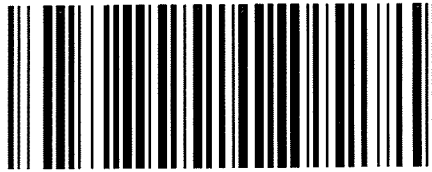


City of Canterbury

City of Cultural Diversity

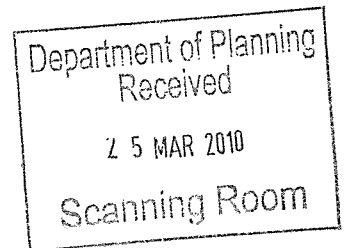
Our Reference: T-29-142



PCU003790

Enquiries: Allan Shooter
Direct Phone: 9789 9364
Direct Fax: 9789 1542

Mr Michael File
Acting Regional Planning Coordinator
Sydney Region East
Department of Planning
GPO Box 39
SYDNEY NSW 2000



Dear Mr File

Planning Proposal for various land parcels in the vicinity of Wolli Creek, Earlwood

I am writing to you to advise that on 24 September 2009 and 11 February 2010, Council resolved to initiate the making of a local environmental plan involving various land parcels in the vicinity of Wolli Creek, Earlwood.

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

The intention of the Planning Proposal is to remove a redundant County Road Reservation that exists over land in the vicinity of Wolli Creek, Earlwood, and to introduce appropriate replacement zones. It is also proposed to designate the boundaries of the proposed Wolli Creek Regional Park in this area to prevent inappropriate development occurring on this land.

If implemented the proposed future zonings will facilitate divestment of surplus State Government land and remove community uncertainty concerning the redundant County Road Reservation.

If you require any further assistance relating to the Planning Proposal please contact our Senior Urban Planner Allan Shooter on 9789 9364.

Yours sincerely

Warren Farleigh

TEAM LEADER - URBAN PLANNING

19 March 2010

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Canterbury City Council, Administration Centre 137 Beamish Street • PO Box 77 Campsie NSW 2194
When writing to Council please address your letter to the GENERAL MANAGER, MR JIM MONTAGUE

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

email:council@canterbury.nsw.gov.au website:www.canterbury.nsw.gov.au

ABN: 55 150 306 339

Planning Proposal

LOCAL GOVERNMENT AREA: Canterbury

ADDRESS OF LAND: Various land parcels in the vicinity of Wolli Creek, Earlwood.

MAPS:

- Location map showing the land affected by the proposed draft plan in the context of the LGA (tagged 'Location Map')
- **Existing zoning** map showing the existing zoning of the land and surrounding land and **proposed zoning** change for the land (tagged 'Comparative existing/proposed zoning')
- Map showing Acid Sulfate Soils (tagged 'Acid Sulfate Soils')
- Map showing Flood Prone Land (tagged 'Flood Prone Land')

PHOTOS and other visual material:

- Aerial photos of land affected by the proposed draft plan

Part 1: OBJECTIVES OR INTENDED OUTCOMES OF PROPOSED LEP:

- To remove the redundant County Road Reservation that exists over privately owned and Government Agency land in the vicinity of Wolli Creek, Earlwood, and to introduce appropriate replacement zones.
- To designate the boundaries of the proposed Wolli Creek Regional Park in this area and to prevent inappropriate development occurring on land.
- To facilitate the divestment of surplus Government Agency land not required for the proposed Wolli Creek Regional Park
- To remove uncertainty for affected private land owners and for the general community about the status of the abandoned Reservation

Part 2: EXPLANATION OF THE PROVISIONS OF PROPOSED LEP:

The proposed LEP will include the following provisions:

- Amendment of the Canterbury Planning Scheme Ordinance (CPSO) land use zoning map in accordance with the proposed zoning map shown at Attachment 1
- Amendment of the Canterbury Planning Scheme Ordinance written instrument by introduction of a new zone 8 - National Parks and Nature Reserves, and inclusion of acquisition provisions

Part 3: JUSTIFICATION OF OBJECTIVES, OUTCOMES AND PROVISIONS AND PROCESSES FOR THEIR IMPLEMENTATION

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report	The future of subject land and the general Wolli Creek area has been the subject of much consideration since the abandonment of the M5 Road Reservation east of Bexley Road in 1998. The main issues have been the need to consider the creation of the Wolli Creek Regional Park to capitalise on the recreational, natural and environmental qualities of this area, and to develop replacement zones for the remaining lands not required for the Regional Park. In response to this an informal working group comprising representatives from the Office of Strategic Lands (OSL), National Parks and Wildlife Service (NPWS), Roads and Traffic Authority (RTA), and Council has been set up. This group has since defined the nearly all of the boundaries of the proposed Regional Park. The members of this group are in agreement with the need for this LEP to prevent inappropriate development on privately owned land not yet acquired for the Regional Park. There is agreement as well about the replacement zones for the remainder of the land involved as covered by this LEP. Council had intended to prepare an LEP for the whole of the Wolli Creek Regional Park and all of the lands affected by the now redundant Reservation. However this has not been possible because of longstanding unresolved land use issues amongst State Government authorities. This proposal however captures the bulk of surplus lands affected by the Reservation as well as the parts of the proposed Regional Park under potential development threat.
2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	The rezoning of lands affected by the County Road Reservation is the best way to achieve the outcomes Council is seeking. No other alternative is possible to replace the existing reservation apart from statutory means. This is because the County Road Reservation is not restrictive in the uses it allows, subject to the purpose of the Reservation not being able to be carried out within a reasonable time. As the purpose of the Reservation is now abandoned, it means that all uses are now technically permissible. To ensure there is not the possibility of inappropriate land uses occurring within this area it is proposed to rezone the Reservation and replace it with more appropriate specific zonings. As well the proposed Wolli Creek park is of regional significance and it would be highly inappropriate to see other uses permitted on privately owned land that has been identified as being necessary for this park. It is proposed to identify this land and make it subject to acquisition provisions.

3. Is there a net community benefit?	Yes. The proposal will clearly result in a number of tangible community benefits including: • Replacement of a redundant County Road Reservation with appropriate zones including designation of the Wolli Creek Regional Park. • Prevention of inappropriate development occurring on land designated for the proposed Wolli Creek Regional Park • Facilitation of the divestment of surplus Government Agency land • Removal of uncertainty for affected private land owners and for the general community about the status of the abandoned Reservation There are no known disbenefits arising from the proposal.
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Section B – Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?	The planning proposal is consistent with the objectives and actions contained within the Sydney Metropolitan Strategy and draft South Subregional Strategy. It meets the following objectives and actions within the Sydney Metropolitan Strategy: <i>C1.3.1 Provide 60-70 per cent of new housing in existing urban areas</i> <i>E.2.2 Protect Sydney's unique diversity of plants and animals</i> <i>E2.5.1 Avoid land use conflicts through early strategic planning</i> <i>F2.2 Investigate future options for open space provision and management</i> Within the draft South Subregional Strategy it meets the following specific action: <i>E3.5.1 The NSW Government and South Councils to protect regional significant open space, bushland and foreshore reserves to ensure continued contribution to the recreational and scenic amenity of the subregion.</i> In Actions SD F1.2.2 and SD F1.2.3 the recreational value of Wolli Creek Regional Park is also specifically recognised.
5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?	Yes. It helps achieve the goals in our City Strategic Plan 2008-2017 of Sustainable Urban Development and Healthy Natural Environment.
6. Is the planning proposal consistent with applicable state environmental planning policies?	Yes. The proposal is not inconsistent with any SEPPs.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?	The following Section 117 Directions are applicable to this proposal: 3.1 Residential Zones The proposal is considered to be generally consistent with this Direction. A Residential 2(a) replacement zone is proposed for land not required for the Wolli Creek Regional Park or for other purposes. The surrounding Residential land is zoned 2(a), and it is proposed that the newly rezoned land will match this zoning. The Government authorities who hold surplus land in the area, the Office of Strategic Lands, Roads and Traffic Authority, and the Land and Property Management Authority, do not object to the proposed zoning. 3.4 Integrating Land Use and Transport The proposal is generally consistent with this Direction and the documents <i>The Right Place for Business and Services</i>, and <i>Improving Transport Choice</i>. The land proposed to be zoned residential will allow low density uses only. It is not located near a centre. Most of the land is greater than 800 metres walking distance from a railway station, and all is more than 400 metres from a bus route. As such the land is not well located to accommodate higher density residential housing. 4.1 Acid Sulfate Soils The subject land is in an area that has Class 1, Class 2 and Class 5 Acid Sulfate Soils. This is shown on the attached maps. Most of the land proposed to be rezoned is within the County Road Proposed Reservation. This Reservation allows for a wide variety of uses, including Residential, and it is considered that the proposed uses will not result in any intensification of land use. As such it is considered to be consistent with this Section 117 Direction. Other land is proposed to be rezoned to the National Parks and Nature Reserves zone from other zonings. This is also considered to be consistent with this Section 117 Direction as there will be no intensification of land use. 4.3 Flood Prone Land Part of the proposal area contains land that is flood prone. This is shown on the attached maps.
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	Most of this land is contained within the proposed National Parks and Nature Reserves zone. This is considered to be consistent with this Section 117 Direction as there will be no intensification of land use. Some small sections of the proposed residential zoned land are also flood affected, at the fringes of the flood prone area. All of the parcels involved are only partly affected, with the majority of the parcel not affected and capable of accommodating a dwelling house on the non flood affected part of the land. It is considered that because of this the impact of any development in relation to flooding is not significant and this inconsistency therefore justified. 6.2 Reserving Land for Public Purposes The Office of Strategic Lands has agreed to acquire any privately owned land within the proposed National Parks and Nature Reserves zone. As such the proposal is consistent with this aspect of the direction. The land at 48 Hocking Avenue, Earlwood is currently zoned 6(a) Public Open Space. It is owned by the Land and Property Management Authority (LPMA), who have requested that it be rezoned for residential purposes. The City of Canterbury, who is the acquisition authority, no longer has any interest in this land as open space. There is already existing local open space within 100 metres of the land. The land was initially to be incorporated into the proposed Regional Park. However the NPWS have concluded that the land is not suitable for this purpose and are supportive of its rezoning to Residential 2(a). 7.1 Implementation of the Metropolitan Strategy The proposal is consistent with the Metropolitan Strategy. See comment on this in Section 4 above.
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Section C - Environmental, social and economic impact.

8. 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. The proposal will in fact have a positive impact on the ecology of the local area. Critical habitat and threatened species, populations or ecological communities, will be protected through the creation of the regional park.
9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	No.
10. How has the planning proposal adequately addressed any social and economic effects?	There are no known adverse social or economic impacts arising from this proposal.

Section D - State and Commonwealth interests.

11. Is there adequate public infrastructure for the planning proposal?	The proposal will not result in an intensification of the existing development potential of the area. Land under the existing County Road Reservation can already be developed for residential purposes under the existing Planning Scheme provisions.
12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?	The Office of Strategic Lands, Roads and Traffic Authority, Land and Property Management Authority and National Parks and Wildlife Service are all supportive of the proposal. Sydney Water has been consulted about future land uses zonings for its land holdings. The proposed zoning of Sydney Water land in Unwin Street is in accordance with its suggested land use zonings.

Part 4 – COMMUNITY CONSULTATION

The following level of community consultation is proposed:

- 4 week exhibition period
- Notification in the Council Column which is published in the local newspaper circulating in the area of the subject land
- Written notification to all affected land owners and adjoining properties
- Written notification to the adjoining local government authority (Rockdale) and relevant State Government agencies