

Planning Services

Gateway Determination Report

LGA	Strathfield
RPA	Strathfield Council
NAME	Proposal to amend FSR and height controls under Strathfield Local Environmental Plan 2012 to increase development standards at 2-6 Pilgrim Avenue, 9 and 11-13 Albert Road, Strathfield. (280 dwellings, 50 jobs)
NUMBER	PP_2017_STRAT_004_00
LEP TO BE AMENDED	Strathfield Local Environmental Plan 2012
ADDRESS	2-6 Pilgrim Avenue, 9 and 11-3 Albert Road, Strathfield
DESCRIPTION	Lots 8 and 9 – DP15917 Lots A and B – DP100558 SP8785
RECEIVED	11 September 2017
FILE NO.	17/08831
QA NUMBER	qA418543
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

INTRODUCTION

Description of Planning Proposal

The planning proposal seeks to amend Strathfield LEP 2012 in the following manner:

- increase the maximum Floor Space Ratio (FSR) from 3.5:1 to 5:1; and
- increase the maximum height in metres from 35m to 54m.

The proposed amendment will provide up to 280 dwellings and 50 new jobs. No change is proposed to the existing B4 Mixed Use zoning.

A concept design has been provided with the proposal comprising the following:

- building form across the site comprising a podium structure with two residential towers of 11 and 15 storeys primarily aligned to the Pilgrim Avenue and Raw Square frontages;
- a central lower rise podium level comprising communal open space and landscaping;
- ground floor commercial/retail tenancies; and

- basement level car parking accessed from Pilgrim Avenue and Raw Square.

Component	Details
Height	Building A – 12 storeys (44m) Building B – 10 storeys (37m) Building C – 15 storeys (54m) Building D – 10 storeys (37m)
Residential apartments	280 dwellings
Commercial floor space	1,358sqm comprising 8 separate ground floor commercial tenancies



Figure 1: Proposed indicative design viewed facing north-east

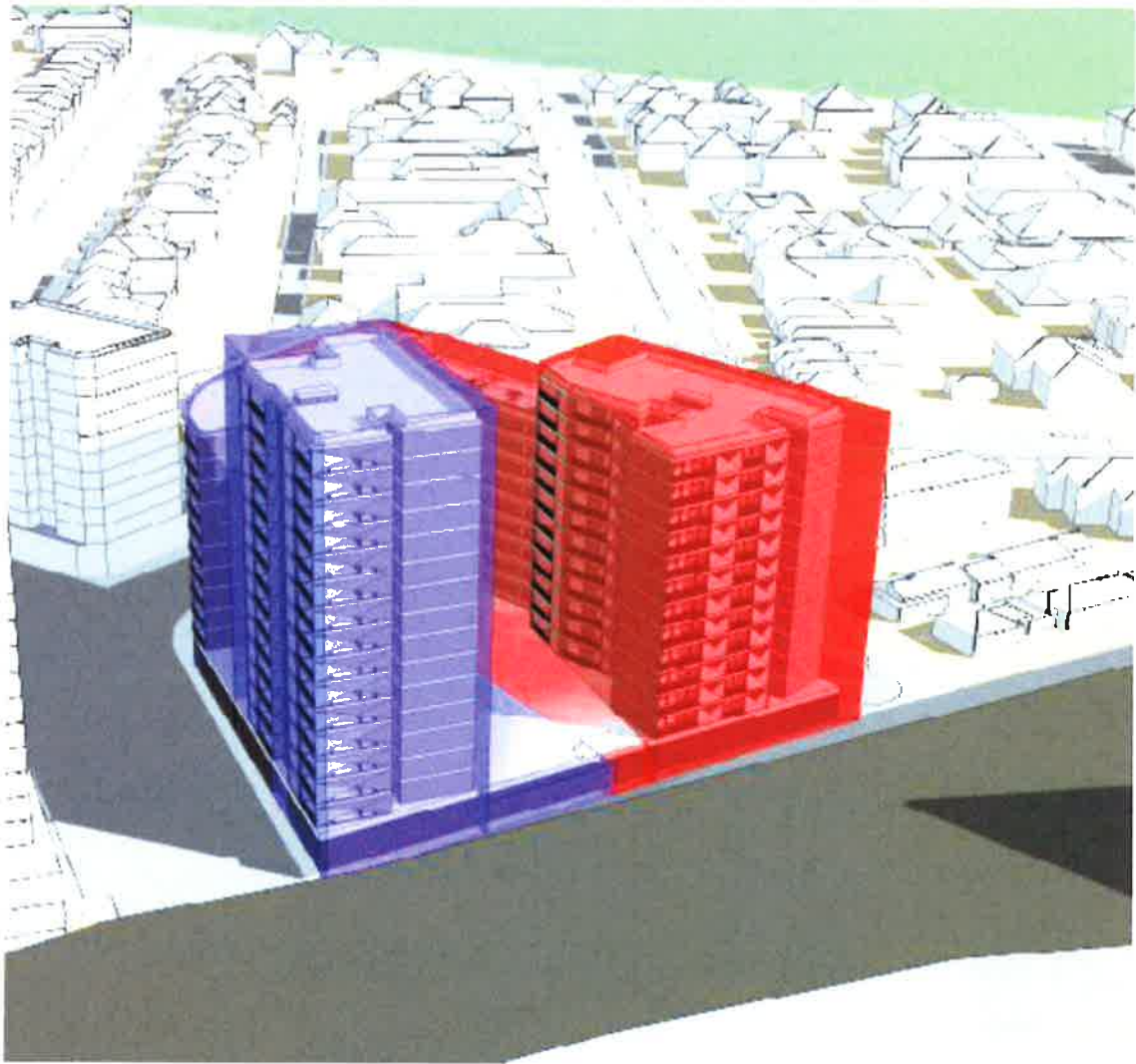


Figure 2: Proposed indicative design facing south

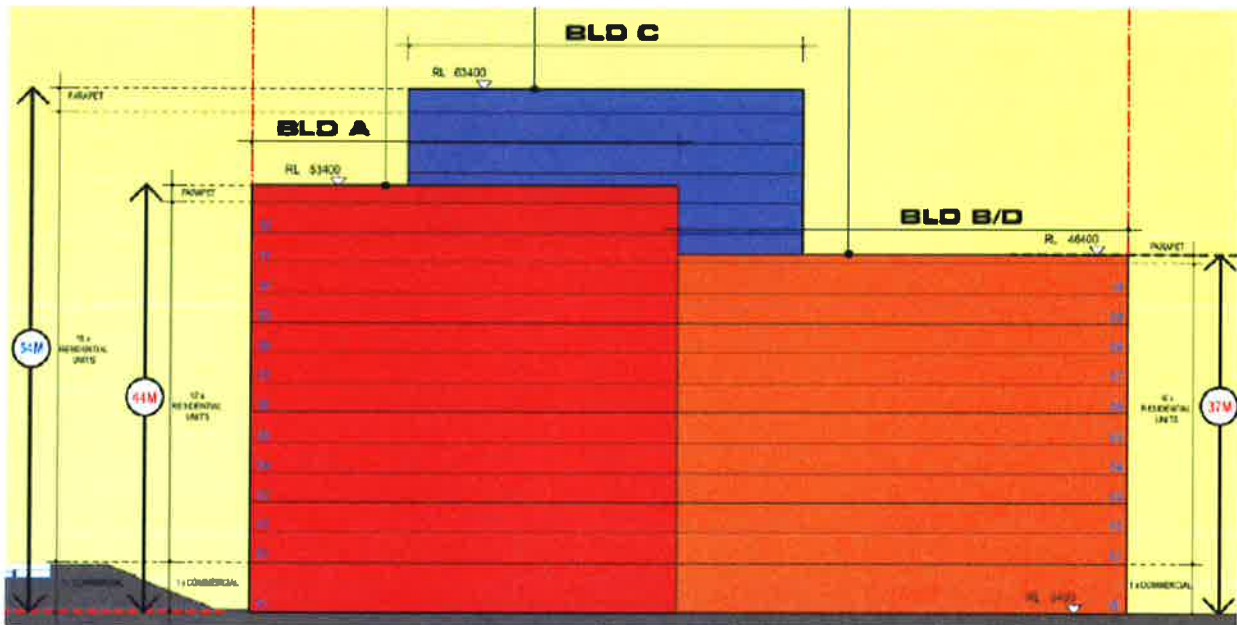
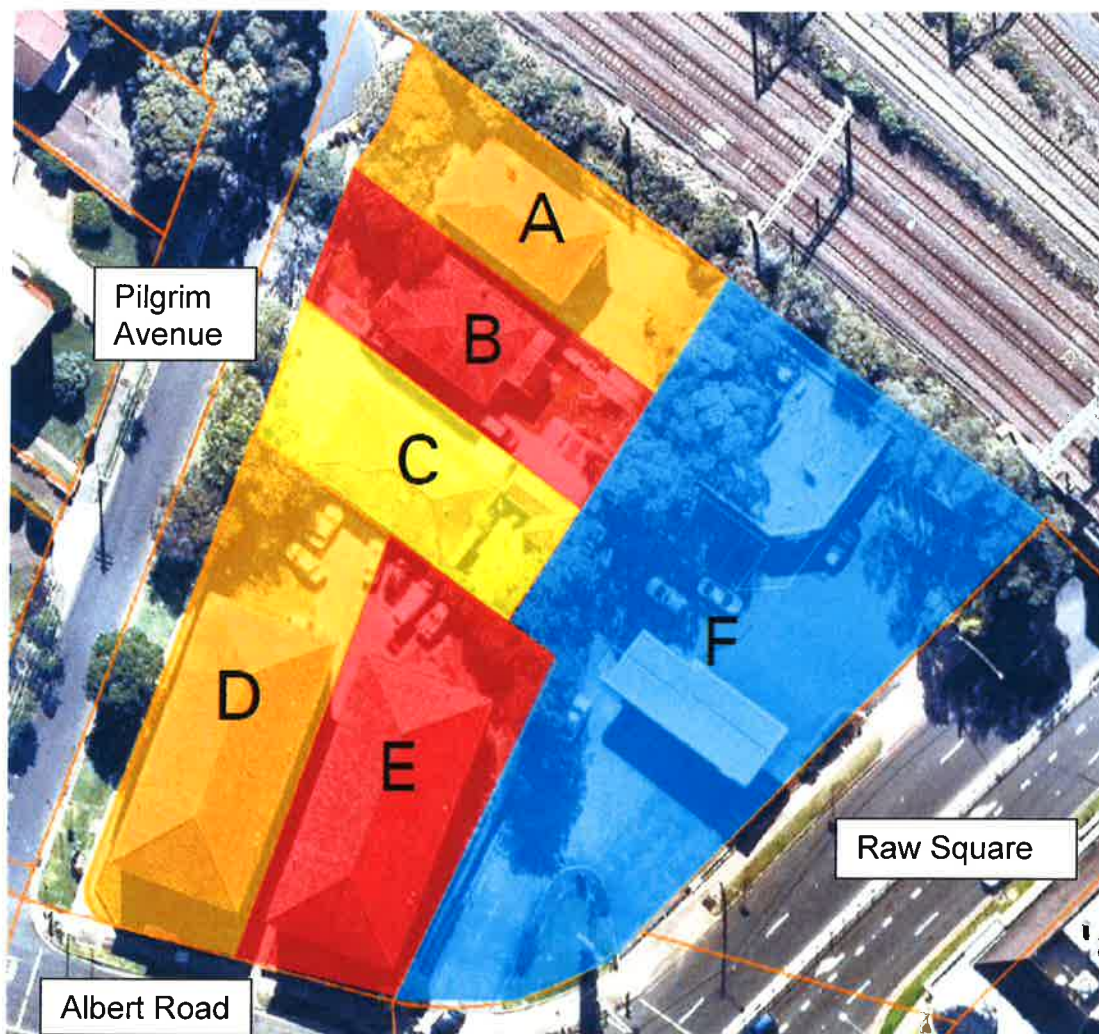


Figure 3: Elevation showing height distribution of indicative scheme



Reference	Street address	Legal description	Area
Site A (proponent owned)	2 Pilgrim Avenue	SP8785	500 m ²
Site B (proponent owned)	4 Pilgrim Avenue	Lot 9 DP15917	472 m ²
Site C (proponent owned)	6 Pilgrim Avenue	Lot 8 DP15917	433 m ²
Site D (proponent owned)	13 Albert Road	Lot A DP 100558	748 m ²
Site E (proponent owned)	11 Albert Road	Lot B DP 100558	715 m ²
Site F	9 Albert Road	Lot 100 DP807807	2,017 m ²

Figure 4: Existing lots highlighted from A - F

The proposal has the potential to facilitate up to 280 dwellings on the site.

Site Description

The site comprises six lots, is irregular in shape and has a total area of approximately 4,885sqm. Three of the lots (Lots A-C) have a sole frontage to Pilgrim Avenue and contain detached single storey residential dwellings with separate driveway access. Two of the lots (Lots D and E) contain separate residential unit buildings with a central driveway access from Albert Road. A petrol service station is located on the remaining lot (Lot F) on the corner of Raw Square and Albert Road.

The site is largely covered with concrete and asphalt with a low level of vegetation. Street trees are located along the Pilgrim Street verge adjacent to the north-western side of the

site. This land is not part of the site and is identified as a being owned by Railcorp. The site does not contain any heritage items and is not located within a heritage conservation area. The closest heritage conservation area is located approximately 100 metres to the south-west of the site.



Figure 5: View of site from Albert Road facing north



Figure 6: View of site from corner of Raw Square and Albert Road facing west



Figure 7: View of service station fronting Raw Square



Figure 8: View of service station fronting Raw Square facing south-west



Figure 9: View of existing building at 13 Albert Road from Pilgrim Avenue facing south-east



Figure 10: View of existing buildings at 4 and 6 Pilgrim Avenue facing south-east

Surrounding Area

The site is located near the boundary of three council areas – Strathfield, Canada Bay and Burwood. Strathfield Railway Station is located approximately 200m to the east of the site with the railway line adjacent to the northern boundary of the site. The site is located in close proximity to a number of redevelopment precincts within the Strathfield and Canada Bay LGAs. This includes the Strathfield Town Centre, Strathfield Triangle and the Columbia Precinct as shown below.

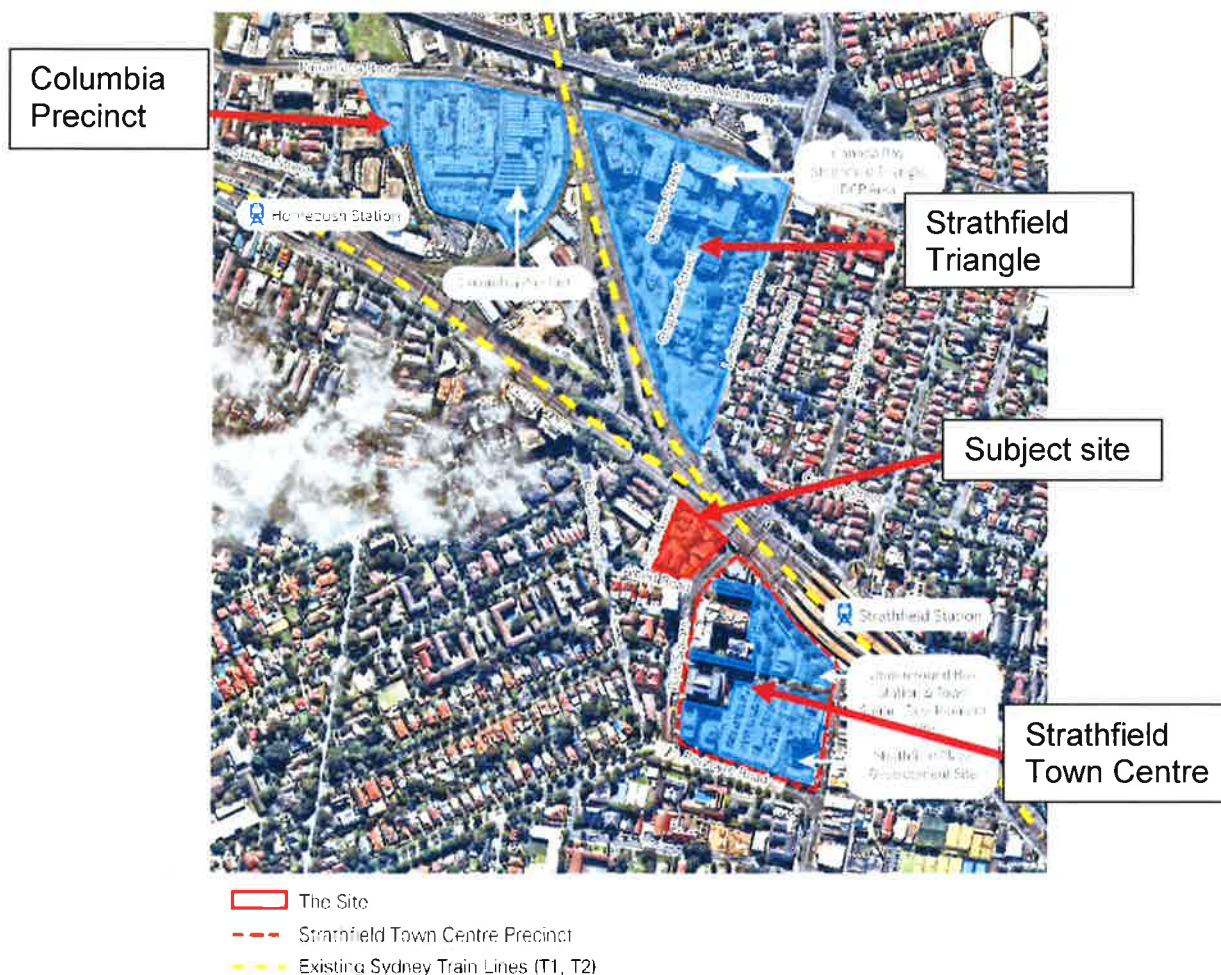


Figure 11: Site and surrounding area

Residential land to the south and west is predominantly 2 to 4 storeys, while an 11 storey development is located to the south, on the corner of Albert Road and Raw Square.

BACKGROUND

History of planning proposal

Original Proposal

On 2 July 2015, the subject planning proposal was initially lodged with Strathfield Council and sought to increase the maximum building height from 35 metres to 70 metres and increase the FSR from 3.5:1 to 8.3:1. Following discussions between the proponent and Council, the planning proposal was amended to a reduced maximum height of 18 storeys (60 metres) and FSR of 6.1:1.

Pre-Gateway Review

On 6 June 2016, the planning proposal was submitted as a Pre-Gateway Review as Strathfield Council had not indicated its support within 90 days. Council considered a report on the proposal and resolved not to support it at the June 2016 Council meeting. Formal comments were provided to the Department in July 2016 from the Council outlining their position.

On 18 October 2016, the Sydney East Joint Regional Planning Panel (SEJRPP) considered that the proposal had merit and recommended it should proceed to Gateway determination subject to the following:

- the proposal should extend over the whole street block including the adjoining service station;
- the permissible FSR over the whole street block should be 5:1;
- the maximum permissible height should be 54m;
- a development control plan should be prepared and exhibited with the draft LEP showing the proposed distribution of height. That part of the site which adjoins the residential area should have the lowest height, while the part which is closest to the station should have the highest;
- a new traffic study should be prepared which applies to the whole street block and which takes into account any public commuter parking provided; and
- given that the planning proposal does not include any changes in permissible use, land contamination and hydraulic studies may be left to the development application stage.

Having regard to the Panel's advice, the Department determined that the proposed should proceed to Gateway subject to conditions as suggested by the Panel. The Department considered it appropriate that the planning proposal be amended to include the adjacent service station site to ensure consistent urban design across the whole block. The proposed amendments to the height and FSR controls were also considered to be a suitable response in relation to the entire block and ensure a transition of the controls to the adjacent residential environment.

The Department also agreed that a development control plan should be prepared and exhibited with the draft LEP showing the proposed distribution of height across the sites, with the lowest height adjoining the residential area and the highest adjoining the station. The Department considered that a new traffic study should be prepared and apply to the whole street block. The Department also noted the recommendation that land contamination and hydraulic studies be carried out at the DA stage.

The proposal has since been updated to meet the requirements of the Panel recommendation and Department determination apart from the submission of a site specific DCP. As outlined in this report, additional studies are included as conditions of Gateway to respond to Council concerns as outlined below.

Council position and comments

Following the Panel recommendation, Strathfield Council was invited to be the Relevant Planning Authority (RPA). Council raised a number of concerns with the proposal. Following discussions between Council and the Department, Council formally accepted the Relevant Planning Authority (RPA) role for the proposal on 20 July 2017 and submitted the proposal for Gateway determination on 11 September 2017. The proponent updated the planning

proposal to respond to all requirements of the Department's determination with the exception of providing a site specific DCP.

While Council has accepted the RPA role, Council has raised a number of concerns and does not support the proposal in its current form. Council considers that if the Department issues Gateway determination, the proposal should be deferred until a number of matters are addressed including:

Deferral of Planning Proposal

Council states that on 1 June 2017, the Department announced Strathfield as a Priority Precinct which would encompass the subject site (i.e. within 800m of Strathfield Station). Therefore, Council has indicated that it is not in favour of site-specific planning proposals within the Strathfield Priority Precinct while a precinct wide planning proposal is being prepared for the following reasons:

- a) the opportunities and cumulative impacts of revised planning controls intensifying development are better considered and managed on a precinct wide basis;
- b) site-specific amendments to planning controls may pre-empt or be contrary to the desired outcomes of the wider precinct; and
- c) site-specific planning proposals divert resources away from precinct planning, slowing the process and resulting in inequitable outcomes within the precinct.

Extended planning proposal

Council raises concern with the Panel's recommendation to extend the planning proposal over the whole street block to include the adjoining service station. Council considers that the changes recommended are of such significance that they warrant submission of a new planning proposal.

Council is also of the view that consent should be obtained from all landowners of a planning proposal. Council state that if the service station owner does not want to develop their site, land use conflicts may arise with the adjoining development. Therefore, an assessment of the impact of the service station with issues such as fumes and hours of operation is required.

Densities

Council raises concern with the level of increased density to the consolidated site. Council considers that the proposal places too much emphasis on the approaches taken in centres such as Chatswood, Burwood and Hornsby in response to the interface between higher density town centres and their surrounding lower density residential areas.

Council previously engaged a consultant to conduct a peer review of the originally submitted planning proposal to provide advice regarding an appropriate FSR and height for the site. This peer review considered that the proposed heights and densities were too high and recommended a maximum of 14 storeys and an overall FSR of 4.5:1. This advice was advised to the Panel as part of the Pre-Gateway review.

Council considers that a range of feasible options should be explored for the site to allow a determination of whether there are any other options with a more desirable outcome.

Amenity

Council raises concern that the high density built form and configuration of building envelopes will adversely impact on the amenity (privacy and solar access) of future occupants. Council considers that the proposal's compliance with building separation, solar access and ventilation requirements of the ADG is questionable. Additionally, Council considers that the concept plans only show solar access and ventilation for the original site and not the expanded service station site.

Inadequate commercial floor space

Council considers that the site's location and context on the periphery of the Strathfield Town Centre should require the provision of more commercial floor space than currently proposed.

Site Specific DCP

Council considers a site specific DCP and revised masterplan be developed to provide detailed planning and design guidelines for the future development of the site. Council considers this should provide detailed planning and design principles to ensure a cohesive development that considers the context of the site, in particular its proximity to the Strathfield Town Centre, lower density residential development, and the adjacent rail corridor.

Required studies

Council considers that a number of additional studies should be required at the planning proposal stage. This includes:

- detailed flood study;
- detailed contamination report;
- acid sulphate soils study;
- acoustic report; and
- detailed traffic assessment.

Voluntary Planning Agreement

Council considers that the proponent should discuss the preparation of a Voluntary Planning Agreement (VPA) with Council and that this should be exhibited concurrently with the planning proposal. Council is concerned that the uplift in density will not be supported with sufficient public benefit without an agreed VPA in place.

Department's view

The Council comments have been considered as part of this assessment. The requested requirement for the deferral of the planning proposal is not in keeping with the Panel recommendation and is not supported. It is considered it would be unreasonable to delay a decision on this proposal pending the implementation of the Strathfield Priority Precinct studies which are still in the early stages of investigation.

There are no requirements under the *Environmental Planning and Assessment Act 1979* that requires landowners consent to be provided as part of a planning proposal. However a Gateway condition is included requiring the proponent write to the landowners as part of the

community consultation period. The Panel recommendation to include the adjacent service station as part of this planning proposal is supported and will provide a more coherent assessment of future development on the site. Conditions of Gateway are included requiring additional information be provided to assess the impacts of the existing service station should it not be redeveloped at the same time as the original planning proposal site. This is further discussed later in this report.

The density of the proposal has been reduced to a maximum FSR of 5:1 to correspond with the determination of the Department. The preparation of a site specific DCP will provide suitable guidance for the future design of the site. This requirement has been included as a condition of Gateway. The Council's request for a range of feasible options to be developed for heights and densities is not supported. The updated concept design has responded to the distribution of heights recommended by the Panel to provide the highest buildings closest to the railway station which is considered acceptable. The development of a site specific DCP will provide the basis for the distribution of height and FSR across the site.

The proposal does not seek to rezone the site from its existing B4 Mixed Use zoning. The Council's concerns for additional commercial floor space will need to be considered further as part of any future development application. Clause 6.8 of the Strathfield LEP 2012 restricts the amount of residential floor space in the adjacent Strathfield Town Centre where a building contains more than 1,500sqm of floor space. In these instances, residential accommodation should not exceed 35% of the floor space of the building. As the site is located outside the Strathfield Town Centre this clause does not apply to the subject site.

Conditions of Gateway are included requiring updates to be made to the proposal to address amenity concerns regarding solar access and ventilation analysis and its response to the ADG guidelines. Additional preliminary studies are also included as Gateway conditions as discussed later in this report.

The issue raised of exhibiting a VPA with the proposal is not a necessary requirement of this Gateway determination. This will need to be explored between the proponent and Council.

Summary of Recommendation

It is recommended that the proposal proceed subject to conditions because:

- it demonstrates consistency with the strategic planning framework of A Plan for Growing Sydney, draft Greater Sydney Regional Plan and Revised draft Eastern City District Plan;
- it will assist in delivering additional housing in a well serviced area near Strathfield Town Centre and Strathfield Railway station;
- the retention of the existing B4 Mixed Use zoning will enable suitable employment uses to be provided in the future; and
- the increased density is in keeping with the built form of the adjacent Strathfield Town Centre. The built form transition to the lower scale built form to the west and south-west can be suitably guided by the preparation of a site specific DCP.

PROPOSAL

Objectives or Intended Outcomes

The objectives and intended outcomes are considered clear and adequate for the purposes of the planning proposal. The proposal intends to provide increased housing supply in a strategically well located site close to public transport and employment opportunities.

Explanation of Provisions

The explanation of provisions adequately addresses the intended method of achieving the objectives of the planning proposal. The proposal intends to amend the SLEP 2012 by:

- increasing the Height of Buildings map to set a maximum height of 54 metres; and
- increasing the Floor Space Ratio (FSR) map to set a maximum FSR of 5:1.

No change to the existing B4 Mixed Use zoning is proposed.

Mapping

The planning proposal includes mapping showing the proposed changes to the height of buildings and FSR maps which is suitable for community consultation.

NEED FOR THE PLANNING PROPOSAL

The proponent states that the planning proposal is not the result of a strategic study or report. It states that a site specific urban design analysis has been undertaken by the proponent's architects to determine the site's development potential taking into consideration constraints, opportunities and the surrounding context.

The proposal provides comparison with the subject site to other Sydney transport interchanges, notably railway stations such as Epping, St Leonards and Hornsby. The proposal considers that increased density will be required within the Strathfield Town Centre to respond to the dwelling targets outlined under *A Plan for Growing Sydney*. It also considers that the density controls of the Strathfield Town Centre are significantly below the densities of the other centres in Sydney such as Epping, St Leonards and Hornsby. The proposal considers that the site's proximity to the Strathfield Town Centre and train station situates it in a suitable location to permit higher density housing.

The comparison to other centres is not considered a relevant consideration to apply to the site-specific merits of the site and area. Rather, it is considered the rationale that the site will contribute to increased housing in a strategically well located site adjacent to the Strathfield Town Centre and railway station is valid and has strategic merit.

A planning proposal is the best way to amend the height of buildings and floor space ratio development standards under Strathfield LEP 2012.

STRATEGIC ASSESSMENT

State

A Plan for Growing Sydney

In December 2014, the Department released A Plan for Growing Sydney ('the Plan'), the long term strategic plan for metropolitan Sydney. To achieve the Government's vision for Sydney, the Plan outlines goals to guide future development across the city.

The proposal is consistent with the four goals of the Plan as follows:

Goal 1 – a competitive economy with world class services and transport

The proposal is consistent with Direction 1.7 *Grow Strategic Centres – providing more jobs closer to home*. The site is 200m from Strathfield train station and is close to Burwood strategic centre. The proposal indicates consistency with this goal as it will provide housing near transport and is accessible to jobs and services.

Goal 2 – a city of housing choices with homes that meet our needs and lifestyles

The proposal is consistent with Action 2.1.1 *accelerate housing supply and local housing choices*. The increased density will contribute to increase housing supply identified as a future Priority Precinct area.

The proposal is also consistent with Action 2.2.2 *undertake urban renewal in transport corridors which are being transformed by investment and around strategic centres*. The site is located close to a major public transport interchange and will increase housing supply and choice in an established area.

Goal 3 – a great place to live with communities that are strong, healthy and connected

The proposal is consistent with Direction 3.1 *Revitalise existing suburbs*. The site is located in an existing area, adjacent to public transport and by intensifying land use in an existing area, it reduces land use demands in outer suburbs.

Goal 4 – a sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources

The proposal is consistent with this goal as it will redevelop an existing area in appropriate and sustainable location. The proposal states the built form respects the transitional nature of the area and will be designed in accordance with ESD standards.

Draft Greater Sydney Region Plan

The draft Greater Sydney Region Plan was released in October 2017 for consultation. It provides a 40 year vision for Greater Sydney promoting collaboration across government to align land use planning with future transport services. It is designed to inform district plans, local plans and the assessment of planning proposals. The proposal is generally consistent with the *10 Directions* in the plan. A Gateway condition is included requiring the proposal be updated to address the relevant sections.

Regional / District

Revised draft Eastern City District Plan

On 26 October 2017, a revised draft Eastern City District Plan (revised draft Plan) was released by the Greater Sydney Commission. It is a revised version of the draft Central District Plan released in November 2016. The planning proposal does not address the revised draft Plan as it was lodged prior to its release. Instead, the proposal includes an assessment against the directions, objectives and priorities of the November 2016 version of the draft Central District Plan. A Gateway condition is included requiring the proposal be updated to address all relevant requirements of the revised draft Plan.

The revised draft Plan guides the growth of the District within the context of Greater Sydney's three cities to further improve its social, economic and environmental assets. The revised draft Plan gives effect to ten directions and planning priorities expressed in the draft Plan. The relevant priorities have been identified below.

Priority E5 Providing housing supply, choice and affordability, with access to jobs and services is relevant to the proposal. The priority outlines a housing target of 3,650 dwellings for the Strathfield LGA from 2016-2021. The priority also outlines the importance of providing more housing in the right locations. The proposal responds to this priority by providing additional housing in a location close to public transportation and services.

Priority E6 Creating and renewing great places and local centres, and respecting the District's heritage provides a range of actions for local centres such as Strathfield. This includes requirements for place making, street improvements to enhance social and economic participation and engagement. The proposal will retain the existing B4 Mixed Use zoning which will provide the potential for ground or even first floor commercial activities to occur at the site. Further information will need to be provided outline how the planning proposal intends to respond to this priority and the further productivity priorities of the revised draft Plan.

Local

Strathfield 2025 Community Strategic Plan

The Strathfield 2025 Community Strategic Plan was adopted by Strathfield Council on 27 June 2013. It represents the shared vision for Strathfield for both Council and the community and sets clear goals and strategies to meet this vision. It contains five key goals – connectivity, well-being, prosperity and opportunity, liveable neighbourhoods and responsible leadership.

The proposal is consistent with the intent of the liveable neighbourhood goal as it seeks to provide for a range of housing types to suit a number of lifestyle needs.

Specifically, in relation to connectivity, it seeks to address impacts of traffic congestion. A Gateway condition is included requiring an updated traffic and transport assessment be provided to further address potential traffic and transport concerns. The report submitted with the proposal provides a comprehensive assessment of potential traffic generation; however, additional traffic may affect flows onto Raw Square and Everton Street which is part of the bus interchange. This issue is discussed further below.

Relevant Studies

Strathfield Residential Land Use Study

In 2011, Strathfield Council commissioned JBA Urban Planning Consultants to prepare a Residential Land Use Study to inform the development of the comprehensive Strathfield LEP 2012. This Study was developed to assist Council in accommodating new dwellings over the next 25 years. It identifies areas where residential growth is predicted to occur, and where the character of existing neighbourhoods is to be maintained. While the final masterplan and draft options identified the subject site as an area for future investigation, it wasn't formally included within the town centre.

The Residential Land Use Study recommended development controls for opportunity sites across the LGA. The subject site was considered to be an opportunity site, given its proximity to the town centre, and the Study recommended the following development controls, which were included in the Strathfield LEP 2012:

- B4 Mixed Use zoning;
- maximum building height of 35 metres (3-10 storeys); and
- maximum floor space ratio of 3.5:1.

The underlying assumptions of the study were that the site had capacity for higher density development to transition from higher density development in the town centre to the low to medium density residential to the west of the site.

The Study states that "due to the fragmented ownership, constraints on access into the site and flooding, it is recommended that the redevelopment of 2-6 Pilgrim Avenue and 9-13 Albert Road is holistically planned through the preparation of site specific masterplans and specific controls included within the DCP".

Strathfield Priority Precinct

On 1 June 2017, the NSW Government announced plans for Strathfield, Burwood and Homebush to be new Priority Precincts. These areas have been identified due to the strong public transport links, including the Western and Inner West train lines and frequent and efficient bus services to Parramatta and to the Sydney CBD. Community consultation and studies are currently occurring to assist in the preparation of plans for the area.

The Department's Greater Parramatta Urban Renewal team is currently working with Strathfield, Burwood and Canada Bay Council's to establish a planning framework to guide the growth and accompanying infrastructure improvements in the precinct for the next 20 years. This urban renewal team advises that as the investigations are in the early stages, no comment on the merits of the FSR and building height increases of this planning proposal can be provided.

The advice notes that the anticipated increases to planning controls in the Strathfield Town Centre outlined in the planning proposal are subject to the studies and works being undertaken as part of the precinct. Concern is raised that the proposal has the potential to set a false expectation for the community prior to the finalisation of the precinct studies work.

A Gateway condition is included requiring the proposal be updated to address the Strathfield Priority Precinct draft plan(s) should this be released during the plan making process.

Parramatta Road Corridor Urban Transformation Strategy

The site is located to the south of the Homebush Precinct, as identified in the Parramatta Road Corridor Urban Transformation Strategy (the railway line is the boundary between the Precinct and the site). The Precinct seeks to retain some low densities and considerably higher densities on the northern side of the railway.



Figure: Parramatta Road Strategy recommended height densities

Section 117(2) Ministerial Directions

The proposal is considered to be consistent with all relevant Section 117 Directions, except Directions 4.1 and 4.3 which require additional information to justify consistency/justified inconsistency. Discussion is also provided below regarding other key relevant Directions.

Direction 1.1 Business and Industrial Zones

The concept plan provided with the proposal reflects ground level retail/commercial development will be provided to the development. Some concern is raised regarding the viability of some of the tenancies shown in the concept design particularly fronting Pilgrim Avenue. However, as the proposal retains the existing B4 Mixed Use zoning, there will be no reduction in the total potential floor space for employment uses. The proposal is therefore consistent with this Direction.

Direction 3.1 Residential Zones

The proposal is consistent with this Direction as it will assist in broadening the choice of housing types and locations available in the housing market. It will also make more efficient use of existing infrastructure and services due to its location and does not consume land on the urban fringe. Final design quality can be addressed at the development application

stage and the extent to which infrastructure augmentation will be required can be confirmed by infrastructure providers during the agency consultation phase of the Gateway process.

Direction 3.4 Integrating Land Use and Transport

The proposal is consistent with this Direction because it will facilitate increased density through residential development in a sustainable location close to public transport (particularly Strathfield Station).

Direction 4.1 Acid Sulphate Soils

The objective of this Direction is to avoid significant adverse environmental impacts from development on land that is likely to contain acid sulphate soils.

The site is within a Class 5 acid sulphate soil zone (identified in the Strathfield LEP 2012). The proposal does not currently include any information to demonstrate the likelihood of acid sulphate soils at the site. In light of the intensification of land proposed under the planning proposal, further information is required to justify consistency/justified inconsistency with this Direction. A Gateway condition is included outlining this requirement.

Direction 4.3 Flood Prone Land

The objectives of this Direction are to ensure that development on flood prone land is consistent with the State policy and that LEP provisions are commensurate with flood hazard.

Council states that the site is significantly affected by the '1 in 100 flood event'. Given this and the size of the proposed redevelopment, a flood study is required to be provided prior to community consultation to demonstrate consistency/justified inconsistency with this Direction.

A separate Gateway condition is included outlining this requirement.

State Environmental Planning Policies

State Environmental Planning Policy 55 – Remediation of Land

Clause 6 of the SEPP requires that the planning authority consider whether the land is contaminated and the suitability of the land for the proposed use under the planning proposal.

It is highly likely that the site is subject to contamination due to the existing petrol station and proximity to the adjacent railway line. No contamination reports have been provided with the proposal to outline contamination issues. The proponent states that the proposal does not propose a change of permissible land uses and therefore full details including a Site Investigation Report and Remediation Action Plan will be prepared at the DA stage.

Notwithstanding the retention of the existing land use zoning, it is considered suitable for a Stage 1 contamination assessment to be undertaken as part of this planning proposal. The expanded site which now includes the petrol station and railway proximity raises the high likelihood of a range of contamination issues.

A Gateway condition is recommended requiring a Stage 1 contamination assessment be provided prior to community consultation.

State Environmental Planning Policy 65 – Design Quality of Residential Apartment Buildings

This SEPP is relevant as the proposal includes a concept design for a mixed-use development of over 3 storeys and more than 4 dwellings. Whilst specific design details will be assessed as part of any future development application, it is relevant to consider the design principles of this SEPP and its relationship to the Apartment Design Guide.

The proposal states that the concept design will be capable of satisfying the requirements of the SEPP. A basic assessment against ADG 'Rules of Thumb' has been provided with the proposal.

Gateway conditions are included requiring additional information be provided regarding solar access, ventilation, noise and air quality impacts. This information will provide a greater understanding of the proposal's response to the objectives and guidelines of the ADG.

State Environmental Planning Policy (Infrastructure) 2007

This SEPP is relevant due to the proposed increased level of residential density on land adjacent to a rail corridor. It is recommended that consultation is undertaken with Transport for NSW – Sydney Trains to address any specific requirements of the SEPP that may be deemed applicable at the rezoning stage.

Issues relating to noise and vibration will need to be considered as part of any future development on the site. The future design of apartment layouts will need to consider the relationship to this noise source and how its impacts will be mitigated. A Gateway condition is included requiring an acoustic report be prepared to demonstrate the suitability of the site for redevelopment in light of its proximity to the adjacent railway line and road network.

SITE SPECIFIC ASSESSMENT

As discussed, the original planning proposal was restricted to 2-6 Pilgrim Avenue and 11-13 Albert Road which the proponent advises is in their ownership. The Panel recommendation to expand the planning proposal to include the adjacent petrol station (9 Albert Road) is not currently under the ownership of the proponent.

It is noted that the updated planning proposal has provided an indicative design that distributes the permissible GFA across both sites to achieve an overall FSR of 5:1. It is also noted that the design has been developed to ensure a FSR of 5:1 is achieved for both the original site and the petrol station site should they be developed separately. The proposal generally refers to the original site as "Site 1" and the expanded petrol station site as "Site 2".

Ideally, the site would be developed as a consolidated lot, but it is acknowledged that will be determined as part of any future development application(s). The assessment below responds to the overall indicative design and its subsequent impacts referring to the sites as "Site 1" and "Site 2" where necessary.

Environmental

Critical Habitats and Threatened Species

The planning proposal states that given the sites highly urbanised location, the proposal will not result in any impact on critical habitat or threatened species, populations or ecological communities or their habitats.

Building Envelope Capacity

The updated proposal includes a gross floor area summary to demonstrate that the indicative design is capable of compliance with the 5:1 FSR allowance for the site. It is noted that the GFA diagrams provided with the proposal exclude some areas within Sites 1 and 2 that appear should be included in the FSR calculations such as ground level garbage areas and service areas. Final clarification of gross floor area calculations will need to be assessed as part of any future development application. The proposal provides adequate information to demonstrate that the proposed FSR and height is capable of being achieved.

Built Form and Scale

The recommendation of the Sydney East Joint Regional Planning Panel (SEJRPP) states that a development control plan should be prepared and exhibited with the draft LEP showing the proposed distribution of height. The Panel recommends that the part of the site which adjoins the residential area should have the lowest height, while the part which is closest to the station should have the highest.

The indicative design has responded to this by updating the design to provide the highest built form of the development to the northern end of the site adjacent to the railway line. A tower of approximately 15 storeys (54m) is located to the north-eastern side of the site also fronting Raw Square within the existing petrol station site. The tallest building within the proponent owned site is approximately 11 storeys (44m) and provides a slight transition down to Pilgrim Avenue side. The remainder of the design provides a street wall height of approximately 10 storeys that wraps around the site along all street frontages.

The distribution of the bulk has generally responded to the comments from the Panel. A site specific DCP should be prepared by the proponent to expand on these requirements to guide the future development of the site.

Building Depth

Building depth influences building circulation and configuration and has a direct relationship to internal residential amenity by determining room depths, which in turn influences access to light and air. The Apartment Design Guide states that depths of mixed use buildings transition from deeper commercial and retail uses at the lower levels to narrower building depths for the residential uses at upper levels.

The indicative design responds to this requirement and generally provides suitable building depths. Further assessment will be required at development application stage to further determine compliance with solar access and cross ventilation requirements. It is noted that some apartments will contain sole outlooks to streets and the railway which will potentially impact the ability of the apartments to achieve natural ventilation and compliant noise criteria requirements.

Building Separation and Visual Privacy

Building separation is the distance measured between building envelopes or buildings. Separation between buildings contributes to the urban form of an area and the amenity within apartments and open space areas and subsequent visual privacy. The Apartment Design Guide provides a guidance for separation distances which increases proportionally to the building height as follows:

Building Height	Separation distance
9 storeys and above	12-24m
Up to 8 storeys	9-18m
Up to 4 storeys	6-12m

It is noted that some parts of the internal separation of the buildings will potentially not meet these recommendations. Further detailed assessment of separation and privacy issues can be undertaken at the development application stage. No further information is required as part of this planning proposal.

Street Setbacks

As the site is within a B4 Mixed Use zone, the proposed zero street setback is considered appropriate to accommodate the proposed ground level commercial uses. This will define the street corridor and provide an activation to the site at street level to respond to its mixed-use zoning. Adequate building separation will be required to adjoining properties due to the road separation.

Overshadowing

The proposal is supported by overshadowing diagrams (plans and perspectives) depicting the impact of the indicative scheme on neighbouring properties at 9:00am, 12 midday and 3:00pm (no date is shown on the drawings – i.e. winter solstice). Additionally, no drawings reflecting the existing overshadowing situation have been provided.

Due to the level of increased density, it is inevitable that increased overshadowing will occur to adjoining properties. The indicative design which positions the highest bulk to the north of the site will assist in minimising the extent of overshadowing to adjoining properties. However, to allow a better understanding of the overshadowing impacts, a condition of the Gateway notes that diagrams reflecting the existing overshadowing situation should be provided along with the correct date of 21 June (winter solstice).

Solar Access and Ventilation

The Apartment Design Guide provides a guide for solar access and cross ventilation to apartments. The indicative plans currently only outline that solar access and ventilation will be capable of being achieved to Site 1. A condition of Gateway is included requiring these diagrams to be updated to include analysis of Site 2.

Noise and Vibration

The site has potential noise impacts given its location adjacent to the railway line and as Raw Square and Albert Road appear to be subject to significant levels of traffic noise. The NSW Government's *Development near Rail Corridors and Busy Roads – Interim Guideline* as called upon by the SEPP (Infrastructure) 2007 assists in the planning, design and

assessment of development in, or adjacent to, rail corridors and busy roads. Development subject to SEPP 65 and the Apartment Design Guide must also have regard to this guideline.

In light of the context of the site and potential noise sources, a Gateway condition is included requiring an acoustic report be provided prior to community consultation to demonstrate the suitability of the increased density. A Gateway condition is also included requiring consultation with Sydney Trains.

Visual Impact

The proposal is supported by an urban design analysis including a massing study to determine an appropriate built form. The preferred massing considers that by locating the taller building heights adjacent to the railway line it will provide variation in scale and building form minimising impacts on adjoining properties.

A visual impact analysis provides nine separate viewpoints from the surrounding neighbourhood. The proposal considers the built form will have minimal visual impact when seen from several key view corridors including from lower density areas. It states that the increased site density will not introduce an overbearing physical built form that will impact on the aesthetics of the town centre and surrounding area.

The updated indicative design is considered to respond to the Panel advice by locating the highest bulk of the development adjacent to the railway. This will assist in reducing the apparent bulk and scale when viewed from the south of the site. In light of the proposal's proximity to the higher density scale of the Strathfield Town Centre, the site is considered to be suitably located to permit higher density development.

Traffic and Transport

The updated planning proposal has included a Traffic and Transport Impact Assessment. This report takes into account any public commuter parking required. The report provides an assessment of the indicative design for both sites (1 and 2) which will be provided with separate access from Pilgrim Avenue to Site 1 and Raw Square to Site 2.

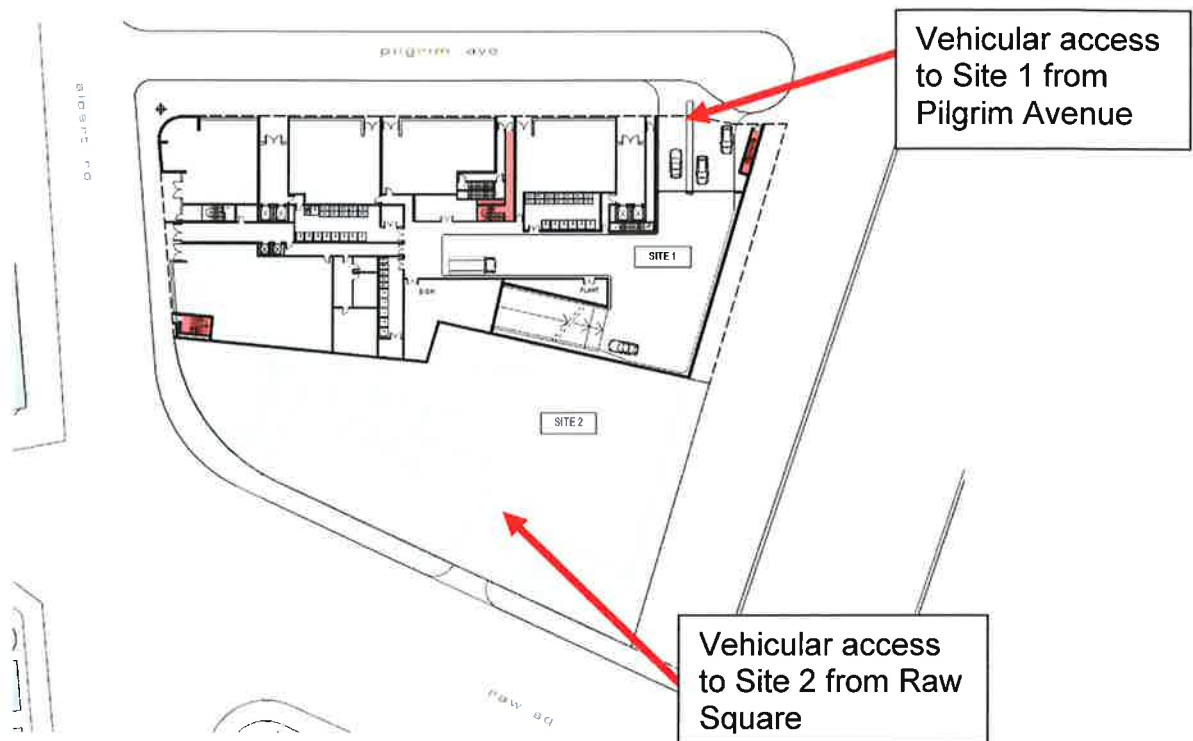


Figure 12: View of indicative vehicular entries to site

The report concludes that there will be negligible traffic impact on the surrounding road network. It states that all relevant intersections maintain their existing level of service, with no significant increase in delay times or queue lengths predicted. Whilst the evidence provided is accepted, the study does not consider the cumulative effect of traffic generation on the intersection at Raw Square and Everton Road (a roundabout), which is heavily used by bus and coach transport from the interchange and private vehicles.

A Gateway condition is included requiring the traffic impact assessment be updated to include impacts on this intersection. A Gateway condition is also included requiring consultation be undertaken with Transport for NSW.

In addition to the findings of this report, it is also considered that separate access to both sites could be resolved further in the future should both the sites be consolidated and access be limited to one location. Investigations could also be made to provide joint vehicular access arrangement through negotiated easements if the sites remain under separate ownership. This is a matter that can be resolved as part of any future development application(s). No overriding concern is raised regarding road safety impacts for access from Raw Square as vehicular access is currently provided to the service station providing a constant turnover of vehicles entering and exiting the site.

Council considers the traffic study should be updated to consider the cumulative impact from surrounding sites if all the sites in and around the town centre were to be developed to the maximum height and floor space area controls permissible under the Strathfield LEP 2012. This request is considered unreasonable as part of this planning proposal. Further traffic assessment and parking numbers can be assessed as part of any future development application if necessary.

Economic

Employment

The proposal will retain the existing B4 Mixed Use zoning. The indicative design intends to provide ground level commercial/retail tenancies comprising a total commercial floor area of 1,358sqm. This will contribute to employment opportunities for the wider community in close proximity to public transport. There are currently limited employment opportunities available within Site 1 which is residential. The potential loss of any jobs with the petrol station should be comparably offset with new jobs generated as part of the mixed use redevelopment of Site 2.

Housing

The draft Central District Plan outlines a housing target of 3,650 dwellings from 2016 to 2021 for Strathfield. This proposal will contribute to this goal in an appropriate location that is close to amenities and public transport.

Social

The Strathfield Residential Land Use Study released in 2011 considers that the population of the Strathfield LGA is expected to increase to 47,100 an annual growth rate of 1.7% by 2031. The proposal outlines that housing stock will be increased on a site which is close to services, facilities and employment opportunities. It is recommended that the proposal be referred to Transport for NSW and relevant medical and emergency service providers for further comment.

The proposal will likely generate an increased demand for social infrastructure such as schools and childcare facilities. Therefore, it is recommended that the NSW Department of Education and Communities be consulted on the proposal.

Infrastructure

The site is accessible to public transport infrastructure, particularly Strathfield railway station as well as bus services to the surrounding area.

The site's development potential arising from this proposal is likely to create additional infrastructure demands. It is expected that these services would be upgraded by a developer, where required, to support the proposed development. A Gateway condition is also included requiring consultation with Sydney Water and Energy Australia.

CONSULTATION

Community

The planning proposal states that community consultation will be detailed as part of the Gateway determination. A Gateway condition is included requiring an exhibition period of 28 days to be undertaken.

Agencies

It is recommended the following agencies be consulted as per Section 56(2)(d) of the *Environmental Planning and Assessment Act 1979*.

- Transport for NSW – Sydney Trains;
- Transport for NSW – Roads and Maritime Services;
- NSW Department of Education and Communities;
- NSW Fire and Rescue;
- Ambulance NSW;
- NSW Police Force;
- NSW State Emergency Service;
- NSW Ministry of Health;
- Energy Australia; and
- Sydney Water.

TIMEFRAME

The planning proposal does not include a project timeline. A Gateway condition is included requiring a project timeline be provided to monitor the progress of the plan making process.

It is considered a timeframe of 12 months from Gateway determination is sufficient time to complete the proposed amendment. This will provide sufficient time for the additional information and development control plan be prepared for community consultation and necessary consultation be undertaken.

DELEGATION

The Council has not requested plan making delegations for the proposal. In light of this and the proposal in its first instance being submitted as a Pre-Gateway Review, it is recommended that plan making delegation be issued to Council to make this plan.

CONCLUSION

The planning proposal is supported to proceed with conditions for the following reasons:

- It demonstrates consistency with the strategic planning framework of A Plan for Growing Sydney, draft Greater Sydney Regional Plan and Revised draft Eastern City District Plan;
- it will assist in delivering additional housing in a well serviced area near Strathfield Town Centre and Strathfield Railway station;
- the retention of the existing B4 Mixed Use zoning will enable suitable employment uses to be provided in the future; and
- the increased density is in keeping with the built form of the adjacent Strathfield Town Centre. The built form transition to the lower scale built form to the west and south-west can be suitably guided by the preparation of a site specific DCP.

However, as discussed in this report, the proposal should be updated to:

- provide a project timeline, outlining the anticipated timeframes for the plan making process;
- address strategic planning framework in relation to the draft Eastern City District Plan;
- provide additional preliminary studies in regards to flooding, contamination, acid sulphate soils, noise, traffic and air quality; and
- provide a site specific DCP reflecting the distribution of height across the entire site.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. Note that the inconsistency with Section 117 Directions 4.1 Acid Sulphate Soils and 4.3 Flood Prone Land requires justification.

It is recommended that the delegate of the Greater Sydney Commission, determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
 - (a) provide a project timeline, outlining the anticipated timeframes for the plan making process;
 - (b) reference and address all relevant priorities and actions outlined in the draft Greater Sydney Region Plan;
 - (c) reference and address all relevant priorities and actions outlined in the draft Eastern City District Plan;
 - (d) provide updated overshadowing diagrams to state the correct date of the analysis (being the winter solstice at 21 June) and also show the overshadowing impacts of the existing built form;
 - (e) provide updated analysis of solar access and cross ventilation to the indicative design for the existing service station site at 9 Albert Road;
 - (f) address and justify the inconsistency with Section 117 Direction 4.1 Acid Sulphate Soils as the subject site is identified as being on Class 5 land in the Strathfield LEP 2012;
 - (g) address and justify the inconsistency with Section 117 Direction 4.3 Flood Prone Land. In this regard, a Flood Study is to be provided to demonstrate the suitability of the site for redevelopment;
 - (h) provide an updated traffic and transport assessment to address the cumulative effect of traffic generation on the intersection at Raw Square and Everton Road;
 - (i) provide a preliminary contamination assessment of the extended site to demonstrate the suitability of the expanded site for redevelopment;
 - (j) provide an acoustic report to demonstrate the suitability of the site for redevelopment in light of its proximity to the adjacent railway line and road network. The report should also consider the noise impacts of the operation of the existing service station should this use remain whilst the properties at 2-6 Pilgrim Avenue and 11-13 Albert Road are redeveloped;
 - (k) provide an air quality report to demonstrate the impacts of the existing service station should it not be redeveloped; and
 - (l) prepare a site specific DCP reflecting the distribution of height across the entire site. This must ensure that the site which adjoins the residential area should have the lowest, while the part which is closest to the station should have the highest.
2. The planning proposal is to be amended to include any relevant findings of the required studies and the amended proposal is to be forwarded to the Department for review and endorsement prior to community consultation.
3. The planning proposal is to be updated to address the Strathfield Priority Precinct draft plan(s) should this be released either prior to community consultation of the planning proposal or the LEP being finalised.

4. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
- (a) the planning proposal must be made publicly available for a minimum of **28 days**;
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016); and
 - (c) consultation must be undertaken with the landowner(s) of the service station at 9 Albert Road, Strathfield.

5. Consultation is required with the following public authorities:

- Transport for NSW – Sydney Trains;
- Transport for NSW – Roads and Maritime Services;
- NSW Department of Education and Communities;
- NSW Fire and Rescue;
- Ambulance NSW;
- NSW Police Force;
- NSW State Emergency Service;
- NSW Ministry of Health;
- Energy Australia; and
- Sydney Water.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

6. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
7. Given the nature of the planning proposal, Council should not be authorised to exercise delegation to make this plan


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