

Planning Proposal

Inclusion of the former Canterbury City Council lands within Hurstville City Council's Planning Controls

September 2012



Hurstville City Council

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1. Introduction

On 14 October 2011, the Division of Local Government, Department of Premier and Cabinet published a Proclamation in the Government Gazette, altering the boundaries of Hurstville City Council and Canterbury City Council. This boundary adjustment provides for a natural Local Government Area (LGA) boundary being the southern kerb line of the M5 East Freeway. Hurstville City Council has gained approximately 32 residential properties, part of 1 industrial property, 26 parcels of open space land and the remainder are the Road and Maritime Services lands south of the M5 East Freeway.

This Planning Proposal has been prepared by Hurstville City Council to transfer and translate the current Canterbury City Council planning controls for the subject land into the Hurstville City Council planning controls. The Planning Proposal seeks to amend the Draft Hurstville Local Environmental Plan (LEP) 2012 to ensure the relevant planning controls (i.e. zoning, permissible and prohibited land uses, height of buildings, floor space ratio and other controls) apply to the subject land.

It is noted that at the time of preparing this Planning Proposal the draft Hurstville LEP 2012 was still in draft form and being reviewed by Parliamentary Counsel and the Department of Planning and Infrastructure. Changes to the draft Hurstville LEP 2012 Written Instrument and Maps may occur prior to approval and gazettal.

This Planning Proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979, and consideration has been given to the requirements outlined in *"A guide to preparing planning proposals"* NSW Government Department of Planning (2009).

1.1 The Subject Land

The subject land is within the Local Government Area of Hurstville City Council and is located within the suburbs of Beverly Hills and Kingsgrove on the southern side of the M5 East Freeway.

Attachment 1 shows an aerial view and the location of the subject land covered by this Planning Proposal. The property details for the subject land are provided in Table 1 below. The subject land includes residential properties (32) and an industrial property, parcels of open space land and land reserved for the M5 East Freeway.

The subject lands are currently zoned under the Canterbury Planning Scheme Ordinance and are zoned either Zone No. 2(a) - Residential, Zone 4(b) - Light Industrial Zone, Zone No. 6(a) Existing Recreation Zone, Zone No. 7(a) – County Open Space and Zone No. 8(a) – County Road Proposed. The provisions of the Canterbury Development Control Plan apply.

Attachment 2 shows the current zones under the Canterbury Planning Scheme Ordinance and the adjoining land zones under the draft Hurstville Local Environmental Plan 1994 within Hurstville City Council LGA. **Attachment 3** shows a Site Identification Map.

Table 1: Subject Land Property Details

No.	Street Address	Suburb	Lot / Section	Deposited Plan	Existing Zoning under Canterbury Planning Scheme Ordinance (CPSO)	Proposed Zoning under Hurstville Local Environmental Plan 2012 (HLEP2012)
1	2 Allambee Crescent	Beverly Hills	837	13705	2(a) – Residential	R2 Low Density Residential
2	4 Allambee Crescent	Beverly Hills	838	13705	2(a) – Residential	R2 Low Density Residential
3	8 Allambee Crescent	Beverly Hills	839	13705	2(a) – Residential	R2 Low Density Residential
4	8 Allambee Crescent	Beverly Hills	840	13705	2(a) – Residential	R2 Low Density Residential
5	10 Allambee Cres	Beverly Hills	841	13705	2(a) – Residential	R2 Low Density Residential
6	12 Allambee Cres	Beverly Hills	842	13705	2(a) – Residential	R2 Low Density Residential
7	14-18 Allambee Cres	Beverly Hills	843	13705	8(a) – County Road Proposed /6(a) – Existing Recreation	SP2 Infrastructure/RE1 Public Recreation
8	14-18 Allambee Cres	Beverly Hills	844	13705	8(a) – County Road Proposed /6(a) – Existing Recreation	SP2 Infrastructure/RE1 Public Recreation
9	14-18 Allambee Cres	Beverly Hills	11	1076996	8(a) – County Road Proposed /6(a) – Existing Recreation	SP2 Infrastructure/RE1 Public Recreation
10	32 Cooloongatta Road	Beverly Hills	835	13705	2(a) – Residential	R2 Low Density Residential
11	34 Cooloongatta Road	Beverly Hills	8361	1084904	2(a) – Residential	R2 Low Density Residential
12	34A Cooloongatta Rd	Beverly Hills	8362	1084904	2(a) – Residential	R2 Low Density Residential
13	2 Elouera Street South	Beverly Hills	2	581682	2(a) – Residential	R2 Low Density Residential
14	2A Elouera Street Sth	Beverly Hills	1	581682	2(a) – Residential	R2 Low Density Residential
15	4 Elouera Street South	Beverly Hills	1050	13705	2(a) – Residential	R2 Low Density Residential
16	8 Elouera Street South	Beverly Hills	1049	13705	2(a) – Residential	R2 Low Density Residential
17	8 Elouera Street South	Beverly Hills	1048	13705	2(a) – Residential	R2 Low Density Residential
18	10 Elouera Street Sth	Beverly Hills	A	391812	2(a) – Residential	R2 Low Density Residential
19	12 Elouera Street Sth	Beverly Hills	B	391812	2(a) – Residential	R2 Low Density Residential
20	14-16 Elouera Street Sth	Beverly Hills	1044	13705	8(a) – County Road Proposed /6(a) –	SP2 Infrastructure/RE1

No.	Street Address	Suburb	Lot / Section	Deposited Plan	Existing Zoning under Canterbury Planning Scheme Ordinance (CPSO)	Proposed Zoning under Hurstville Local Environmental Plan 2012 (HLEP2012)
					Existing Recreation	Public Recreation
21	14-16 Elouera Street Sth	Beverly Hills	1045	13705	8(a) – County Road Proposed /6(a) – Existing Recreation	SP2 Infrastructure/RE1 Public Recreation
22	13B Forrester Street	Kingsgrove	24	1077303	6(a) – Existing Recreation	RE1 Public Recreation
23	13B Forrester Street	Kingsgrove	25	1077303	6(a) – Existing Recreation	RE1 Public Recreation
24	23C Forrester Street	Kingsgrove	20	1077303	6(a) – Existing Recreation	RE1 Public Recreation
25	23C Forrester Street	Kingsgrove	21	1077303	8(a) – County Road Proposed	SP2 Infrastructure
26	23C Forrester Street	Kingsgrove	22	1077303	8(a) – County Road Proposed	SP2 Infrastructure
27	23D Forrester Road	Kingsgrove	23	1077303	8(a) – County Road Proposed	SP2 Infrastructure
28	117B Glamis Street	Kingsgrove	18	1077303	6(a) – Existing Recreation	RE1 Public Recreation
29	30A Karingal Street	Kingsgrove	1	669192	6(a) – Existing Recreation	RE1 Public Recreation
30	30 Karingal Street	Kingsgrove	1	727968	8(a) – County Road Proposed /6(a) – Existing Recreation	SP2 Infrastructure/RE1 Public Recreation
31	30B Karingal Street	Kingsgrove	27	1077303	6(a) – Existing Recreation	RE1 Public Recreation
32	30B Karingal Street	Kingsgrove	PT11	1077303	6(a) – Existing Recreation	RE1 Public Recreation
33	30B Karingal Street	Kingsgrove	28	1077303	6(a) – Existing Recreation	RE1 Public Recreation
34	30B Karingal Street	Kingsgrove	PT17	1077303	6(a) – Existing Recreation	RE1 Public Recreation
35	30B Karingal Street	Kingsgrove	PT17	1077303	6(a) – Existing Recreation	RE1 Public Recreation
36	390 King Georges Rd	Beverly Hills	10	1076996	8(a) – County Road Proposed/6(a) – Existing Recreation	SP2 Infrastructure/RE1 Public Recreation
37	390 King Georges Road	Beverly Hills	9	1076996	8(a) – County Road Proposed	SP2 Infrastructure
38	390 King Georges Road	Beverly Hills	8	1076996	6(a) – Existing Recreation	RE1 Public Recreation
39	392 King Georges Road	Beverly Hills	7	1076996	No Zone	R2 Low Density Residential
40	15-17 Kirrang Street	Beverly Hills	27	1076996	6(a) – Existing Recreation	RE1 Public Recreation

No.	Street Address	Suburb	Lot / Section	Deposited Plan	Existing Zoning under Canterbury Planning Scheme Ordinance (CPSO)	Proposed Zoning under Hurstville Local Environmental Plan 2012 (HLEP2012)
41	15-17 Kirrang Street	Beverly Hills	26	1076996	6(a) – Existing Recreation	RE1 Public Recreation
42	19 Kirrang Street	Beverly Hills	25	1076996	6(a) – Existing Recreation	RE1 Public Recreation
43	21 Kirrang Street	Beverly Hills	24	1076996	6(a) – Existing Recreation	RE1 Public Recreation
44	23 Kirrang Street	Beverly Hills	23	1076996	6(a) – Existing Recreation	RE1 Public Recreation
45	25 Kirrang Street	Beverly Hills	1057	13705	2(a) – Residential	R2 Low Density Residential
46	27 Kirrang Street	Beverly Hills	1056	13705	2(a) – Residential	R2 Low Density Residential
47	28 Kirrang Street	Beverly Hills	1083	13705	2(a) – Residential	R2 Low Density Residential
48	29 Kirrang Street	Beverly Hills	1055	13705	2(a) – Residential	R2 Low Density Residential
49	30 Kirrang Street	Beverly Hills	1084	13705	2(a) – Residential	R2 Low Density Residential
50	31 Kirrang Street	Beverly Hills	1054	13705	2(a) – Residential	R2 Low Density Residential
51	32 Kirrang Street	Beverly Hills	1085	13705	2(a) – Residential	R2 Low Density Residential
52	33 Kirrang Street	Beverly Hills	1053	13705	2(a) – Residential	R2 Low Density Residential
53	34 Kirrang Street	Beverly Hills	1086	13705	2(a) – Residential	R2 Low Density Residential
54	35 Kirrang Street	Beverly Hills	10	1078130	2(a) – Residential	R2 Low Density Residential
55	35A Kirrang Street	Beverly Hills	11	1078130	2(a) – Residential	R2 Low Density Residential
56	36 Kirrang Street	Beverly Hills	1087	13705	2(a) – Residential	R2 Low Density Residential
57	38 Kirrang Street	Beverly Hills	1088	13705	2(a) – Residential	R2 Low Density Residential
58	40 Kirrang Street	Beverly Hills	1089	13705	2(a) – Residential	R2 Low Density Residential
59	42 Kirrang Street	Beverly Hills	1090	13705	2(a) – Residential	R2 Low Density Residential
60	44 Kirrang Street	Beverly Hills	1091	13705	2(a) – Residential	R2 Low Density Residential
61	46 Kirrang Street	Beverly Hills	1092	13705	2(a) – Residential	R2 Low Density Residential
62	1W Kooemba Road	Beverly Hills	1	547347	No Zone	SP2 Infrastructure

No.	Street Address	Suburb	Lot / Section	Deposited Plan	Existing Zoning under Canterbury Planning Scheme Ordinance (CPSO)	Proposed Zoning under Hurstville Local Environmental Plan 2012 (HLEP2012)
63	Cycleway off Kindilan	Beverly Hills	18	1079064	No Zone and Open Space	RE1 Public Recreation
64	Cycleway off Kooemba	Beverly Hills	22	1079064	No Zone	SP2 Infrastructure
65	Tallawalla Street	Beverly Hills	PT1462	13705	6(a) – Existing Recreation	RE1 Public Recreation
66	M5 East FWY Reservation	Beverly Hills	50	1076996	6(a) – Existing Recreation	SP2 Infrastructure/RE1 Public Recreation
67	M5 East FWY Reservation	Beverly Hills	16	1079064	8(a) – County Road Proposed	SP2 Infrastructure
68	M5 East FWY Reservation	Beverly Hills	44	1076996	8(a) – County Road Proposed	SP2 Infrastructure
69	M5 East FWY Reservation	Beverly Hills	58	1076996	8(a) – County Road Proposed	SP2 Infrastructure
70	M5 East FWY Reservation	Beverly Hills	46	1076996	8(a) – County Road Proposed	SP2 Infrastructure
71	M5 East FWY Reservation	Beverly Hills	57	1076996	8(a) – County Road Proposed	SP2 Infrastructure
72	M5 East FWY Reservation	Beverly Hills	39	1077303	6(a) – Existing Recreation	RE1 Public Recreation
73	M5 East FWY Reservation	Beverly Hills	26	1077303	6(a) – Existing Recreation	RE1 Public Recreation
74	M5 East FWY Reservation	Beverly Hills	39	1076996	8(a) – County Road Proposed	SP2 Infrastructure
75	M5 East FWY Reservation	Beverly Hills	15	1079064	8(a) – County Road Proposed/6(a) – Existing Recreation	SP2 Infrastructure/RE1 Public Recreation
76	M5 East FWY Reservation	Beverly Hills	47	1076996	8(a) – County Road Proposed	SP2 Infrastructure
77	M5 East FWY Reservation	Beverly Hills	28	1076996	6(a) – Existing Recreation	RE1 Public Recreation
78	M5 East FWY Reservation	Beverly Hills	36	1076996	8(a) – County Road Proposed	SP2 Infrastructure
79	M5 East FWY Reservation	Kingsgrove	40	1077303	8(a) – County Road Proposed /6(a) – Existing Recreation /7(a) – County Open Space /2(a) – Residential	SP2 Infrastructure/RE1 Public Recreation/ R2 Low Density Residential
80	M5 East FWY Reservation	Beverly Hills	1465	13705	No Zone	R2 Low Density Residential
81	M5 East FWY Reservation	Beverly Hills	45	1076996	8(a) – County Road Proposed	SP2 Infrastructure
82	M5 East FWY Reservation	Beverly Hills	48	1076996	8(a) – County Road	SP2

No.	Street Address	Suburb	Lot / Section	Deposited Plan	Existing Zoning under Canterbury Planning Scheme Ordinance (CPSO)	Proposed Zoning under Hurstville Local Environmental Plan 2012 (HLEP2012)
					Proposed	Infrastructure
83	M5 East FWY Reservation	Beverly Hills	44	1077303	8(a) – County Road Proposed	SP2 Infrastructure
84	M5 East FWY Reservation	Beverly Hills	17	1079064	8(a) – County Road Proposed	SP2 Infrastructure
85	M5 East FWY Reservation	Beverly Hills	34	1076996	8(a) – County Road Proposed /6(a) – Existing Recreation	SP2 Infrastructure/RE1 Public Recreation
86	M5 East FWY Reservation	Beverly Hills	45	1077303	8(a) – County Road Proposed	SP2 Infrastructure
87	M5 East FWY Reservation	Beverly Hills	29	1076996	No Zone	R2 Low Density Residential
88	M5 East FWY Reservation	Kingsgrove	41	1076996	8(a) – County Road Proposed /6(a) – Existing Recreation	SP2 Infrastructure/RE1 Public Recreation
89	M5 East FWY Reservation	Beverly Hills	56	1076996	No Zone	SP2 Infrastructure
90	M5 East FWY Reservation	Beverly Hills	52	1076996	8(a) – County Road Proposed	SP2 Infrastructure
91	M5 East FWY Reservation	Beverly Hills	59	1076996	6(a) – Existing Recreation	RE1 Public Recreation
92	30A Commercial Road	Kingsgrove	Part Lot 1	566805	4(b) – Light Industrial Zone	IN2 Light Industrial

1.2 Objectives or Intended Outcomes

The objective of this Planning Proposal is to facilitate the inclusion of the former Canterbury LGA lands within the jurisdiction of Hurstville City Council's planning controls, specifically the Draft Hurstville LEP 2012.

The intended outcome of the Planning Proposal is to amend the Draft Hurstville LEP 2012 maps by including the subject land and to apply the relevant planning controls including zoning, height of buildings, floor space ratio and minimum lot sizes.

2. Explanation of the Provisions

The objectives of the Planning Proposal shall be achieved through an amendment to the Draft Hurstville Local Environmental Plan 2012 maps as detailed below and included in **Attachment 4**.

- Land Application Map Sheet LAP-001
- Land Zoning Map Sheet LAP_004 & Sheet LAP_007

- Lot Size Map Sheet LAP_004 & Sheet LAP_007
- Height of Buildings Map Sheet LAP_004 & Sheet LAP_007
- Floor Space Ratio Map Sheet LAP_004 & Sheet LAP_007.

No changes to the Draft Hurstville LEP 2012 Written Instrument are proposed as part of this Planning Proposal. It is noted that at the time of preparing this Planning Proposal, the Draft Hurstville LEP 2012 was still in draft form and being reviewed by Parliamentary Counsel and the Department of Planning and Infrastructure. Changes to the Draft Hurstville LEP 2012 Written Instrument and Maps may occur prior to approval and gazettal.

Specifically in relation to the Draft Hurstville LEP 2012 maps the following changes are proposed to be made to the current planning controls for the subject land.

2.1 Land Application Map

The Land Application Map (Sheet LAP_001) defines the area to which the LEP applies. This map is proposed to be amended to include the subject land within the map as shown on **Attachment 4**.

2.2 Land Zoning and Land Use

Currently the land is zoned under the Canterbury Planning Scheme Ordinance (CPSO) with the following zones applying to certain land. **Attachment 2** shows the existing zoning of land under the CPSO.

Table 2 below outlines the proposed translation and change in zoning for the subject lands.

Table 2: Current and Proposed Zoning of the Subject Land

Existing Zoning under CPSO		Proposed Zoning under Draft Hurstville LEP 2012
Zone No.2(a) – Residential Zone	➡	R2 Low Density Residential
Zone No. 4(b) – Light Industrial Zone	➡	IN2 Light Industrial
Zone No.6(a) – Existing Recreation Zone	➡	RE1 Public Recreation
Zone No.7(a) – County Open Space	➡	RE1 Public Recreation
Zone No.8(a) – County Road Proposed	➡	SP2 Infrastructure

It should be noted that the NSW Government Roads and Maritime Services (RMS) have been consulted in the preparation of the land zoning maps associated with this Planning Proposal. As part of their response the RMS have requested a minor realignment of the SP2 Infrastructure Zone which has been included in the final maps for the Planning Proposal. The minor realignment of the SP2 Infrastructure Zone was to allow for the correct land reservation boundaries to be reflected in the zoning, as the current Zone 8(a) - Country Road Proposed Zone under the CPSO was incorrect.

The zone objectives and land use tables (i.e. the list of the types of development that are “permitted without consent”, “permitted with consent” or prohibited”) for the subject land under the CPSO and Draft HLEP 2012 are documented in the respective written instruments. **Attachment 5** provides a copy of the CPSO and **Attachment 6** a copy of the Draft Hurstville LEP 2012 (as adopted by Council on 12 April 2012). As outlined above there are no changes proposed to the Draft Hurstville LEP 2012 written instrument.

2.3 Lot Size

Table 3 below outlines the changes to minimum lot sizes for each of the respective zones.

Table 3: Existing and Proposed Minimum Lot Sizes for the Subject Land

Existing Zoning under CPSO	Existing Minimum Lot Size under Canterbury DCP No.30 – Subdivision of Land	Proposed Zoning under Draft Hurstville LEP 2012	Proposed Minimum Lot Size under Draft Hurstville LEP 2012
Zone No.2(a) – Residential Zone	Residential - 460m ² & Battle axe lots 600m ²	R2 Low Density Residential	450m ²
Zone No. 4(b) – Light Industrial Zone	N/A	IN2 Light Industrial	N/A
Zone No.6(a) – Existing Recreation Zone	N/A	RE1 Public Recreation	N/A
Zone No.7(a) – County Open Space	N/A	RE1 Public Recreation	N/A
Zone No.8(a) – County Road Proposed	N/A	SP2 Infrastructure	N/A

2.4 Height of Buildings

Table 4 below outlines the changes to height of buildings for each of the respective zones.

Table 4: Existing and Proposed Height of Buildings for the Subject Land

Existing Zoning under CPSO	Existing Maximum height of buildings under DCPs	Proposed Zoning under Draft Hurstville LEP 2012	Proposed Maximum height of buildings under Draft Hurstville LEP 2012
Zone No.2(a) – Residential Zone	Single Dwelling: 2 storey (7 metres) - Single Dwelling Code DCP No.49. Dual Occupancy: 2 storey (7.2m) - Dual Occupancy DCP No. 14	R2 Low Density Residential	9m

Zone No. 4(b) – Light Industrial Zone	2 storeys	IN2 Light Industrial	10m
Zone No.6(a) – Existing Recreation Zone	N/A	RE1 Public Recreation	N/A
Zone No.7(a) – County Open Space	N/A	RE1 Public Recreation	N/A
Zone No.8(a) – County Road Proposed	N/A	SP2 Infrastructure	N/A

2.5 Floor Space Ratio

Table 5 below outlines the changes to floor space ratio for each of the respective zones.

Table 5: Existing and Proposed Floor Space Ratio for the Subject Land

Existing Zoning under CPSO	Existing Floor Space Ratio under CPSO, Dual Occupancy DCP No. 14 and Single Dwelling Code DCP No.49	Proposed Zoning under Draft Hurstville LEP 2012	Proposed Floor Space Ratio under Draft Hurstville LEP 2012
Zone No.2(a) – Residential Zone	0.55:1 single dwelling (lot size less than 600m ²) 0.5:1 single dwelling (lot size greater than 600m ²) 0.5:1 – dual occupancy	R2 Low Density Residential	0.55:1 single dwelling (lot size less than 600m ²) Refer to Clause 4.4(3) for sliding scale for single dwellings with lot size greater than 600m ² 0.6:1 dual occupancy development
Zone No. 4(b) – Light Industrial Zone	Industrial zoned land 1.5:1	IN2 Light Industrial	1:1
Zone No.6(a) – Existing Recreation Zone	N/A	RE1 Public Recreation	N/A
Zone No.7(a) – County Open Space	N/A	RE1 Public Recreation	N/A
Zone No.8(a) – County Road Proposed	N/A	SP2 Infrastructure	N/A

2.6 Classification of Land

As part of the Planning Proposal, Council does not propose to reclassify any of the subject public land parcels from “community land” under the provisions of Division 1 of Part 2 of Chapter 6 of the *Local Government Act 1993*.

As part of the formal boundary adjustment between Hurstville City Council and Canterbury City Council, Council resolved on 16 December 2009 to mutually transfer all community land in the ownership of each Council to the other. The land transfer process is currently being undertaken and should any of the parcels that come under the ownership of Hurstville City Council require a change in classification it will be the subject of a future amendment to the draft Hurstville LEP 2012.

3. Justification

3.1 Need for the planning proposal

3.1.1 Is the planning proposal a result of any strategic study or report?

In 2003, Hurstville City Council considered several potential LGA boundary adjustments in response to a request from the Minister for Local Government that all councils consider options under the broad topic of ‘structural reform’. From this review in 2005, Council resolved (CCL060A-05) to proceed with the boundary adjustment for land in the vicinity of the M5 East:

RESOLVED THAT Council agrees in principle to seek the following boundary adjustment between Canterbury and Hurstville City Councils: the transfer of all lands south of the southern boundary of the M5 East Freeway reserve between King Georges Road and Kingsgrove Road to Hurstville City Council with all properties to the north to be vested in Canterbury City Council on the terms outlined in this report.

On 25 February, 2009 and 16 December, 2009 Council considered reports on the M5 East Freeway LGA Boundary Adjustment and resolved to proceed with the proposed boundary adjustment and approved the joint proposal being exhibited to the public and forwarded to the Minister for Local Government. On 28 July, 2010 Council resolved:

THAT the attached Joint Submission by Canterbury City Council and Hurstville City Council for Endorsement of a Local Government Area Boundary Change in the Vicinity of the M5 East Freeway Corridor, including the map of the affected area, be adopted for submission to the Minister for Local Government, through the Division of Local Government.

On 14 October 2011, the Division of Local Government, Department of Premier and Cabinet published a Proclamation in the Government Gazette, altering the boundaries of Hurstville City Council and Canterbury City Council (refer **Attachment 7**).

Whilst the land is officially part of the Hurstville LGA, the planning instrument applying to the land is the CPSO and the associated Development Control Plans (DCPs). At the Extraordinary Council meeting held on 12 April 2012 which considered submissions received to the public exhibition of the

draft Hurstville LEP 2011, it was identified that CPSO will continue to apply to the land until a planning proposal is approved by the Minister for Planning and Infrastructure.

At this meeting Council (ECM001-12) resolved, in part, as follows:

THAT Council resolve to prepare a Planning Proposal under Section 55 of the Environmental Planning and Assessment Act 1979 in relation to land transferred through the boundary adjustment from Canterbury Local Government Area to the Hurstville Local Government Area, and forward the Planning Proposal to the Minister for a Gateway Determination under Section 56 of the Environmental Planning and Assessment Act 1979.

THAT Council resolve that the Planning Proposal be placed on public exhibition in accordance with the Gateway Determination, if approved by the NSW Department Planning and Infrastructure.

This Planning Proposal has been prepared in accordance with Council's resolutions to facilitate the inclusion of the former Canterbury City Council lands into the draft Hurstville LEP 2012.

3.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The Planning Proposal is the best means of achieving the inclusion of the former Canterbury LGA land into the Hurstville planning controls. The proposed amendments will allow for all land within the Hurstville LGA to have a single environmental planning instrument applying to it, being the Hurstville LEP 2012, rather than the current situation.

3.1.3 Is there a net community benefit?

Yes. The Planning Proposal will have a number of tangible net community benefits to the existing property owners of the subject land.

- The construction of the M5 East Freeway some years ago resulted in geographical separation of the subject land from its former adjoining land uses and community and gave rise to the adverse impact on the community interest and geographic cohesion with the Canterbury LGA.
- Over the years since the M5 East construction, the physical boundary of the M5 East Freeway has disconnected existing residents from the Canterbury LGA community and a clear connection has been developed with the Hurstville LGA community. The residents of the subject land have demonstrated through a petition to the formal boundary adjustment process that they wish to be included within the Hurstville LGA land and socially identify with the Council area.
- The Planning Proposal facilitates the final part of the process to allow the existing residents to be included within all aspects of Hurstville City Council, and will now have the same planning controls as the remainder of the Hurstville LGA.
- Having all the planning controls for properties within the Hurstville LGA within a single environmental planning instrument will assist the communities understanding of the relevant

planning controls. Also it will ensure that the planning controls for all properties in the Hurstville LGA are consistent with the NSW Government Standard Instrument.

It is noted that this Planning Proposal does not aim to rezone land or facilitate redevelopment of land or provide opportunities for additional employment. As such a comprehensive Net Community Benefit Test having regard to the Department of Planning's guide, *"A guide to preparing planning proposals"*, has not been prepared as part of this Planning Proposal.

3.2 Relationship to strategic planning framework

3.2.1 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)?

Yes. The Hurstville LEP 2012 was recently adopted by Hurstville City Council and is consistent with the objectives and actions contained within the Metropolitan Plan for Sydney 2036 and the draft South Subregional Strategy (2008).

The key features of the Hurstville LEP2012 (which implemented the objectives and directions in the Metropolitan Plan for Hurstville) that are applicable to the Planning Proposal are:

- Providing for a full range of residential development throughout the LGA by allowing all housing types (other than residential flat buildings) in the R2 Low Density Residential Zone which accounts for over 60% of land in Hurstville. The range of housing types allowed for in the R2 Low Density Residential Zone will allow for new housing opportunity throughout the suburbs to satisfy the changing demographic of Hurstville (e.g. families, singles and seniors) and will supplement the housing growth anticipated in the Hurstville City Centre.
- In relation to improving the quality of new development and urban renewal, a number of local clauses were included in the Hurstville LEP 2012 to ensure that amenity, urban design and best-practice environmental design are considered in all developments. The future review of DCP No.1 – LGA Wide will also consider controls to improve the design of new development.
- Hurstville LEP 2012 reflected the existing mix of Open Space including small pocket and local parks throughout the residential areas to the larger undeveloped natural areas in the south-west of the LGA including the Georges River National Park and Oatley Park. The Planning Proposal proposes to retain the significant amount of open space south of the M5 East.

3.2.2 Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

Yes. The inclusion of the former Canterbury LGA land within the Hurstville LEP 2012 is considered to be consistent with the general aims of Section 5: The Four Pillars of the *Hurstville Community Strategic Plan 2021*.

Specifically Section 5.4 relates to Economic Prosperity and identifies addressing town planning issues that result from an increasing population. Including the subject land within the provisions of the

Hurstville LEP 2012, allows the land to be included in a single set of planning controls for the whole of the LGA, which will facilitate new development in accordance with Hurstville's planning controls.

3.2.3 Is the planning proposal consistent with applicable state environmental planning policies?

Yes. The following SEPPs are applicable to the Planning Proposal as shown in the table in **Attachment 8** and have been considered in its preparation:

- SEPP No. 1 - Development Standards
- SEPP No. 4 – Development Without Consent and Miscellaneous Complying Development
- SEPP No. 6 - Number of Stories in a Building
- SEPP No. 21 – Caravan Parks
- SEPP No. 33 - Hazardous and Offensive Development
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Major Development) 2005
- SEPP (Temporary Structures) 2007
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Affordable Rental Housing) 2009
- SEPP (State and Regional Development) 2011

The following SEPPs are also applicable and have been considered in the preparation of the Planning Proposal:

SEPP 55 – Remediation of Land

Under SEPP 55, Council is required to consider at the rezoning stage, the potential for contamination to adversely affect the suitability of a site for its proposed use. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. As previously mentioned, the purpose of this Planning Proposal is to transfer and translate the current Canterbury City Council planning controls applying to the subject lands into Hurstville City Council's planning controls. The Planning Proposal is therefore consistent with SEPP 55 as the subject land is not considered to be rezoned; rather it seeks to amend the draft Hurstville Local Environmental Plan 2012 to ensure the relevant planning controls (i.e. zoning, permissible and prohibited land uses, height of buildings, floor space ratio and other controls) apply to the subject land.

SEPP (Infrastructure) 2007

This policy applies to infrastructure and service facilities in NSW. In accordance with *LEP Practice Note 08-002 – Zoning for Infrastructure in LEPs*, Councils must follow six principles for zoning infrastructure based on the prescribed zones each infrastructure type in the SEPP. This provides owners of infrastructure zoned with a prescribed zone in the Infrastructure SEPP with the ability to access the additional provisions found in the SEPP. It is considered that the Planning Proposal which includes SP2 Infrastructure zoned land is prepared in accordance with the SEPP.

3.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Yes. The Planning Proposal is consistent with all the relevant s.117 Directions as shown in the table in **Attachment 9**. The following s.117 Directions apply to the draft LEP 2011:

- Business and Industrial Zones

- 2.1 Environmental Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupation
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- Implementation of the Metropolitan Plan for Sydney 2036

3.3 Environmental, social and economic impact

3.3.1 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 critical habitat or threatened species, populations or ecological communities, or their habitats are known to exist on or in the vicinity of the site.

3.3.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The Planning Proposal is to facilitate the inclusion of the former Canterbury LGA land within Hurstville's planning controls, specifically the draft Hurstville Local Environmental Plan 2012 Maps. It is not proposed to change any of the existing land zones from the CPSO; rather land has been transferred into the standard template zones utilised for the draft Hurstville Local Environmental Plan 2012. It is not envisaged that there will be any environmental effects as a result of the Planning Proposal. Whilst development will be permissible on the subject land, the overall environmental effects of any future development will be considered as part of any future development application.

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

Yes. This Planning Proposal will have no adverse social or economic benefits. As previously indicated there will be a number of planning control changes for the former Canterbury LGA lands; however it is considered that these changes will not result in any adverse economic effects. In relation to the social effects it is considered that providing consistent planning controls for the whole of the Hurstville LGA will have positive social benefits for the residents of the subject land.

3.4 State and Commonwealth interests

3.4.1 Is there adequate public infrastructure for the planning proposal?

Yes. As there is no increase in the density of development proposed as part of this Planning Proposal, it is considered that the existing public infrastructure will continue to adequately service the subject land.

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

No State or Commonwealth public authorities have been consulted as yet. Should this be required it is considered that this can be undertaken as part of the community consultation required by the Gateway Determination.

4. Community Consultation

It is proposed that the Planning Proposal be exhibited in accordance with any requirements as determined by the gateway process and the requirements of Section 57 of the *Environmental Planning and Assessment Act, 1979*.

As previously indicated Council resolved at it's meeting on 12 April 2012:

THAT Council resolve that the Planning Proposal be placed on public exhibition in accordance with the Gateway Determination, if approved by the NSW Department Planning and Infrastructure.

In accordance with the document 'A guide to preparing local environmental plans' prepared by the Department of Planning, it is considered that this Planning Proposal is 'low impact' and Council envisages a 14 day consultation period.

Community consultation will be commenced by giving public notice of the public exhibition of the Planning Proposal in a local newspaper and a notice on the Hurstville City Council website. The written notice will:

- Give a brief description of the objectives or intended outcomes of the planning proposal;
- Indicate the land affected by the planning proposal;
- State where and when the planning proposal can be inspected;
- Give the name and address of the Council for the receipt of submissions; and
- Indicate the last date for submissions.

During the exhibition period, the following material will be made available for inspection:

- The planning proposal, in the form approved for community consultation by the Director General of Planning;
- The proposed mapping associated with the planning proposal;
- The Gateway Determination;
- Any studies relied upon by the planning proposal.

5. Attachments

Attachment 1: Aerial of Subject Land and Site identification map

Attachment 2: Current Planning Controls under Canterbury Council

Attachment 3: Site Identification Map

Attachment 4: Draft Amending HLEP 2012 Maps

Land Application Map Sheet LAP-001

Land Zoning Map Sheet LAP_004 & Sheet LAP_007

Lot Size Map Sheet LAP_004 & Sheet LAP_007

Height of Buildings Map Sheet LAP_004 & Sheet LAP_007

Floor Space Ratio Map Sheet LAP_004 & Sheet LAP_007.

Attachment 5: Canterbury Planning Scheme Ordinance (Written Instrument)

Attachment 6: Draft Hurstville Local Environmental Plan 2012 (Written Instrument)

Attachment 7: Government Gazette Week No.41 (14 October 2011) – Local Government Act
Boundary Adjustment Proclamation

Attachment 8: State Environmental Planning Policy Compliance Table

Attachment 9: Section 117 Directions Compliance Table

Attachment 1 - Aerial of Subject Land and Site Identification Map



Attachment 2 - Current Planning Controls under Canterbury Planning Scheme Ordinance



Hurstville LEP 1994 Zones

- Zone No. 2 - Residential Zone
- Zone No. 3(a) - Neighbourhood Business Zone
- Zone No. 3(c) - Business Centre Zone
- Zone No. 4 - Light Industrial Zone
- Zone No. 5(a) - General Special Uses Zone
- Zone No. 5(b) - Railway Special Uses Zone
- Zone No. 6(a) - Open Space Zone
- Zone No. 9 - Arterial Road Reservation Zone

CPSO Zones

- Zone No. C2(a) - Residential Zone
- Zone No. C4(b) - Light Industrial Zone
- Zone No. C6(a) - Existing Recreation Zone
- Zone No. C7(a) - County Open Space
- Zone No. C8(a) - County Road Proposed