

1 PROPOSAL FOR REZONING AND RECLASSIFICATION OF 15 CLOSE STREET CANTERBURY

FILE NO: T-29-154 PT2

REPORT BY: GENERAL MANAGER

pSummary:

- Council resolved that action be undertaken to rezone the former Canterbury Bowling and Sydney Petanque Club and to reclassify the land from Community land to Operational land.
- Council further resolved that a Master Plan be prepared for the site. This Planning Proposal seeks to facilitate redevelopment of the site for residential and community purposes, in accordance with the Master Plan.
- The Master Plan, prepared by Olsson And Associates Architects Pty Ltd , proposes four residential flat buildings of six to eight storeys to be constructed on the site along with a three storey community facility building. These residential uses are not permissible under the current RE1 Public Recreation zoning that applies to the site.
- The site is well located to be rezoned as a high density residential area. It is located adjacent to the Canterbury Town Centre, and between two similarly zoned areas, to the east and the west.
- Rezoning the site for residential uses is consistent with the initiatives of the Metropolitan Plan for Sydney 2036 and would facilitate the development of part of the site for the purposes of a community facility building.
- It is recommended that the site be reclassified to operational and rezoned as R4, with variable height across the site to a maximum of 26 metres and an FSR of 2.4:1. Additional site specific provisions are also proposed to:
 - permit '*restaurant or café*' as an additional permitted use on the site;
 - require a minimum 1,250m² of Gross Floor Area (GFA) to be developed for the purposes of a '*community facility*' on the site.
- It is recommended that the Planning Proposal for the site to be rezoned from RE1 Public Recreation to R4 High Density Residential and reclassified from Community to Operational be endorsed by Council and submitted to the Department of Planning and Environment Gateway Panel for a Gateway Determination.

Council Delivery Program and Budget Implications:

This report has no implications for the Budget and supports our Community Strategic Plan long term goal of Balanced Development. Reclassification and rezoning of this property will ultimately, if achieved , generate significant income for Council and reduce current levels of expenditure on an underutilised property.

Report:

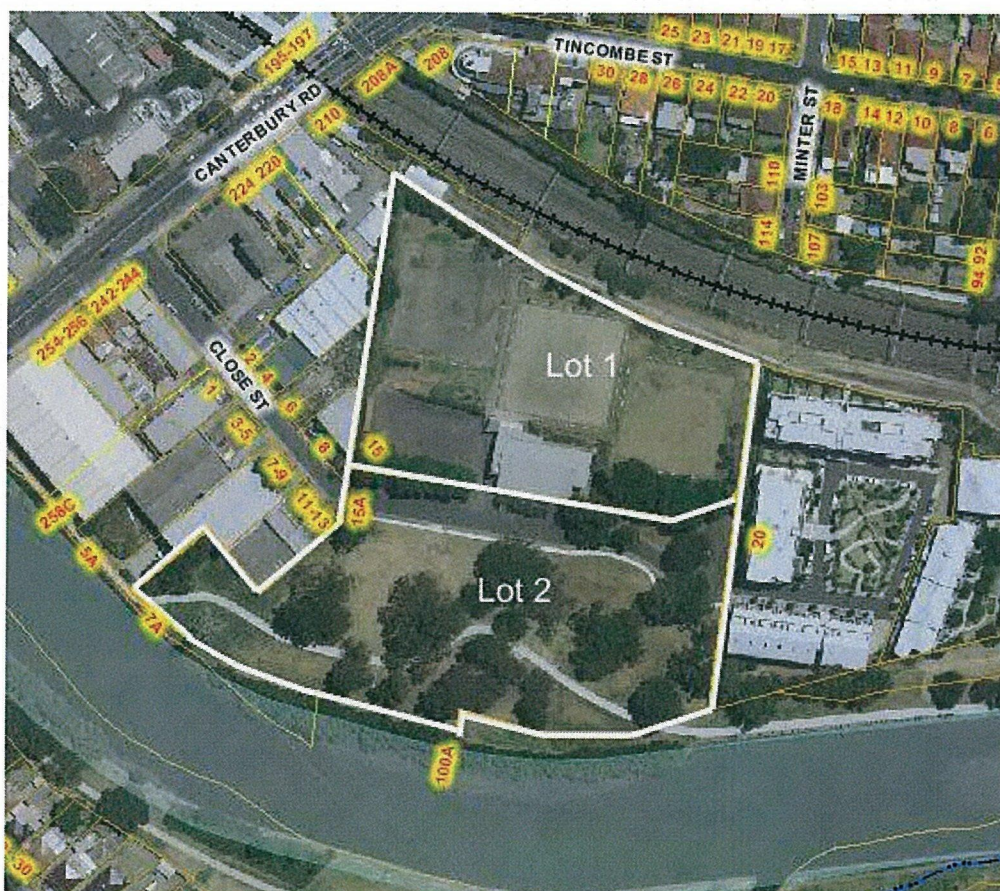
Background

In November 1956, the former Cumberland County Council provided the land that is now legally described as Lot 1 and Lot 2 in DP 818683 to Council. The conveyance of the land imposed a Trust on Council that the land be held by the Council for the purpose of a public park, public reserve or public recreation area. The terms of the Trust included a restriction that

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Council not use or permit the land to be used for any purpose other than a public park, public reserve or public recreation area. We wrote to Planning and Infrastructure NSW seeking advice on how the Trust could be lifted. Planning and Infrastructure NSW advised that Council has the ability to remove the trust from the land by reclassification from Community to Operational under section 30 of the Local Government Act 1993. This can be achieved as an LEP amendment through the planning proposal process.

Lot 2 is known as 15A Close and is not the subject of this report. Lot 1 (the site) was leased to the Canterbury Bowling and Sydney Petanque Club. The land with the Lots identified is shown below.



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- Arborist Report;
- Services Report;
- Recreational Needs Analysis;
- Traffic Assessment;
- Noise and Vibration Analysis;
- Phase 1 and 2 Site Environmental Assessment; and
- Acid Sulphate Soils Assessment

The Master Plan is provided at Figure 1 and proposes:

- Four residential buildings up to six (20m and 21m) and eight storeys (26m) along the railway corridor, the western boundary and on the Close Street frontage, capable of accommodating approximately 315 apartments;
- One three storey community facilities building (11.5m) in the south-eastern corner of the site fronting Close Street and adjoining the Sugar Mill residential development;
- Two public squares/communal areas – one centrally located between residential buildings, and the other adjacent to the community facility building;
- An east-west oriented through site link;
- Vehicle entry and exit from Close Street for the residential and community facility uses; and
- A maximum 449 car parking spaces comprising 426 residential and visitor spaces and 23 car parking spaces for commercial and community facility uses.

The site is subject to the Canterbury Local Environmental Plan 2012 (CLEP 2012). Under the CLEP 2012, the site is zoned as RE1 Public Recreation. It is classified as Community land under the Local Government Act, 1993. The current zoning and classification collectively prohibit the redevelopment of the site as envisaged by the Master Plan.

In order for the site to be redeveloped, as envisaged by the Master Plan, it must be rezoned for residential and/or community uses and reclassified from Community to Operational land. The Planning Proposal proposes to do this by:

- Reclassifying the site from “Community” to “Operational” use;
- Rezoning the site from RE1 Public Recreation to R4 High Density Residential and introducing ‘*restaurant or café*’ as a land use that is permissible with consent on the site;
- Permitting a range of heights, from 11.5 metres for the future ‘*community facility*’ building, to a maximum 26 metres for future residential buildings to be located on the western side of the site on land that is adjacent to Canterbury Town Centre; and
- Permitting a maximum FSR of 2.4:1 across the site, with a further restriction requiring a minimum 1,250m² of GFA to be provided for community facility uses.

In rezoning and reclassifying the site, Council will thereby be released from the terms of the Trust discussed earlier in the report.

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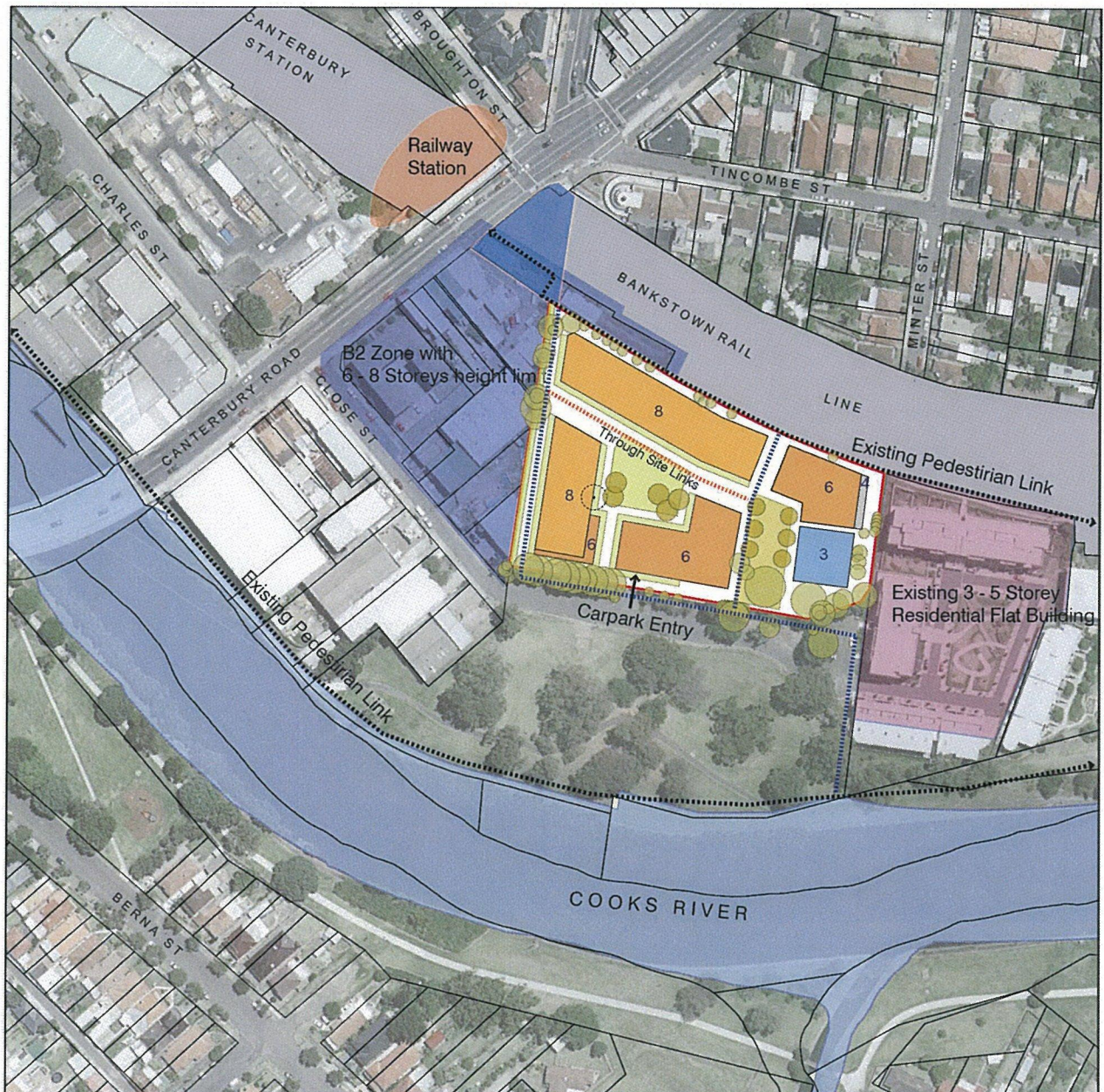


Figure 1 – Master Plan for 15 Close Street, Canterbury

Site Details

The site is located at 15 Close Street, Canterbury, directly to the east of the Canterbury Town Centre. The regular shaped site is 10,780m² in area, with a frontage of 130 metres to Close Street. The site is legally described as Lot 1 in Deposited Plan 818683.

The northern boundary of the site adjoins the Bankstown Railway Line. The Canterbury Sugar Mill residential development is located to the east of the site. Opposite the site, to the south, is the Riverfront Parkland foreshore reserve, which fronts the Cooks River.

The site was previously used as a bowling and petanque club operated by Canterbury Bowling & Sydney Petanque Club. The site is now occupied by the Canterbury Theatre Guild under a short term licence. The ex-club house, three bowling greens and an at-grade car park occupy the site. The clubhouse consists of a part-one part-two storey brick development on the Close Street

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frontage of the site. The clubhouse was built in the 1950s and is quite dated and in poor condition. The building is considered to have no heritage value and has reached the end of its useful life. The at-grade car park covers a substantial portion of the southern part of the site. Three bowling greens, constructed at the rear of the site, are raised approximately 5 metres to account for the natural slope of the site from the railway cutting to Close Street. These greens are in poor condition, as one had been turned into a petanque court which is now rubble and the other two greens have fallen into disrepair.

Mature stands of vegetation, including significant trees, are located along the site's Close Street boundary and at the north west corner of the site, adjacent to the Bankstown Railway Line. The Master Plan allows for all significant trees to be retained.

Vehicular access to the site is provided via Close Street. Close Street is a cul-de-sac servicing the site, the Cooks River foreshore reserve, the adjoining Sugar Mill residential development and various commercial and warehousing developments on the fringe of the Canterbury Town Centre. Limited on-street parking is provided along the length of Close Street.

The intersection of Close Street and Canterbury Road (and Charles Street) does not permit right hand turn movements exiting Close Street.

Location Attributes

The site is considered to be well located for residential and community uses as it is adjacent to the Canterbury Town Centre (to the west) and also adjacent to other areas of R4 -High Density Residential zoned land (to the east and south west).

Within the City of Canterbury there are few large sites that can accommodate significant redevelopment and provide high density residential unit complexes.

Rezoning and reclassifying the site for residential use is consistent with the initiatives within the Metropolitan Plan for Sydney 2036, specifically:

- Locating the majority of new homes around existing transportation hubs and urban centres;
- Increasing urban renewal in identified centres;
- Planning for 770,000 new homes with a range of housing types;
- Planning for 760,000 new jobs; and
- Protecting Sydney's natural environment and increasing consideration of environmental targets in land use decisions.

Specific targets for Canterbury City Council are established within the South Subregional Planning Strategy, which covers the local government areas of Hurstville, Rockdale, Sutherland, Marrickville, Kogarah and Canterbury. The Strategy 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.

The City of Canterbury is expected to deliver 7,100 (or 20%) of the 35,000 of the subregion's projected dwellings by 2031. This is the second largest contribution by proportion within the subregion.

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The Planning Proposal is also consistent with the Canterbury Residential Development Strategy, which identifies a number of Strategic Directions including the need to ensure opportunities for Tier 1 developments in the City of Canterbury. The Planning Proposal is also consistent with the Canterbury Residential Development Strategy's key objective to locate high density housing (that is, high rise residential flat buildings or apartments and shop top housing) in and adjacent to the existing Canterbury centre, and within the walking catchment of major transport nodes.

The rezoning and reclassifying of the site would help to meet the key objectives relating to provision of housing; it is therefore considered that the State Government will support the rezoning and reclassification of the land. The Planning Proposal also presents the opportunity to facilitate delivery of a new multi-purpose community centre, capable of meeting present and future population demand, an aspiration of Council since its adoption of Council's Community Facility Plan.

Canterbury Local Environmental Plan 2012 (CLEP 2012) and Canterbury Development Control Plan 2012 (CDCP 2012)

Council will need to make amendments to the CLEP 2012 and CDCP 2012 to accommodate the proposed development. It is proposed to exhibit the CLEP 2012 and CDCP 2012 amendments concurrently.

Social and Economic Assessment

The current RE1 Public Recreation zoning and Community classification have the effect of sterilising the site. Without the amendments now proposed, the land is unlikely to be redeveloped. The introduction of new land uses and complimentary development controls (height and FSR) can contribute towards reinforcing the South Subregional strategic dwelling targets.

We commissioned an open space and recreation review, which assesses the current supply of open space within the City of Canterbury. This review indicated that whilst our City is currently well serviced with a significant quantum of public open space varying in sizes, formality and quality, the demand for a more diverse range of open space and recreational opportunities is increasing with population increase.

As there is no identified shortfall in open space or recreational opportunities within the property's locality, with its proximity to Tasker Park and the foreshore reserves either side of Cooks River, retention of the site in its current guise is not considered appropriate. In particular, it is recognised that rezoning of the site would relieve the current pressure to commit ongoing expenditure and resource allocation to an asset which is no longer worth retaining, particularly in the context of the surplus open space provision in the vicinity of the Club and the competing priorities for the allocation of Council's limited resources. Successful achievement by Council of its aims for this site will result in the avoidance of continuing expense for its upkeep and the ability to capitalise on the site's development potential. This in turn will enable Council to use any funds thereby yielded for more important and relevant programs and services.

The rezoning and reclassification of the site presents significant opportunities to deliver a community facility building on site, as well as reinvest financial resources currently spent on the site's upkeep and maintenance, to a range of other open space and recreational works and upgrades.

Master Plan and Built Form

PROPOSAL FOR REZONING AND RECLASSIFICATION OF 15 CLOSE STREET CANTERBURY (CONT.)

A detailed Urban Design Study has been prepared to demonstrate what could be developed on the site should the rezoning and reclassification take place.

The Master Plan proposed by the Urban Design Study proposes the achievement of a “site wide” Gross Floor Area (GFA) of 25,646 m² comprising residential, ‘*restaurant or café*’, and ‘*community facility*’ uses. The proposed community facility uses equate to approximately 1,250m² of the total GFA proposed.

The GFA is proposed to be accommodated within two eight storey residential buildings (26 metres), two six storey residential buildings (ranging in height between 20 and 21 metres), one three storey community facilities building (11.5 metres), and two areas of public open space. The proposed 20 metre and 21 metre heights are the result of the potential that has been identified for a ‘*restaurant or café*’, which typically require more generous floor to ceiling heights, to be provided on the ground level of one of the residential buildings.

The Urban Design Study has indicated that decreasing building height and bulk from the west to the east provides a suitable transition from the Town Centre core to the former Sugar Mill residential development in the east. The suggested built form would be consistent with the current Canterbury LEP height and FSR controls for adjoining sites. Views, appearance, and health of the existing landscaping, as well as the amenity of park users, should be protected following the rezoning.

The proposal involves a continuous built edge to the Bankstown Railway Line at the northern boundary. This should provide a strong definition and achieve a good visual buffer to the rail corridor, whilst also providing good physical and visual connections between the buildings and Close Street.

Following the rezoning, development of the site will result in an improved visual outcome by replacing the decrepit bowling club facilities with well designed mixed use buildings.

Development consent for the site is not being sought at this time. The Master Plan has only been used to determine the site’s development potential and inform the proposed zoning, height and FSR controls being sought by the Planning Proposal. A Development Application (DA) would need to be lodged and a detailed assessment of the built form and its performance would need to be conducted should the site be rezoned and a DA lodged.

PROPOSAL FOR REZONING AND RECLASSIFICATION OF 15 CLOSE STREET CANTERBURY (CONT.)

Traffic and Parking

The traffic and parking study we commissioned indicates that the increases in traffic resulting from the redevelopment of the site in accordance with the Master Plan would be minor. The proposal is unlikely to have a material effect on the operation of the surrounding road network, or key intersections in close proximity to the site.

Heritage

The maximum 11.5m height limit on the site's eastern boundary, and adjacent to the Sugar Mill residential development site, is a direct response to the Sugar Mill site's local heritage status. The rezoning and reclassification of the site is not considered to result in any additional impact to any heritage item provided that future development on the site is sympathetic to the neighbouring heritage site. The Bowling Club building is not listed on our heritage register and is not considered to have any heritage value.

Noise and Vibration

As the site is located adjacent to the Bankstown Railway Line, the Department of Planning's Development in Rail Corridors and Busy Roads – Interim Guideline would apply to the site and has been considered in a Noise and Vibration Assessment. The assessment did not uncover any issues that would adversely affect development of the site.

Reclassification

The Local Government Act 1993 requires that all Council-owned land be classified as either Community or Operational land. The site is classified as Community Land. The Planning Proposal therefore also seeks to reclassify the site from Community to Operational land under the Local Government Act 1993. The Proposal has been assessed in accordance with the former Department of Planning and Infrastructure's Practice Note PN 09_003: Classification and Reclassification of Public Land Through a Local Environmental Plan (12 June 2009), and is considered to meet the Department's requirements.

Preparation of Planning Proposal and Consultation

If Council resolves to initiate the proposed rezoning and reclassification of the site, the next step in the process is to forward the Planning Proposal to the Department of Planning and Environment (DP&E) to the Gateway Panel to determine whether the proposal can proceed or not. The DP&E may identify additional matters that need to be addressed or other technical studies that may be required, however given the suite of supporting documentation already submitted with the Planning Proposal, and the proposal's consistency with established principles of strategic land use planning for the metropolitan area and Canterbury's specific sub-regional goals, the likelihood of Council being requested to prepare additional studies is considered low. If DP&E determines that the proposal can proceed, the proposal will need to be placed on exhibition for public comment. It is proposed that consultation be in accordance with Council's resolution of 14 November 2013 with notices placed in local newspapers and on our website and that owners of land in the vicinity of the site be advised by direct mail.

In addition, if the proposal proceeds through Gateway, the proposed reclassification of the land will require us to hold a public inquiry as the site is owned by Council.

PROPOSAL FOR REZONING AND RECLASSIFICATION OF 15 CLOSE STREET CANTERBURY (CONT.)

Conclusion

The site at 15 Close Street Canterbury was home to the Canterbury Bowling and Sydney Petanque Club for many years. However both these uses ceased some time ago when the Petanque Club moved to another site and the Club did not have enough bowlers to field teams in lawn bowls competitions. Council on 23 May 2013 resolved to issue a Notice to Quit to the Bowling Club to terminate its occupancy, as it was unable to pay its debt of \$35,000 owing to Council.

At this time the main users of the Club were the Canterbury Theatre Guild and other community groups that used the hall. The licensed bar area also remained open but it was not generating enough income for the Club to pay its costs.

Council on 23 May 2013 further resolved to allow the Canterbury Theatre Guild to continue to use the premises on the basis that it allowed existing community groups that used the hall to continue to do so. The Guild agreed to the proposal and entered into a licence agreement with Council until such time that a decision is taken on the long term future use of the site.

Should the rezoning and reclassification proposal for the land be supported, it is proposed to construct a major multi-purpose community facility on part of the site. Our research has shown that there is a need for a youth facility and performing arts space in Canterbury. It is proposed that the community facility will cater for these and other community uses. The performing arts space is proposed for the ground floor level of the facility and will accommodate the needs of the Canterbury Theatre Guild and other community groups that currently use the hall at the former bowling club site.

While the bowling club site is classified as Community land and zoned as public recreation, its use for recreation purposes as a bowling club was limited to a small number of lawn bowlers, and it provided little benefit to the vast majority of our community in terms of usable recreational space.

The rezoning and reclassification of the site is supported in principle. It will create an excellent opportunity to “unlock” the site by introducing a range of land uses and development controls on a large, constraint-free site that is well located. It meets key State Government and Council objectives to provide high density housing and a community facility on land adjacent to the existing Canterbury Town Centre. The site’s proximity to the Town Centre, the Riverfront Parkland and public transport connections (rail and bus), makes it an ideal location to support the proposed rezoning and reclassification.

The proposed zoning, height and FSR controls are considered to provide an appropriate bulk and scale, and an attractive transition in the future built form, from the west, to the east. Accordingly it is recommended that the Planning Proposal and reclassification be submitted to the DP&E for a gateway determination.

RECOMMENDATION:
THAT

1. The Planning Proposal that recommends that the site (Lot 1 in DP 818683) be rezoned from RE1 Public Recreation to R4 High Density Residential and be reclassified from “Community” to “Operational” be submitted to the Department of Planning and Environment (DP&E) Gateway Panel for a Gateway Determination.

PROPOSAL FOR REZONING AND RECLASSIFICATION OF 15 CLOSE STREET CANTERBURY (CONT.)

2. If the Planning Proposal receives a gateway determination to proceed, then the Canterbury Local Environmental Plan 2012 (CLEP 2012) be amended in draft form to include a range of maximum building heights (11.5 metres – 26 metres), a FSR of 2.4:1 for the site, require a minimum 1,250m² of 'community facility' uses to be provided on site, and permit 'restaurant or café' as an additional permitted use. This would be exhibited for public comment.
3. An amendment to the Canterbury Development Control Plan 2012 (CDCP 2012) be prepared which incorporates the key elements of the Master Plan into site specific provisions to guide future development applications, which will be concurrently exhibited with the CLEP 2012 amendment.
4. A public hearing be held for the reclassification of the property from Community Land to Operational Land.
5. The results of the public exhibition and public hearing be reported to Council.
6. It be noted that the Master Plan lodged to support the rezoning and reclassification is not endorsed at this stage of the process and that a development application will need to be lodged seeking approval for the built form and its performance, should the land be rezoned and reclassified.

CLOSED COUNCIL

RECOMMENDATION - 26 JUNE 2014

1 PROPOSAL FOR REZONING AND RECLASSIFICATION OF 15 CLOSE STREET CANTERBURY

FILE NO: T-29-154 PT2

RECOMMENDATION: (Councillors Hawatt/Azzi)

THAT

1. The Planning Proposal that recommends that the site (Lot 1 in DP 818683) be rezoned from RE1 Public Recreation to R4 High Density Residential and be reclassified from "Community" to "Operational" be submitted to the Department of Planning and Environment (DP&E) Gateway Panel for a Gateway Determination.
2. If the Planning Proposal receives a gateway determination to proceed, then the Canterbury Local Environmental Plan 2012 (CLEP 2012) be amended in draft form to include a range of maximum building heights (11.5 metres – 26 metres), a FSR of 2.4:1 for the site, require a minimum 1,250m² of 'community facility' uses to be provided on site, and permit 'restaurant or café' as an additional permitted use. This would be exhibited for public comment.
3. An amendment to the Canterbury Development Control Plan 2012 (CDCP 2012) be prepared which incorporates the key elements of the Master Plan into site specific provisions to guide future development applications, which will be concurrently exhibited with the CLEP 2012 amendment.
4. A public hearing be held for the reclassification of the property from Community Land to Operational Land.
5. The results of the public exhibition and public hearing be reported to Council.
6. It be noted that the Master Plan lodged to support the rezoning and reclassification is not

PROPOSAL FOR REZONING AND RECLASSIFICATION OF 15 CLOSE STREET CANTERBURY (CONT.)

endorsed at this stage of the process and that a development application will need to be lodged seeking approval for the built form and its performance, should the land be rezoned and reclassified.

FOR	AGAINST
The Mayor, Councillor Robson	Councillor Adler
Deputy Mayor, Councillor Azzi	Councillor Eisler
Councillor Hawatt	
Councillor Nam	
Councillor Paschalidis-Chilas	
Councillor Saleh	
Councillor Vasiliades	

ADOPTED BY COUNCIL 26 JUNE 2014

MIN. NO. 215