

ITEM 5.1 Planning Proposal - 34 Allan Avenue, Belmore and Benda Street Reserve, Belmore

AUTHOR Planning

PURPOSE AND BACKGROUND

The purpose of this report is to seek Council's approval to prepare a Planning Proposal to rezone:

- 34 Allan Avenue, Belmore from Zone RE1 Public Recreation to Zone R3 Medium Density Residential, which is no longer a priority for acquisition and
- Benda Street Reserve, Belmore, from Zone R3 Medium Density Residential to RE1 Public Recreation, reflect the current and ongoing use of the land as a park.

The site at 34 Allan Avenue, Belmore is 505m² and is zoned RE1 Public Recreation under the Canterbury Local Environmental Plan (LEP) 2012. The LEP Land Reservation Acquisition (LRA) Map identifies the site for acquisition by Council for public open space. There is an existing residential dwelling on the property. The land was identified for acquisition by Council almost 30 years ago for the expansion of a small pocket-park adjoining the site known as Dinora Street Reserve. Since that time, there have been significant changes in planning for the provision of improved and new open space.

In the context of Council's current planning framework, 34 Allan Avenue is not required for recreation purposes, and its current residential use is appropriate. The Planning Proposal would permit a maximum floor space ratio of 0.5:1, a maximum building height of 8.5m and a minimum lot size requirement of 460m², consistent with the adjoining properties, and remove the site from the Land Reservation Acquisition (LRA) Map.

In relation to the Benda Street Reserve, this Planning Proposal will ensure the zoning correctly reflects the current use of the land as public open space and will provide certainty to the community that Council does not intend to redevelop the land for residential development. There will be no land acquisition costs if Benda Street Reserve is rezoned because Council already owns the land.

ISSUE

The two sites subject of the Planning Proposal were historically zoned based on strategic directions of Council from over 30 years ago. An internal review has found that these sites are not being used, nor are required for the use intended by their current zoning. As such, they are anomalies in the current zoning. This Planning Proposal seeks to reflect the current and most appropriate use of these two sites, providing certainty for the community.

Despite sitting within an R3 Medium Density zone, the existing development along Allan Avenue and on immediately surrounding streets remains predominantly low scale comprising one and two storey detached dwellings and dual occupancies which feature backyards for

private recreation. The density in this area of Belmore has not increased substantially in the past 30 years since 34 Allan Avenue was identified for open space requirements and therefore, demand for additional open space has not changed during this period. The site also abuts a public pocket park, known as Dinora Street Reserve. Expansion of the park to this site will add little value to this predominantly low-density locality.

An outcome of the Council review is a recommendation to rezone Benda Street Reserve which is located approximately 125m to the east of 34 Allan Avenue, from Zone R3 Medium Density Residential to RE1 Public Recreation. This rezoning would rectify a legacy land zoning anomaly and ensure the zoning reflects the use of this land as a public reserve.

A positive outcome of proceeding with the Planning Proposal is that it will also provide a transparent process for the community to comment during the public exhibition period post-Gateway and grant greater certainty for the landowner.

RECOMMENDATION That -

1. Council prepare and submit a Planning Proposal for the following properties to seek a Gateway Determination from the Department of Planning, Industry & Environment (the Department):

For the land at 34 Allan Avenue, Belmore:

- a) Amend the zoning of the land from Zone RE1 Public Recreation to Zone R3 Medium Density Residential;
- b) Permit a maximum Floor Space Ratio of 0.5:1;
- c) Permit a maximum of 8.5m Height of Building;
- d) Apply 460m² minimum Lot Size Area;
- e) Remove the subject site from the Land Reservation Acquisition Map.

For the land known as Benda Street Reserve:

- f) Amend the zoning of the land from Zone R3 Medium Density Residential to Zone RE1 Public Recreation;
- g) Remove a maximum Floor Space Ratio of 0.5:1;
- h) Remove a maximum of 8.5m Height of Building;
- i) Remove 460m² minimum Lot Size Area.

2. Council exhibit the Planning Proposal in accordance with the Gateway Determination issued by the Department.
3. Council seek delegation from the Department as the local plan making authority.
4. The General Manager be delegated authority to make relevant changes to the Planning Proposal as required by the Gateway Determination.
5. Council consider a further report post exhibition including outcomes of the consultation process.

ATTACHMENTS

Nil

POLICY IMPACT

In regard to 34 Allan Avenue, the Planning Proposal intends to amend the Canterbury Local Environmental Plan (the LEP) 2012 to remove the subject site from the Land Reservation Acquisition (LRA) Map and to rezone the land from Zone RE1 Public Recreation to Zone R3 Medium Density Residential. The amendments to the LEP would make changes to the floor space ratio (FSR), the maximum height of the building and the minimum lot size of the site, consistent with those applying to Zone R3 Medium Density Residential as identified in this report.

In regard to Benda Street Reserve, the amendments to the LEP would remove existing controls relating to FSR, maximum height of the building and minimum lot size which do not apply to Zone RE1 Public Recreation land. The rezoning of Benda Street Reserve intends to rectify a legacy land zoning anomaly, recognises the long-standing use of the land as a public reserve and provide certainty to the community that the site is not to be developed for residential purposes.

FINANCIAL IMPACT

34 Allan Avenue, Belmore is currently zoned RE1 Public Recreation. Council would be subject to the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991 (the Act) if it was to acquire the property. If the owner of the property is able to demonstrate hardship, Council would be required to acquire the property in line with the provisions of the Act for land that Council does not require nor presents strategic value for open space.

In regard to Benda Street Reserve, the reserve is currently owned by Council and the intent of the proposed rezoning is to formalise the long - standing use of the land as a public reserve. There are no financial implications to Council that would arise from its rezoning.

COMMUNITY IMPACT

Whilst being zoned for the purposes of public recreation open space, the site at 34 Allan Avenue, Belmore is privately owned and being used for the purposes of a residential dwelling. Benda Street Reserve is currently used for the purpose of open space, however is zoned for residential uses. The purpose of the Planning Proposal is to amend the zoning for both sites to reflect the current uses, provide certainty for the landowner and transparency for the community as to the long term land use envisaged for the sites.

DETAILED INFORMATION

Site and Locality Description

34 Allan Avenue, Belmore is legally described as Lot B DP 355867, is rectangular, has a frontage of 16.76m to Allan Avenue, has a depth of 31m and has a total site area of approximately 505m². Benda Street Reserve is a public park, located approximately 125m to the east of 34 Allan Avenue, Belmore. The reserve has a frontage of 20.09m to Allan Avenue, a depth of 35.89m and a total site area of approximately 720m².

34 Allan Avenue, Belmore is a single storey residential dwelling, comprising a garage and outbuildings as indicated in Figure 1 below. It is zoned RE1 Public Recreation under the Canterbury Local Environmental Plan (LEP) 2012. The Land Reservation Acquisition (LRA) Map of the LEP identifies the site for acquisition by Council for open space.

The surrounding residential development is zoned predominantly R3 Medium Density Residential, consisting of one and two storey detached dwellings and dual occupancies. The site is located adjacent to Dinora Street Reserve.



Figure 1: Aerial location map of 34 Allan Avenue and Benda Street Reserve

The context of the site is illustrated in Figures 2 and 3. The site is located approximately 800m north west of Belmore Railway Station and approximately 700m south of Punchbowl Road. Belmore Boys High School and the Belmore North Public School are located within a walking distance of 400m to the east.

Other public open spaces in the vicinity include Knox Street Reserve and Peel Street Reserve located approximately 340m north and 410m south respectively from 34 Allan Avenue.

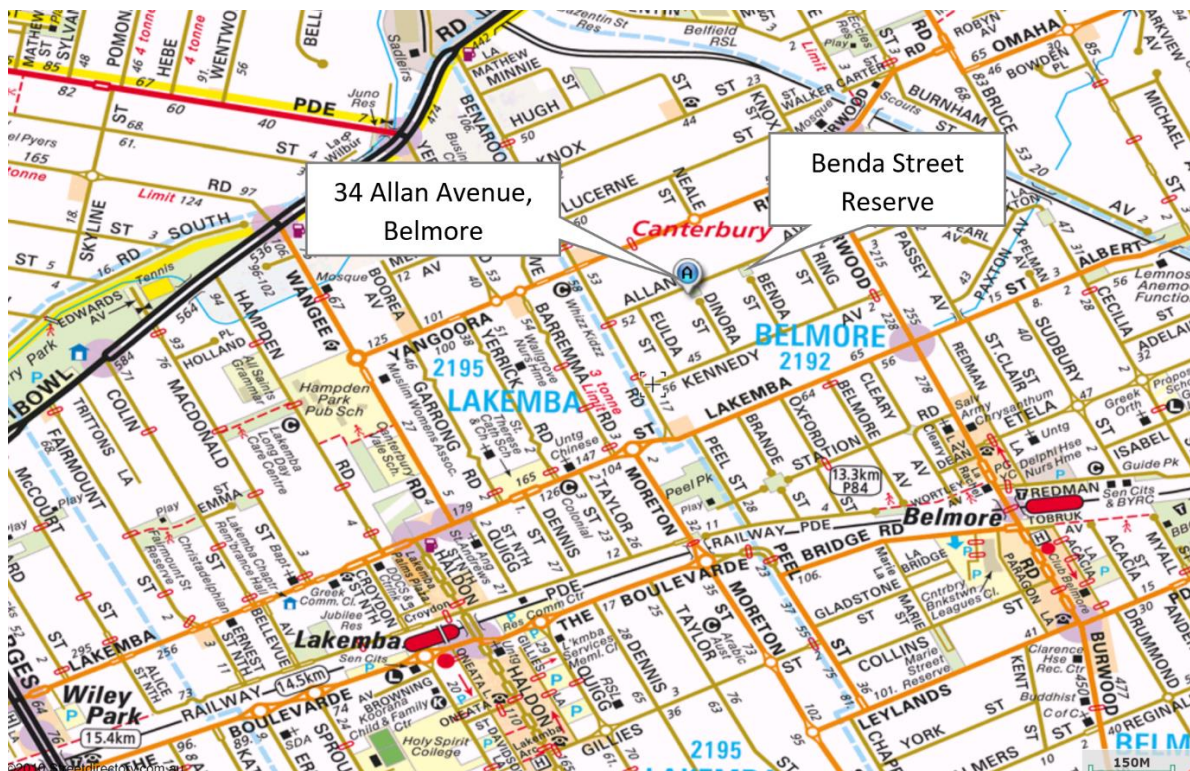


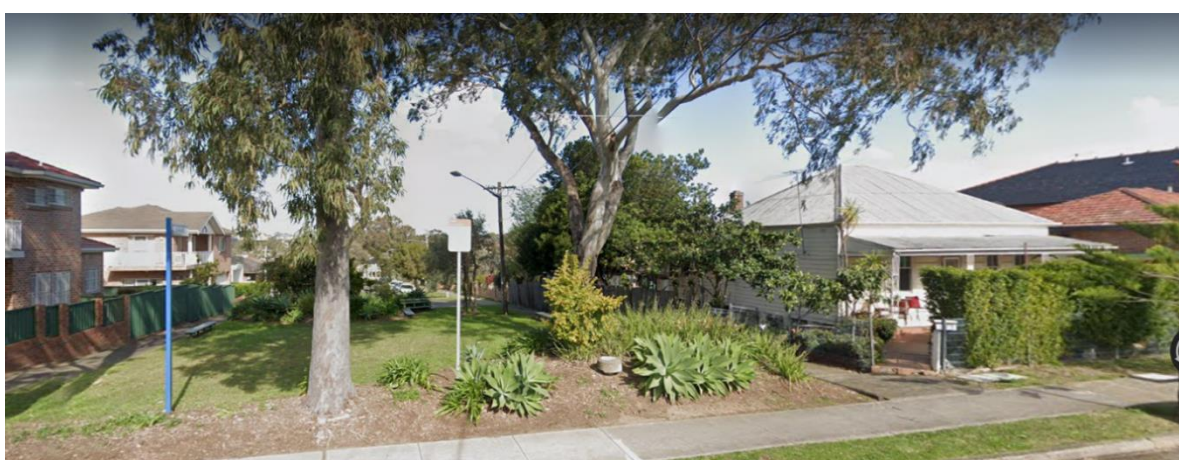
Figure 2: Site context map



Figure 3: Map showing the site and the local context



View from Allan Avenue (34 Allan Avenue is on the left)



View from Allan Avenue to Dinora Street Reserve (34 Allan Avenue is on the right)



View from Dinora Street to the Reserve (34 Allan Avenue is on the left)

Figure 4: Photos of 34 Allan Avenue



Figure 5: Benda Street Reserve, as viewed from Allan Avenue, located 125m to the east of 34 Allan Avenue, Belmore

Proposed amendments to the Canterbury LEP 2012

The objectives and intended outcomes of the Planning Proposal relevant to 34 Allan Avenue, Belmore are:

- To rezone the site from Zone RE1 Public Recreation to Zone R3 Medium Density Residential to reflect the existing use of the site.
- To remove reservation of land for a public purpose that has been identified as a low priority and therefore no longer required by Council in light of other higher demands across the city.
- Provide certainty for the landowner and the community as to the long term land use envisaged for the site.
- To ensure Council funds are reallocated to strategically important land to serve the future needs of the LGA where higher density renewal substantiates the need for additional public open space.
- To provide for a range of development that facilitates housing within Zone R3 Medium Density Residential consistent with the R3 zoning on adjoining residential land.
- To ensure future redevelopment of the site is consistent with the existing local character of the area.
- To allow for the orderly and economic development of the site.
- That reflect planning for new open space is reviewed by Council and adapts over time to respond to changes in policy direction and community expectations.

For Benda Street Reserve:

- To reflect and formalise the long-standing use of the land as public open space and to safeguard its use for this purpose.

- Provide certainty for the community as to the long term land use envisaged for the site.

The table below provides a summary of the existing and proposed controls applicable to 34 Allan Avenue and Benda Street Reserve, Belmore as part of the proposed amendments to the Canterbury LEP 2012.

Planning Controls	Existing Controls	Proposed Controls
34 Allan Avenue, Belmore		
Zone	RE1 Public Recreation	R3 Medium Density Residential
Floor Space Ratio (FSR)	Nil	0.5:1
Maximum Height of Building (HOB)	Nil	8.5m
Minimum Lot Size	Nil	460m ²
Land Reservation Acquisition (LRA)	Applies for the purposes of public open space	Remove the land from the Land Reservation Acquisition Map
Benda Street Reserve		
Zone	R3 Medium Density Residential	RE1 Public Recreation
Floor Space Ratio (FSR)	0.5:1	Nil
Maximum Height of Building (HOB)	8.5m	Nil
Minimum Lot Size	460m ²	Nil

Permissible Uses

The RE1 Public Recreation Zone prohibits residential uses due to the zone objectives for Zone RE1 which is to enable the land to be used for public open space or recreational purposes and to provide a range of recreational settings and activities and compatible land uses.

Zone R3 Medium Density Residential allows predominantly residential uses such as dwelling houses, attached dwellings, dual occupancies, multi dwelling houses with development consent.

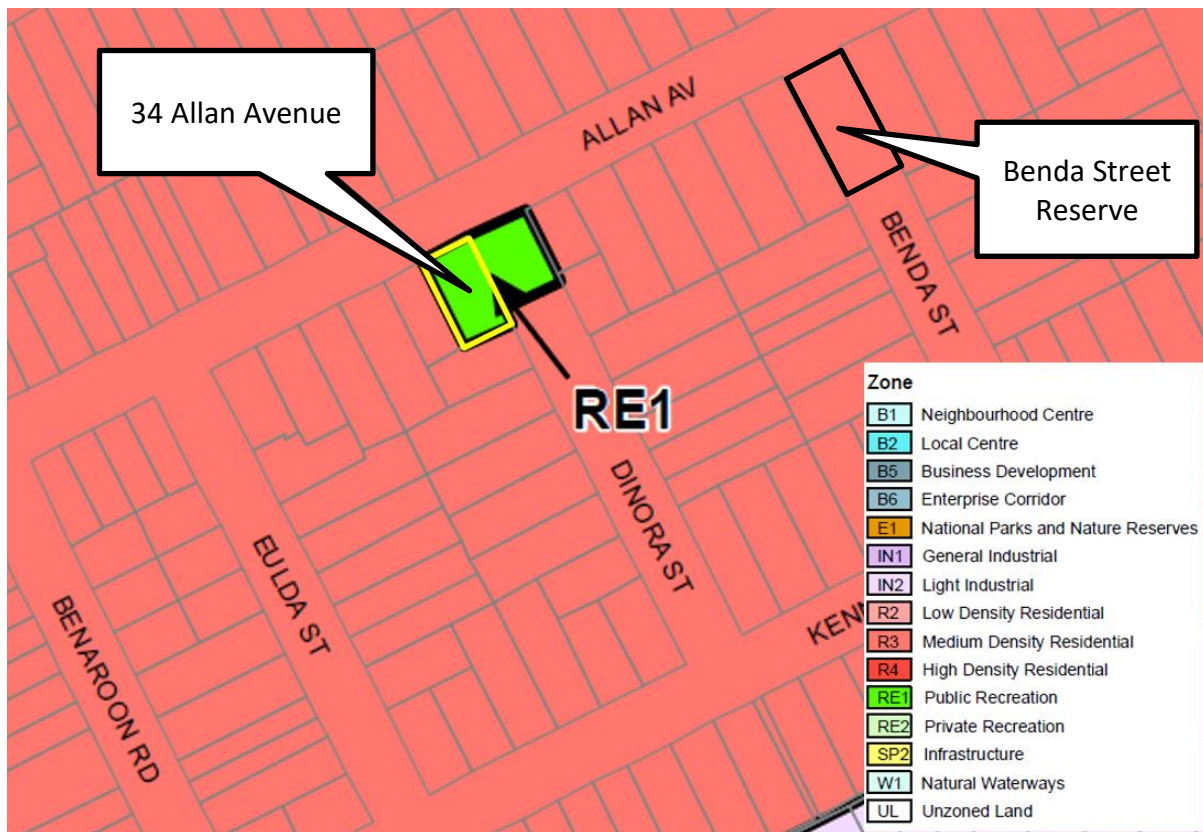


Figure 6: Current zoning map (Canterbury LEP 2012)

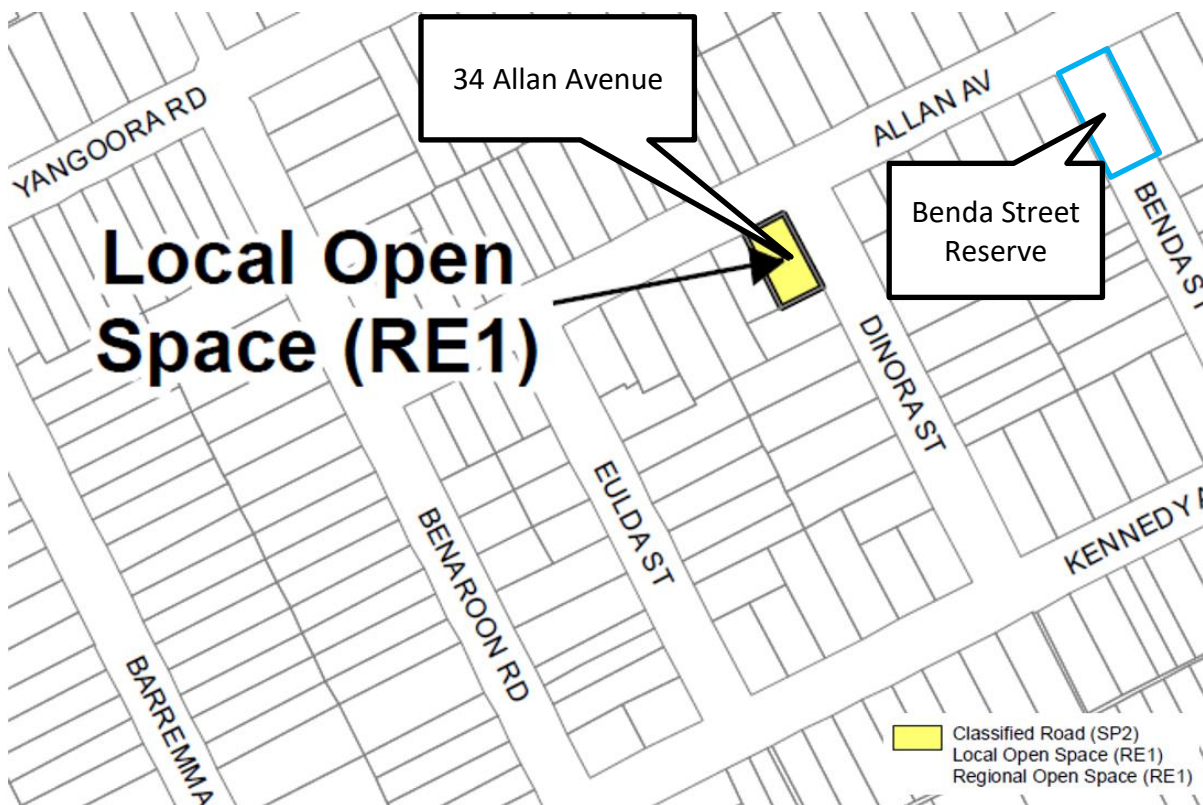


Figure 7: Current Land Reservation Acquisition Map

Council is currently awaiting gazettal of the Consolidated Canterbury Bankstown LEP by the Department. In the event the Consolidated Canterbury Bankstown LEP is made during the process of the Planning Proposal, the amendments will be made to the Consolidated LEP either before submitting the Planning Proposal to the Department or post-Gateway before exhibition. Under the Consolidated LEP, the proposed zoning, FSR, building height and minimum lot size will be the same for the sites as under the Canterbury LEP 2012.

Development Control Plan

The Canterbury Development Control Plan 2012 would apply to both sites and the relevant development standards will become applicable to any future developments on these sites.

Matters for Consideration

Based on the Environmental Planning and Assessment Act 1979 (EP&A Act 1979) and the Department guidelines, the following key policies are relevant to Council's preparation of the Planning Proposal:

- Greater Sydney Region Plan.
- South District Plan.
- State Environmental Planning Policies.
- Ministerial Directions.
- Council's Local Strategic Planning Statement (LSPS) "Connective City 2036".
- The Department's publications: A Guide to Preparing Local Environmental Plans and A Guide to Preparing Planning Proposals.

Ministerial Directions

The following Section 9.1 Minutes are considered relevant to the proposal:

Ministerial Direction	Comment
3.1 Residential Zones	<p><u>34 Allan Avenue, Belmore</u></p> <p>The proposal will result in the creation of additional residential zoned land within Belmore Centre which will assist with providing for future housing needs and is consistent with the Ministerial Direction.</p> <p><u>Benda Street Reserve</u></p> <p>The proposal intends to rectify a minor anomaly on the existing zoning map to reflect the existing use of the land as public reserve. While the proposal would result in a deficit of 215m² of residential zoned land in Belmore, the inconsistency is of a minor nature given Council does not intend to redevelop the Benda Street Reserve site for residential purposes and therefore there will be no actual loss of any residential development capacity as a result of the rezoning.</p>

6.2 Reserving Land for Public Purposes	<p><u>34 Allan Avenue, Belmore</u></p> <p>The proposal will satisfy the objective of this Ministerial Direction as it seeks to facilitate the removal of a reservation of land for public purposes where the land is no longer required for acquisition.</p> <p><u>Benda Street Reserve</u></p> <p>The Ministerial Direction does not apply to this site given the site is not included on the Council's land reservation acquisition map nor is it proposed, or required, to include the site on the land reservation acquisition map.</p>
--	---

A detailed assessment against the Ministerial Directions will be provided in the Planning Proposal to be submitted to the Department. A preliminary review undertaken by Council has indicated that the proposal will achieve consistency with the above listed Ministerial Directions.

Site Specific and Precinct-Level Merit Considerations

The review undertaken by Council in response to the enquiry received from the landowner of 34 Allan Avenue has identified the following matters for Council's consideration, as part of the preparation of the Planning Proposal for the site:

Historic Open Space Needs Study for Belmore-Lakemba Precinct

In 1993, the former Canterbury Council reviewed its land use policies under the Canterbury Planning Scheme Ordinance 1970 to address the provision of public open space for Belmore-Lakemba Precinct. The review recommended acquisition of 34 Allan Avenue in Belmore and two other properties in Lakemba for the purposes of Public Open Space. Council's records indicate that the property owner at that time did not object to Council's proposed acquisition of the land.

The gazettal of the Canterbury Local Environmental Plan 178 (Belmore-Lakemba Precinct) in October 1998 confirmed the proposed acquisition and rezoning of the subject site for the purposes of public open space. Although zoned for open space, the subject site has remained in private ownership and has continued to be used for the purposes of a residential dwelling.

Council's Open Space Studies

The Canterbury Open Space Strategy (the Open Space Strategy) 2017 provides strategic directions for development and management of open spaces in the former City of Canterbury Council LGA. The Open Space Strategy was informed by the Canterbury Open Space Needs Review (the Needs Review) 2015. A review of the Needs Review 2015 made no findings in relation to the Dinora Street Reserve or Benda Street Reserve when assessing the provision of open space in this area of Belmore.

Canterbury Development Contributions Plan 2013

The subject site at 34 Allan Avenue is identified in the Works Schedule of the Canterbury Development Contributions Plan 2013 for open space acquisition.

It is however appropriate that funds collected for open space by Council from Section 7.11 Development Contributions are focused on sites that demonstrate a strong nexus and need based on growth and renewal opportunities which is consistent with the Department's Development Contributions Practice Note that advises Council may amend the Section 7.11 works schedule, including substituting for the existing works with other works which are more appropriate to meet the identified needs.

As the Allen Avenue site has been identified as a low priority for acquisition and that this locality is unexpected to substantially change into the future, it is intended that the item will be removed from the Development Contributions Plan as part of preparation of a single consolidated contributions plan for the LGA.

Next Steps

In consideration to the matters noted in this report, it is recommended that –

- Council resolve to prepare and submit a Planning Proposal for the following properties to seek a Gateway Determination from the Department of Planning, Industry & Environment (the Department):

For the land at 34 Allan Avenue, Belmore:

- Amend the zoning of the land from Zone RE1 Public Recreation to Zone R3 Medium Density Residential;
- Permit a maximum Floor Space Ratio of 0.5:1;
- Permit a maximum of 8.5m Height of Building;
- Apply 460m² minimum Lot Size Area;
- Remove the property from Land Reservation Acquisition Map.

For the land known as Benda Street Reserve:

- Amend the zoning of the land from Zone R3 Medium Density Residential to Zone RE1 Public Recreation;
- Remove a maximum Floor Space Ratio of 0.5:1;
- Remove a maximum of 8.5m Height of Building;
- Remove 460m² minimum Lot Size Area.

- Council exhibit the Planning Proposal in accordance with any Gateway Determination issued by the Department.
- Council seek delegation from the Department as a Plan making Authority.
- The General Manager be the delegated authority to make relevant changes to the Planning Proposal as required by the Gateway Determination.
- A further report be presented to Council post - exhibition including a report detailing the outcomes of the community consultation process.