

Report by George Wong, Trainee Strategic Planner

RECOMMENDATION

That Council resolves to submit the Planning Proposal (refer Attachment 3) to rezone Lot 1, DP 444757, Lot 2, DP 537025 & Lot 1, DP 653875, 473 Liverpool Road, Strathfield South from Residential 2(b) to Business (Special) 3(b), to the Department of Planning to commence the Local Environmental Plan (LEP) making process under s56 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

PURPOSE OF REPORT

1. To inform Council of the Planning Proposal to rezone Lot 1, DP 444757, Lot 2, DP 537025 & Lot 1, DP 653875, 473 Liverpool Road, Strathfield South from Residential 2(b) to Business (Special) 3(b).
2. To seek Council endorsement to submit the Planning Proposal to the Department of Planning to commence the LEP making process under s56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for Gateway Determination.

BACKGROUND

The subject site at Lot 1, DP 444757, Lot 2, DP 537025 & Lot 1, DP 653875, 473 Liverpool Road, Strathfield South, is located at the intersection of Homebush and Liverpool Roads, Strathfield South (refer Attachment 1). The site is occupied by the Spanish Motor Inn, a two storey building with basement car parking. It has an area of approximately 1,825m² with the land gently sloping from southeast to northwest. The site is currently zoned Residential 2(b) under the *Strathfield Planning Scheme Ordinance 1969* (SPSO).

Under the *Draft Strathfield LEP 2008 (2003)* it was proposed to rezone the subject site comprising of the Spanish Motor Inn from Residential 2(b) under the SPSO to Local Business 3(b). The intention was to rezone the subject site to commercial zoning because it better reflects the existing use of the Spanish Motor Inn and to be consistent with the surrounding development within the Strathfield South Commercial Precinct.

On the 13 October 2008 Council approval was granted (DA 2006/081) for the subdivision of the land immediately to the west of the subject site, formerly excess land and car park associated with the Telstra Exchange at 481 Liverpool Road. Prestige Constructions Pty Ltd (owner of the Spanish Motor Inn) subsequently purchased the vacant lot, 483 Liverpool Road, and then lodged an application to Council in February 2009 to then rezone the land to Local Business 3(b). *Strathfield LEP 108* was gazetted by the Department of Planning on 4 June 2010, which rezoned 483 Liverpool Road, Strathfield South from Special Uses 5(a) – PMG Exchange under the SPSO to Local Business 3(b).

On 30 June 2010 Prestige Constructions Pty Ltd submitted a Planning Proposal to rezone the subject site, including copies of a planning report prepared by City Plan Services Pty Ltd. This Planning Proposal seeks to rezone 473 Liverpool Road, Strathfield South comprising of the Spanish Motor Inn from Residential 2(b) to Business (Special) 3(b).

Planning Proposal – Assessment Process

The following timeline indicates the various steps taken to date:

Date	Stage
30 June 2010	Planning Proposal (prepared by City Plan Services Pty Ltd) lodged by applicant Prestige Constructions Pty Ltd
5 July 2010	Council began preliminary assessment of the proposal including internal referrals.
13 July 2010	Council requests further information in relation to (1) SEPP 55 Remediation; (2) Mapping requirements in accordance with the Department of Planning's 'Guide to Preparing Local Environmental Plans'.
9 August 2010	Council receives amended Planning Proposal prepared by City Plan Services Pty Ltd, dated July 2010; updated Site Plans; and Preliminary (Environmental) Site Investigation report prepared by Argus Pty Ltd, dated July 2010.
9 August 2010	Preliminary assessment including internal referrals is continued.
14 September 2010	Report presented to the Planning Committee

The Planning Proposal which explains and justifies the rezoning proposal (refer Attachment 3) has been prepared by City Plan Services P/L on behalf of the applicant Prestige Constructions P/L in accordance with the Department of Planning's (2009) 'Guide for Preparing Local Environmental Plans'.

This Planning Proposal seeks to change the zoning of the subject site from Residential 2(b) to Business (Special) 3(b) under the SPSO. The intention is to enable the zoning of the subject site to be consistent with the existing and surrounding Strathfield South Commercial Centre rather than restrict the land to activities permissible under the existing Residential 2(b) Zoning and those of the existing approved land use (Spanish Motor Inn).

The following table is a summary of the key planning issues considered by Council in the assessment of the Planning Proposal:

Issue	Comment
Appropriateness of proposed	The proposed Business (Special) 3(b) zone is consistent with the business zoning of the surrounding Strathfield South Commercial Precinct. The proposed zoning is also consistent with the recently gazetted Planning

zoning	Proposal to rezone 483 Liverpool Road, Strathfield South (formerly part of the Telstra Exchange site) adjoining the subject site.
Impact on adjacent residential properties	Immediately north of the subject site is a detached residential dwelling (233 Homebush Road), separated by a right-of-way access driveway (approximately 5 metres wide) to the Telstra Exchange Site at 481 Liverpool Road, Strathfield South. The right-of-way provides a fixed, physical setback/buffer between the subject site (473 Liverpool Road) and the adjacent residential property. This is considered an adequate spatial buffer between the residential property and any future potential commercial development that will be permissible under the proposed rezoning of the subject site.
Potential Contamination	The proponent submitted a Preliminary Environmental Site Investigation Report, dated July 2010 as additional information (in August 2010). The report considers that the risks to human health and the environment associated with any soil contamination at the site are low in the context of the proposed rezoning for a future medium residential and commercial development with basement car parking facilities, and indicates that the site is suitable for the proposed rezoning. It is noted that this is a Preliminary Environmental Site Investigation Report which is appropriate for the current stage of the Planning Proposal process in accordance with the Department's <i>Guide to Preparing Local Environmental Plans</i>. A further detailed study may be required subject to the Department's feedback and direction following the Gateway Determination decision.
Vehicular access	The subject site consists of three lots that currently are occupied by the Spanish Motor Inn which has existing vehicular access to Homebush Road. Lot 1, DP 444757 (lot adjacent to Homebush Road) has direct vehicular access to Homebush Road, whilst Lot 1, DP 653875 and Lot 2, DP 537025 do not have direct access to Homebush Road. If the three lots forming the subject site were to be sold individually (which is unlikely in this situation), right-of-way access to Homebush Road would need to be formalised as the RTA would be unlikely to support any new vehicle access points to Liverpool Road. This issue is not unique to the subject site as it could potentially apply to many other large sites along Liverpool Road. It is not considered an issue to be addressed in the rezoning process.
Flooding	The subject site is not affected by flood or overland flow according to available information.

It is considered that the relevant matters and requirements of s55 of the EP&A Act have been adequately addressed in the Planning Proposal (refer Attachment 3), and additional information

(Preliminary Environmental Site Investigation Report). It is considered that the rezoning proposal is appropriate and is adequately justified. It is therefore recommended that Council provides initial support to this proposal. Subject to Council endorsement it is intended to submit the Planning Proposal to the Department of Planning to commence the LEP making process under s56 of the EP&A Act for Gateway Determination.

The Department of Planning's flow chart (refer Attachment 2) illustrates the new LEP plan making process and the current stage of this process is highlighted i.e. "RPA (Relevant Planning Authority) resolves to forward PP (Planning Proposal) to Minister".

REFERRAL FROM OTHER DEPARTMENT

Referrals were received from Council's Development Assessment, Environmental Services, and Engineering Sections for preliminary review of the proposal.

FINANCIAL IMPLICATIONS

There are no financial implications.

ATTACHMENTS

1. Subject site location plan.
2. Department of Planning 2009, *Guides to preparing local environmental plans*, Figure 5 - process to make a local environmental plan, page 13.
3. Planning Proposal for the rezoning of Lot 1, DP 444757; Lot 2, DP 537025 and Lot 1, DP 653875, 473 Liverpool Road, Strathfield South.

Report approved by:

David Hazeldine	Patrick Wong
Manager Strategic Planning	Director Technical Services