

Amendment 1 - Inclusion of the former Canterbury City Council Lands

Proposal Title : **Amendment 1 - Inclusion of the former Canterbury City Council Lands**

Proposal Summary : **The purpose of the Planning Proposal is to bring land currently zoned under the Canterbury Planning Scheme Ordinance (CPSO) into the draft Hurstville Local Environmental Plan 2012 following a boundary adjustment between Hurstville and Canterbury LGAs.**

PP Number : **PP_2012_HURST_001_00** Dop File No : **12/14921**

Proposal Details

Date Planning Proposal Received :	14-Sep-2012	LGA covered :	Hurstville
Region :	Sydney Region East	RPA :	Hurstville City Council
State Electorate :	LAKEMBA	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street :	0		
Suburb :	Beverly Hills	City :	Sydney
Land Parcel :			Postcode : 2209
Street :	0		
Suburb :	Kingsgrove	City :	Sydney
Land Parcel :			Postcode : 2208

DoP Planning Officer Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro South subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	92	No. of Dwellings (where relevant) :	32
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **The Department is not aware of any meetings or communications with registered lobbyists concerning this Planning Proposal.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The statement of objectives is considered to be adequate.**

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 LEP.

The intended outcome of the Planning Proposal is to amend the following draft LEP 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.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions is considered to be adequate.**

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The objectives of the Planning Proposal will be achieved through an amendment to the draft LEP maps. No changes to the draft LEP Written Instrument are proposed as part of this Planning Proposal.

Council has noted that at the time of preparing this Planning Proposal the draft LEP was still in draft form and being reviewed by Parliamentary Counsel and the Department of Planning and Infrastructure. The changes outlined in the Planning Proposal will only occur following notification of the Hurstville Local Environmental Plan 2012.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.2 Caravan Parks and Manufactured Home Estates

3.3 Home Occupations

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 1—Development Standards

SEPP No 4—Development Without Consent and Miscellaneous Exempt and Complying Development

SEPP No 6—Number of Storeys in a Building

SEPP No 21—Caravan Parks

SEPP No 33—Hazardous and Offensive Development

SEPP No 55—Remediation of Land

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Infrastructure) 2007

SEPP (Major Projects) 2005

SEPP (Temporary Structures and Places of Public Entertainment) 2007

SEPP (Affordable Rental Housing) 2009

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Council has prepared maps. Amendments to the following maps are proposed:

. 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.

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Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

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.

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.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : October 2012

Comments in relation to Principal LEP : The draft LEP was submitted by Council to the Department for review on 18 May 2012. It is anticipated that the draft LEP will be finalised by October 2012.

Assessment Criteria

Need for planning proposal : Need for the Planning Proposal

The Planning Proposal is required in order to facilitate the inclusion of the former Canterbury City Council lands into the draft Hurstville LEP 2012.

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 to proceed with the boundary adjustment for

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land in the vicinity of the M5 East including 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.

Zoning maps:

There are 92 lots located in Beverly Hills and Kingsgrove which will be translated from Canterbury City Council to Hurstville City Council. Currently the land is zoned under the Canterbury Planning Scheme Ordinance (CSPO) with the following zones applying to certain land:

Existing	Proposed under the draft LEP
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	

Lot size, height of building and floor space ratio maps:

The Planning Proposal also seeks to make changes to the lot size, floor space ratio and height of building maps for each of the respective zones in the draft LEP.

Land classification:

Council has noted in the Planning Proposal that it does not propose to reclassify any of the subject public land parcels from “community land” under the provisions 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. Council has confirmed that 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.

It is recommended that the changes proposed by Council to the draft LEP maps be carried out to facilitate the inclusion of the former Canterbury LGA lands within the jurisdiction of Hurstville City Council's planning controls, specifically the draft LEP.

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Consistency with strategic planning framework :

Consistency with strategic planning framework

Metropolitan Plan for Sydney 2036 and the draft South Subregional Strategy

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 draft LEP 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 southwest 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.

Hurstville Community Strategic Plan 2021

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 draft LEP, 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.

Consistency with SEPPs

Council has identified 14 SEPPs applicable to the Planning Proposal. The Planning Proposal is considered consistent with the SEPPs.

Consistency with s.117 Directions

The following s.117 Directions apply to the draft LEP 2011:

- **Business and Industrial Zones**
The draft LEP (Amendment No.1) is consistent with the Direction 1.1 Business and Industrial Zones because it retains the area and location of the existing industrial zoned land.
- **2.1 Environmental Protection Zones**
The draft LEP does not propose to make any changes to the existing protection and conservation of environmentally sensitive areas within the Draft LEP and is consistent with

the direction.

• 2.3 Heritage Conservation

The draft LEP does not propose to make any amendments to the heritage provisions contained within the Schedule 5 – Environmental Heritage nor the associated heritage mapping. It is considered that this Planning Proposal is consistent with Direction 2.3 Heritage Conservation.

• 3.1 Residential Zones

The Planning Proposal contains residential zoned land, and the Planning Proposal retains the low density residential zone as contained within the CPSO. It is proposed to zone the residential land R2 Low Density Residential Zone under the HLEP 2012. There is no proposed increase or decrease in the residential development potential of the land and the provisions of the draft LEP will apply to all of the residential zoned land. It is considered that the planning proposal is consistent with Direction 3.1 Residential Zones.

• 3.2 Caravan Parks and Manufactured Home Estates

As the draft LEP does not include Caravan Parks or Manufactured Home estates as permissible in any of the proposed zones the Planning Proposal is consistent with Direction 3.2.

• 3.3 Home Occupation

The draft LEP permits Home Occupation without consent in all zones that permit dwelling houses. The Planning Proposal does not propose to alter these provisions. Therefore the Planning Proposal is consistent with Direction 3.3 Home Occupations.

• 6.1 Approval and Referral Requirements

The Planning Proposal does not include additional Local Provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority and is therefore consistent with Direction No. 6.1.

• 6.2 Reserving Land for Public Purposes

The Planning Proposal is consistent with the objectives of the Direction in that:

-The Planning Proposal has not created, altered or reduced existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director General of the Department of Planning. The M5 East is located within the land subject to draft HLEP 2012 (Amendment No.1) and the RTA has been consulted on the alignment of the SP2 Infrastructure Zone land.

-There have been no requests to reserve land for a public purpose as part of the Planning Proposal.

-There have been no requests to include provisions in the Planning Proposal relating to the use of any land reserved for a public purpose before that land is acquired.

-There have been no requests to include provisions in the Planning Proposal to rezone and/or remove a reservation of any land that is reserved for public purposes.

• Implementation of the Metropolitan Plan for Sydney 2036

The Planning Proposal is considered consistent with the Metropolitan Plan for Sydney 2036 for the following reasons:

- The Planning Proposal implements the objectives and controls of the draft LEP which will provide a full range of residential development throughout the LGA by allowing all housing types in the R2 Low Density Residential zone.

- A number of clauses in the draft LEP ensure that amenity, urban design and best practice environmental design are considered in all clauses.

- The draft LEP proposes to retain the open space south of the M5 East.

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Environmental social
economic impacts :

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.

No social or economic impacts are anticipated as a result of the Planning Proposal. The Planning Proposal will facilitate the inclusion of the former Canterbury LGA lands within the jurisdiction of Hurstville City Council's planning controls therefore making it easier for residents, developers and other stakeholders as they will be able to refer to the same LEP maps as the rest of the Hurstville LGA.

Conclusion:

The Planning Proposal is considered to have merit. However, it is acknowledged that there will be a large number of sites changing from the CPSO to the draft LEP controls. As such, it is recommended that the community consultation period be carried out for a period of at least 28 days.

The RMS have been consulted in the preparation of the land zoning maps associated with this Planning Proposal and provided comment to Council. As such, it is recommended that the RMS be further consulted during the public exhibition period to ensure its interests are considered.

Assessment Process

Proposal type : **Routine** Community Consultation **28 Days**
Period :

Timeframe to make **9 Month** Delegation : **DG**
LEP :

Public Authority
Consultation - 56(2)(d)
:

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **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.

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

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Document File Name	DocumentType Name	Is Public
Cover Letter to Department of Planning and Infrastructure - Planning Proposal.pdf	Proposal Covering Letter	No
Hurstville City Council Planning Proposal - Former Canterbury LGA Lands.pdf	Proposal	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

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

Additional Information :

It is recommended that the Planning Proposal proceed subject to the following conditions:

- 1. The Planning Proposal is exhibited for 28 days
- 2. The Planning Proposal should be completed within 9 months
- 3. The Planning Proposal is considered to be consistent with the Section 117 Directions and Council does not need to address these Directions further
- 4. As part of the public exhibition period, consultation with the Roads and Maritime Services should be carried out
- 5. No further studies are required to be carried out.

Supporting Reasons :

The Planning Proposal is the first proposal to amend the draft Hurstville Local Environmental Plan 2012. It aims to facilitate the inclusion of the former Canterbury LGA lands within the jurisdiction of Hurstville City Council's planning controls, specifically the draft LEP.

The intended outcome of the Planning Proposal is to amend the draft LEP 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.

The proposed mapping changes are a translation of the existing controls from the CPSO into the draft LEP. The changes to the maps will add to the consistency of the plan, specifically the maps, making it easier for residents, developers and other stakeholders in the Hurstville LGA to reference the same planning controls.

Signature: 

Printed Name: MARGARET KIRTTON Date: 27 SEPT 2012

