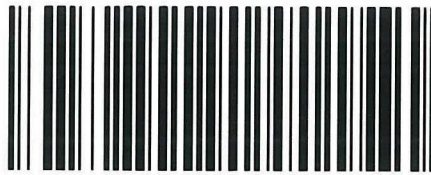


22 June 2017



PCU071316

Wayne Williamson
Team Leader – Sydney Region East
Department of Planning & Environment
GPO Box 39
Sydney NSW 2001

Attention: Kris Walsh – Planning Officer

Dear Mr Williamson,

Department of Planning
Received
26 JUN 2017
Scanning Room

Re: Additional Permitted Uses Planning Proposal – 101-109 Parramatta Road, Homebush – Request for Gateway Determination

The purpose of this letter is to request the Department of Planning & Environment to refer the Additional Permitted Uses Planning Proposal – 101-109 Parramatta Road, Homebush to Gateway Determination in accordance with Section 56 of the *Environmental Planning & Assessment (EP&A) Act 1979*.

At its meeting on 6 June 2017, Council resolved to prepare a Planning Proposal in accordance with the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000* to amend the *Strathfield Local Environmental Plan 2012 (SLEP 2012)* to rectify the misdescription regarding Schedule 1 Additional Permitted Uses of *SLEP 2012* and the mapping error to identify 101-109 Parramatta Road, Homebush on the Additional Permitted Uses Map.

The attached Planning Proposal – Additional Permitted Uses Planning Proposal – 101-109 Parramatta Road, Homebush has been prepared in accordance with Section 55 of the *EP&A Act* and relevant guidelines prepared by the Department (i.e. A guide to preparing planning proposals).

Council requests that the Planning Proposal be referred to Gateway Determination and that Council be given delegation for the making of the plan as per the attached evaluation.

Should you have any further enquiries concerning the Planning Proposal, please contact Joanne Chan, Strategic Planning Officer, on 9748 9615.

Yours faithfully



Silvio Falato
A/Director Infrastructure and Development

Attachment: Planning Proposal – Additional Permitted Uses Planning Proposal
Attachment 4 – Evaluation Criteria for the Delegation of Plan Making Functions

ENGLISH

This is important information from your council. If you cannot understand it, please ask a friend or relative to translate it or come to the Council where staff will discuss the information with you using the Telephone Interpreter Service (TIS).

ARABIC

هذه معلومات هامة من بلدية ستراتفيلد. إذا لم تتمكن من فهمها، يرجى طلب ترجمتها من صديق أو أحد الأقارب أو زيارة مركز البلدية لخدمة العملاء للحصول على المساعدة باستخدام خدمة الترجمة الشفهية (TIS).

HINDI

यह स्ट्रैथफील्ड परषिद (Strathfield Council) की ओर से महत्वपूर्ण जानकारी है। यदि आप यह नहीं समझ सकते हैं, तो कृपया किसी दोस्त या रश्तेदार से अनुवाद के लिए कहें या टेलीफोन दुभाषिया सेवा (TIS) का उपयोग करके, सहायता के लिए परषिद के ग्राहक सेवा केंद्र पर जाएं।

ITALIAN

Queste sono informazioni importanti pubblicate dal Comune di Strathfield. Se non le capite, fatevele tradurre da un amico o da un parente oppure recatevi presso il Customer Service Centre del Comune e fatevi aiutare usando il servizio telefonico interpreti (TIS).

KOREAN

이것은 스트라스필드 카운슬이 제공하는 중요한 정보입니다. 이해하기가 힘들시다면, 친구나 친지에게 번역해 달라고 부탁하거나, 카운슬의 고객 서비스 센터를 방문해서 전화통역서비스 (TIS)를 이용하시기 바랍니다.

MANDARIN

这是一份发自史卓菲市议会 (Strathfield Council) 的重要信息。如果您看不懂，请要求亲友为您翻译或亲临市议会的客服中心安排使用电话传译服务 (TIS)

TAMIL

இது ஸ்ட்ராத்த்ஃபீல்டு கவுன்சிலில் (Strathfield Council) இருந்து வருகிற முக்கியமான தகவலாகும். இதனை உங்களால் புரிந்து கொள்ள முடியவில்லை என்றால், தயவுசெய்து நண்பர் அல்லது உறவினர் ஒருவரை, இதனை மொழிபெயர்த்துச் சொல்லுமாறு கேட்டுப் பாருங்கள் அல்லது தொலைபேசி மொழிமாற்று சேவையை (TIS) உபயோகித்து, உதவிக்காக கவுன்சிலின் வாடிக்கையாளர் சேவை மையத்தைத் தொடர்பு கொள்ளுங்கள்.

VIETNAMESE

Đây là các thông tin quan trọng từ Hội Đồng Strathfield. Nếu quý vị không hiểu được, xin vui lòng nhờ bạn bè hay người thân phiên dịch dùm hoặc ghé tới trung tâm phục vụ khách hàng của Hội Đồng để được trợ giúp bằng cách sử dụng Dịch Vụ Thông Ngôn qua Điện Thoại (TIS).



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**ADDITIONAL PERMITTED
USES PLANNING
PROPOSAL**

**101-109 PARRAMATTA
ROAD, HOMEBUSH**

**AMENDMENT (No 10) TO
STRATHFIELD LEP 2012**

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Introduction

Strathfield Council's environmental planning instrument, *Strathfield Local Environmental Plan 2012* (SLEP 2012), was gazetted on 15 March 2013. Since the commencement of SLEP 2012, Strathfield Council Planning Officers have become aware of several minor anomalies and errors within the SLEP 2012 and its associated tables and maps.

During the draft LEP public exhibition between January to March 2012, a submission was lodged on behalf of Suttons Motor Group (refer to Appendix D) objecting to the then proposed B4 Mixed Use zone for a number of their sites on the grounds that the current and future motor vehicle related land uses may be prohibited as a result.

After Council's consideration of all the submissions, it was resolved on 24 July 2012 to adopt a number of minor amendments to the draft LEP. This included the provision of Additional Permitted Uses for sites at 105-109 & 112-134 Parramatta Road, Homebush as identified in the submission to permit 'vehicle repair station' as a land use (refer to Appendix D).

The submission incorrectly referred to the site as 105-109 Parramatta Road but it should be known as 101-109 Parramatta Road (Lot 200, DP 1117827) according to Council's records. This error was inadvertently carried forward when preparing the final version of the SLEP 2012 written instrument. Additionally, there was also a mapping oversight for 101-109 Parramatta Road Homebush in the supporting Additional Permitted Uses Map of the SLEP 2012. The subject site is not currently denoted as 'Item 2' on the Additional Permitted Uses Map (Sheet No.4).

In December 2016, this minor error was identified at a pre-lodgement DA meeting for 101-109 Parramatta Road, Homebush.

On 10 February 2017, Council submitted a Section 73A submission to the Department of Planning and Environment to rectify the minor discrepancy between Schedule 1 Additional Permitted Uses of the SLEP 2012 written instrument and the supporting map. The Section 73A application also sought to clarify the title description of the subject land parcels.

However, due to the risk of legal challenges in court, the Department of Planning and Environment did not support the Section 73A application and instead, recommended the minor errors be rectified through a formal housekeeping planning proposal.

At its meeting held on 6 June 2017, Council resolved to endorse the Additional Permitted Uses Planning Proposal and forward it to the Department of Planning and Environment for a Gateway Determination (refer to Appendix D).

This Planning Proposal proposes to rectify the misdescription and mapping error regarding Schedule 1 Additional Permitted Uses of SLEP 2012 for 101-109 Parramatta Road, Homebush and provide the title details for 112-134 Parramatta Road, Homebush.

1.0 Objectives or Intended Outcomes

The objective of this Planning Proposal is to improve the operation and accuracy of the plan by correcting minor anomalies within Schedule 1 Additional Permitted Uses of the SLEP 2012 and the Additional Permitted Uses Map.

The intended outcome of this Planning Proposal is to ensure that Strathfield Council's strategic intentions in relation to its planning controls are achieved by rectifying a misdescription, and to ensure that Council continues to provide reliable and consistent information to the Strathfield community.

2.0 Explanation of Provisions

This Planning Proposal proposes to rectify the misdescription regarding Schedule 1 Additional Permitted Uses of SLEP 2012 for 101-109 Parramatta Road, Homebush and provide the title details for 112-134 Parramatta Road, Homebush. The Planning Proposal also rectifies the mapping error to identify 101-109 Parramatta Road, Homebush on the Additional Permitted Uses Map.

The table below outlines the anomalies addressed by this Planning Proposal. (Please also refer to 4.0 Mapping for more details.)

Issue ID	Section of SLEP 2012	Existing	Proposed
1	Schedule 1 Additional permitted uses Item 2 title	2 Use of certain land at 105–109 and 112–134 Parramatta Road, Homebush	2 Use of certain land at 101–109 and 112–134 Parramatta Road, Homebush
2	Schedule 1 Additional permitted uses Item 2 Clause 1	(1) This clause applies to land at 105–109 and 112–134 Parramatta Road, Homebush, identified as “Item 2” on the Additional Permitted Uses Map .	(1) This clause applies to land at 101–109 (Lot 200, DP 1117827) and 112–134 (Lot 7-8, 10-11, DP 9154; Lot A-B, DP 374452; Lot 1-2, DP 934526; Lot 12, DP 654033; Lot 329, DP 752023) Parramatta Road, Homebush, identified as “Item 2” on the Additional Permitted Uses Map .
3	Additional Permitted Uses Map APU_004		

3.0 Justification

Section A - Need for the Planning Proposal

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

The Planning Proposal is not a result of any strategic study or report. The Planning Proposal results from a pre-lodgement DA meeting in December 2016 and Council Officer's review of SLEP 2012 that identified the minor mapping error and a misdescription for 101-109 Parramatta Road, Homebush.

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

This Planning Proposal is considered to be the best means of achieving the objective - correcting minor anomalies within SLEP 2012 - and intended outcome – consistency and clarity of information. The Planning Proposal addresses these anomalies in the most appropriate and efficient way.

Section B - Relationship to Strategic Planning Framework

3) Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The Planning Proposal is consistent with A Plan for Growing Sydney and draft Central District Plan. The proposed amendments contained in this Planning Proposal are considered administrative and minor in nature.

4) Is the planning proposal consistent with a Council's local strategy, or other local strategic plan?

The Planning Proposal is consistent with Strathfield's Community Strategic Plan (Strathfield 2025), particularly with regards to Goal 4.1.2 - Council offers informative and accessible planning services and programs that streamline service delivery.

5) Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is consistent with applicable State Environmental Planning Policies. Please see Appendix A, which addresses this issue in full.

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

The Planning Proposal is consistent with applicable Ministerial Directions (s.117 directions). Please see Appendix B, which addresses this issue in full.

Section C - Environmental, Social and Economic impact

7) 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?

There is no likelihood that critical habitat or threatened species, populations or ecological communities or their habitats will be adversely affected as a result of this Planning

Proposal. The site is already currently being used for motor vehicle sales and repairs. The proposal endeavours to rectify a minor LEP and mapping error.

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

No other likely environmental effects as a result of this Planning Proposal are identified.

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

As the changes are minor and largely administrative in nature, it is not considered that the Planning Proposal will have any social and/or economic effects.

Section D - State and Commonwealth Interests

10) Is there adequate public infrastructure for the planning proposal?

As the purpose of the Planning Proposal is to correct minor anomalies in the SLEP 2012, it is not anticipated that there will be any impacts on public infrastructure as a result of the Planning Proposal.

11) What are the views of state and Commonwealth public authorities consulted in accordance with the gateway determination?

No consultation has been carried out with State and Commonwealth public authorities. Consultation will occur with relevant public authorities identified as part of the Gateway Determination.

4.0 Mapping

This Planning Proposal affects one (1) site within Strathfield Council, namely 101-109 Parramatta Road, Homebush, as identified on the map below, that requires an amendment to the Additional Permitted Uses map.

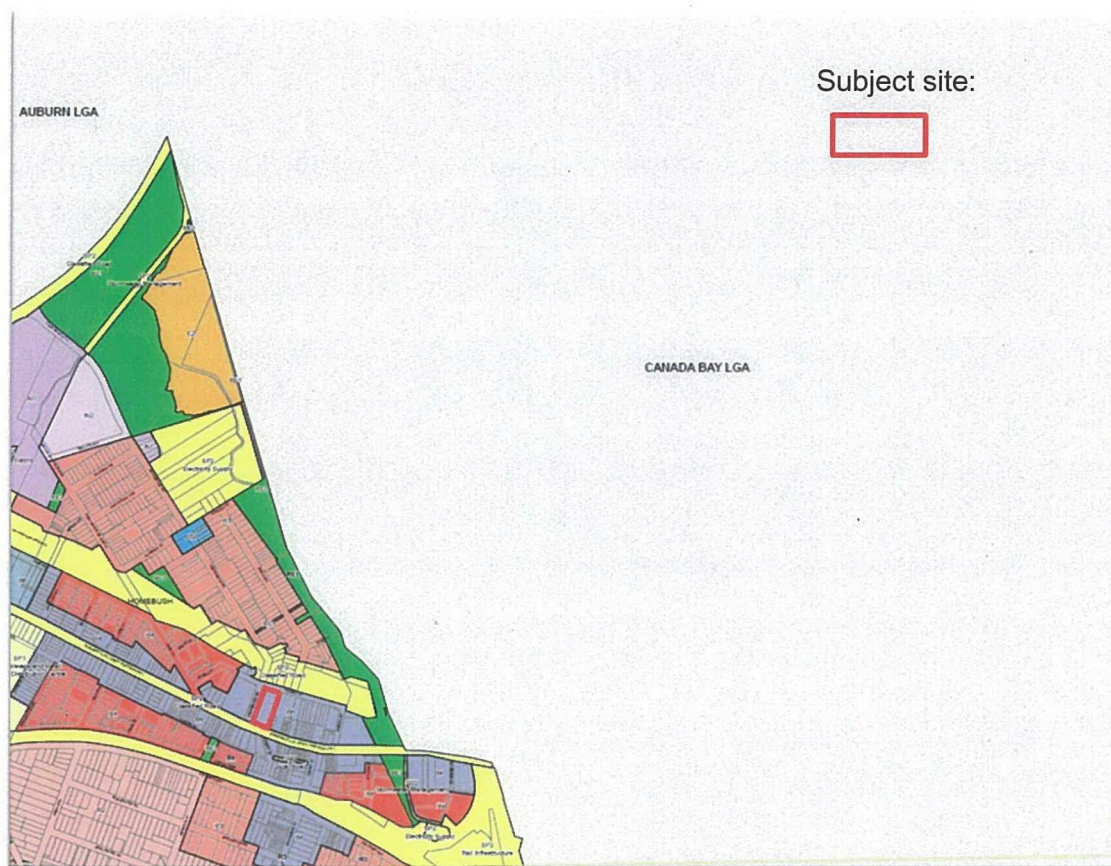


Figure 1: Map of subject site

Control	Proposed
Additional Permitted Uses Map Sheet APU_004	Correct map to include 101-109 Parramatta Road, Homebush as Additional Permitted Uses – Item 2.

Please refer to Appendix C for the proposed amended Additional Permitted Uses Map Sheet APU_004.

5.0 Community Consultation

The Additional Permitted Uses Planning Proposal is considered to be low impact as defined in section 5.5.2 Community Consultation of the Department of Planning's 'A guide to preparing local environmental plans'. The proposed amendments are administrative in nature, are consistent with the existing strategic planning framework and present no issues with regard to infrastructure servicing. Therefore, it is recommended the Planning Proposal be placed on public exhibition for a period of 14 days.

Following the Gateway Determination, it is suggested that the public exhibition will be generally undertaken as follows:

- Notification in a regional newspaper (i.e. Inner West Courier);
- Notification on Council's website providing an electronic copy of the Planning Proposal and supporting information;
- Hard copy of the Planning Proposal available at the Council administration building, Strathfield Main Library and High Street Community Library;
- Notification letter to affected landowners where practical; and
- Any other consultation requirements as per the Gateway Determination.

6.0 Project Timeline

	Timeframe*
Anticipated commencement date (date of Gateway Determination)	July 2017
Anticipated timeframe for the completion of required technical information	N/A
Timeframe for government agency consultation (pre and post exhibition as required by Gateway Determination)	August 2017
Public exhibition period	August-September 2017
Date of public hearing (if required)	N/A
Timeframe for consideration of submissions	September 2017
Timeframe for the consideration of a proposal post exhibition	September-October 2017
Date of submission to the Department to finalise the LEP	November 2017
Anticipated date RPA will make the plan (if delegated)	December 2017
Anticipated RPA will forward to the Department for notification	December 2017

*Subject to NSW Department of Planning and Environment approval and timeframe.

Appendix A – Consistency with SEPPs

SEPP	Consistency with SEPP
State Environmental Planning Policy No. 1 – Development Standards	N/A
State Environmental Planning Policy No. 14 – Coastal Wetlands	N/A
State Environmental Planning Policy No. 19 – Bushland in Urban Areas	N/A
State Environmental Planning Policy No. 21 – Caravan Parks	N/A
State Environmental Planning Policy No. 30 – Intensive Agriculture	N/A
State Environmental Planning Policy No. 33 – Hazardous and Offensive Development	N/A
State Environmental Planning Policy No. 36 – Manufactured Home Estates	N/A
State Environmental Planning Policy No. 44 – Koala Habitat Protection	N/A
State Environmental Planning Policy No. 47 – Moore Park Showground	N/A
State Environmental Planning Policy No. 50 – Canal Estate Development	N/A
State Environmental Planning Policy No. 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	N/A
State Environmental Planning Policy No. 55 – Remediation of Land	N/A This Planning Proposal does not hinder the application of this SEPP.

State Environmental Planning Policy No. 62 – Sustainable Aquaculture	N/A
State Environmental Planning Policy No. 64 – Advertising and Signage	N/A
State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development	N/A This Planning Proposal does not hinder the application of this SEPP.
State Environmental Planning Policy No. 70 – Affordable Housing (Revised Schemes)	N/A
State Environmental Planning Policy No. 71 – Coastal Protection	N/A
State Environmental Planning Policy (Affordable Rental Housing) 2009	N/A This Planning Proposal does not hinder the application of this SEPP.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	N/A This Planning Proposal does not hinder the application of this SEPP.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	N/A This Planning Proposal does not hinder the application of this SEPP.
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	N/A This Planning Proposal does not hinder the application of this SEPP.
State Environmental Planning Policy (Infrastructure) 2007	Consistent This Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.

State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007	N/A
State Environmental Planning Policy (Kurnell Peninsula) 1989	N/A
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	N/A
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	N/A
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	N/A
State Environmental Planning Policy (Rural Lands) 2008	N/A
State Environmental Planning Policy (State and Regional Development) 2011	N/A
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	N/A
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	N/A
State Environmental Planning Policy (Three Ports) 2013	N/A
State Environmental Planning Policy (Urban Renewal) 2010	N/A
State Environmental Planning Policy (Western Sydney Employment Area) 2009	N/A
State Environmental Planning Policy (Western Sydney Parklands) 2009	N/A

Appendix B – Consistency with Ministerial Directions (s.117 directions)

No.	Title	Comment
1	Employment & Resources	
1.1	Business and Industrial Zones	Consistent. This amendment does not involve the rezoning of employment land. It seeks to rectify a misdescription and mapping error to permit vehicle repair stations.
1.2	Rural Zones	Not applicable
1.3	Mining, Petroleum Production and Extractive Industries	Not applicable
1.4	Oyster Aquaculture	Not applicable
1.5	Rural lands	Not applicable
2	Environmental and Heritage	
2.1	Environment Protection Zones	Not applicable
2.2	Coastal Protection	Not applicable
2.3	Heritage Conservation	Not applicable – the subject site does not contain any heritage items and is not within a heritage conservation area.
2.4	Recreation Vehicle Areas	Not applicable
2.5	Application of E2 and E3 zones and Environmental Overlays in Far North Coast LEPs	Not applicable
3	Housing, Infrastructure and Urban Development	
3.1	Residential Zones	Not applicable – the subject site is not affected by an existing or proposed residential zone.
3.2	Caravan Parks and Manufactured Home Estates	Not applicable
3.3	Home Occupations	Not applicable
3.4	Integrating Land Use and Transport	Not applicable
3.5	Development Near Licensed Aerodromes	Not applicable
3.6	Shooting Ranges	Not applicable
4	Hazard and Risk	
4.1	Acid Sulfate Soils	Not applicable as the subject site is not affected by Acid Sulfate Soils
4.2	Mine Subsidence and Unstable Land	Not applicable
4.3	Flood Prone Land	Not applicable
4.4	Planning for Bushfire Protection	Not applicable
5	Regional Planning	
5.1	Implementation of Regional Strategies	Not applicable
5.2	Sydney Drinking Water Catchment	Not applicable
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable

5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Not applicable
5.6	Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	Not applicable
5.7	Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	Not applicable
5.8	Second Sydney Airport: Badgerys Creek	Not applicable
5.9	North West Rail Link Corridor Strategy	Not applicable
5.10	Implementation of Regional Plans	Not applicable
6	Local Plan Making	
6.1	Approval and Referral Requirements	Consistent. This Planning Proposal does not contradict or hinder application of this local planning direction.
6.2	Reserving Land for Public Purposes	Not applicable
6.3	Site Specific Provisions	Consistent. This Planning Proposal does not contradict or hinder application of this local planning direction.
7	Metropolitan Planning	
7.1	Implementation of A Plan for Growing Sydney	Consistent. This Planning Proposal is consistent with <i>A Plan for Growing Sydney</i> .
7.2	Implementation of Greater Macarthur Land Release Investigation	Not applicable
7.3	Parramatta Road Corridor Urban Transformation Strategy	Consistent. This Planning Proposal will permit vehicle repair stations on the subject site which will contribute to the diversity of jobs and services along the Parramatta Road Corridor.

Appendix C – Proposed Additional Permitted Uses Map



Strathfield Local Environmental Plan 2012

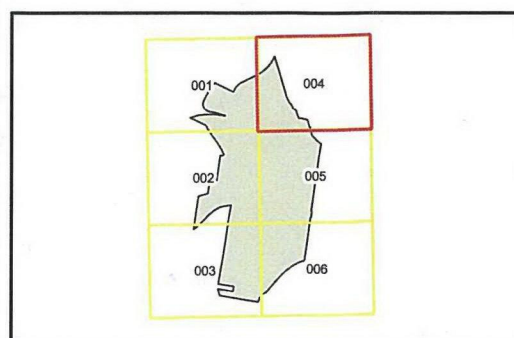
Additional Permitted Uses Map - Sheet APU_004

Additional Permitted Uses

Item Refer to Schedule 1

Cadastral

 Cadastre 31/05/17 © Land and Property Information (LPI)



N

0 200 400 Meters

Scale: 1:10,000 @A3

Projection: GDA 1994
MGA Zone 56

Map Identification Number:
7100_COM_APU_004_010_20170531

Appendix D – Supporting Documentation

- 1) Submission on behalf of Suttons Motor Group
- 2) Council resolution to adopt the draft Strathfield LEP 2011 with the recommended amendments
- 3) Council report and resolution to adopt the draft Additional Permitted Uses Planning Proposal for 101-109 Parramatta Road, Homebush and forward it to the Department of Planning and Environment.



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MRICS CPP

J Lidis
BTP (UNSW)
MPIA CPP

2 March 2012
Ref: 109909.1L

The General Manager
Strathfield Municipal Council

via email strathfieldlep@strathfield.nsw.gov.au

Dear Sir,

Re: Draft Strathfield Local Environmental Plan 2011

We act for Suttons Motor Group who own and operate substantial motor vehicle related businesses in the Strathfield Local Government Area, specifically to the southeast of the Parramatta Road Corridor in Homebush (see **enclosed** Plan 1 - Location Plan).

Our client has been monitoring the preparation of the draft Strathfield Local Environmental Plan 2011 (*the draft LEP*) and, in particular, the provisions that have a direct bearing on the permissibility of their operations. We have reviewed the draft LEP and associated documentation that is presently on exhibition on our client's behalf and have examined the proposed controls that would apply to our client's properties, in the event that the controls in the draft LEP were to be gazetted as they are presently formulated. We have also reviewed the controls under the presently applicable Environmental Planning Instrument, the Strathfield Planning Scheme Ordinance (*the SPSO*).

Resulting from the above review, our client has asked us to make the following representations in relation to the draft LEP to Council for consideration.

The Site

Our client's properties are located at 112-134 [*being Lot 7 and 8 of DP 9154, Lot A and B of DP 374452, Lot 1 and 2 of DP 934526, Lot 10 and 11 of DP 9154, Lot 12 of DP 654033 and Lot 329 of DP 752023*] and 105-109 [*being Lot 200 of DP 1117827*] Parramatta Road, Homebush (see **enclosed** Plan 2 - Aerial Photograph).

Our client sells motor vehicles from the above properties and also undertakes repairs, vehicle servicing and fits and sells accessories. Our client has been represented in the locality for very many years, in fact, since 1948, and over that time has invested significant sums in its business including investments in substantial modern physical improvements and buildings of a very high standard and quality. **Enclosed** are historical photos of the subject site which date from around the 1950s. Improvements to the site have been designed

and constructed in accordance with corporate image requirements with a high standard of finish. These improvements have been undertaken pursuant to a series of development consents that have been issued by Strathfield Council over the years.

Our Client's Intentions for the Site

Both sites benefit from substantial frontages and prominence, and form one of Suttons' most important sites in Australia. It is our client's intention that they continue to operate in a manner consistent with their present use for the foreseeable future. It is envisaged that additional improvements to their facilities will be required from time to time in order for the existing businesses to maintain consistency with corporate image requirements and to appropriately respond to market expectations.

Accordingly, the sites will continue to be used for motor vehicle-related purposes for the long term.

Consideration of the Draft LEP

Current Zoning

At the present time we note that our client's properties are zoned Mixed Use 10 under the SPSO.

Within the Mixed Use 10 zone, relevantly and amongst other purposes, *car repair stations* and *motor showrooms* are permissible with the consent of Council by way of not being listed as prohibited development. These uses cover all of the activities that are presently undertaken by our client on their properties.

As noted above, our client has undertaken its operations for very many years and they form a significant and substantial component in the business activity that is undertaken in the Strathfield Local Government Area.

Proposed Zoning

Both of our client's properties are proposed to be zoned for B4 Mixed Use purposes under the draft Plan. Within that proposed zone *vehicle repair station* is listed as prohibited development whilst *vehicle sales or hire premises* are listed as permissible development by comprising a subset use of *retail premises* under the permissible umbrella term of *commercial premises*.

Objection to the Proposed Zoning

It is apparent that the overall effect of the proposed provisions of the draft Plan would be to make part of our client's activities prohibited uses, with all of the negative ramifications for any future development proposals, however limited in scale they might be.

In view of their aforementioned long-term intentions, our client requests that item 4 (prohibited development) of the B4 Mixed Use zone be amended to delete *vehicle repair stations* to specifically permit that use within the zone and importantly, on our client's site.

Alternatively, in the event that Council does not want such changes to apply throughout the B4 Zone, Council may see it as more suitable to add "Additional Permitted Uses" under Schedule 1 of the draft LEP to make the aforementioned use permissible on our client's sites.

Objection to the Proposed Height Control

The whole of Lot 7 of DP 9154 which runs adjacent to a lane from Parramatta Road (being the part of Loftus Lane that runs perpendicular to Parramatta Road as opposed to the part of Loftus Lane that runs parallel to Parramatta Road) and the adjoining half lot Lot 8 of DP 9154 is proposed to be burdened with a zero metre height limit (see **enclosed** Plan 3 – Height Map Extract). The land is proposed to be zoned Mixed Use B4 and is proposed to have an FSR of up to 3.15:1. It is unclear, given the proposed zoning and remaining development standard, what the town planning purpose of restricting the height and, essentially, prohibiting any development from occurring could be.

That part of the site is presently undeveloped except for a tarmac surface and it is therefore foreseeable that our client may wish to develop the site in accordance with its presently approved, and, permissible use (see **enclosed** Plan 4 – Zero Metre Height Limit). The proposed height control could prevent our client from building any structure on the part of the site subject to the zero metre height limit and therefore arbitrarily restrict the potential future use of the site, inconsistent with its zoning.

Our client strongly objects to the proposed height limit on the basis that it is inconsistent with the zoning, the objectives of the proposed zone and is inconsistent with the objects of the Environmental Planning and Assessment Act, 1979, chiefly, 5(a)(ii) *the promotion and co-ordination of the orderly and economic use and development of land*. The proposed zero metre height limit cannot be described as encouraging any sort of co-ordinated or orderly approach given the evident inconsistencies with the zoning and remaining development standards.

Summary

Whilst the provisions of the draft LEP appear to provide for the continuation of some of the current motor vehicle related uses our client rejects any assumption that transition to residential or mixed uses will occur on its site in the short term. In this respect, the future planning controls should be formulated on the basis that the current use of our client's site will continue for the foreseeable future and all of the relevant uses should be explicitly permissible on our client's properties.

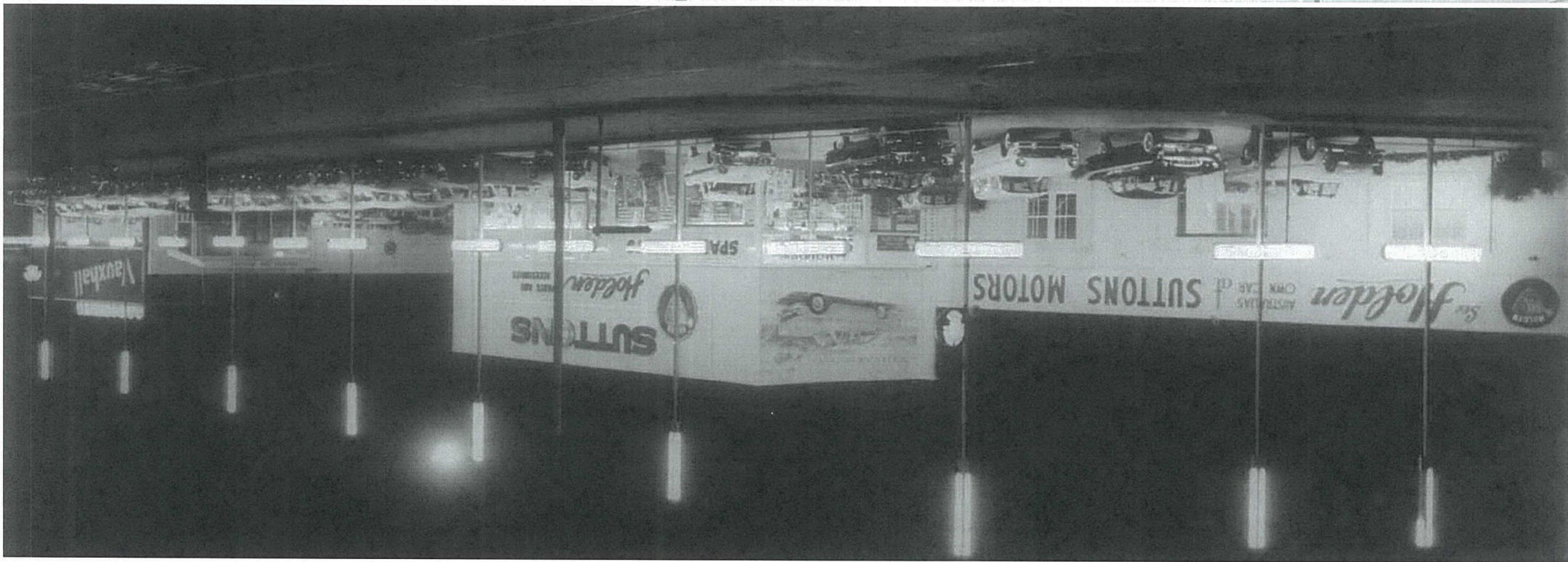
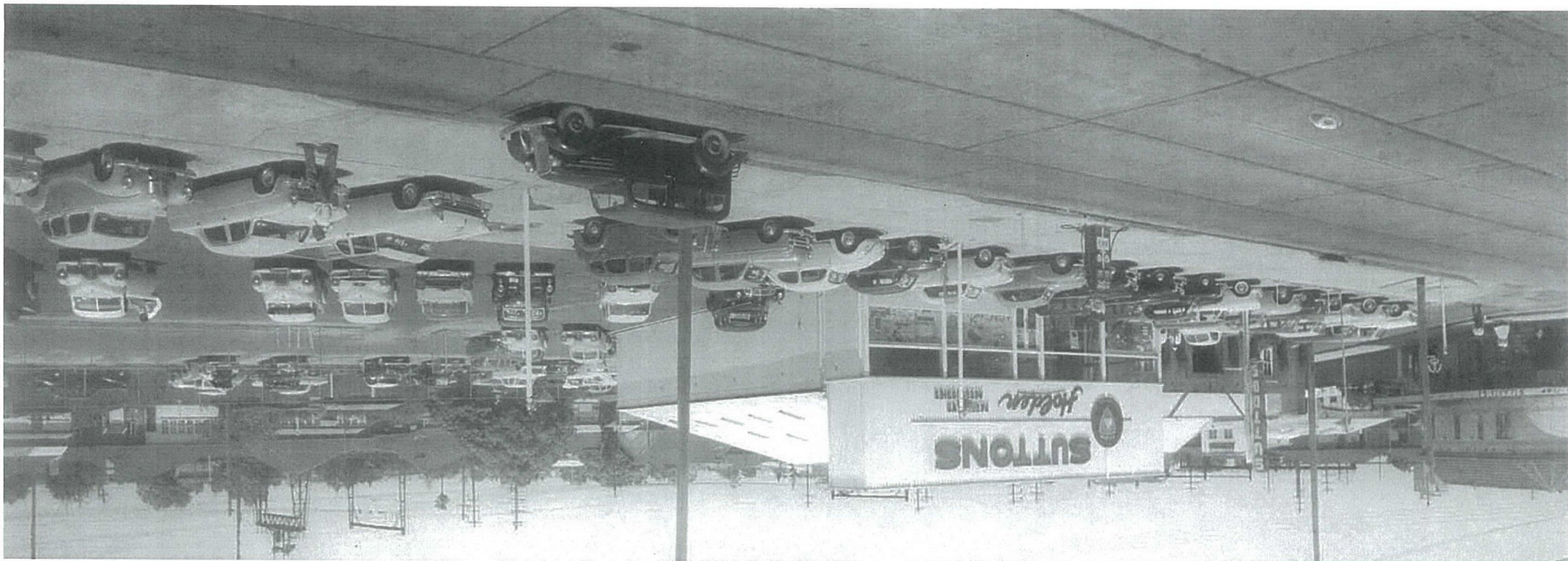
In addition, our client strongly objects to any draft planning controls that would seek to eliminate further development of the site for its presently approved and proposed permissible uses. In this respect our client objects to the proposed zero metre height limit that applies to part of its property.

We look forward to your response to our submission. In the meantime, if you wish to discuss the matter, please contact the writer.

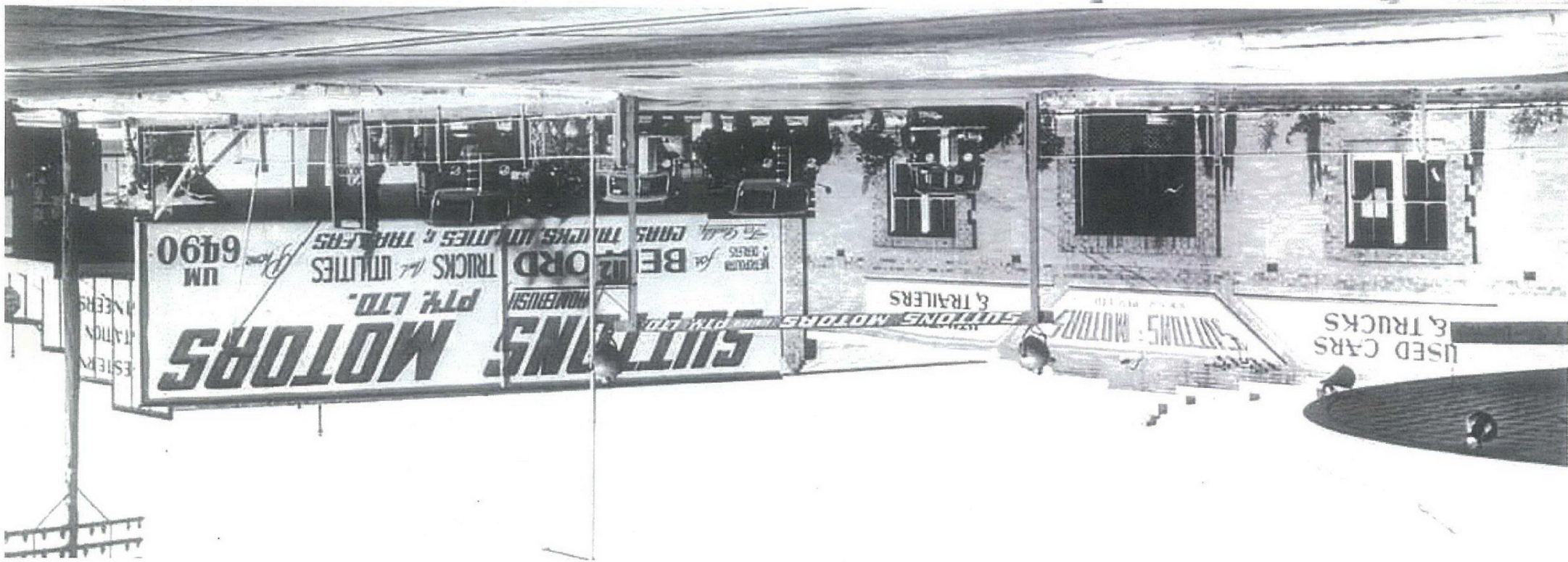
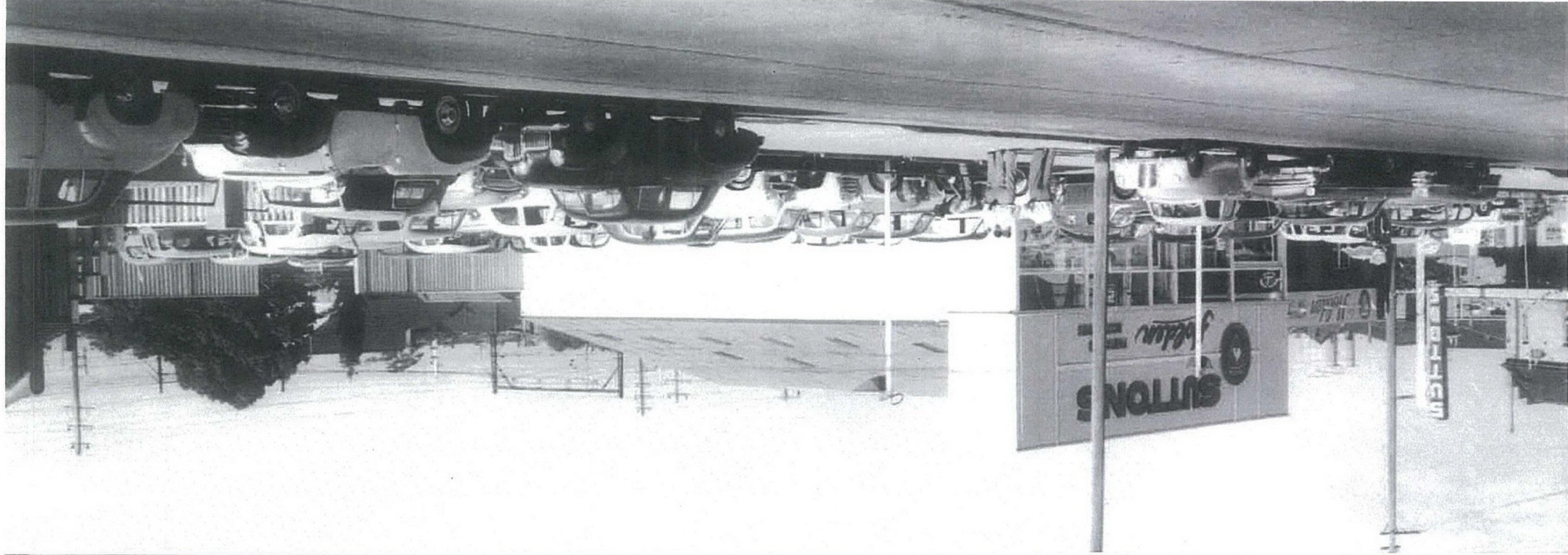
Yours faithfully,
DESIGN COLLABORATIVE PTY LTD

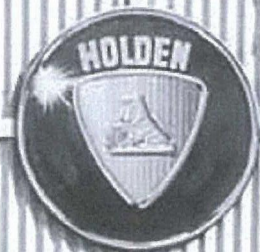
A handwritten signature in dark ink, appearing to read 'H M Sanders', written in a cursive style.

H M Sanders
Director









SUTTONS

Holden

PARTS AND
ACCESSORIES

TTONS

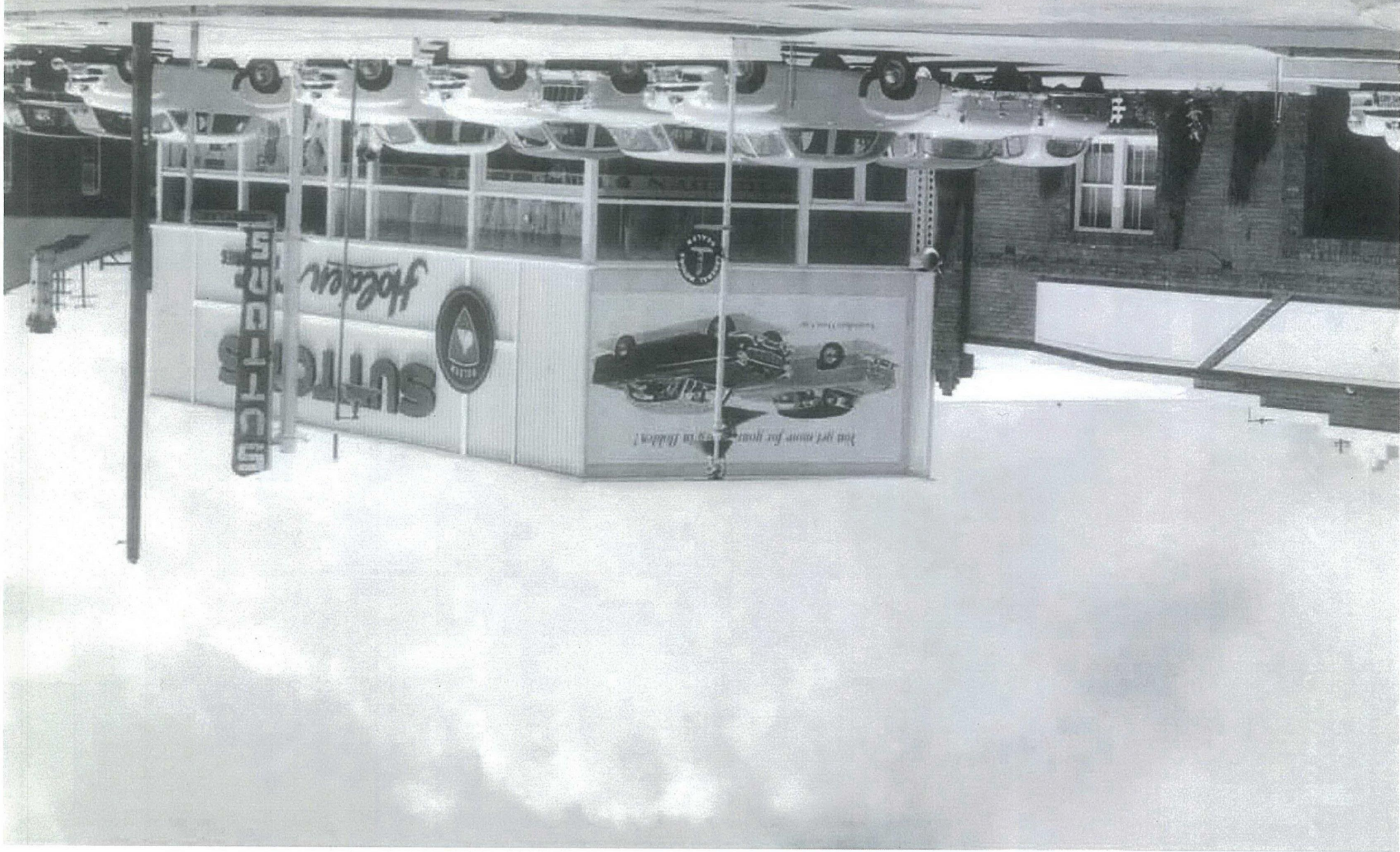
SPARE

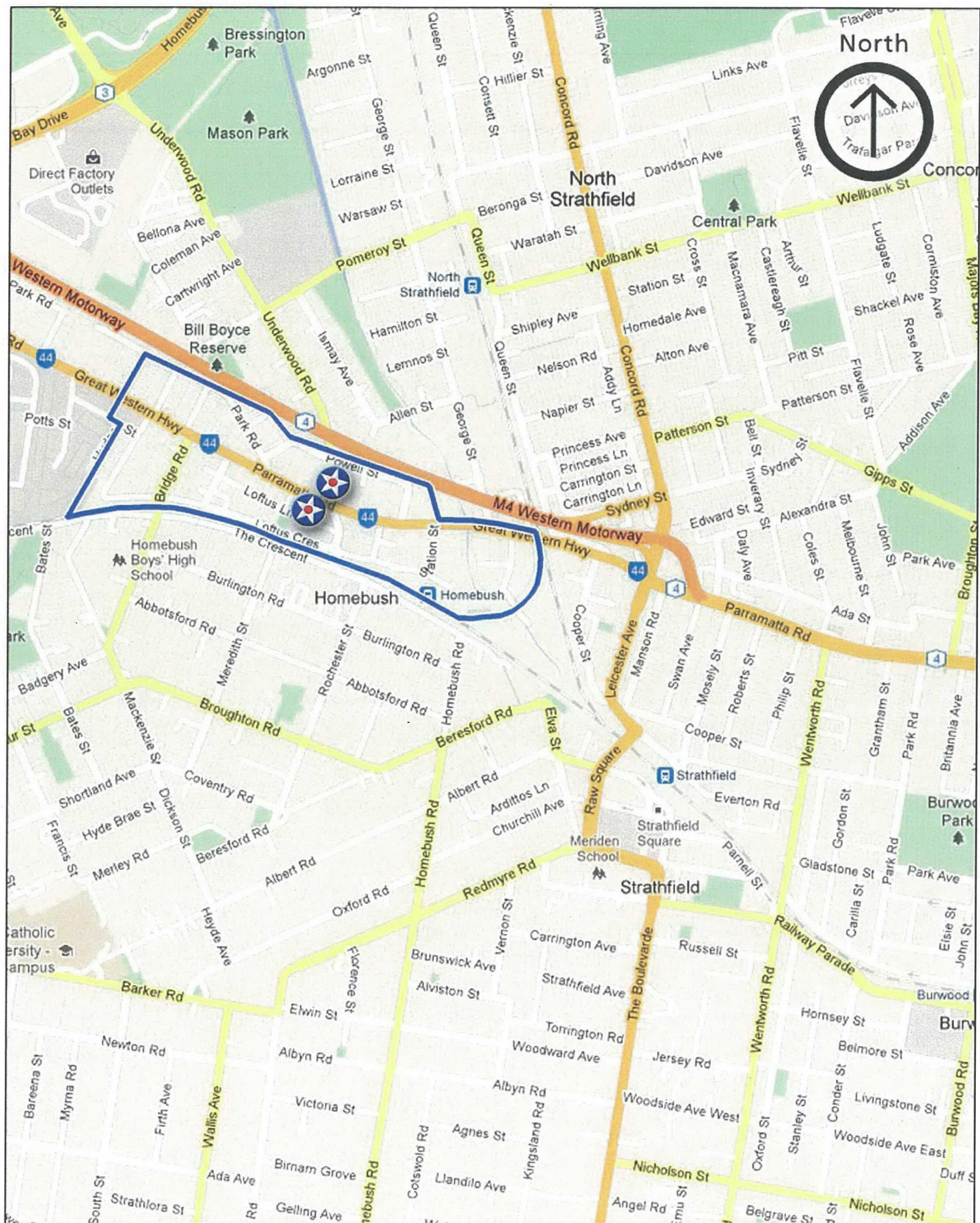
SUTTONS

PARTS

SUTTONS







Source: Google MapData, 2011



Location of subject properties

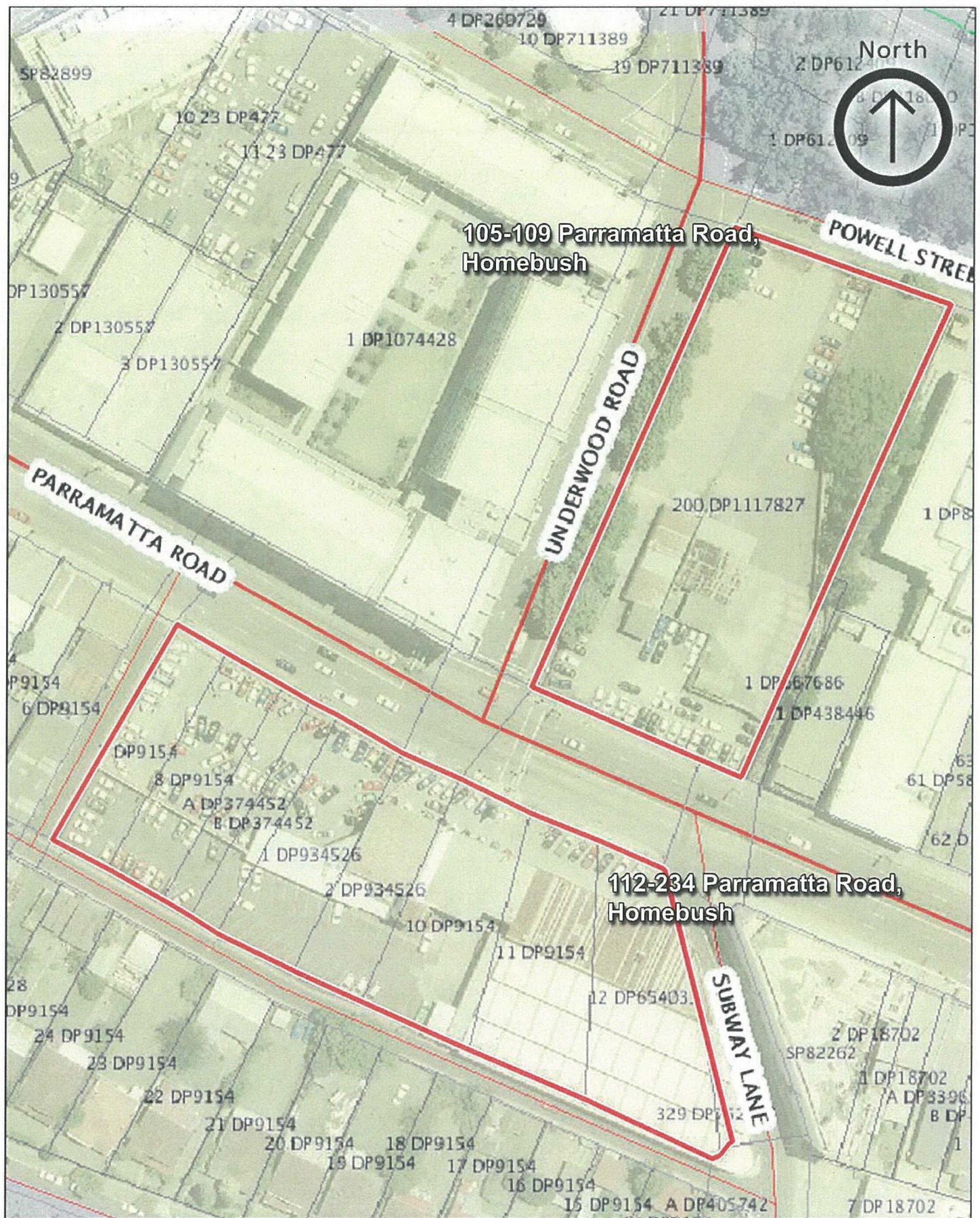


Parramatta Road Corridor

Plan 1 - Location Plan

Design Collaborative
Level 4/225 Clarence St Sydney
Ph: 9262 3200
Fax: 9262 3601



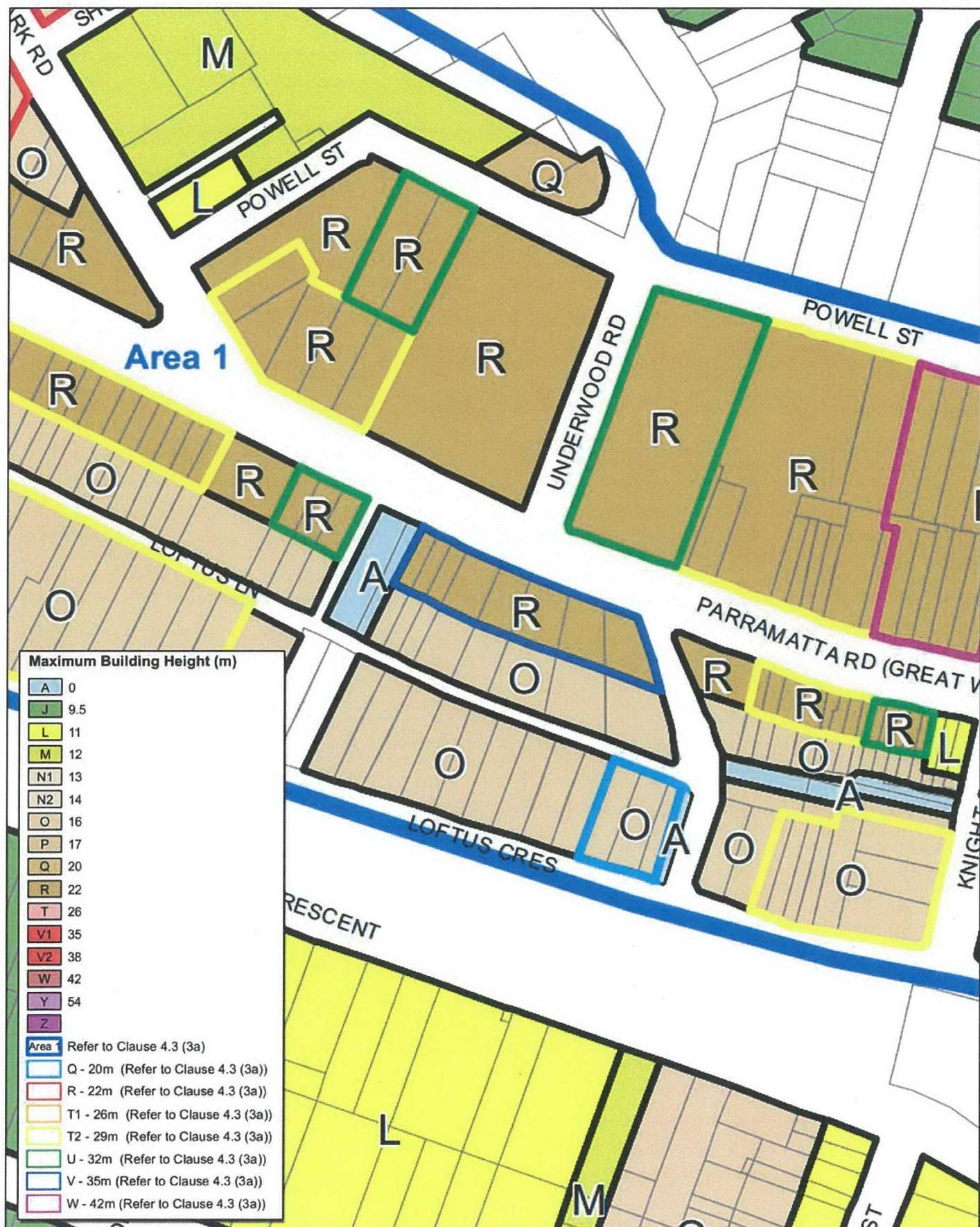


Subject Sites

Plan 2 - Aerial Photograph

Design Collaborative
Level 4/225 Clarence St Sydney
Ph: 9262 3200
Fax: 9262 3601



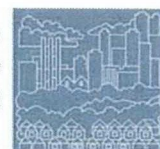


Source: Height Map 2 of Draft Strathfield Local Environmental Plan 2011

Plan 3 - Height Map Extract

Design Collaborative
Level 4/225 Clarence St Sydney
Ph: 9262 3200
Fax: 9262 3601







**MINUTES OF THE EXTRAORDINARY MEETING OF THE COUNCIL
OF THE MUNICIPALITY OF STRATHFIELD
HELD ON 24 JULY 2012**

7. DRAFT STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2011

Council's Acting Director Corporate Services, David Hazeldine provided a presentation on this item.

In accordance with Council's Code of Meeting Practice the following persons addressed the meeting:

Mr Brad Roeleven on behalf of Goodman Property Services (Australia Pty Ltd)	Mrs Joyce Tozer
Dr Subbah Singh	Mr Neil Kertz on behalf of Telmet Ventures Pty Ltd
Mr Rod Salmon representing Aussie Transport and Ricky Richards	Mr Michael Armitage on behalf of Goodman Property Services (Aust) Pty Ltd
Mr Guiliano Vaccari	Mr Stuart McDonald of SJB Planning (NSW) Pty Ltd on behalf of Sydney Markets
Mr Van Tu Chau	Mrs Anne Bechara
Mr Robert Sargis representing Ms Christina Kang	Mr Paul Lin
Mrs Joyce Tozer on behalf of Sharon Mercer	Mr Tom Van de Meer of Urbis Pty Ltd on behalf of Mr Ron Gottlieb of Ricky Richards
Ms Jenny Maddocks on behalf of No Port Enfield Group	Mr Bao Tai Lu
Mr Tong Toeng Loo	Ms Irene Moss on behalf of residents in Bridge Road., Loftus Crescent and Smallwood Avenue.
Mr Nicholas Soulos	

122/12

RESOLVED: (McLucas/Carney)

1. That Council adopt the draft Strathfield Local Environmental Plan 2011 and resolve to forward the draft LEP with the recommended amendments (refer Attachment 1) to the Department of Planning and Infrastructure with a request for referral to the Minister for Planning and Infrastructure to make the plan (gazetted).
2. That the General Manager be delegated the authority to authorise amendments to the adopted draft LEP, that do not constitute significant change or policy change that are:
 - (i) necessary to comply with technical amendments required by the Department; and/or
 - (ii) minor amendments to Draft LEP resolved by Council.
3. That Council resolve that the 2010 Direct and Indirect Section 94 Development Contributions Plans and Strathfield Consolidated Development Control Plan and Site Specific DCPs be reviewed and updated consistent with the draft LEP.
4. That a Planning Proposal be prepared by Council for further consideration of the following:
 - (i) traffic and access issues in Loftus and Bridge Street prior to increasing density
 - (ii) 43 Mackenzie Street to revert back to existing low density residential zoning



**MINUTES OF THE EXTRAORDINARY MEETING OF THE COUNCIL
OF THE MUNICIPALITY OF STRATHFIELD
HELD ON 24 JULY 2012**

- (iii) Port Enfield Intermodal Logistics Centre and Cooks River and Cox's Creek Greenspace Corridor.
- (iv) 78 Marlborough Road floor space ratio is to be reviewed to ensure consistency with previous development approvals.

Voting on this item was unanimous.

Attachment 1
Draft LEP Recommended Amendments

Minor amendments to Draft LEP

- (1) For the Australian Catholic University site:
 - * pursue the Department of Planning and Infrastructure to seek an exemption from 'boarding houses' being included as a mandatory use in the R2 Low Density Residential zoned areas.
- (2) For the sites 13 & 15 Cave Rd Strathfield:
 - * amend the Zoning Map from B1 Neighbourhood Centre to R2 Low Density Residential
 - * delete from Floor Space Ratio Map
 - * add to Lot Size Map as K (560sqm)
 - * amend the Height of Buildings Map from L (11m) to J (9.5m).
- (3) For the sites within the Columbia Lane Precinct:
 - * amend the Height of Buildings Map incentive height from T2 (29m) to (U) 32m
 - * add 'business premises', 'restaurants or cafes', 'self storage units', 'takeaway food and drink premises', to Schedule 1 for R4 zone in Columbia Lane Precinct
 - * add 'self storage units' to Schedule 1 for B4 zone in Columbia Lane Precinct
- (4) For the sites 27 & 36 Davidson Street Greenacre:
 - * add 'hotel or motel accommodation', 'vehicles sales or hire premises', 'bulky goods', 'restaurants or cafes', and 'hardware and building supplies' to Schedule 1 Additional Permissible Uses
- (5) For the sites 4-10 Elva Street and 1-11 Pilgrim Avenue Strathfield:
 - * amend the Height of Buildings Map from 14m (N2) to 16m (O).
- (6) For the Enfield Intermodal Logistics Centre site:
 - * re-align the zone boundary between IN1 zone and RE1 Public Recreation zoning to better reflect the southern extent of the Warehouse Distribution Areas and Empty Storage Areas Project Approval modifications to date.
- (7) For the small parcel of land at junction of Fraser St and The Close, Strathfield:
 - * amend the Zoning Map from R2 Low Density Residential to RE1 Public Recreation
 - * delete from Height of Buildings Map and Lot Size Map
- (8) For the sites 552 & 552a Liverpool Rd and 2 Bede St, Strathfield South:
 - * amend the Height of Buildings Map from (J) 9.5m to (L) 11m
 - * amend the Floor Space Ratio Map from (G) 0.65:1 to (P) 1.2:1.
- (9) For the site 78 Marlborough Rd Homebush West:
 - * amend the Height of Buildings Map from (P) 17m to (Q) 20m.
- (10) For the site 43 Mackenzie Street Strathfield:
 - * amend the Floor Space Ratio Map from 0.65:1 to 0.5:1

- (11) For the sites 19-21 & 20-54 Noble Avenue, 56, 60-62 & 66 High Street, 207-225, 234-250 Homebush Road and 19-27 Macarthur Avenue Strathfield South:
 - * amend the Zoning Map from R3 Medium Density Residential to R2 Low Density Residential
 - * delete from the Floor Space Ratio Map
 - * amend the Lot Size Map from U (1000sqm) to K (560sqm).
- (12) For the sites 17-35 Parramatta Rd Homebush:
 - * create incentive height on Height of Buildings Map (T1) 26m.
- (13) For the sites 105-109 & 112-134 Parramatta Road Homebush:
 - * add 'vehicle repair station' to Schedule 1 Additional Permissible Uses.
- (14) For the sites 6-32 & 11-35 Smallwood Avenue, 50-53 Loftus Crescent and 19 Bridge Road Homebush:
 - * amend Zoning Map from B4 Mixed Use and R4 High Density Residential to R2 Low Density Residential
 - * delete from the Key Sites Map and the Floor Space Ratio Map including removal from Area 1
 - * add to the Lot Size Map as (K) 560sqm
 - * amend the Height of Buildings Map from (O) 16m to (J) 9.5m and remove from Area 1
- (15) For the site Strathfield Square Lot 1 DP 1125845:
 - * amend Schedule 4 Part 1 by deleting from Column 1 Locality 'Strathfield Lot 1 DP 1125845' and deleting from Column 2 Description 'Strathfield Square.'
- (16) For the Sydney Markets site:
 - * For zone SP1 Special Activities "Markets", seek approval from the Department of Planning and Infrastructure to amend the zone name to SP1 Special Activities "Sydney Wholesale and Retail Markets and Distribution Centre" on the Zoning Map
 - * For the sites 222-242 Parramatta Road, add 'Warehouse and distribution centre' to Schedule 1 Additional Permissible Uses.
- (17) For the sites 3-45, 4-26 Telopea Avenue and 344-348 Parramatta Rd Homebush West:
 - * amend Zoning Map from IN2 Light Industrial to R3 Medium Density Residential
 - * amend the Floor Space Ratio Map from 1:1 to 0.65:1
 - * amend the Height of Buildings Map from (M) 12m to (J) 9.5m.
- (18) For B4 Mixed Use zone:
 - * Amend "Mooring pens; Mooring pens" to "Mooring; Mooring pens" in the Land Use Table for B4 zone as 'Prohibited'
 - * Add "public" before "administration" in the Land Use Table for B4 Mixed Use zone as 'prohibited'
- (19) For the B6 Enterprise Corridor zone:
 - * amend Height of Buildings Map from (N2) 14m to (O) 16m
 - * include 'Childcare centres', 'Storage Premises' and 'Restaurant or cafe' in the Land Use Table for B6 Enterprise Corridor zone as 'Permitted with consent'
 - * delete 'Childcare centres' and 'Restaurants' in the Land Use Table for B6 zone as 'Prohibited'
 - * delete 'Shop Top Housing' in the Land Use Table from 'Permitted with consent' for B6 Enterprise Corridor zone

- * delete from B6 objectives of zone "and residential uses (but only as part of a mixed use development)"
- * amend the Land Use Table by adding a new objective "To ensure development does not impact on the safe and efficient operation of classified roads."

(20) For Residential care facilities:

- * delete 'Residential care facilities centres' from the Land Use Tables for R3 Medium Density Residential, R4 High Density Residential, B1 Neighbourhood Centre, B2 Local Centre, B4 Mixed Use zones as 'Permitted with consent'
- * delete the wording 'centres' from 'Residential care facilities centres' in the Land Use Tables for B3 Commercial Core, B6 Enterprise Corridor, B7 Business Park, RE1 Public Recreation zones as 'Permitted with consent'
- * delete 'Residential care facilities' from Land Use Table in B3 Commercial Core zone as 'Prohibited'
- * amend the Land Use Table for the RE1 Public Recreation zone by adding 'Respite day care centre' as 'Permitted with consent'
- * delete title 'Residential care facility centre' in Dictionary and replace with 'Respite day care centre' title
- * amend the Land Use Table by adding 'Respite day care centre' in the R2 Low Density Zone and IN2 Light Industrial Zone as 'Permitted with consent'.

Planning Proposal to be prepared by Council

- (21) Council to further investigate and consult in relation to preparation of a Planning Proposal for the site at 55 Park Rd Homebush for the possible amendment to Zoning Map from B6 Enterprise Corridor to B4 Mixed Use, and to Height of Buildings Map from 14m to 16m, and to Floor Space Ratio Map from 1.5:1 to maximum FSR of 1.2:1 and incentive FSR of 2.1:1, and to include in Key Site 1 on Key Sites Map as a potential amendment to the gazetted LEP.
- (22) Council to further investigate and consult in relation to preparation of a Planning Proposal to apply height and FSR controls to the Australian Catholic University site as a potential amendment to the gazetted LEP.
- (23) Council to further investigate and consult in relation to preparation of a Planning Proposal for the possible reconfiguration of key sites between Parramatta Road and Park Road to the west of the Parramatta Road and Park Road junction including Key Site 19, 20, 21 as a potential amendment to the gazetted LEP.
- (24) Council to further investigate and consult in relation to preparation of a Planning Proposal for the possible road widening of eastern side of Powell Street adjoining to 17-35 Parramatta Road as a potential amendment to the gazetted LEP.
- (25) Council to further investigate and consult in relation to preparation of a Planning Proposal for the possible reconfiguration of Key Sites 76-82 and rear vehicular access to the street block bounded by Subway Lane, Knight St and Loftus Lane as a potential amendment to the gazetted LEP.
- (26) Council to further investigate and consult in relation to preparation of a Planning Proposal relating to the Sydney Markets site to potentially amend the gazetted LEP as follows:
 - * For site 37 Smallwood Avenue and adjoining sites to the south delete from Height of Buildings Map and Floor Space Ratio Map.

* For sites 222-242 Parramatta Road rezone from B4 Mixed Use and B6 Enterprise Corridor to SP1 Special Activities from "Markets" or "Sydney Wholesale and Retail Markets and Distribution Centre" (retain 1-9 Smallwood Avenue site as B4 Mixed Use).

* Delete Key Sites 34, 35, 36 and 42 and adjust Key Site 37.

- (27) Council to further investigate and consult in relation to preparation of a Planning Proposal to amend the Lot Size Map for the IN1 zoned section of the Enfield Intermodal Logistics Centre site by replacing the 20,000sqm minimum lot size with a smaller minimum lot size to permit subdivision as a potential amendment to the gazetted LEP.
- (28) Council further investigate and consult in relation to preparation of a Planning Proposal to amend Key Site 51 to possibly include 4 Smallwood Avenue, dependent on whether Council, reverts the Smallwood Avenue precinct zoning back to R2 Low Density Residential zoning, as a potential amendment to the gazetted LEP.
- (29) Council to further investigate and consult in relation to preparation of a Planning Proposal to amend Floor Space Ratio Map from 0.9:1 to 1.2:1 for 554-582 Liverpool Rd & 1 Bede St as a potential amendment to the gazetted LEP.

Individual Planning Proposals to be prepared by landowners/applicants at the invitation of Council

- (30) The proponent is invited to prepare a Planning Proposal for sites 27 & 36 Davidson St Greenacre in relation to the possible rezoning to B6 - Enterprise Corridor as a potential amendment to the gazetted LEP and that this specific Planning Proposal be exempt from Council's Standard LEP rezoning (Planning Proposal) application fees.
- (31) The proponent is invited to prepare a Planning Proposal for the Water Street/Dunlop Street existing industrial precinct for the possible rezoning to R3 Medium Density Residential zone to address the current outstanding issues including those raised in the Gateway Determination and SGS Economic Land Use and Employment Strategy as a potential amendment to the gazetted LEP and that this specific Planning Proposal be exempt from Council's Standard LEP rezoning (Planning Proposal) application fees.
- (32) The proponent is invited to prepare a Planning Proposal for the Strathfield Golf Club site in relation to the possible rezoning of the southern portion of the site to B4 Mixed Use as a potential amendment to the gazetted LEP and that this specific Planning Proposal be exempt from Council's Standard LEP rezoning (Planning Proposal) application fees.

Further investigation and consultation required:

- (33) For the Madeline Street to Water Street, Cooks River precinct:
 - * further liaison is required with the state government (separate to the current gazettal of the Draft LEP) to check whether there are any Green and Golden Bell Frog Habitats and significant remnant vegetation on the state government owned lots adjoining the Cooks River and if so investigate as to how these may be protected.

ID2 **ADDITIONAL PERMITTED USES PLANNING PROPOSAL - 101-109
PARRAMATTA ROAD, HOMEBUSH**

AUTHOR: Joanne Chan, Strategic Planner

APPROVERS: Stephanie Lum, Principal Strategic Planner

Silvio Falato, Acting Director Infrastructure and Development

RECOMMENDATION

- 1. That Council endorse the attached draft Additional Permitted Uses Planning Proposal for 101-109 Parramatta Road, Homebush.*
- 2. That Council forward the Additional Permitted Uses Planning Proposal to the Department of Planning and Environment for a Gateway Determination.*
- 3. That Council request the Department of Planning and Environment to issue written authorisation for Council to exercise delegation in accordance with s23 of the Environmental Planning & Assessment Act 1979 to prepare and make the LEP following Gateway determination (and public exhibition).*
- 4. That should a Gateway determination be issued, a further report be presented to Council following the public exhibition period, to demonstrate compliance with the Gateway determination and to respond to any submissions received.*

PURPOSE OF REPORT

1. This Report has been prepared to outline the draft amendments to Schedule 1 – Additional Permitted Uses of the Strathfield Local Environmental Plan 2012 to rectify the misdescription and mapping error regarding Schedule 1 Additional Permitted Uses of SLEP 2012 for 101-109 and 112-134 Parramatta Road, Homebush.
2. To seek Council's endorsement to forward the attached draft Additional Permitted Uses Planning Proposal to the Department of Planning and Environment for a Gateway Determination.

REPORT

Background

Strathfield Council's environmental planning instrument, *Strathfield Local Environmental Plan 2012* (SLEP 2012), was gazetted on 15 March 2013. Since the commencement of SLEP 2012, Council Officers have become aware of several minor anomalies and errors within the SLEP 2012 maps and written instrument.

During the draft LEP public exhibition between January to March 2012, a submission was lodged on behalf of Suttons Motor Group objecting to the then proposed B4 Mixed Use zone for a number of their sites on the grounds that the current and future motor vehicle related land uses may be prohibited as a result.

After Council's consideration of all the submissions, it was resolved on 24 July 2012 to adopt a number of minor amendments to the draft LEP. This included the provision of Additional Permitted Uses for sites at 105-109 & 112-134 Parramatta Road, Homebush as identified in the submission to permit 'vehicle repair station' as a land use.

Additional Permitted Uses Planning Proposal - 101-109 Parramatta Road, Homebush (Cont'd)

The submission incorrectly referred to the site as 105-109 Parramatta Road but it should be known as 101-109 Parramatta Road (Lot 200, DP 1117827) according to Council's records. This error was inadvertently carried forward when preparing the final version of the SLEP 2012 written instrument.

Additionally, there was also a mapping oversight for 101-109 Parramatta Road Homebush in the supporting Additional Permitted Uses map of the SLEP 2012. The subject site is not currently denoted as 'Item 2' on the Additional Permitted Uses Map (Sheet No.4).

In December 2016, this minor error was identified at a pre-lodgement DA meeting for 101-109 Parramatta Road, Homebush.

On 10 February 2017, Council submitted a Section 73A submission to the Department of Planning and Environment to rectify the minor discrepancy between Schedule 1 Additional Permitted Uses of the SLEP 2012 written instrument and the supporting map. The Section 73A application also sought to clarify the title description of the subject land parcels.

However, due to the potential risk of legal challenges in court, the Department of Planning and Environment did not support the Section 73A application and instead, recommended the minor errors be rectified through a formal housekeeping planning proposal.

This housekeeping amendment to SLEP 2012 has been prepared to address these minor issues and to improve the operation and accuracy of the plan.

Additional Permitted Uses Planning Proposal

This Additional Permitted Uses Planning Proposal (Attachment 1) intends to rectify the following anomalies under Schedule 1 – Additional Permitted Uses of the SLEP 2012:

- Under item 2 title, delete '105-109 Parramatta Road' and insert '101-109 Parramatta Road';

<u>Existing clause:</u>	<u>To be replaced by:</u>
2 Use of certain land at 105–109 and 112–134 Parramatta Road, Homebush	2 Use of certain land at 101–109 and 112–134 Parramatta Road, Homebush

- Under clause 2 (1), delete '105-109' Parramatta Road' and insert '101-109 Parramatta Road (Lot 200, DP 1117827)'; and after '112-134 Parramatta Road' insert 'Lot 7-8, 10-11, DP 9154; Lot A-B, DP 374452; Lot 1-2, DP 934526; Lot 12, DP 654033; Lot 329, DP 752023'.

<u>Existing clause:</u>	<u>To be replaced by:</u>
(1) This clause applies to land at 105–109 and 112–134 Parramatta Road, Homebush, identified as "Item 2" on the Additional Permitted Uses Map .	(1) This clause applies to land at 101–109 (Lot 200, DP 1117827) and 112–134 (Lot 7-8, 10-11, DP 9154; Lot A-B, DP 374452; Lot 1-2, DP 934526; Lot 12, DP 654033; Lot 329, DP 752023) Parramatta Road, Homebush, identified as "Item 2" on the Additional Permitted Uses Map.

- Identify 101-109 Parramatta Road, Homebush (Lot 200, DP 1117827) on the Additional Permitted Uses Map as 'Item 2.'

Additional Permitted Uses Planning Proposal - 101-109 Parramatta Road, Homebush (Cont'd)

The 'Additional Permitted Uses' Planning Proposal has been prepared in accordance with the Department's guidelines "A Guide to Preparing Planning Proposals" and "A Guide to Preparing Local Environmental Plans".

LEP Plan Making Process

Should Council resolve to proceed with the Additional Permitted Uses Planning Proposal, and forward it to the Department of Planning and Environment, the LEP plan making process generally involves the following main steps:

- The Department undertakes an assessment of the Planning Proposal and issues a Gateway Determination to provide advice as to whether the LEP Amendments can proceed;
- The Gateway Determination would also specify whether any additional information is required, the length of public exhibition of the Planning Proposal, the relevant state agencies and stakeholders to be consulted, and any other relevant conditions;
- Council updates and exhibits the Planning Proposal in accordance with the Gateway conditions;
- Council considers submissions received, amends the Planning Proposal if required and forwards it to Parliamentary Counsel (under delegated authority) or the Department for gazettal.

Additional Permitted Uses Planning Proposal - 101-109 Parramatta Road, Homebush (Cont'd)Conclusion

The proposed housekeeping amendment to the SLEP 2012 is to rectify a misdescription to prevent Council's planning controls being misinterpreted in the future. Given the nature of this Planning Proposal, it is recommended that Council requests the Department issue written authorisation to exercise local delegations to make this Plan. This will streamline the Plan Making process and enable the SLEP amendment to be processed by Council Officers.

A further report to Council will be provided for consideration following the Gateway Determination and public exhibition prior to the finalisation of this LEP Amendment.

FINANCIAL IMPLICATIONS

There are advertising and notification costs associated with this Planning Proposal.

ATTACHMENTS

1. [!\[\]\(e27c4336460e9e6729a19580c0456728_img.jpg\)](#) Draft Additional Permitted Uses Planning Proposal to amend SLEP 2012

ID2 Additional Permitted Uses Planning Proposal - 101-109 Parramatta Road, Homebush

94/17

RESOLVED: (Vaccari / Kokkolis)

1. That Council endorse the attached draft Additional Permitted Uses Planning Proposal for 101-109 Parramatta Road, Homebush.
2. That Council forward the Additional Permitted Uses Planning Proposal to the Department of Planning and Environment for a Gateway Determination.
3. That Council request the Department of Planning and Environment to issue written authorisation for Council to exercise delegation in accordance with s23 of the Environmental Planning & Assessment Act 1979 to prepare and make the LEP following Gateway determination (and public exhibition).
4. That should a Gateway determination be issued, a further report be presented to Council following the public exhibition period, to demonstrate compliance with the Gateway determination and to respond to any submissions received.

For the Motion: Councillors Bott, Kokkolis, Soulos, Vaccari and Datta

Against the Motion: Nil

Suspension of Standing Orders

95/17

RESOLVED: (Bott / Datta)

That Standing Orders be Suspended to allow consideration of the following matter:

9. Councillors' Questions To The Mayor (Submitted In Writing In Accordance With Council's Code Of Meeting Practice)

For the Motion: Councillors Bott, Kokkolis, Soulos, Datta and Vaccari

Against the Motion: Nil

Councillor Question to the Mayor – Councillor Datta

1. What is the status of \$1 million promised grant by the Deputy Prime Minister and the Federal Member for Strathfield for realisation of the Australian Korean Memorial Garden, promised more than 1.5 years ago?
2. If the money has not been received yet what actions the council has taken so far to receive it as soon as possible?

Councillor Vaccari left the meeting room, the time being 9.39PM.

The General Manager advised that the application is still in progress and Council has not been yet advised of the outcome of the grant application.

Attachment 4 – Evaluation criteria for the delegation of plan making functions

Checklist for the review of a request for delegation of plan making functions to councils

Local Government Area:

Strathfield Council

Name of draft LEP:

Additional Permitted Uses Planning Proposal - 101-109 Parramatta Road, Homebush

Address of Land (if applicable):

101-109 Parramatta Road, Homebush (Lot 200, DP 1117827)

Intent of draft LEP:

To rectify the misdescription regarding Schedule 1 Additional Permitted Uses of *Strathfield Local Environmental Plan 2012 (SLEP 2012)* for 101-109 Parramatta Road, Homebush and provide the title details for 112-134 Parramatta Road, Homebush.

The Planning Proposal also proposes to rectify the mapping error to identify 101-109 Parramatta Road, Homebush on the Additional Permitted Uses Map.

Additional Supporting Points/Information:

The objective of this Planning Proposal is to improve the operation and accuracy of the plan by correcting minor anomalies within Schedule 1 Additional Permitted Uses of the *SLEP 2012* and the Additional Permitted Uses Map.

The intended outcome of this Planning Proposal is to ensure that Strathfield Council's strategic intentions in relation to its planning controls are achieved by rectifying a misdescription, and to ensure that Council continues to provide reliable and consistent information to the Strathfield community.

The Planning Proposal does not propose any changes to the zoning of the subject site.



Evaluation criteria for the issuing of an Authorisation				
(NOTE – where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?	Y			
Heritage LEPs	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?		N/A		
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		N/A		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		N/A		
Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?		N/A		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		N/A		
Is the planning proposal proposed to rectify an anomaly in a classification?		N/A		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		N/A		
Will the draft LEP discharge any interests in public land under section 30 of the <i>Local Government Act, 1993</i> ?		N/A		

If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		N/A		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) <i>Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land</i> ?		N/A		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		N/A		
Spot Rezoning	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?		N/A		
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?		N/A		
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?		N/A		
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		N/A		
Does the planning proposal create an exception to a mapped development standard?		N/A		
Section 73A matters				
Does the proposed instrument a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?; b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? (NOTE - the Minister (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).	Y			
NOTES - Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance. - Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.				