

Planning Services

Plan Making Report

Local Government Area: Canterbury-Bankstown

File Number: 17/13409

1. NAME OF DRAFT PLAN

Canterbury Local Environmental Plan 2012 Amendment No.11 (draft LEP).

2. SITE DESCRIPTION

The draft LEP applies to part of the land at 15 Close Street, Canterbury (the site) and is legally described as part Lot 1 DP 818683 (Figure 1).



0 0.075 0.15 0.3 Kilometers

Legend

- Land to which the draft LEP applies (the site)
- Land excluded from the proposal Post-Exhibition

Map Created: 06 September 2017

Figure 1 – Site Map (Source: DPE and Nearmap)

3. PURPOSE OF PLAN

The draft LEP applies to part of the land at 15 Close Street, Canterbury (the site) and seeks to:

- reclassify the site from community to operational;
- release Council from a Trust requiring the site to be held for the purposes of a park, public reserve or public recreation area;
- rezone the site from RE1 Public Recreation to R4 High Density Residential;
- introduce a maximum floor space ratio (FSR) of 2.4:1;
- introduce a range of maximum building heights from 20m to 26m; and
- introduce a local provision to further clarify the permissibility of 'restaurant or café' on the site.

The purpose of the draft LEP is to facilitate the development of the site for the purpose of a high-density mixed use development, so that the remainder may be developed for a new multi-purpose community facility. The proposal is expected to deliver approximately 315 residential dwellings.

4. STATE ELECTORATE AND LOCAL MEMBER

The site falls within the Canterbury Electorate. Ms Sophie Cotsis, MP is the State Member for Canterbury. The Hon. Linda Burney MP is the Federal Member for Barton.

Ms Linda Burney MP, as the former State Member for Canterbury, made a written representation to Council raising concerns over the loss of a recreational facility and the 'explosion of residential developments' in the area. Ms Burney also acknowledged that while the use of the site as a bowling club may no longer be viable, the site is capable of being repurposed as a community facility ([Attachment G](#)).

Consideration has been given to Ms Burney's submissions by both Council and the Department.

Council notes that a multipurpose community building is proposed on part of the site and that it is envisaged to be a large, flexible space that can accommodate a broad range of indoor community activities beyond those that are using the existing building. Furthermore, the proposed facility will provide three times the amount of space than currently provided by the existing bowling club.

It is also considered that the delivery of high-density, mixed use development on the site, aligns with a Department objective to locate housing in close proximity to accessible public transport. Similarly, the sale of the residential portion of the land will provide funding for the new community facility.

NSW Government Lobbyist Code of Conduct: There have been no meetings or communications with registered lobbyists with respect to this proposal.

NSW Government reportable political donation: No advice has been provided on reportable political donations.

5. GATEWAY DETERMINATION

The Gateway Determination issued on 24 September 2014 ([Attachment C](#)) determined that the proposal should proceed subject to conditions. The proposal was due for finalisation on 1 October 2015.

6. PUBLIC CONSULTATION

In accordance with the Gateway determination, public exhibition and consultation with agencies was undertaken by Council from 6 November 2014 to 5 December 2014 (29 days).

124 community members and community organisations made submissions objecting to the proposal. In summary, the public submissions objected to the proposal on the following grounds:

- loss of public space;
- the notion that the land was to be held in trust;
- a need for community facilities;
- the need for the rezoning;
- traffic issues;
- the need for more development; and
- open space and recreational requirements.

A public hearing was held on 3 February 2015 in accordance with section 29 of the *Local Government Act 1993*. 89 people attended the public hearing, 19 of whom addressed the meeting, raising 16 separate issues. Key issues raised included the trust, the lease to the bowling club, the historical background of the site, open space, and traffic.

A public hearing report was prepared by Mr Stan Kondilios, the independent chair, which concluded the proposal is in the public interest ([Attachment H](#)).

A report was put to the former Canterbury Council on 28 May 2015, recommending that the proposal be forwarded to the Department for finalisation, however the matter was deferred, and Council resolved to finalise the proposal at its meeting of 25 June 2015 ([Attachment I](#)).

On 3 August 2015, the Department wrote to Council requesting confirmation that issues raised at the public hearing had been considered by Council, as required under clause 57(8) of the Act ([Attachment J](#)).

On 10 August 2015, the Department received written confirmation from Council ([Attachment K](#)) that issues raised in the Public Hearing had been considered, and reiterated where the issues had been addressed in the Council Report.

It is considered that issues raised in the public hearing have been adequately addressed by the public hearing report, the 28 May 2015 Council report, and the follow up information.

7. ADVICE FROM PUBLIC AUTHORITIES

Council consulted with Sydney Water, the Office of Environment and Heritage, Transport for NSW, Energy Australia, Sydney Trains, and Roads and Maritime Services (RMS) in accordance with the Gateway determination.

Council received submissions from Sydney Water, RMS and Sydney Trains. These agencies all raised issues to be addressed at development application stage, however did not object to the planning proposal ([Attachment F](#)).

In its letter dated 5 December 2014, RMS stated it raised no objections to the proposal, however this was subject to Council continuing progression towards the provision of traffic signals on Canterbury Road at Charles and Close Streets to accommodate the cumulative traffic generated by current and future developments within the Canterbury Town Centre.

It is noted that Council are currently exhibiting the Canterbury Road Review (the review) which includes a detailed transport and traffic assessment of the area. The review recommends further investigation of road management measures including optimising traffic signal operations and turning bays along Canterbury Road. It is therefore considered the issue raised by RMS is currently being addressed through the review process.

8. POST EXHIBITION CHANGES

The proposal as exhibited, applied to the whole of Lot 1 DP 818683 with an objective to integrate a multipurpose community facility with the residential and retail component of the development.

However, following advice from the Department regarding potential legal issues with the proposed amendment to Schedule 1 of Canterbury LEP 2012 'to require a minimum 1,250m² Community Uses on the site', Council advised it would amend the proposal accordingly.

In its letter dated 18 December 2015 ([Attachment L](#)), Council reiterated that it has a clear intention to develop the community facility itself. It does not propose to rely on the person or persons who may ultimately develop the remainder of the site to deliver community facilities. As such, Council intends to subdivide the land and retain ownership of the portion on which the community facilities will be built. Those facilities will be funded through both the sale of the residual land and section 94 monies. While the community facility is yet to be designed, Council envisage a 3 storey facility containing approximately 1,250m² of floor space for multiple community uses.

Council noted that the amendment to Schedule 1 requiring a minimum of 1,250m² of community uses on the site is no longer required. Similarly, the portion of the site on which the community facility will be built, was removed from the proposal so that it may retain its current zoning as RE1 Public Recreation, associated controls and continue to be classified as community land. The land excluded from the proposal is illustrated in Figure 1.

The Department considers the post-exhibition changes to be appropriate as LEP clauses requiring a proponent to dedicate land to Council, carry out works on Council's behalf or provide other forms of infrastructure that are satisfactory to Council as a precondition to the granting of development consent, cannot be legally made with regard to section 94 of the Act. Moreover, removing a portion of the site from the proposal will enable the delivery of a council owned and built multipurpose facility.

9. ASSESSMENT

The draft LEP is consistent with the strategic planning framework as it satisfies objectives in A Plan for Growing Sydney, the draft South District Plan, the draft Sydenham to Bankstown Urban Renewal Strategy and Council's Community Facility Plan.

Exhibition of the revised draft Sydenham to Bankstown Urban Renewal Strategy (the draft Strategy) recently finished on 3 September 2017.

Within the draft Strategy, a key vision for the Canterbury Precinct is to reinvigorate the Canterbury town centre to support its role as a local centre in the South District of Metropolitan Sydney.

The draft Strategy identifies the subject site as being suitable for high rise and mixed use development. It is noted within the draft Strategy that development on the site will benefit from, and contribute to, the amenity of the Cooks River foreshore. It is considered an opportunity to promote cafes and public art, along with passive surveillance through an increased residential interface with the public recreation space to the south.

Similarly, the draft Strategy seeks to promote new opportunities for open space and community facilities that will support the increase of population, particularly along the Cooks River. The draft LEP is consistent with this vision, as it will facilitate the delivery a new multipurpose community centre without compromising the active community space of the Cooks Riverside Reserve to the South.

Council's Community Facility Plan for the City of Canterbury 2006 (the Plan) determined that the provision of multipurpose community centres within the LGA is significantly below the accepted benchmark and there are shortfalls in the quality of the existing community centres.

The Plan found that a new multipurpose community centre is needed in the Hurlstone Park area, and that the subject site is an appropriate location, given the proximity to Canterbury Station and Canterbury Town Centre. The residential development component of the planning proposal is intended to provide new housing in a Centre experiencing population growth and to provide funding for the development of the community facility.

The Plan concluded that a multipurpose facility would better provide for the predicted increase in population than the retention of the site as an open space reserve.

Council maintains that redevelopment of the site is the most appropriate means to obtain a new community space. The new multi-purpose facility and adjoining publically-accessible open space will provide a greater level of functionality than the current built form (semi-private bowling greens). Moreover, the proposal will provide better access to a connected open space network along the Cooks River.

Moreover, the draft LEP provides for over 300 dwellings, contributing the delivery of Council's and the Department's vision for an active, transit-oriented mixed use precinct, benefiting from access to Canterbury Railway Station, the Town Centre, and the Cooks River. The bulk and scale of the development is considered commensurate with the site's location and identification in the draft Sydenham to Bankstown Urban Renewal Strategy.

It is therefore recommended that the Canterbury LEP 2012 Amendment No. 11 be made.

Section 117 Directions

The Gateway confirmed that inconsistencies with Section 117 Directions 4.1 Acid Sulfate Soils, 6.2 Reserving Land for Public Purposes, and 6.3 Site Specific Provisions are of minor significance.

The proposal is otherwise consistent with Section 117 Directions.

State Environmental Planning Policies

The draft LEP is consistent with relevant State Environmental Planning Policy's (SEPPs).

There are no outstanding inconsistencies with any SEPPs.

10. MAPPING

The maps associated with the LEP amendment are summarised at Attachment MCS and can be viewed at Attachment Maps.

The maps are considered to be correct, were checked by the Department's ePlanning team and sent to Parliamentary Counsel on 18 August 2017.

11. CONSULTATION WITH COUNCIL

Council was consulted on the terms of the draft instrument. Council confirmed on 11 July 2017 that the draft is suitable and that the Plan should be made (Attachment D).

12. PARLIAMENTARY COUNSEL OPINION

On 28 June 2017, Parliamentary Counsel provided the final Opinion that the draft Plan could be legally made. This Opinion is provided at Attachment PC and Legal.

13. RECOMMENDATION

It is recommended that the Greater Sydney Commission's delegate make the LEP under section 59(2)(a) of the Act as submitted by Council, as the relevant planning authority, because:

- the proposal is consistent with the strategic planning framework, including the draft Sydenham to Bankstown Urban Renewal Corridor Strategy which proposes the site be developed for medium to high-rise and mixed use;
- the proposal will facilitate a multipurpose community facility at a location identified as appropriate for conversion for indoor recreation and community group use in Council's Community Facility Plan (2006); and
- the proposal will facilitate residential development in a location close to public transport, services, and the Cooks River open space, whilst contributing to the revitalisation of the Canterbury Town Centre.



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