

Planning Proposal

Amendment to Canterbury Local Environment Plan 2012

Various Sites

Reclassification of Land from Community to Operational

Submitted to Canterbury City Council
On Behalf of Canterbury City Council

May 2016 ■ 16169

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This report has been prepared by:



Frances Mehrtens

18/05/2016

This report has been reviewed by:



Yvette Carr

18/05/2016

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1.0 Introduction

This report has been prepared by JBA on behalf of Canterbury City Council ('the Council') in support of a Planning Proposal to reclassify seven (7) Council-owned drainage-reserves from community land to operational land. This Planning Proposal proposes to amend Schedule 4 of the *Canterbury Local Environmental Plan 2012* ('Canterbury LEP') as shown in **Table 1**.

Table 1 – Subject sites and proposed classification

No.	Site	Legal description	Site area	Current Classification	Proposed Classification	Current Zoning
1	13A Denman Avenue, Wiley Park	Lot 106 DP 6480	117m ²	Community	Operational	R4 High Density Residential
2	71A Denman Avenue, Wiley Park	Lot 107 DP6480	128m ²	Community	Operational	R4 High Density Residential
3	61A Beauchamp Street, Wiley Park	Lot 35 DP10980	201m ²	Community	Operational	R3 Medium Density Residential
4	66A Beauchamp Street, Wiley Park	Lot 36 DP10980	265m ²	Community	Operational	R3 Medium Density Residential
5	1a Calbina Road, Earlwood	Lot 110 DP 10987	1300m ²	Community	Operational	R3 Medium Density Residential
6	13a Ryrie Road, Earlwood	Lot 111 DP10987	873m ²	Community	Operational	R3 Medium Density Residential
7	44a Cornelia Street, Wiley Park	Lot 170 DP7298	143m ²	Community	Operational	R3 Medium Density Residential

This Planning Proposal has been prepared following Council's adoption of its Property Portfolio Policy on 23 May 2013 and an initial review by Council of its property and asset portfolio. As a result of that review, the above sites, which are all affected by stormwater drainage reserves, were identified as being surplus to Council's needs and requiring reclassification to operational land so that the prohibition on the land may be lifted to allow Council to deal with the land. The Council Report dated 25 June 2015 (refer to **Appendix B**) states that the land identified in the report (Sites 1- 4) is not considered capable of or suitable for an alternative public use as the sites have relatively small areas and frontages, are awkwardly shaped and do not adjoin properties identified by Council for acquisition to serve public purposes. This description can also be applied to Sites 5 – 7, which are the subject of the Council Report dated 27 November 2014 (refer to **Appendix B**). It is understood that after reclassification Council will retain access to the existing stormwater infrastructure underground and investigate the possibility to sell, lease or license the sites to adjoining owners.

This Planning Proposal has been prepared in accordance with section 55 of the EP&A Act, 'A guide to preparing planning proposals' (October 2012) prepared by the former Department of Planning and Infrastructure, and *Practice Note – Classification of Public Land PN 09-033*. In preparing this Planning Proposal we have relied on information provided by the Council including title documents and the information required by the Practice Note.

1.1 Statutory Background - Reclassification

Under Part 2 of the *Local Government Act 1993*, all public land vested in a council (except a road or land to which the *Crown Lands Act 1989* applies) must be classified as either 'community land' or 'operational land' (section 26). Land may be classified or reclassified either through an LEP (section 27(1)) or by resolution of council in certain limited circumstances (section 27(2)).

The purpose of classification is to identify land which should be kept for use by the general public (community) and land which need not (operational). The major consequence of classification is that it determines the ease or difficulty with which land may be divested by sale, leasing or some other means.

Classification of community land reflects the importance of the land to the community because of its use or special features. Generally, it is land intended for public access and use, or where other restrictions applying to the land create some obligation to maintain public access (such as a trust deed, or dedication under section 94 of the EP&A Act).

Community land:

- Cannot be sold (except in limited circumstances referred to in section 45(4));
- Cannot be leased, licensed or any other estate granted over the land for more than 21 years, and may only be leased or licensed for more than 5 years if public notice of the proposed lease or license is given;
- Must have a plan of management prepared for it. Until a plan of management is adopted, the nature and use of the land must not change.

No such restrictions apply to operational land.

2.0 The Sites

This chapter of the report identifies the sites to which the Planning Proposal relates. Details regarding the date each parcel was acquired and the reason for acquisition are provided in the property information sheets at **Appendix A**.

2.1 Site 1: 13A Denman Avenue, Wiley Park

The site is legally described as Lot 106 DP 6480. It has a site area of approximately 123.8m² (according to Council reports attached at **Appendix B**) and is rectangular in shape (refer to **Figure 1**). Viewed from the street and aerial images, it can be seen that the land is vegetated with a number of mature trees and is currently used as parking (refer to **Figures 2 - 3**).

The site is located on Denman Avenue within a residential area. Surrounding residential dwellings are two storey residential flat buildings (refer to **Figure 4**). Wiley Park Public School is located opposite the site.

Council reports state that the site is a Council-owned drainage reserve that has been identified as surplus to Council needs and is capable of being sold, leased or licensed to adjoining owners.

The site is currently classified as community land and is zoned R4 High Density Residential under the Canterbury LEP.



 The Site

Figure 1 – 13A Denman Avenue aerial



Figure 2 – 13A Denman Avenue as viewed from the street



Figure 3 – 13A Denman Avenue in context



Figure 4 – Development typical of the surrounding area

2.2 Site 2: 71A Denman Avenue, Wiley Park

The site is legally described as Lot 107 DP 6480. It has a site area of 122.7m² (according to Council reports) and is rectangular (refer to **Figure 5**). Viewed from the street and aerial images, the land is grassed and also accommodates a bin storage area for the adjoining residential flat building (refer to **Figure 6**).

The site is located in a residential area and Canterbury Road is approximately 100 metres to the south. Surrounding residential development on Denman Avenue is predominantly two to three storey residential flat buildings (refer to **Figure 7**).

The site is currently classified as community land and is zoned R4 High Density Residential under the Canterbury LEP.

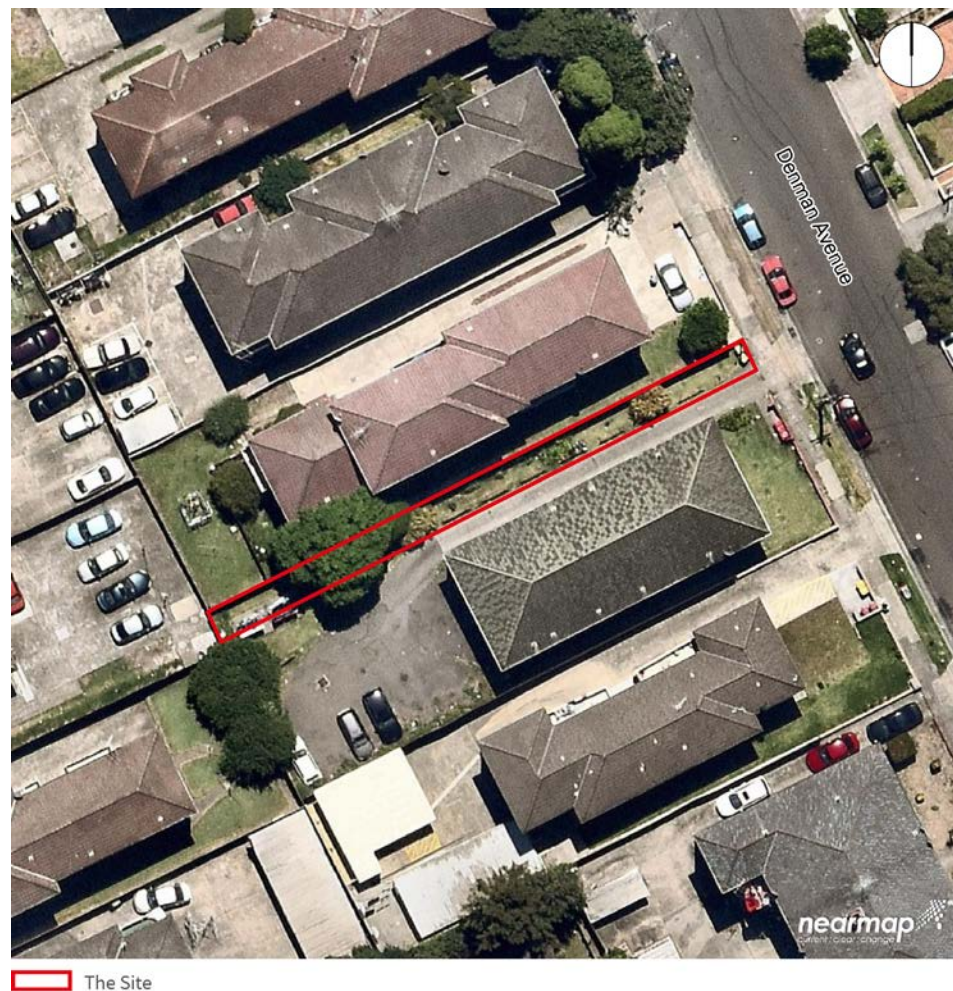


Figure 5 – 71A Denman Avenue aerial



Figure 6 – 71A Denman Avenue as viewed from the street



Figure 7 – 71A Denman Avenue and surrounding context

2.3 Site 3: 61A Beauchamp Street, Wiley Park

The site is legally described as Lot 35 DP 10980. It has a site area of approximately 206.65m² (according to Council reports at **Appendix B**) and is rectangular (refer to **Figure 8**). Without entering private property, it is possible to see from the street and aerial images that the site is generally cleared and accommodates two fences associated with the adjoining residential property as well as part of a garage (refer to **Figure 8 - 9**). When JBA carried out a site visit it is also noted that there was a car parked on the land (refer to **Figure 9**)

The site is located in a residential area characterised by one storey detached residential dwellings (refer to **Figure 10**) and is approximately 160 metres from Canterbury Road to the south.

The site is currently classified as community land and is zoned R3 Medium Density Residential under the Canterbury LEP.



 The Site

Figure 8 – 61A Beauchamp Street aerial



Figure 9 – 61A Beauchamp Street as viewed from the street



Figure 10 – Adjoining residential development typical of the surrounding context

2.4 Site 4: 66A Beauchamp Street, Wiley Park

The site is legally described as Lot 36 DP 10980. It has a site area of 255.96m² (according to Council reports at **Appendix B**) and is rectangular in shape (refer to **Figure 11**). The site may be accessed from Beauchamp Street or Campaspe Avenue. The access at Campaspe Avenue is fenced and the land cannot be viewed from the street. The land is grassed and accommodates a number of garden plants, as well as a fence associated with the adjoining residential property (**Figure 12**).

The site is located in a residential area characterised by one storey detached residential dwellings (refer to **Figure 13**) and is approximately 175 metres from Canterbury Road to the south. The site is located directly across the road from Site 3, 61A Beauchamp Street.

The site is currently classified as community land and is zoned R3 Medium Density Residential under the Canterbury LEP.



Figure 11 – 66A Beauchamp Street aerial



Figure 12 – 66A Beauchamp Street viewed from the street



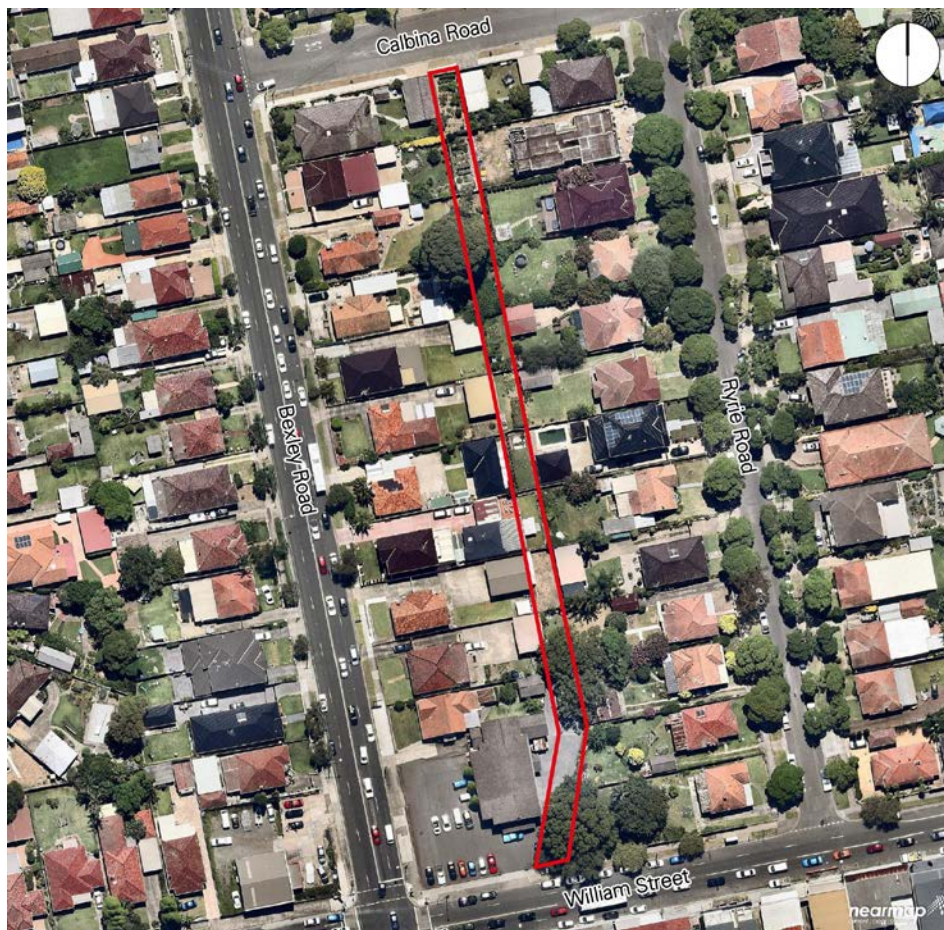
Figure 13 – Adjoining development typical of the surrounding context

2.5 Site 5: 1a Calbina Road, Earlwood

The site is legally described as Lot 110 DP 10987. It has a site area of 1300m² (according to Council reports at **Appendix B**) and is generally rectangular (refer to **Figure 14**). The land is not visible from the street due to fences that have been erected associated with adjoining residential properties (refer to **Figure 15**). A satellite image from SIXmaps shows that the site is generally grassed and forms part of gardens of residential properties (refer to **Figure 14**). At the south-eastern end of the site, it appears to have been covered in bitumen for use as a car park associated with St Bernadette's Catholic Church on the corner of Bexley Road and William Street (refer to **Figure 16**).

The site adjoins 13 parcels of private land and is located within a predominantly low density residential area characterised by one to two storey detached residential dwellings and garages where the site adjoins the street. The site adjoins William Street at the southern end and runs parallel to Bexley Road, which is approximately 50 metres west of the site.

The site is currently classified as community land and is zoned R3 Medium Density Residential under the Canterbury LEP.



The Site

Figure 14 – 1a Calbina Road aerial



Figure 15 – 1a Calbina Road viewed from Calbina Road



Figure 16 – 1a Calbina Street as viewed from William Street access
Source: Google Maps

2.6 Site 6: 13A Ryrie Road, Earlwood

The site is legally described as Lot 111 DP 10987. It has a site area of 1300m² (according to Council reports at **Appendix B**) and forms an L-shape, fronting Ryrie Road and then running parallel to Ryrie Road up to Calbina Road (refer to **Figure 17**). The land viewed from Ryrie Road forms part of a garden associated with the adjoining residential property (refer to **Figure 18**) and inspection of a satellite image shows that areas not visible from the street also comprise parts of gardens.

The site adjoins 14 parcels of land and is located within a low density residential area comprised of one to two storey detached residential dwellings. The site adjoins Calbina Road at the southern end (refer to **Figure 19**) and runs parallel to Bexley Road, which is approximately 60 metres from the site.

The site is currently classified as community land and is zoned R3 Medium Density Residential under the Canterbury LEP.



Figure 17 – 13A Ryrie Road aerial



Figure 18 – 13A Ryrie Road as viewed from the street



Figure 19 – Typical development at the site boundary on Calbina Road

2.7 Site 7: 44A Cornelia Street, Wiley Park

The site is legally described as Lot 170 DP 7298. It has a site area of 102.2m² (according to Council reports at **Appendix B**) and is rectangular (refer to **Figure 20**). The land has been sealed and is used as a driveway for the adjoining residential dwelling and secondary dwelling at 44 Cornelia Street (refer to **Figure 21**). The title search provided by Council notes that there is an easement affecting the site.

The site is located within a residential area comprised of a mixture of one to two storey detached residential dwellings and two storey residential flat buildings (refer to **Figure 22**). The site adjoins a stormwater drainage channel which runs parallel to Cornelia Avenue between Punchbowl Road and Urunga Parade.

The site is currently classified as community land and is zoned R3 Medium Density Residential under the Canterbury LEP.

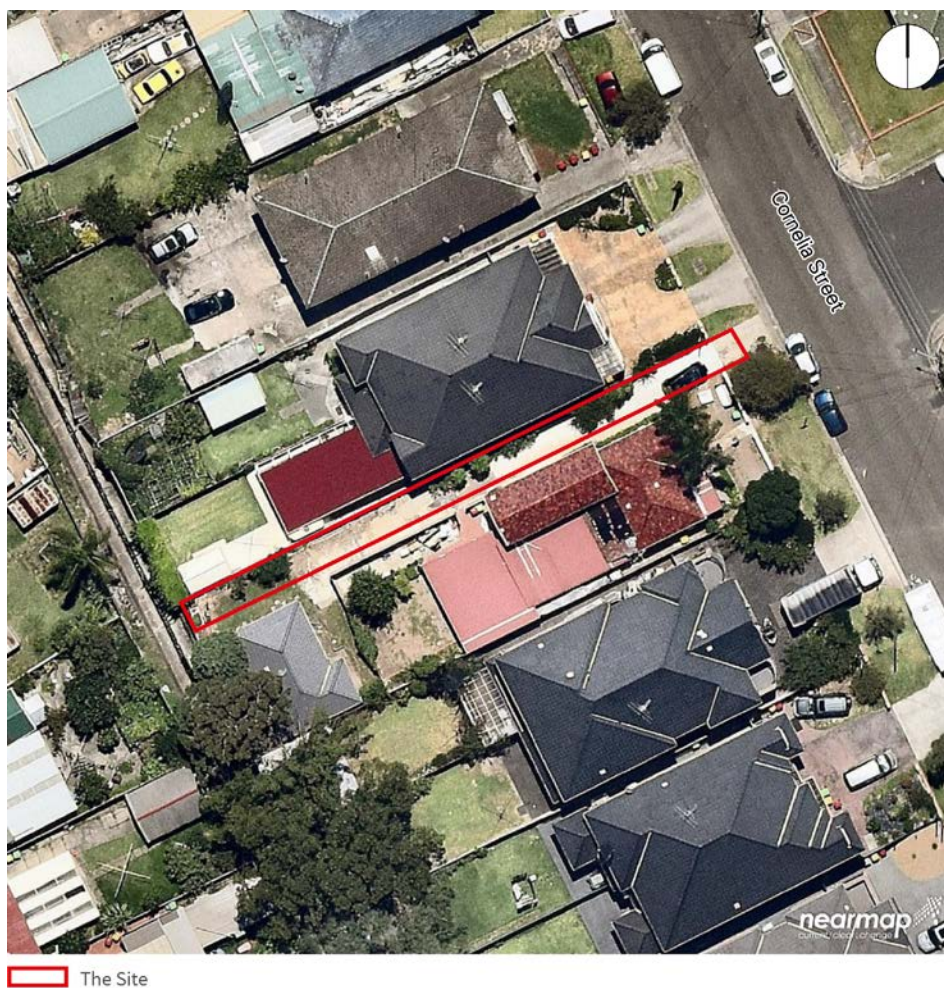


Figure 20 – 44A Cornelia Street aerial



Figure 21 – 44a Cornelia Street viewed from the street
Source: Google Maps



Figure 22 – Typical surrounding development on corner of Cornelia Street and Edna Street
Source: Google Maps

3.0 The Planning Proposal

This Planning Proposal has been prepared in accordance with section 55 of the EP&A Act and '*A guide to preparing planning proposals*' (October 2012) prepared by the former Department of Planning and Infrastructure, which requires the following matters to be addressed:

- Objectives and intended outcomes of the amendment to the LEP;
- Explanation of provisions;
- Justification;
- Relationship to strategic planning framework;
- Environmental, social and economic impact;
- State and Commonwealth interests; and
- Community consultation.

The first two matters are addressed in this chapter of the report, while the remaining matters are addressed in the next chapter.

3.1 Objectives and Intended Outcomes

The objective of this Planning Proposal is to enable Canterbury City Council to commence the process of reclassifying seven (7) parcels of land within the Canterbury LGA. Reclassification of the existing drainage reserves from community to operational will enable the subject sites to be legally sold, leased or licensed to an adjoining owner in the future.

On 23 May 2013, Council adopted the Strategic Property Portfolio Plan and Property Portfolio Policy. The Property Portfolio Policy, attached at **Appendix B**, relevantly required Council to:

- Review its property portfolio to determine the usefulness of each asset in performing its intended Council or public function;
- Identify inefficient or inappropriate assets and develop an asset plan for each; and
- Implement measures to improve underperforming assets where identified and where possible.

In accordance with that Policy, a review was undertaken of some of Council's properties with the intention of determining their civic usefulness and identifying surplus properties that have the potential to be sold or licensed. The review found that the seven (7) properties which are the subject of this Planning Proposal were surplus to Council's needs. **Table 2** sets out the specific reasons for seeking to reclassify each site.

Table 2 – Site-Specific Reasons for Reclassification

Site	Reasons for Selection
Site 1: 13A Denman Avenue, Wiley Park	The site is presently used by the adjoining residential flat building at 13 Denman Avenue as landscaped area and car parking. Reclassification of the land to operational would allow the site to be legally sold, leased or licensed to the adjoining owner.
Site 2: 71A Denman Avenue, Wiley Park	The site is presently used by the adjoining residential flat building at 71 Denman Avenue as landscaped area and bin storage. Reclassification of the land to operational would allow the site to be legally sold, leased or licensed to the adjoining owner.
Site 3: 61A Beauchamp Street, Wiley Park	The site is presently used by the adjoining residential dwelling at 63 Beauchamp Street as part of the garden. Reclassification of the land to operational would allow the site to be legally sold, leased or licensed to the adjoining owner.
Site 4: 66A Beauchamp Street, Wiley Park	The site is presently used by the adjoining residential dwelling at 68 Beauchamp Street as part of the garden. Reclassification of the land to operational would allow the site to be legally sold, leased or licensed to the adjoining owner.
Site 5: 1a Calbina Road, Earlwood	A number of the 13 property owners who adjoin the site have already enclosed their property around Council land. Reclassification of the land to operational would allow the site to be legally sold, leased or licensed to the adjoining owners.
Site 6: 13A Ryrie Road, Earlwood	A number of the 14 property owners who adjoin the site have already enclosed their property around Council land. Reclassification of the land to operational would allow the site to be legally sold, leased or licensed to the adjoining owners.
Site 7: 44A Cornelia Street, Wiley Park	The site is presently used a driveway by the adjoining owner at 44 Cornelia Street. Reclassification of the land to operational would allow the site to be legally sold, leased or licensed to the adjoining owners.

3.2 Explanation of Provisions

3.2.1 Reclassification

The proposed outcome will be achieved by amending Schedule 4 of the Canterbury LEP (refer to **Appendix C**). Schedule 4 identifies land that is to be classified or reclassified as either 'community land' or 'operational land'. Schedule 4 is divided into three parts as follows:

- Part 1: identifies land being classified or reclassified as 'operational' where the trusts, estates, interest, dedications, conditions, restrictions and covenants will remain on title after classification/reclassification –i.e. where no interests will change.
- Part 2: identifies land being classified or reclassified as 'operational' where some (but not all) of the trusts, estates, interests, dedications, conditions, restrictions, or covenants over the land will remain after classification/reclassification. The interests to remain are identified in column 3 of this part of the schedule.
- Part 3: identifies land being classified or reclassified as 'community' land.

This Planning Proposal proposes to list all of the sites to be reclassified in Part 2 of Schedule 4. **Table 3** below outlines the interests to remain and to be removed from each title.

Table 3 – Interests to remain on title / to be removed from title

Site	Interests to Remain (to list in Part 2 of Schedule 4)	Interests to be Removed
Site 1: 13A Denman Avenue, Wiley Park	Reservations and conditions in the Crown Grants(s)	The land above described are drainage reserves as shown in DPs 6480, 10742, 10980 & 456881
Site 2: 71A Denman Avenue, Wiley Park	Reservations and conditions in the Crown Grants(s)	The land above described are drainage reserves as shown in DPs 6480, 10742, 10980 & 456881
Site 3: 61A Beauchamp Street, Wiley Park	Reservations and conditions in the Crown Grant(s)	The land above described are drainage reserves as shown in DPs 6480, 10742, 10980 & 456881
Site 4: 66A Beauchamp Street, Wiley Park	Reservations and conditions in the Crown Grants(s)	The land above described are drainage reserves as shown in DPs 6480, 10742, 10980 & 456881
Site 5: 1a Calbina Road, Earlwood	Reservations and conditions in the Crown Grant(s)	Land is dedicated as a drainage reserve.
Site 6: 13A Ryrie Road, Earlwood	Reservations and conditions in the Crown Grants(s)	Land is dedicated as a drainage reserve.
Site 7: 44A Cornelia Street, Wiley Park	Reservation and conditions in the Crown Grant(s) C497250 Easement more fully set out in C487250 affecting the land above described	Land is dedicated as a drainage reserve.

3.3 Mapping

This Planning Proposal will not amend Canterbury LEP maps.

4.0 Justification

The following section includes an assessment against the requirements in *A guide to preparing local environmental plans* (April 2013) and *A guide to preparing planning proposals* (October 2012) published by the former Department of Planning and Infrastructure.

4.1 Need for the Planning Proposal

4.1.1 Q1 – Is the Planning Proposal a result of any strategic study or report?

Yes. On 23 May 2013, Council adopted the Strategic Property Portfolio Plan and Property Portfolio Policy. The Property Portfolio Policy relevantly requires Council to:

- Review its property portfolio to determine the usefulness of each asset in performing its intended Council or public function;
- Identify inefficient or inappropriate assets and develop an asset plan for each; and
- Implement measures to improve underperforming assets where identified and where possible.

In accordance with that Policy, a review was undertaken of some of Council's properties with the intention of identifying surplus properties that require reclassification from community to operational so that Council may legally sell, lease or license the land to adjoining owners. Refer to **Appendix B** for further detail.

4.1.2 Q2 – Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. Preparation of a Planning Proposal is the only way to achieve the objectives or intended outcomes as it will reclassify the land through one LEP amendment, thereby reducing complexity and confusion.

Reclassification

As explained in section 1.2 of this report, there are two ways to reclassify land from community to operational under the *Local Government Act 1993*:

1. Through an LEP (section 27(1)); or
2. By resolution of council in certain limited circumstances (section 27(2)). This only applies where the land was acquired by council after 1 July 1993 (section 31) or where the land was dedicated under section 94 of the EP&A Act (section 32). Neither of these circumstances applies to the seven (7) sites, therefore an LEP amendment is required.

4.2 Relationship to the Strategic Planning Framework

4.2.1 Q3 – Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes.

A Plan for Growing Sydney

A Plan for Growing Sydney (the ‘metropolitan plan’) is the current strategic plan for the Sydney metropolitan area and has been the guiding document for development and growth since its publication in 2014.

The metropolitan plan places a strong emphasis on accelerating housing supply and achieving efficient use of existing urban areas that are located close to infrastructure and services, as well as fostering a sustainable and resilient environment. The reclassification of the subject sites is important to promote the orderly and economic use and development of land, consistent with the objects of the EP&A Act, and it is not considered that the proposal will prevent the achievement of goals outlined in the metropolitan plan. The proposed reclassification may also allow orderly redevelopment to medium or high density residential zoning (as per current zoning), which is clearly precluded by ‘community’ classification. In this way, redevelopment consistent with the zoning will be possible and will prevent any potential future site isolation.

South Subregion Priorities

In accordance with *A Plan for Growing Sydney*, the Department of Planning and Environment has released priorities for the South Subregion (which includes Canterbury) prior to the release of the South Subregional Plan. These priorities focus on:

- fostering a competitive economy;
- accelerating housing supply, choice and building great places to live; and
- protecting the natural environment and promoting its sustainability and resilience.

Due to the small size and number of the sites, it is considered that this planning proposal will have minimal impact on the ability of the Canterbury LGA to achieve these goals, however reclassification may assist with the acceleration of housing supply as removal of the ‘community’ classification may allow the sites to be redeveloped consistent with their medium or high density residential zoning.

South Subregion Draft Subregional Strategy 2007

It is understood that as part of *A Plan for Growing Sydney*, the Department of Planning and Environment is currently preparing new subregional plans. Until those plans are released, the *South Subregion Draft Subregional Strategy 2007* (the Draft Strategy) remains the guiding strategy, which was formulated under the former metropolitan plan (2007) for Sydney.

The Draft Strategy, which covers LGAs of Hurstville, Rockdale, Sutherland, Marrickville, Kogarah and Canterbury, 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. Canterbury LGA is expected to deliver 7,100 (or 20%) of the 35,000 of the subregion's projected dwellings by 2031. This proportion is the second largest expected of Councils within the subregion.

The Draft Strategy also recognises that Canterbury's built environment is characterised by a high quantity of residential land consisting of predominantly single detached housing.

Due to the small number, size and configuration of the sites to which this Planning Proposal relates (being located between existing dwellings), the sites are considered to have minimal capacity to contribute to the targets, however reclassification will not prohibit the achievement of these goals.

The reclassification of the site will 'unlock' their capacity to be developed with the surrounding area, thereby contributing to the dwelling targets set for the LGA. Failure to reclassify the sites could cause site isolation in the event that surrounding sites are redeveloped for medium or high density residential development and inhibit the orderly and economic development of the land.

4.2.2 Q4 – Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

Yes.

City of Canterbury Community Strategic Plan 2014-2023

Council's Community Strategic Plan 2014-2023 (the 'Community Plan') sets the vision for the Canterbury LGA into the next decade and aims to promote sustainable living. The Community Plan sets out long term goals under five key themes being:

- Attractive city;
- Stronger community;
- Healthy environment;
- Strategic leadership; and
- Improving Council.

The Community Plan promotes active living and equitable access to recreation facilities. It plans to maintain and facilitate equitable use of parks, sports fields, gardens, bushland and facilities.

This Planning Proposal is consistent with the Community Plan as it seeks to ensure the optimum use of Council assets, thereby safeguarding Council's strategic goals in relation to strategic leadership, particularly to achieve 'Healthy Finances' (refer to Council Report at **Appendix B**). Further, as explained in **Section 4.2.2** above, the reclassification of the sites to enable future sale, leasing or licensing of the sites will not compromise the achievement of Council's strategic long term goals.

4.2.3 Q5 – Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

Yes, as explained in **Table 4**.

Table 4 – Consistency with State Environmental Planning Policies

SEPP	Consistent?			Comment
	Yes	No	N/A	
Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment	✓			This Planning Proposal will not have any direct impacts on the Georges River or its tributaries. Regionally significant natural areas will continue to be preserved and protected and river flows will not be affected.
SEPP 1 Development Standards			✓	SEPP 1 does not apply to the Canterbury LEP.
SEPP 32 Urban Consolidation (Redevelopment of Urban Land)	✓			Whilst the proposal does not intend to provide land for the development of multi-unit housing, the proposal is generally consistent with the aims and objectives of the SEPP as it aims to support the orderly and economic use of the land.
SEPP 55 Remediation of Land	✓			The sites are unlikely to be contaminated as their predominant use has been for stormwater drainage, with no change of use proposed.
SEPP 64 Advertising and Signage			✓	Not relevant to proposed LEP amendment.
SEPP 65 Design Quality of Residential Flat Development			✓	Not relevant to proposed LEP amendment.
SEPP 70 Affordable Housing (Revised Schemes)			✓	Not relevant to proposed LEP amendment.
SEPP (Affordable Rental Housing) 2009			✓	Not relevant to proposed LEP amendment.
SEPP (BASIX) 2004			✓	Not relevant to proposed LEP amendment.
SEPP (Exempt and Complying Development Codes) 2008			✓	Not relevant to proposed LEP amendment.
SEPP (Infrastructure) 2007			✓	Not relevant to proposed LEP amendment.
SEPP (State and Regional Development) 2011	✓			The proposed LEP amendment will not impact on the functioning of Council stormwater infrastructure.

4.2.4 Q6 – Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

Yes. An assessment of the Planning Proposal against applicable Section 117 directions is set out in **Table 5** below.

Table 5 – Consistency with section 117 Ministerial Directions

Ministerial Directions	Consistent?			Comment
	Yes	No	N/A	
1. Employment and Resources			✓	
2. Environment and Heritage			✓	
3. Housing, Infrastructure and Urban Development			✓	
3.1 Residential Zones	✓			This direction states that a Planning Proposal must include provisions that encourage the provision of housing that will: (a) Broaden the choice of building types and locations available in the housing market (b) Make more efficient use of existing infrastructure and services, and (c) Reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) Be of good design.

Ministerial Directions	Consistent?			Comment
	Yes	No	N/A	
				The Planning Proposal is consistent with this direction as it will make more efficient use of existing infrastructure and services by enabling the land on which the stormwater infrastructure is located to be legally sold, leased or licensed to the adjoining owners, whilst retaining the stormwater infrastructure beneath. Further, this direction states that a Planning Proposal must: (a) Contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and (b) Not contain provisions which will reduce the permissible residential density of land. This Planning Proposal does not affect the existing provisions of the Canterbury LEP relating to the adequate servicing of land (Part 6) and will not reduce the permissible residential density of land.
3.2 Caravan Parks and Manufactured Home Estates			✓	
3.3 Home Occupations			✓	
3.4 Integrating Land Use and Transport	✓			This direction states that a Planning Proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services (DUAP 2001). The proposed reclassification is broadly consistent with the aims, objectives and principles of the above documents and will have minimal impact on the integration of transport and land use.
3.5 Development Near Licensed Aerodromes			✓	
3.6 Shooting Ranges			✓	
4. Hazard and Risk				
4.1 Acid Sulfate Soils			✓	
4.2 Mine Subsidence and Unstable Land			✓	
4.3 Flood Prone Land			✓	
4.4 Planning for Bushfire Protection			✓	
5. Regional Planning			✓	
6. Local Plan Making				
6.1 Approval and Referral Requirements	✓			This Planning Proposal is consistent with this direction as it does not introduce any provisions that require any additional concurrence, consultation or referral.
6.2 Reserving Land for Public Purposes		✓		The objectives of this direction are to facilitate the provision of public services and facilities by reserving land for public purposes and to facilitate the removal of reservations where the land is no longer required for acquisition. The direction also states that a planning proposal must not reduce existing zonings or reservations for public land. While this planning proposal seeks to reclassify drainage reserves, none of the sites are identified for acquisition

Ministerial Directions	Consistent?			Comment
	Yes	No	N/A	
				under Clause 5.1 of the Canterbury LEP. Therefore, the PP is not inconsistent with this direction.
6.3 Site Specific Provisions			✓	
7. Metropolitan Planning				
7.1 Implementation of A Plan for Growing Sydney	✓			This Planning Proposal is consistent with <i>A Plan for Growing Sydney</i> , as discussed in Section 4.2.1 of this report.

4.3 Environmental, Social and Economic Impact

4.3.1 Q7 – Is there any likelihood that critical habitat, threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Canterbury Council maps do not show the sites as being affected by critical habitat, threatened species, populations or ecological communities or their habitats. As such, the Planning Proposal will not result in any impact on critical habitat, threatened species, populations or ecological communities or their habitats.

4.3.2 Q8 – Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

As Council will retain the stormwater infrastructure located underground on the subject sites, it is not anticipated that there will be any adverse environmental impact through the removal of drainage reservations affecting the sites.

4.3.3 Q9 – Has the Planning Proposal adequately addressed any social and economic effects?

It is considered that the reclassification of land to facilitate the legal licensing of the site will have a broadly positive social and economic impact on the Canterbury LGA, as it will enable the orderly and economic use and development of land consistent with the objects of the EP&A Act. It will also facilitate future redevelopment of the sites commensurate with their medium or high density residential zoning.

4.4 State and Commonwealth Interests

4.4.1 Q10 – Is there adequate public infrastructure for the Planning Proposal?

Yes.

There is no proposed change to the affected stormwater infrastructure and the proposal is not anticipated to result in any additional development.

4.4.2 Q11 – What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

The views of State and Commonwealth public authorities will be known once consultation has occurred as part of the Gateway determination of the Planning Proposal.

5.0 Practice Note – Classification of Public Land

Table 6 addresses each of the matters required to be addressed in *Practice Note – Classification of Public Land PN 09-033* or directs the reader to where each matter is addressed in this document.

Table 6 – Compliance with PN Classification of Public Land 09-033

PN 09-033 Requirement	Compliance	Response / Location in Report
1. The reason why the draft LEP is being prepared including the planning merits of the proposal, e.g. the findings of a centres' strategy, council's intention to dispose of the land, provision of open space in a town centre	Yes	Refer to Sections 1.0, 3.0 and 4.0.
2. The current and proposed classification of the land	Yes	All sites are currently classified community and are proposed to be classified operational.
3. The reasons for the reclassification including how this relates to council's strategic framework, council's proposed future use of the land, proposed zones, site specific requirements, e.g. heritage controls, anticipated physical or operational changes resulting from the reclassification	Yes	Refer to Sections 3.0, 4.0 and Appendix A.
4. Council's ownership of the land, if this applies	Yes	All land in the Planning Proposal is owned by Canterbury City Council.
5. The nature of council's interest in the land, e.g. council has a 50 year lease over the site	Yes	Refer to Appendix A.
6. How and when the interest was first acquired, e.g. the land was purchased in 20XX through section 94	Yes	Refer to Appendix A.
7. The reasons council acquired an interest in the land, e.g. for the extension of an existing park; council was given responsibility for the land by a State agency	Yes	Refer to Appendix A.
8. Any agreements over the land together with their duration, terms, controls, agreement to dispose of the land, e.g. whether any aspect of the draft LEP or planning proposal formed part of the agreement to dispose of the land and any terms of any such agreement	Yes	Refer to Appendix A.
9. An indication, as a minimum, of the magnitude of any financial gain or loss from the	Yes	If Council makes a decision in the future to sell, lease or license the drainage reserves to the adjoining owner, the land would be subject to a valuation at that time and an

PN 09-033 Requirement	Compliance	Response / Location in Report
reclassification and of the type(s) of benefits that could arise e.g. council could indicate the magnitude of value added to the land based on comparable sites such as the land is currently valued at \$1500 per square metre, nearby land zoned for business development is valued at between \$2000 and \$50000 per square metre		easement would be created to protect Council's infrastructure.
10. The asset management objectives being pursued, the manner in which they will be achieved and the type of benefits the council wants, i.e. without necessarily providing details of any possible financial arrangements, how the council may or will benefit financially	Yes	Section 3.0.
11. Whether there has been an agreement for the sale or lease of the land; the basic details of any such agreement and, if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time	Yes	There are no agreements with any parties to sell these sites.
12. Relevant matters required in plan making under the EP&A Act	Yes	Details of the land are provided with the Planning Proposal, including title details. All relevant matters regarding DP&I's <i>Guide to Preparing Planning Proposals</i> are included in this document at Section 4.0.
13. A copy of this practice note must be included in the exhibition material to assist the community in identifying information requirements. Council staff may wish to identify the column in Attachment 1 that applies.	Yes	A copy of the Practice Note is attached to this report (Appendix D) and will be provided in the exhibition materials.

6.0 Community Consultation

Community consultation (inclusive of a public hearing for sites in need of reclassification from 'community' to 'operational' and for rezoning) will be undertaken in accordance with section 57 of the EP&A Act.

The Planning Proposal will be exhibited following the LEP Gateway determination. A period of 28 days would be appropriate for the exhibition. Notification is able to be conducted by way of direct correspondence to the surrounding owners, publication within the local press and information on Canterbury Council's website.

Once the exhibition period has concluded, a public hearing will be held subject to section 57(6) of the EP&A Act and section 29 of the *Local Government Act 1993* for land involving reclassification from community to operational. There will be further notification in the local press of the public hearing as well as direct correspondence with any parties that provide a submission or request to attend a hearing at least 21 days prior to such hearing. A report will then be submitted to Council with details of the results of the public hearing and also submitted to the Secretary of the DPE and Minister for Planning.

7.0 Conclusion

This Planning Proposal seeks an amendment to Schedule 4 of the Canterbury LEP to reclassify seven (7) sites from 'community' to 'operational' under the *Local Government Act 1993*.

The purpose of the proposed reclassification is to enable the sites to be sold, leased or licensed in the future. Following the adoption of its Property Portfolio Policy, Council has undertaken a review of its property portfolio and identified a number of sites that are surplus to Council's needs. These sites must be reclassified to operational before they can be sold, leased or licensed.

The Planning Proposal is considered justified for the following reasons:

- The proposal is consistent with the objectives of the EP&A Act, including promoting the orderly and economic use and development of land. It seeks to enable the more efficient use of underutilised sites in existing urban areas by reclassifying those lots which will allow them to be legally sold, leased or licensed in the future.
- The proposal is consistent with the metropolitan, regional and sub-regional strategic planning framework which places a strong emphasis on achieving efficient uses of existing urban areas.
- If the sites are not reclassified, then they cannot be legally leased to the adjoining owners whom are already using the land as their private property. This Planning Proposal will ensure the orderly management of the land and Council's assets.
- The reclassification of the sites to enable future sale, leasing or licensing will not have a significant impact on the operation of Council's stormwater infrastructure.
- The proposal is consistent with Council's local strategies and strategic plans, including Council's Community Strategic Plan. The proposal is consistent with applicable SEPPs and section 117 Directions.

In light of the above, we have no hesitation in recommending that the Planning Proposal proceed through the Gateway to public exhibition.