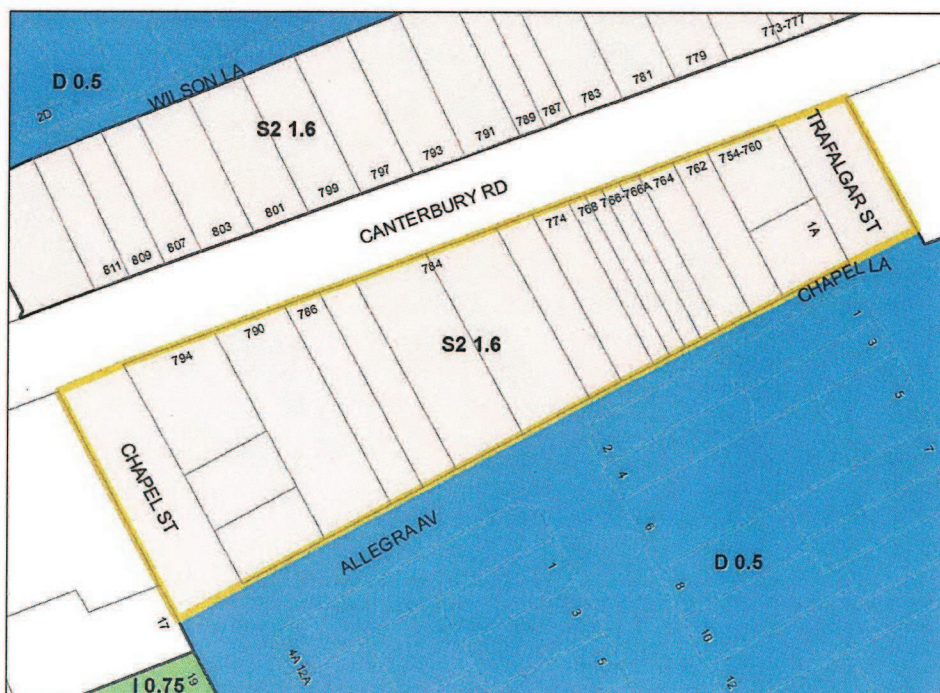
Like 591-605 Canterbury Road it is also proposed to rezone this land to R4 High Density Residential, with a height control of 18 metres and FSR of 1.6:1. The respective amendments are shown on Maps 19, 20 and 21 below:



Map 19: Proposed zoning



Map 20: Proposed height control



Map 21: Proposed FSR control

Again the zoning of the land is consistent with the Canterbury Road Master Plan and Land Use Zoning Strategy. It is also located between two areas that have received zoning and/or density increases under CLEP 2012 arising from the Master Plan. Overall it is within a section of road corridor approximately 1.3 km long that has received zoning changes under the Master Plan. Within this section all other properties have an 18 metre height limit. A FSR of 1.6:1 consistently applies to R4 zoned land within this area.

The zoning and density controls relating to this land under CLEP 2012 only allow for two storey development with the most intensive housing form being multi dwelling housing. This is clearly out of character with the other zonings nearby and the desired future character of this section of the corridor. The land also benefits from rear lane access which will help facilitate redevelopment. For these reasons a change in the existing LEP controls was supported and resolved by Council.

It is noted that the LEP submission only related to 776-784 Canterbury Road. However for the purposes of completeness the whole block is being proposed to be rezoned.

PART 3 JUSTIFICATION

SECTION A: Need for the Planning Proposal

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

The proposed change to the zoning of 30 Trevenar Street has not arisen from any strategic study or report. The intention is to reinstate development rights that previously existed under the LEP prior to CLEP 2012.

In relation to 436 and 446-454 Canterbury Road the changes are to correct an existing inconsistency in planning controls.

In relation to the other sites the new zonings help implement the Canterbury Road Master Plan and Land Use Zoning Strategy (see Attachment 4).

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

The planning proposal is the only way of achieving Council's intended outcomes. It is necessary to amend this LEP to resolve the inconsistencies that have been identified, and to rezone the land involved.

3. Is there a net Community benefit?

The planning proposal will correct anomalies contained within CLEP 2012 and proposes to rezone some relatively small areas of land to enhance its development potential. In this regard it provides community benefit by providing for more efficient use of land. Given that the overall extent of the changes proposed is relatively minor, it is considered that a net community benefit test does not need to be undertaken.

SECTION B: Relationship to strategic planning framework

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

The planning proposal is consistent with the Draft South Subregional Strategy and the Metropolitan Plan for Sydney 2036. It will help meet dwelling targets set in the Draft South Subregional Strategy. The planning proposal is also consistent with the Draft Metropolitan Strategy for Sydney to 2031 in terms of its housing and subregional objectives. Again the proposal will help meet dwelling targets set in this Strategy and is not inconsistent with its housing objectives.

2. Is the planning proposal consistent with the local Council's community strategic plan, or other local strategic plan?

The planning proposal is consistent with Council's Community Strategic Plan. It helps achieve the objective of Attractive City through the revitalization of the Canterbury Road corridor, and Balanced Urban Development through the appropriate location of new housing.

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

The planning proposal has been assessed against all relevant State Environmental Planning Policies (SEPPs). Based on this assessment, Council has concluded that the planning proposal is not inconsistent with the applicable SEPPs, as shown on the table below.

SEPP title	Consistency with Planning Proposal
State Environmental Planning Policy No 6 – Number of storeys in a building	Consistent
State Environmental Planning Policy No 22 – Shops and commercial premises	Consistent
State Environmental Planning Policy No 55 – Remediation of Land	The land at 794 Canterbury Road, Belmore is on the list of contaminated lands notified to the Environmental Protection Agency (EPA). It contains an existing service station and is categorized as EPA Site Management Class G – Based on the information made available to the EPA to date, the contamination of the site is not significant enough to warrant regulatory intervention. Council intends to manage the contamination of the land by requiring remediation at the development application stage.
State Environmental Planning Policy No 64 – Advertising and signage	Consistent
State Environmental Planning Policy No 65 – Design quality of residential flat development	Consistent
State Environmental Planning Policy (Affordable Rental Housing) 2009	Consistent
State Environmental Planning Policy (Infrastructure) 2007	Consistent

7. Is the planning proposal consistent with applicable Local Planning Directions (s117 directions)?

Direction	Title	Consistency with planning proposal
2.3	Heritage conservation	The site at 30 Trevenar Street, Ashbury is located within Ashbury Heritage Conservation Area. The proposal however will not result in the loss of any items contributing to the character of the area. No part of the land proposed to be rezoned has a street frontage to the conservation area. The topography of the land means that any development will not be visually prominent.
3.1	Residential	All four sites involve rezoning of residential land to a higher density. They will come under recently approved LEP and DCP planning controls. They are also all located in established and well serviced residential areas. Council will liaise with service providers as part of the exhibition of the planning proposal to ensure that there is adequate servicing.
3.4	Integrating Land Use and Transport	The proposal is consistent with this document and particularly Principle 1. Concentrate in Centres. All of the sites are located within 400m walking distance of high frequency bus routes.

SECTION C: Environmental, social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. There is no indication that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Planning Proposal. All of the sites with the exception of 30 Trevenar Street have been developed for urban purposes. 30 Trevenar Street comprises grassed vacant land with some very scattered trees. It also adjoins Peace Park which is a large area of public open space.

8. 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 likely environmental impacts anticipated as arising from this planning proposal.

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

The purpose of the planning proposal is to address identified anomalies within CLEP 2012 and allow for infill development within an established urban setting. It is not anticipated that there will be any significant or adverse social or economic impacts.

SECTION D: State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

The subject land is located within an established urban setting and development arising will utilise existing public infrastructure. All sites are very accessible to existing bus routes. Consultation with existing public authorities will indicate if amplification of infrastructure is required.

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

In relation to 30 Trevenar Street and 436 Canterbury Road the proposed amendments were requested by public authorities. Consultation with other appropriate State and Commonwealth public authorities has not yet been undertaken. Council will engage with other public authorities in accordance with the Gateway Determination.

PART 4: MAPPING

Relevant mapping extracts have been included in Part 2 – Explanation of Provisions to illustrate the proposed changes.

PART 5: COMMUNITY CONSULTATION

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

Council engages in a high level of consultation with planning proposals. The proposed public exhibition of this planning proposal will involve the following:

- Advertising of the planning proposal in the Council Column that is contained in local newspapers.
- Notification letters to relevant State Agencies and other authorities nominated by the Department.
- Letters sent out to all owners/occupiers of directly affected property and adjoining properties.
- Advertising of the planning proposal on Council's website.
- Exhibition notice of the planning proposal displayed at Council's administration building, where copies of the plan will also be made available.

PART 6: PROJECT TIMELINE

This is outlined in the table below:

Planning proposal stage	Timeframe
Anticipated Commencement Date	18 April 2013
Anticipated timeframe for completion of required technical information	Not applicable
Commencement and completion dates for public exhibition period	9 May 2013 – 7 June 2013
Timeframe for Government Agency consultation	9 May 2013 – 7 June 2013
Dates for public hearing	Not applicable
Timeframe for consideration of submissions	7 June 2013 – 4 July 2013
Timeframe for the consideration of a proposal post exhibition	7 June 2013 – 4 July 2013
Council Meeting	11 July 2013
Date of submission to the Department to finalise the LEP	9 August 2013