



City of Canterbury

City of Cultural Diversity

Our Reference: T-29-151

Enquiries: Warren Farleigh
Direct Phone: 9789 9608
Direct Fax: 9789 1542

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



PCU045945

Dear Ms Grant,

Planning Proposal for land at 5 Pine Avenue, Earlwood

I am writing to you to advise that on 9 May 2013, Council resolved to initiate the preparation of a planning proposal as an amendment to the CLEP 2012.

The planning proposal relates to land at 5 Pine Avenue, Earlwood.

The amendment is intended specifically to rezone the land from RE 1 Public Recreation (Regional Open Space) to R2 Low Density Residential. This will necessitate amendments to the Land Zoning map, the Height of Buildings map, the Lot size map and the Land Reservation Acquisition map

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

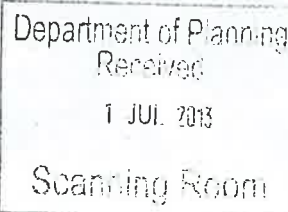
Attached to this letter is the planning proposal and attachments which include Council reports and mapping

If you require any further assistance please do not hesitate to contact Warren Farleigh on 9789-9608.

Yours sincerely

Jim Montague PSM
GENERAL MANAGER

24 June 2013



Canterbury City Council, Administration Centre 137 Beamish Street • PO Box 77 Campsie NSW 2194
Enclosure: Planning Proposal. If you wish to address your letter to the GENERAL MANAGER, MR JIM MONTAGUE

Phone: (02) 9789 9300 Fax: (02) 9789 1542 TTY: (02) 9789 9617 DX 3813 Campsie

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PLANNING PROPOSAL TO AMEND CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

BACKGROUND

Council on 9 May 2013 resolved to initiate an amendment to Canterbury LEP 2012 to rezone land at 5 Pine Avenue, Earlwood to R2 Low Density Residential. The land is currently zone RE 1 Public Recreation and is identified as Regional Open Space

PART 1 OBJECTIVES OR INTENDED OUTCOMES

The objectives of the Planning Proposal are to amend the CLEP 2012 in respect of the land at 5 Pine Avenue, Earlwood.

The amendments specifically relate to zoning, floor space ratio, and height, lot size and land reservation and acquisition. The changes are outlined in more detail in Part 2.

PART 2 EXPLANATION OF PROVISIONS

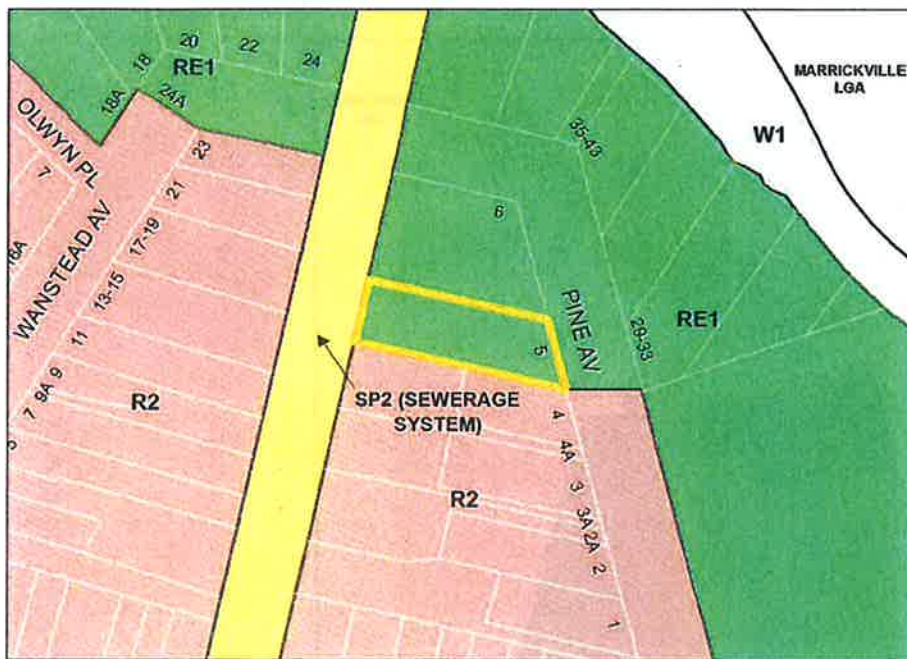
The amendments to CLEP 2012 will involve alterations to the map series in respect of zoning, building height, lot sizes and land acquisition. It is not intended to alter the LEP instrument.

The subject land is shown on Map 1 below.

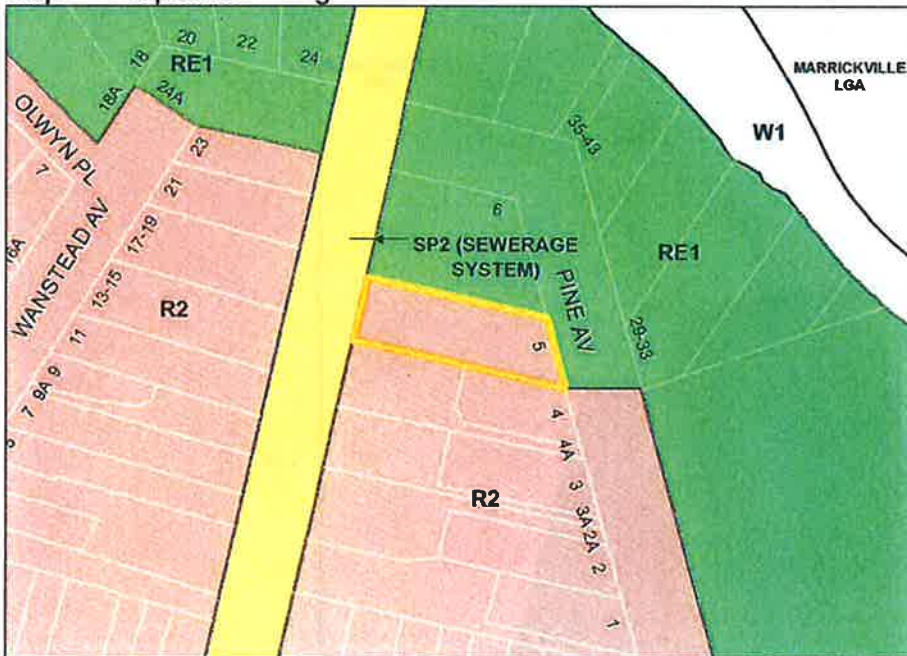
Map 1: Locality Plan



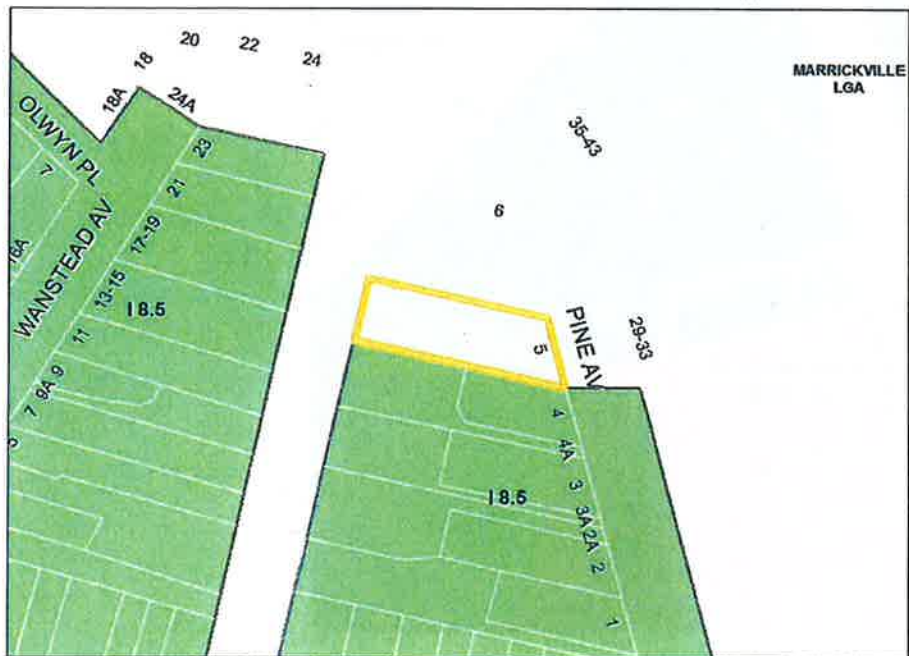
Map 2: Current zoning



Map 3: Proposed zoning



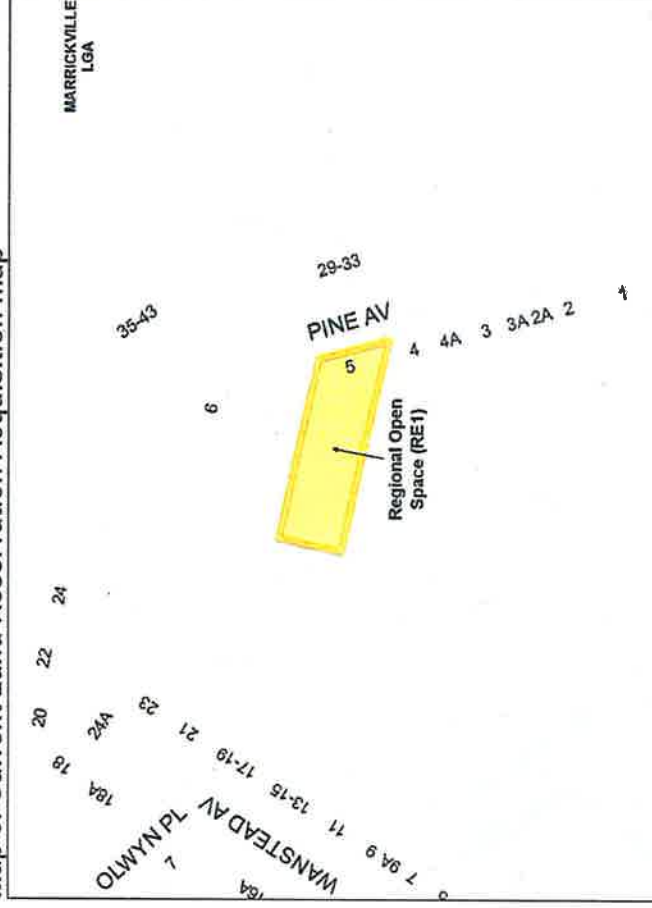
Map 4: Current Height of Buildings map



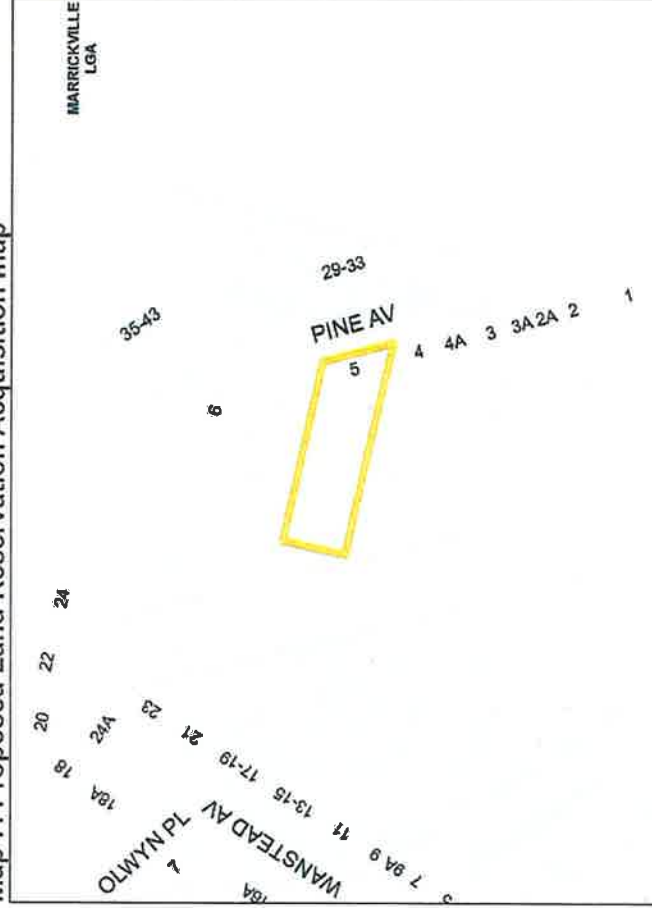
Map 5: Proposed Height of Buildings map



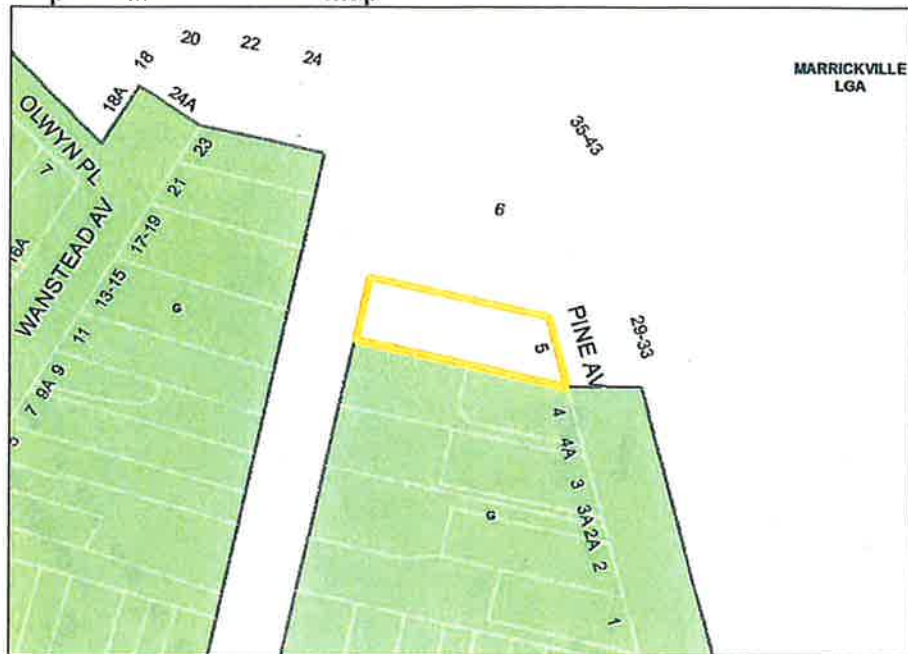
Map 6: Current Land Reservation Acquisition map



Map 7: Proposed Land Reservation Acquisition map



Map 8: Current Lot Size map



Map 9: Proposed Lot Size map



PART 3 JUSTIFICATION

SECTION A: Need for the Planning Proposal

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

No.

- 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 facilitating the rezoning of the land.

- 3. Is there a net Community benefit?**

The planning proposal will enable the orderly and economic development of the land to take place.

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 not inconsistent with the Draft South Subregional Strategy and the Metropolitan Plan for Sydney 2036. The planning proposal is also not inconsistent with the Draft Metropolitan Strategy for Sydney to 2031.

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

The planning proposal is not inconsistent with Council's Community Strategic Plan.

- 3. Is the planning proposal consistent with applicable state environmental planning policies?**

The planning proposal has been assessed against relevant State Environmental Planning Policies (SEPPs) and Council has concluded that the planning proposal is not inconsistent with any relevant SEPPs.

SEPP 55 is relevant in that there may be contamination on the land. It is known that fill has been placed on the land however a contamination report has not yet been requested. It is known that the Office of Strategic Lands commissioned such a report as part of earlier negotiations with the current owner of the land regarding potential acquisition.

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

Relevant Directions	Title	Consistency with planning proposal
3.1	Residential Zones	The planning proposal is not inconsistent with this Direction.
6.2	Reserving Land for Public Purposes	The planning proposal may be inconsistent with this Direction in that it seeks to rezone land currently zoned as RE 1 Public Recreation (Regional Open Space). As the Department is the acquisition authority it is assumed the views of the Department on this matter will become a matter for consideration during the assessment of the planning proposal through the Gateway determination.
4.1	Acid Sulfate Soils	This Direction is relevant in that the land is classified as Acid Sulfate Soils Class 2. The need or otherwise however for development consent under clause 6.1 (2) of Canterbury LEP 2012 is not able to be determined until a development application for new development is lodged with Council and the extent of any proposed works is known.
4.3	Flood Prone Land	This Direction is relevant in that the land is shown on the Flood Planning Maps as being flood affected. The proponent for the rezoning has provided an engineering report indicating the land is able to be developed for residential purposes, despite the level of flood affectation. A copy of this report is attached.

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.

1. 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.

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

It is not anticipated that there will be any significant or adverse social or economic impacts.

SECTION D: State and Commonwealth interests

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

Not relevant

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

No State or Commonwealth public authorities have been consulted at this stage. As the Department is the relevant acquisition authority it is assumed the views of the Department on this matter will become a matter for consideration during the assessment of the planning proposal through the Gateway determination.

PART 4: MAPPING

Relevant mapping extracts have been included in Part 2 – Explanation of Provisions to illustrate the proposed changes. A full set of maps is included at Attachment 3.

PART 5: COMMUNITY CONSULTATION

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

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.
- Notification letters to adjoining and nearby property owners.
- 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	May 2013
Anticipated timeframe for completion of required technical information	Not applicable
Commencement and completion dates for public exhibition period	July 2013
Timeframe for Government Agency consultation	July 2013
Dates for public hearing	Not applicable
Timeframe for consideration of submissions	August 2013
Timeframe for the consideration of a proposal post exhibition	August 2013
Council Meeting	August 2013
Date of submission to the Department to finalise the LEP	September 2013