

**473 Liverpool Road
Strathfield South
Planning Proposal**

JUNE 2010

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Attachment A: Site Analysis Plans prepared by BHI Architects

EXECUTIVE SUMMARY

- This Planning Proposal has been prepared in support of an application to Strathfield Council to amend the Strathfield Planning Scheme Ordinance (“*SPSO*”).
- The amendment is a site specific ‘principle’ LEP’ for No. 473 Liverpool Road, Strathfield South and which currently comprises the existing Spanish Motor Inn Motel. The site currently comprises Lot 1 in Deposited Plan 444757, Lot 2 in Deposited Plan 537025, and Lot 1 in Deposited Plan 653875 (“*the Subject Site*”).
- The Subject Site currently forms part of the Strathfield South Shopping Precinct and is located on the corner of Homebush Road and Liverpool Road. The *Subject Site* adjoins a vacant site to the west at 481 Liverpool Road with low density residential development to the north. To the east and south, and across the road, lies medium density commercial and retail development.
- The Subject Site is currently zoned “*Residential 2(b)*” under the provisions of the *SPSO*. The Planning Proposal seeks to amend the zoning to *Business (Special) 3(b)*.
- This report has been prepared in accordance with **Section 55** of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the relevant Department of Planning Guidelines including “*A Guide to Preparing Local Environmental Plans and A Guide to Preparing Planning Proposals*”.
- Immediately west of the Subject Site lies a parcel of land previously owned by the Telstra Corporation (“*Telstra*”) in conjunction with the adjoining Telstra Exchange to the north. This land was deemed to be no longer needed by Telstra and was sold to the owners of the Spanish Motor Inn. It is noted that this land was recently rezoned by Strathfield Council to *Local Business 3(b)* under the *SPSO*.
- The current zoning of the Subject Site is considered to be too restrictive and will effectively sterilise the orderly and economic use of the land. It is therefore proposed to rezone the Subject Site in accordance with the recently approved zoning of the adjoining site to the west to *Business (Special) 3(b)*.

- This report assesses the impacts and implication of the proposed Planning Proposal in the context of the relevant Section 117 Ministerial Directions, Regional and Subregional strategies and relevant State Policies and circulars. It concludes that the Planning Proposal is consistent with this strategic and statutory context. The report also assesses the environmental and social implications of the proposal and concludes that it will not result in any adverse environmental or social impacts.
- This report recommends that Council proceed to make the Draft LEP to facilitate the proposed Planning Proposal.

1.0 INTRODUCTION

This Planning Proposal has been prepared on behalf of Prestige Constructions Pty Ltd by City Plan Strategy and Development, to accompany a Planning Proposal to Strathfield Council.

The Planning Proposal relates to land known as 473 Liverpool Road, Strathfield South, being identified as Lot 1 in Deposited Plan 444757, Lot 2 in Deposited Plan 537025, and Lot 1 in Deposited Plan 653875.

The Subject Site is located on the corner of Liverpool Road and Homebush Road and is used as the Spanish Motor Inn Motel. Vehicular access to the Subject Site is from Homebush Road.

Preliminary discussions have been undertaken with Strathfield Council (*"the Council"*) in relation to the proposed Planning Proposal. Council's Strategic Planning Section have indicated principle support for the proposed rezoning of the Subject Site. A detailed assessment has been completed and is submitted to Council in support of the Planning Proposal.

The Planning Proposal process will resolve a number of issues, including the appropriate and economic development of Subject Site and in accordance with the desired future use of this precinct of Strathfield South.

2.0 THE SITE AND CONTEXT

2.1 Locality

The Subject Site is located in the suburb of Strathfield South in the Strathfield Local Government Area (“*Strathfield LGA*”) in the inner west region of Sydney. Strathfield is located approximately 14 kilometres from Sydney CBD and approximately halfway between Parramatta and Sydney. The Local Government Area includes Strathfield; Strathfield South; Homebush; Homebush West; Belfield and Greenacre (refer to **Figure 1**).

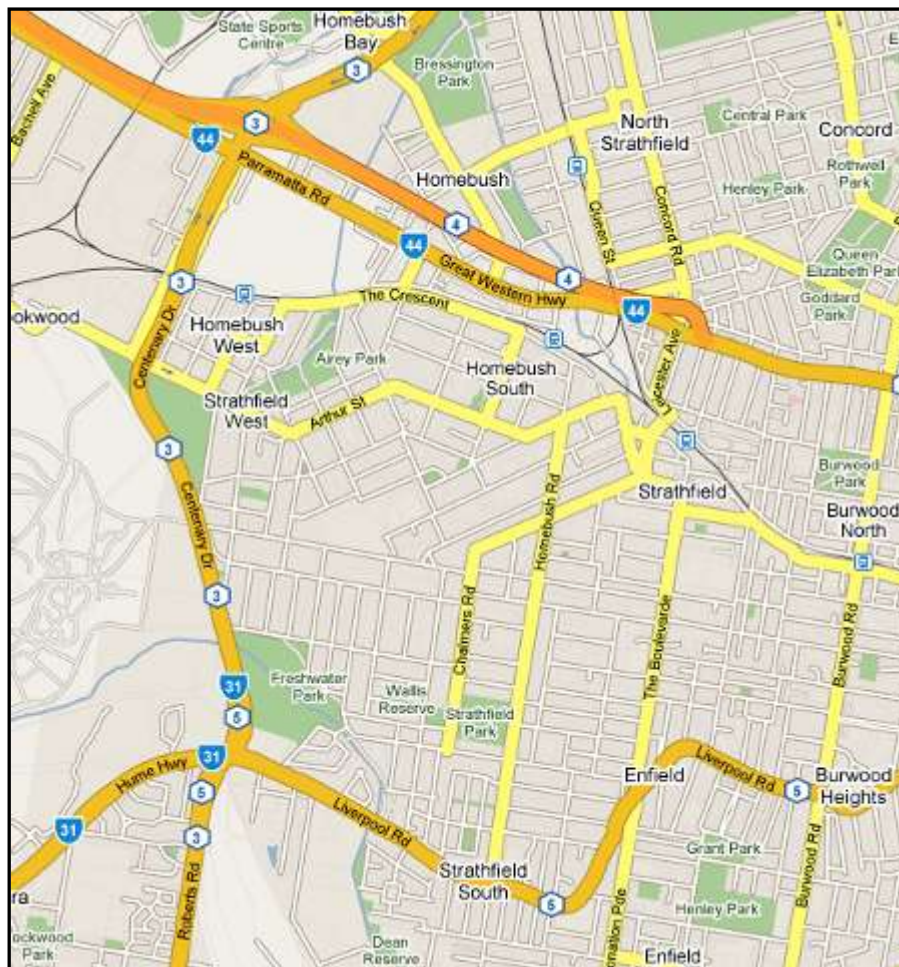


Figure 1: Regional and Local context of Strathfield and Strathfield South

The Strathfield LGA primarily comprises low density residential development with clusters of medium to high density development occurring in proximity of Strathfield train station and Homebush and Homebush West. Strathfield Town Centre comprises the principal business district, with secondary and local commercial and retail areas

located at Homebush, Homebush West and Strathfield South. The Subject Site is located in the Strathfield South commercial/retail precinct.

The Strathfield South commercial/retail precinct is located at the intersection of Liverpool Road and Homebush Road. The precinct is well accessed; being located on Liverpool Road (also known as the Hume Highway) and located around the busy Liverpool and Homebush Roads intersection (refer to **Figure 2**).

The precinct originated as a cluster of small locally owned businesses, including a post office and general store in the late 1800's and has grown to include the Crossways hotel, numerous restaurants, a Council Car Park and the existing Spanish Motor Inn. The Strathfield South Primary School is identified as a local heritage item and is in proximity to the Strathfield South Shopping Precinct.

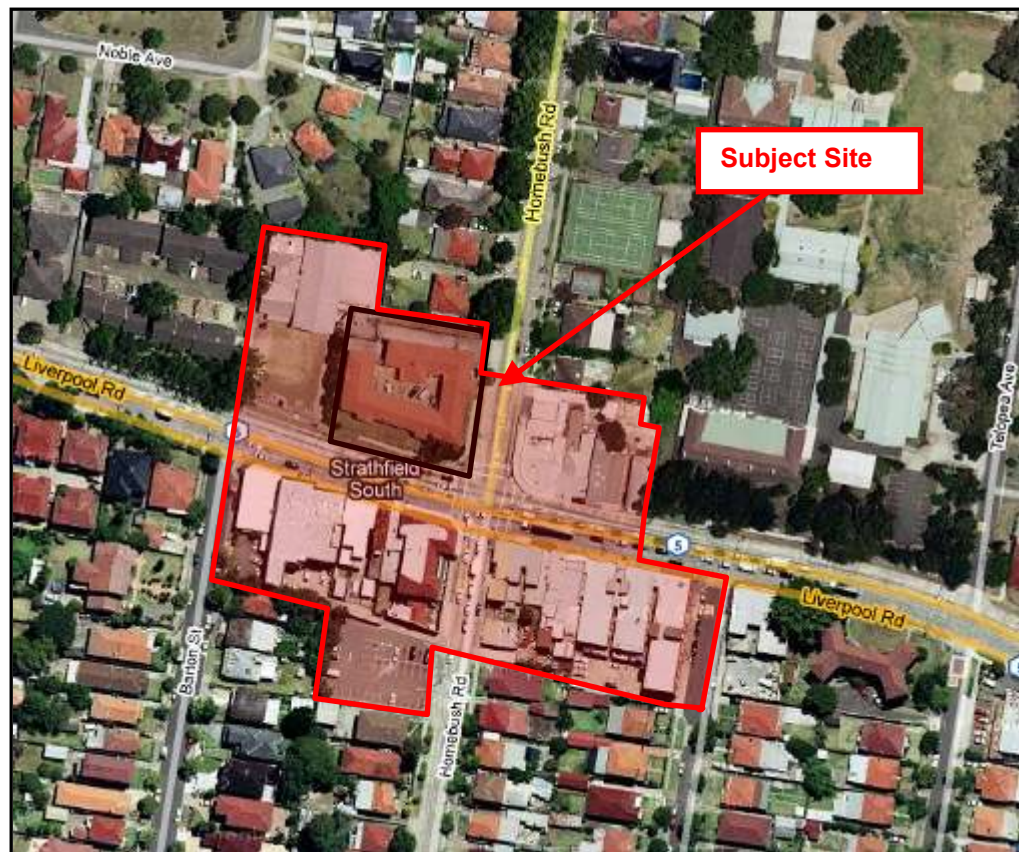


Figure 2: Local context of the Strathfield South commercial/retail precinct (outlined in red)

2.2 Site Description

The Subject Site comprises Lot 1 in Deposited Plan 444757, Lot 2 in Deposited Plan 537025, and Lot 1 in Deposited Plan 653875.

The Subject Site is located at the intersection of Liverpool and Homebush Roads (refer to **Figure 3** and **Figure 4**). The Subject Site has an area of approximately 1,825m² with the land gently sloping from southeast to northwest. The site has a northern boundary of 47.94 metres; an eastern boundary of 34.88 metres; a southern boundary of 40.47 metres; and a western boundary of 36.92 metres.

The site is bounded by a vacant site to the west (481 Liverpool Road); Liverpool Road to the south; detached residential dwellings to the north, and Homebush Road to the east.



Figure 3: The Subject Site outlined red.

The Subject Site is currently occupied by the Spanish Motor Inn, a two storey building with basement car parking.. The site benefits from vehicular access from Homebush Road and along the northern boundary of the site (refer **Figure 6**).



Figure 4: The Spanish Motor Inn as viewed from the intersection of Liverpool and Homebush Roads.



Figure 5: The Subject Site detailing the relationship with the Telstra Exchange and the vacant site to the west

2.3 Surrounding Development

Immediately to the north, are detached residential dwellings characterised by tiled roofs with timber panelled and brick facades.



Figure 6: View of the vehicular access way to the Spanish Motor Inn site.

To the east of Homebush Road is an electrical substation, detached residential dwellings and general commercial and retail stores such as a Chinese restaurant.

Immediately to the west, and across the vacant site, lies an access way servicing the Telstra Exchange to the north-west, and a medium density residential dwelling. The existing residential development is set back from the vacant site's western boundary and Liverpool Road. The multi-storey brick building is obscured from view of the Subject Site by a dense cover of well established gum trees.

To the south of Liverpool Road is the Crossways Hotel (refer to **Figure 7**). The hotel also benefits from a visually prominent location in the Strathfield South Commercial precinct and provides a place of entertainment for local residents. Adjoining the Hotel is various general commercial and retail stores and the public Council car park.



Figure 7: The Crossways Hotel and adjoining retail and commercial buildings as viewed from the eastern corner of the intersection of Liverpool Road and Homebush Road.

3.0 EXISTING LAND USE AND ZONING CONTROLS

3.1 Existing Zoning: Subject Site

The Subject Site is zoned *Residential 2(b)* pursuant to **Clause 22** of **Part 2** of the Strathfield Planning Scheme Ordinance (refer to **Figure 8**).

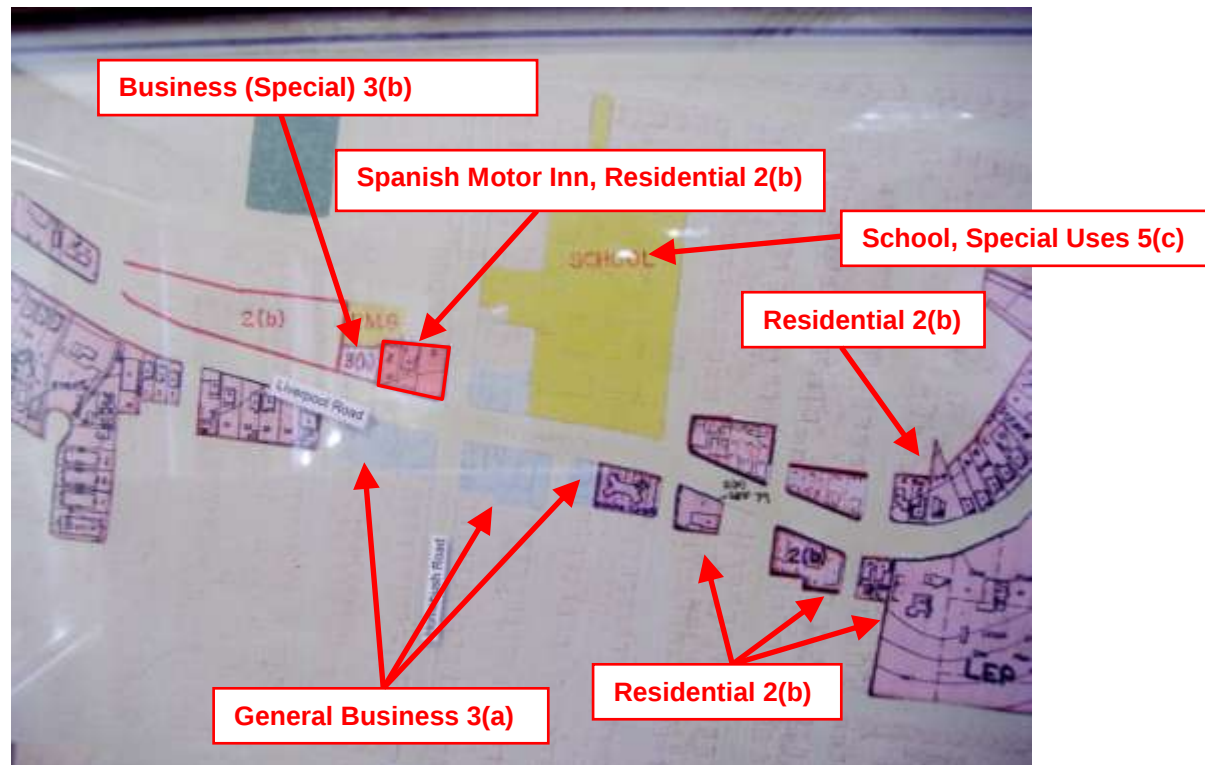


Figure 8: Extract from the Strathfield Planning Scheme Ordinance zoning map (Subject Site outlined red – best available copy)

Under the SPSO, the following uses are permissible in the *Residential 2(b)* zone with development consent from Strathfield Council;

“Attached dual occupancies; bed and breakfast establishments; child care centres; churches; detached dual occupancies; educational establishments; home industries; home occupations; hospitals; integrated housing (except on land than contains a heritage item or is within a heritage conservation area unless, in the opinion of the Council, the development is sympathetic to the heritage item or heritage conservation area); motels on land having frontage to a county road or adjacent to a business zone; multiple-unit housing (except on land that contains a heritage item or is within a heritage conservation area unless, in the opinion of the Council, the development is sympathetic to the

heritage item or heritage conservation area) open space; places of public worship; professional consulting rooms; roads; single dwellings; utility installations other than generation works or gas holders”.

Any uses not listed as being permissible with consent in the *Residential 2(b)* are prohibited in the zone.

3.2 Existing Zoning: Adjoining Sites

The immediate adjoining site to the west, and at 481 Liverpool Road, has recently been rezoned to **Business (Special) 3(b)**. In this zone the following uses are permissible within this zone with development consent;

‘Car repair stations; child care centres; commercial premises; hotels; integrated housing; light industries; motels; motor showrooms; multiple-unit housing; public buildings; recreation facilities; roads; service stations; serviced apartments; single dwellings used in conjunction with commercial premises; utility installations other than gas holders or generating works.’

South of the Subject Site, across Liverpool Road, the land is zoned **Business General 3(a)** pursuant to **Clause 22** of Part 2 of the SPSO and make up the broader Strathfield South Shopping precinct (refer to **Figure 8**).

The following uses are permissible in the *Business General 3(a)* zone with development consent;

‘Shops and commercial premises referred to in Schedule 1 having a total floor space not exceeding 929sqm in the case of shops and not exceeding 1393.5sqm in the case of commercial premises

Any purpose (is permissible with consent) other than those permitted by Column III or prohibited by Column V (prohibited uses)’

The following uses are prohibited in the *Business General 3(a)* zone;

'Attached dual occupancies; boarding-houses; brothels; caravan parks; car repair stations; detached dual occupancies; single dwellings other than those used in conjunction with shops or commercial premises; gas holders; generating works; industries other than light industries; institutions; junk yards; liquid fuel depots; mines; stock and sale yards; and transport terminals.'

The sites to the north of the Telstra Exchange are zoned **Residential 2(a)** pursuant to **Clause 22** of Part 2 of the SPSO. The following uses are permissible in the *Residential 2(a)* zone with development consent from Strathfield Council;

'Attached dual occupancies which are not subdivided; bed and breakfast establishments; child care centres; churches; detached dual occupancies which are not subdivided; educational establishments; home industries; home occupations; open space; places of public worship; professional consulting rooms; roads; single dwellings; utility installations other than gas holders or generating works.'

Any uses not listed as being permissible with consent in the *Residential 2(a)* are prohibited in the zone and works may not be erected or carried out.

3.3 Draft Strathfield Local Environmental Plan (2003) 2008

In 2002, Strathfield Council commenced the preparation of a new Local Environmental Plan to guide the future planning of the Council area over the next 10 – 15 years.

A Local Environmental Plan was drafted and went on exhibition from the 15 October 2003 to 14 November 2003. The Council then adopted the Draft Local Environmental Plan ("DLEP") in December 2003 and the Draft Strathfield Local Environmental Plan 2003 was lodged with the then Department of Natural Resources Infrastructure and Planning ("DIPNR") now known as the Department of Planning ("DOP").

Subsequent to this, the DLEP has been amended a number of times by Council resolutions and at the request of the DOP and as a result of a number of site specific Planning Proposals.

As part of the DLEP, the Subject Site at 473 Liverpool Road is proposed to be rezoned. As set out above, the Subject Site is currently zoned *Residential 2(b)* under the SPSO and is proposed to be rezoned to **Local Business 3B** pursuant to DLEP (2003) 2008. The proposed Planning Proposal seeks to expedite this draft zoning to allow a greater range of uses on that site.

It is noted that the site immediately west of the Subject Site has been recently rezoned Business (Special) 3(b) which is the equivalent zone under the SPSO. In addition, it is noted that under the LEP (2003) 2008, the sites in the South Strathfield Commercial Centre, and on the opposite sides of Liverpool Road and Homebush Road, although currently zoned Business General 3(a) under the SPSO, are proposed to be rezoned Local Business 3B under the DLEP (2003) 2008.

4.0 LEP PROPOSAL

4.1 Proposed Zoning

The Subject Site is currently zoned *Residential (b)* under the SPSO. The proposal seeks to rezone the site to *Business (Special) 3(b)* pursuant to the SPSO and in conjunction with the recent rezoning of the site immediately west of the Subject Site at 481 Liverpool Road.

This Planning Proposal has been prepared in accordance with **Section 55 of the EP&A Act** and the Department of Planning guide to preparing Planning Proposals. A Gateway determination under **Section 56 of the Act** is requested.

Within the SPSO, the following uses are permissible within the **Local Business 3B** zone with development consent;

‘Car repair stations; child care centres; commercial premises; hotels; integrated housing; light industries; motels; motor showrooms; multiple-unit housing; public buildings; recreation facilities; roads; service stations; serviced apartments; single dwellings used in conjunction with commercial premises; utility installations other than gas holders or generating works.’

4.2 Purpose of the LEP

The Subject Site currently comprises one land use zone; *Residential 2(b)* with the adjoining vacant site recently zoned *Business (Special) 3(b)* also within the SPSO (481 Liverpool Road).

The proposal is to rezone the Subject Site.

Given the recent change in zoning in respect of the adjacent site to the west in it is therefore considered that the current *‘Residential 2(b)’* zoning of the Subject Site is outdated and not appropriate for the Subject Site. The land is unable to be developed for any purpose other than those listed and therefore restricts the ability to redevelop the site consistent with the reasonable economic use of the land.

By rezoning the site in accordance with the recently approved zoning of 481 Liverpool Road, the Subject Site will provide for further opportunities for mixed use development along Liverpool Road and within the identified Strathfield South Commercial Precinct and will help to revitalise the area and support local businesses.

Therefore it is proposed to undertake the rezoning of the Subject Site from *Residential 2(b)* to *Business Special 3(b)*.

4.3 Site Constraints and Opportunities

The Subject Site is located along a main arterial road (Liverpool Road), within a proposed Enterprise Corridor, in a prominent corner location close to the Strathfield South Shopping Precinct; clearly visible from a north, east, south or west direction, and forms an important site within this precinct.

The site is relatively level and is not exposed to strong prevailing cross winds. The site benefits from a north facing boundary and, due to this orientation and the highway being immediately to the south, medium density development of the site would not result in the overshadowing of adjoining residential buildings or public open spaces. The site also benefits from the ability to accommodate sufficient landscape planting along the northern boundary which would act to soften the impact of any development from the immediately adjoining residential development. Refer to the accompanying site analysis plan prepared by BHI Architects (**Attachment A**).

The Subject Site currently benefits from direct vehicular access from Homebush Road.

It is noted that Liverpool Road runs along the southern boundary of the Subject Site, and is identified as being a State Road. A Zetland Area Traffic Study undertaken by Maunsell Australia Pty. Ltd. identified as State Road as follows;

“State roads perform an important state function, the state, through the Roads and Traffic Authority (“RTA”) funds 100% of the maintenance and development cost. State roads are commonly higher order arterial roads and typically carry in excess of 20,000 vehicles per day. Maintenance and upkeep is often undertaken by local councils acting as a contractor to the RTA.

The RTA will therefore be consulted as a referral authority as part of the assessment of the Planning Proposal.

Further, any development of the Subject Site will need to undertake an assessment of the potential impact of increased vehicular access and the existing traffic volumes along Homebush Road and Liverpool Road. However it is considered that the redevelopment of the site in conjunction with 481 Liverpool Road would potentially

utilise access to Homebush Road and remove the existing access to Liverpool Road with related traffic benefits.

The Subject Site that immediately adjoins a currently vacant site at 481 Liverpool Road, has recently been rezoned to *Business (Special) 3(b)* as part of the SPSO. Given the clear physical linkages with the Subject Site, it is considered that the rezoning of the Subject Site would form a natural extension to the existing and anticipated north western boundaries of the Strathfield South shopping precinct.

Indeed, with reference to **Figure 2**, the site is included within the boundaries of the commercial area. The change of zone from *Residential B* to *Business (Special) 3(b)* will allow for the extension of the permitted commercial uses across the two sites and thus provide the ability to expand the existing and restricted range of permissible uses on the site. The redevelopment and expansion of the existing commercial uses would also generate local employment opportunities.

4.4 Appraisal of Alternative Provisions or Land Uses for the Site

We have considered a number of alternative zonings for the Subject Site. It is considered that the only other potential use of the site would be in accordance with the existing residential development north of the Subject Site. However, it is considered that the site naturally demonstrates better linkages with the adjoining site to the west, and the South Strathfield Commercial Precinct across Homebush Road and Liverpool Road, thereby forming a logical and defensible extension to the recently approved local business zoning of the adjacent site immediately west of the Subject Site.

As stated elsewhere in this report, it is considered that the development of the site would not materially affect the amenity levels of the adjoining uses. Refer to the accompanying Site Analysis Plans (**Attachment A**).

5.0 Assessment of the Proposal against “A Guide to Preparing Planning Proposals”

This section of the Planning Proposal addresses the relevant criteria as set out in the Department of Planning’s – ‘*A Guide to Preparing planning Proposals*’.

As set out within this guide, Planning Proposals should comprise four parts: as follows:

*“Part 1 - A statement of the **Objectives or Intended Outcomes** of the proposed LEP;*

*Part 2 - An **Explanation of the Provisions** that are to be included in the proposed LEP;*

*Part 3 - The **Justification** for those objectives, outcomes and provisions and the process for their implementation;*

*Part 4 - Details of the **Community Consultation** that is to be undertaken on the planning proposal.”*

5.1 PART 1 – Objectives or Intended Outcomes of the Planning Proposal

The objective of the Planning Proposal is to enable the redevelopment of the Subject Site at Lot 1 in Deposited Plan 444757, Lot 2 in Deposited Plan 537025, and Lot 1 in Deposited Plan 653875, 473 Liverpool Road from *Residential 2(b)* to *Business (Special) 3(b)*.

The Subject Site is currently used by the Spanish Motor Inn Motel. The rezoning is considered consistent with the recently rezoned vacant site at 481 Liverpool Road immediately west of the Subject Site (and previously associated with the Telstra Exchange to the north of the Subject Site) which was rezoned *Business (Special) 3(b)*, and with the surrounding South Strathfield Commercial Precinct and associated land uses.

5.2 PART 2 - Explanation of Provisions that are to be included in the proposed LEP

This planning proposal has been proposed in order to:

Amend Schedule 4 of the Strathfield Planning Scheme Ordinance (SPSO) "Scheme map" in accordance with Table 1 below:

Table 1 Proposed Zoning Changes

Sites	Existing Zoning	Proposed Zoning
Lot 1 in Deposited Plan 444757, Lot 2 in Deposited Plan 537025, and Lot 1 in Deposited Plan 653875 473 Liverpool Road Strathfield South	Residential 2(b)	Business (Special) 3(b)

5.3 PART 3 – Justification for LEP

SECTION A – NEED FOR THE PLANNING PROPOSAL

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

The planning proposal for Lot 1 in Deposited Plan 444757, Lot 2 in Deposited Plan 537025, and Lot 1 in Deposited Plan 653875, 473 Liverpool Road Strathfield South is consistent with the previous land use studies undertaken with the preparation of draft LEP (2003) 2008. In particular, and under Draft LEP (2003) 2008 it was intended to rezone the Subject Site from Residential 2(b) under the SPSO to Local Business 3B to provide for further opportunities for business activities at the Strathfield South Commercial Precinct at the corner of Liverpool Road and Homebush Road.

In line with the Draft LEP (2003) 2008, this proposal seeks to rezone the Subject Site (Lot 1 in Deposited Plan 444757, Lot 2 in Deposited Plan 537025, and Lot 1 in Deposited Plan 653875) to Business (Special) 3(b) which is the equivalent zone under the SPSO, and consistent with the proposed zoning of the Strathfield South Commercial Precinct. It is understood that this precinct originated as a cluster of small locally owned businesses, including a post office and general store in the late 1800s and has expanded to include the Crossways hotel and numerous other businesses and restaurants including the Spanish Motor Inn which comprises the Subject Site.

A business zoning rather than a residential zoning is considered to be more appropriate for the redevelopment of the Subject Site due to the location of the recently rezoned site to the west, and the strategic location of the site within the South Strathfield Commercial Precinct (refer **Figure 2**).

The site is physically separated from the adjoining residential area to the north by the existing access way between Homebush Road and the Telstra Exchange. This creates a fixed minimum setback buffer separating the Subject Site from the existing residential dwellings to the north along Homebush Road.

The site is physically separated from the existing residential area to the west by a (recently rezoned) vacant site (481 Liverpool Road) and by an existing right of way of approximately 6m which runs between Liverpool Road and the Telstra Exchange.

The proposed zoning Subject Site will not conflict with the recently rezoned site located immediately west of the site as it will form a unified extension to the proposed local business zoning.

As set out within this report, the Subject Site, along with 481 Liverpool Road to the west, is owned by Prestige Constructions. It has operated as a motel for a considerable period of time. The Proponent's intention is to develop the Subject Site in conjunction with the potential redevelopment of the adjoining and recently rezoned vacant site at 481 Liverpool Road immediately to the west.

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

The planning proposal to change the zoning from Residential (2b) to Business (Special) 3(b) and will allow the Subject Site to provide for further opportunities for business activities at the Strathfield South Commercial Precinct at the corner of Liverpool Road and Homebush Road, and in accordance with the recently rezoned site immediately west, and the intention of the draft LEP (2003) 2008 to rezone the site Local Business 3B which is the equivalent zone under the draft LEP (2003) 2008.

3. Will the net community benefit outweigh the cost of implementing and administering the planning proposal?

The current Residential 2(b) zone is considered restrictive given the context of the adjoining site to the west which has been rezoned for business uses, and the commercial uses across Homebush Road and Liverpool Road, and which also form part of the South Strathfield Commercial Precinct. Given these adjoining business

zoning, the site is therefore effectively restricted from further development until a rezoning occurs.

In relation to the community benefit advantages to the Subject Site being rezoned. These include:

- Future potential business opportunities and generation of revenue eg. sale of goods and provision of services associated with the potential use of the site for commercial purposes
- Redevelopment of the land will provide opportunities for the creation of additional jobs both during construction and as a result of future potential business operations in close proximity to residential areas and public transport.
- The provision of further opportunities for mixed use development along Liverpool Road to revitalise the area and support resident needs.

It is considered that there is only limited community benefit in the site being left zoned residential especially given that there is strong need to encourage employment opportunities within the South Strathfield Commercial Precinct and the existing zoning does not permit further business opportunities.

It is therefore considered that the net community benefit will substantially outweigh the cost of implementing and administering the planning proposal.

SECTION B – Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub – regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Sydney Metropolitan Strategy

The Subject Site is located within the Strathfield Local Government Area (LGA) which is part of the Inner West subregion. The Inner West subregion is located in the middle of the Parramatta to City corridor. This has significance as Parramatta is identified as being Sydney's second Central Business District (CBD). Strathfield is located in close proximity to Sydney Olympic Park, Rhodes specialised centre, Burwood Subregional Centre and is located midway between Sydney CBD and Parramatta CBD in a strategic position within Sydney.

Strathfield as an LGA is therefore a significant location with major transport hubs such as the Strathfield Rail Station which is an important interchange between numerous rail lines and local and regional bus routes including services to Strathfield South.

Inner West Draft Subregional Strategy

The Inner West Draft Sub-regional Strategy (the draft Sub-regional Strategy), released in 2008, was prepared by the Department of Planning to implement the actions and objectives of the Metropolitan Strategy at a Sub-regional level, whilst also providing for the geographic allocation of the additional jobs and housing targets.

The draft subregional strategy identifies enterprise corridors as locations offering significant volumes of traffic such that businesses and industries should locate in these locations to exploit the advertising potential and strong access links to main roads and motorways throughout Sydney. As such, Liverpool Road (Hume Highway) is identified as a potential enterprise corridor within the subregion.

The Subject Site is therefore significant in the subregion as it provides the potential to redevelop the land subject to the rezoning for permissible purposes which are more appropriate along an enterprise corridor.

Of relevance to the Planning Proposal, the Inner West draft Subregional Strategy seeks to provide an additional **12,500** new jobs by 2031, of which **1,500** should be provided within the Strathfield LGA. The Subregional Strategy also provides an additional **30,000** new dwellings, of which **8,300** should be provided within the Strathfield LGA.

The rezoning of the Subject Site to allow commercial uses will assist in creating new jobs within the wider South Strathfield Commercial Precinct, thereby assisting in providing additional jobs within the Strathfield LGA.

It is also noted that 'Strathfield South' is nominated within the Subregional Strategy as a 'Small Village'. Within the Subregional Strategy, 'Small Villages' are defined as having a radius of 400m and containing a *"small strip of shops and adjacent residential area within a 5 to 10 minute walk. Contain between 800 and 2,700 dwellings."*

The proposed rezoning would provide an opportunity to expand the South Strathfield Commercial Precinct onto the Subject Site, thereby revitalising both the Subject Site

and the wider area and providing for a compatible use within the potential enterprise corridor that could benefit from large volumes of traffic passing by.

The rezoning of the Subject Site is therefore considered to be important within the subregional context as it will allow for the orderly and economic development of a parcel of land within an existing commercial precinct, will assist in meeting the specified dwellings and jobs targets, and thereby also supporting the amenity of surrounding residential land uses.

It is noted that the adjoining property to the west has been recently rezoned for business uses. The owners of the adjoining property, Prestige Constructions Pty Ltd are also the Proponent for the Planning Proposal.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Strathfield Planning Scheme Ordinance

The Strathfield Planning Scheme Ordinance (SPSO) was gazetted on 12 February 1969 and is the current Environmental Planning Instrument governing development in the Strathfield LGA.

Any development carried out on this site must have consideration to Clause 32(a) (Aesthetic appearance) and Clause 32(b) (Hotels, motels, service stations, car repair stations, places of assembly, industry etc); Clause 41C (Development adjoining residential zones); Clause 44 (Floor space of buildings); Clause 47 (Outdoor Advertising); and Clause 59 (Land used for commercial or industrial purposes) of the Strathfield Planning Scheme Ordinance. It is considered further development of the site under the proposed *Business (Special) 3(b)* would be subject to the aforementioned clause (as modified by the Draft LEP 2003).

It is considered that a suitable building(s) could be erected on the site to fully satisfy the relevant controls within the SPSO. However, and notwithstanding this, a detailed assessment of these provisions will be undertaken at the design development phase.

Draft Strathfield Local Environmental Plan 2003

Under Draft Strathfield Local Environmental Plan 2003 the objectives for the *Local Business 3B* zone are as follows;

“The objectives of the zone are:

- (a) To encourage business activities which contribute to economic growth and employment opportunities within the area; and*
- (b) To provide a range of retail, commercial, social, entertainment and professional services within convenient travelling distances of surrounding residential areas and which create active local centres; and*
- (c) To promote the vitality of local business centres and to assist urban consolidation by permitting appropriate forms of residential development in this zone; and*
- (d) To improve the environmental amenity of local business centres for pedestrians, shoppers, and persons working in or visiting such localities.*
- (e) To encourage energy efficiency and energy conservation; and*
- (f) To promote the integration of commercial centres with public transport and pedestrian networks and employment generating uses in close proximity to public transport; and*
- (g) To incorporate urban design principles in the development of commercial centres; and*
- (h) To ensure that the character, appearance and amenity of any new development (including alterations and additions) is designed to be compatible with those buildings which are heritage listed or located within a heritage conservation area or within the vicinity of a heritage listed property or a heritage conservation area; and*
- (i) To permit subdivision provided it is broadly compatible with existing patterns and other objectives of this zone; and*
- (j) To provide flexibility in the application of development standards and permit the Council to consent in particular circumstances where strict compliance with those standards would (in a specific case) be unreasonable or unnecessary or tend to hinder the attainment of the objects of the Act and this Plan.*

The Subject Site is ideally positioned on the edge of the Strathfield South Shopping Centre to accommodate the *Local Business 3(b)* zone and subsequent commercial and retail uses.

The proposal will result in a Business zone adjoining a Residential zone. In this regard, any development application must take into the consideration *Clause 22-When developing land adjoining to a residential zone* of the Draft LEP. As the Site Analysis

Plan prepared by BHI Architects demonstrates, the Subject Site is separated from the adjoining residential uses by an existing vacant site at 481 Liverpool Road. In addition, there is a well established landscape buffer that exists along the eastern boundary of 485 Liverpool Road and 481 Liverpool Road which will provide a natural division between the adjoining *Residential 2(b)* zone and the Subject Site should the two sites be developed together, as envisaged, and provide a defensible boundary to the broader Strathfield South Shopping precinct. Refer to the Site Analysis plan (**Attachment A**).

Clause 24-Floor Space of Buildings of the Draft LEP prescribes a Floor Space Ratio control of 3:1 for the *Local Business 3B* zone. It is considered the Subject Site is capable of supporting a development with an FSR of up to 3:1.

Furthermore, it is considered that the proposal to rezone the Subject Site satisfies the general provisions contained in Clause 55 to Clause 78 inclusive within **Part 4** of the Draft LEP.

The planning proposal is therefore considered consistent with draft LEP 2008 (2003) which proposed to rezone the Subject Site to Local Business 3B to provide for further local business opportunities to meet the needs of residents.

Draft Strathfield Comprehensive LEP

We understand that Council are currently preparing the draft Strathfield Comprehensive LEP. We also understand that within this plan, the Subject Site will be rezoned appropriately to reflect the *Business (Special) 3(b)* Zone. We understand that this plan is in its infancy with the public exhibition period not expected for some time.

Strathfield Vision 2020

The Strathfield Vision 2020 sets out the long-term future for Strathfield. The Vision outlines eight key areas of strategic direction and development, communications; financial resources; sustainable development; strategic planning; staff development; integrated transport; marketing and community building. Specifically, Vision 2020 outlines Council's objective to maintain a diversity of commercial/retail uses within the business and town centres; to encourage an appropriate mix of heritage valued property and modern innovative well-design development; and encourage the development of an attractive Strathfield streetscape as a continued major feature within the local area.

The rezoning of the Subject Site will contribute to the network of town and neighbour centres and will enable a broad range of goods and services.

Strathfield Management Plan 2008-2010

The Management Plan is based on the Strathfield Vision 2020. The Plan is adopted by Council on a bi or tri annual basis and is the foundation upon which Strathfield Council Annual Operational Plan, activity plans and budgets are formulated. There are five principal activity areas identified by the management plan; Organisation and Governance; Sustainable Environment; Community Building; Economic Development; Urban Design and the Built Environment. Of specific relevance to this proposal are the desired outcomes for the principal activity areas of Economic Development and Urban Design and the Built Environment as follows;

“Economic Development

ED1.1 People living in Strathfield are able to find a diverse range of local employment opportunities

ED1.2. Local businesses are good corporate citizens and contribute in a positive way to the Strathfield Community

ED1.3 There are strong links between the business, residential community and Council

Urban Design and the Built Environment

The built and natural environment, and quality of life is maintained and enhanced via best practice planning

2.1 New buildings are resources efficient and comfortable

2.2 Less pressure on resources is achieved through better design

2.3 The surrounding environment is not adversely impacted by development.”

The rezoning of the Subject Site is considered to be consistent with the aforementioned objectives of the Strathfield Management Plan 2008-2010.

The proposal is therefore considered consistent with Council's Vision 2020 document for Strathfield which is implemented through Strathfield's Management Plan 2009-2012. The proposal is consistent with the key directions of Strategic Planning, Integrated Transport, Community Building and Sustainable Development and Strathfield Management Plan's Principle Activity Areas of Sustainable Environment, Community Building and Economic Development by potentially permitting new

commercial/retail/residential uses located in close proximity to public transport (eg. bus services), open space areas, community facilities and employment opportunities. The rezoning of the Subject Site will contribute to the network of town and neighbour centres and will enable an increased range of goods and services associated with the potential use of the site for the purposes of business and retail uses.

6. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies that are considered relevant to the proposed rezoning are set out as follows.

State Environmental Planning Policy No 55- Remediation of Land

State Environmental Planning Policy No. 55 ("SEPP 55") was gazetted on the 28 August 1998 and introduces planning controls for the remediation of contaminated land. Clause 6 of the SEPP prescribes matters that must be taking into consideration when rezoning land. Clause 6 states that;

"(1) In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:

- (a) the planning authority has considered whether the land is contaminated, and*
- (b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and*
- (c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.*

Note. *In order to satisfy itself as to paragraph (c), the planning authority may need to include certain provisions in the environmental planning instrument.*

(2) Before including land of a class identified in subclause (4) in a particular zone, the planning authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

(3) *If a person has requested the planning authority to include land of a class identified in subclause (4) in a particular zone, the planning authority may require the person to furnish the report referred to in subclause (2).*

(4) *The following classes of land are identified for the purposes of this clause:*

- (a) *land that is within an investigation area,*
- (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- (c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*
 - (i) *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge)."*

The site is not expected to be contaminated given its longstanding use for residential uses. The site is therefore considered suitable for rezoning without the need for any form of preliminary site analysis.

SEPP (Infrastructure) 2007

SEPP Infrastructure was gazetted on the 21.12.07 and commenced on 1.1.08. of relevance to the proposal, the SEPP seeks to:

"Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency."

The SEPP allows for the efficient development, redevelopment or disposal of Government owned land. This is achieved by permitting additional uses on State land and allowing adjacent land uses to be undertaken on State land (except conservation lands) if the uses are compatible with surrounding land uses.

Although the Subject Site is not Government owned land, the proposed rezoning is consistent with the intent of this SEPP of allowing efficient redevelopment land by allowing additional uses compatible with surrounding land uses.

State Environmental Planning Policy No 65- Design Quality of Residential Flat Development

State Environmental Planning Policy No 65- Design Quality of Residential Flat Development ("SEPP 65") was gazetted on the 22 July 2002. SEPP 65 was created to raise the design quality of residential flat development across the state through the implementation and application of a series of design principles. SEPP 65 also provides for the establishment of Design Review Panels to provide independent expert advice to Local Councils on the merit of a proposed residential flat development.

SEPP 65 Prescribes 10 core design principles; Context; Scale; Built form; Density; Resource, Energy and Water efficiency; Landscape; Amenity; Safety and Security; Social dimensions and Housing Affordability; and Aesthetics. An application for a residential flat building on the Subject Site must have consideration for these principles in the preparation of the design, form and scale of the proposed development and the configuration of the development and landscaping on the Subject Site and the presentation of the development to the principal streetscape frontages.

The site analysis, prepared by BHI Architects (refer **Attachment A**), demonstrates that the Subject Site receives adequate solar access from the east, north and west. The land to the north and west does not permit high density development and therefore it is unlikely future development would overshadow or restrict access to sunlight. The Subject Site also receives adequate prevailing winds during the summer and winter, and therefore sufficient cross-ventilation. In addition, the existing buffer along the northern boundary and the natural buffer provided by the roads to the east and south of the Subject Site will provide a natural separation between the adjoining uses. The Subject Site is also relatively flat and the topography is deemed suitable for development without requiring extensive excavation to prepare the site.

The Subject Site could therefore potentially accommodate, in accordance with the land use permissibility of the Business (Special) 3(b) zoning, a commercial building that includes a residential flat component designed and developed in accordance with the provisions of SEPP 65.

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

New local planning directions were issued by the Minister for Planning under section 117(2) of the Environmental Planning and Assessment Act 1979 on 19 July 2007. These directions replaced previous Section 117 Ministerial Directions.

Section 1.1 Business & Industrial Zones of the s117 Directions is applicable when Council prepares a draft LEP that affects land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).

The objectives of this section are to:

- a) *“Encourage employment growth in suitable locations*
- b) *Protect employment land in business and industrial zones, and*
- c) *Support the viability of identified strategic centres.”*

The proposed LEP will facilitate a change of zoning of the Subject Site to *Business (Special) 3(b)*. The change in the zoning will encourage the expansion of local businesses and facilitate local employment growth in the Strathfield South Commercial Precinct.

In considering the change of zoning, Council must take into consideration the following matters:

“(4) A draft LEP shall:

- (a) Give effect to the objectives of this direction,*
- (b) Retain the areas and locations of existing business and industrial zones,*
- (c) Not reduce the total potential floor space area for employment uses and related public services in business zones,*
- (d) Not reduce the total potential floor space area for industrial uses in industrial zones, and*
- (e) Ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning”.*

The proposal is considered consistent with the intention and purpose of Direction 1.1 and is consistent with identification of Liverpool Road as an Enterprise Corridor in the Draft Subregional Strategy.

Section 3.1 Residential Zones of the s117 Directions is applicable when Council prepares a draft LEP that affects land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary).

The objectives of this section are to:

- (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,*
- (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- (c) to minimise the impact of residential development on the environment and resource lands.*

In considering the change of zoning, Council must take into consideration the following matters that encourage the provision of housing that will:

- (a) "broaden the choice of building types and locations available in the housing market, and*
- (b) make more efficient use of existing infrastructure and services, and*
- (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and*
- (d) be of good design."*

The proposal is considered consistent with the intention and purpose of Direction 3.1 as, whilst it will facilitate a change of zoning of the Subject Site to *Business (Special) 3(b)*, the change in the zoning will not alter the range of residential uses permitted, but will simply encourage the ability to provide additional commercial uses, and in conjunction with residential uses, so as to facilitate local employment growth in the Strathfield South Commercial Precinct.

Section 3.4 Integrating Land Use and Transport of the s117 Directions is applicable when Council alters a land use zone including a residential or business zone.

The objective of this Direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

-
- (a) improving access to housing, jobs and services by walking, cycling and public transport, and*
 - (b) increasing the choice of available transport and reducing dependence on cars, and*
 - (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
 - (d) supporting the efficient and viable operation of public transport services, and*
 - (e) providing for the efficient movement of freight.*

The rezoning proposal is consistent with this Direction given it is adjacent to an existing local commercial precinct in an established inner western suburb of Sydney.

Section 4.3 Flood Prone Land of the s117 Directions is applicable when a Council prepares a draft LEP that creates, removes or alters a zone or a provision that affects flood prone land.

The objective of this direction is

- (a) To ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 and*
- (b) To ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.*

The Planning Proposal falls within the Cooks River Catchment area. It is noted that Council concluded as part of the rezoning for the adjoining site to the west, that, in this instance, the Subject Lots were not considered to be affected by flood or overland flow. It is therefore fair to assume that the Subject Site, being located adjacent, is not subject to flood or overland flow issues either.

Section 6.1 Approval and Referral Requirements of the Section 117 Directions applies to the preparation of any draft LEP to minimize the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority. This Direction will be taken into consideration in the preparation of a draft LEP to rezone the site.

Section 6.3 Site Specific Provisions of the s 117 Directions is applicable when Council prepares a draft LEP to allow a particular development to be carried out.

The principal objectives of Direction 6.1 is as follows

- Discourage unnecessarily restrictive site specific planning controls

The proposed LEP proposes a change of zoning to *Business (Special) 3(b)*. The planning controls are currently outlined in the SPSO and the DLEP (2003) 2008. The proposed rezoning does not seek to add to or alter the existing prescribed planning controls. In considering the change of zoning Council must take into consideration the following matters;

“(4) A draft LEP that amends another environmental planning instrument in order to allow a particular development proposal to be carried out shall either:

- (a) allow that land use to be carried out in the zone the land is situated on,*
- (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or*
- (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.*

(5) A draft LEP shall not contain or refer to drawings that show details of the development proposal.”

The proposed LEP will enable the redevelopment of a currently under utilised site for commercial uses as part of the expansion of the Strathfield South Commercial Area. It will also allow for the redevelopment of the Subject Site in conjunction with the recently rezoned vacant site at 481 Liverpool Road. The proposal will expand the area and location of the existing business zone and increase the potential floor space area designated for employment uses and related public services in association with the prescribed zone.

The proposed LEP nominates a standard zone (ie. *Business (Special) 3(b)*) in the Strathfield Planning Scheme Ordinance (SPSO) and/or Draft LEP 2008 (2003) It is therefore not considered necessary for site specific provisions or reference to a

specific proposal or drawings. The proposal is considered consistent with the intention and purpose of Direction 6.3.

Section 7.1 Implementation of the Metropolitan Strategy of the s117 Directions is applicable when a Council prepares a draft LEP that affects land within the Strathfield LGA.

In considering the change of zoning, Council must take into consideration the following matters:

- “(1) Planning proposals shall be consistent with:*
- (a) the NSW Government’s Metropolitan Strategy: City of Cities, A Plan for Sydney’s Future, published in December 2005 (‘the Metropolitan Strategy’).”*

As set out above, it is considered that the Planning Proposal is consistent with the objectives of the Metropolitan Strategy and draft Inner West Subregional Strategy as it will permit additional commercial uses on the site which in turn will assist in strengthening the vitality and viability of Strathfield South which is identified as a ‘Small Village’ within the Inner West Subregional Strategy.

Department of Planning Circulars, Practice Notes and Guidelines

Relevant Department of Planning Circulars, Practice Notes and Guidelines are considered below.

PS06-013 Local environmental studies 2 May 2006

This circular explains the processes that are used to identify when a local environmental study is required for an amendment to a local environmental plan and the information that is expected from a development proponent to support a rezoning request.

A local environmental study is not considered necessary for this Planning Proposal given that it only involves rezoning three lots to a commercial zoning consistent with adjoining land uses and the zoning of the surrounding area.

SECTION C – Environmental, Social and Economic Impact

8. 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?

The Subject Site which is currently utilised as a motel comprises a number of street trees along its southern boundary along Liverpool Road, and is not likely to adversely affect critical habitat, threatened species, populations or ecological communities or their habitats. It is noted that Council considered that the rezoning of the adjacent site to the west was also unlikely to adversely affect any critical habitat.

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

It is considered that there are no other likely environmental effects as a result of the planning proposal.

10. How has the planning proposal adequately addressed any social and economic effects?

The rezoning of an otherwise isolated parcel of land to allow a wider range of commercial uses will have beneficial economic benefits in the locality including the expansion of the South Strathfield Commercial Precinct and a range of opportunities for business activities along Liverpool Road, identified as a potential enterprise corridor in the Inner West Subregional Strategy which will help revitalise the area and support local businesses.

The social impact of any development on the fringe of areas zoned as commercial/business must be considered in relation to the viability of these areas. A commercial area showing signs of decline may result in decreased access to services and employment opportunities resulting from a lack of business opportunities.

The proposal which can be considered to be part of the South Strathfield Commercial Precinct will potentially improve the economic viability of the area with resulting social benefits such as improved access to services, employment opportunities, public transport and other infrastructure within the locality.

SECTION D – State and Commonwealth Interests

11. Is there adequate public infrastructure for the planning proposal?

The planning proposal which involves the rezoning of only three lots from Residential 2(b) to Business (Special) 3(b) will not place significant demands on existing public infrastructure.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

This consultation section will be completed following consultation to be undertaken by Council with the State and Commonwealth Public Authorities and as identified in the gateway determination.

5.4 PART 4 – Community Consultation

The proposal which involves the rezoning of only three small lots and is considered to be low impact as defined in section 4.5 Community Consultation of the Department of Planning's guidelines to preparing a local environmental plan. The proposed rezoning is consistent with adjacent commercial land uses and zones, is consistent with the strategic planning framework and presents no issues with regard to infrastructure servicing.

6.0 RECOMMENTATIONS

This Planning Proposal seeks to amend the existing zoning under Strathfield Planning Scheme Ordinance **from Residential 2 b to Business Special 3(b)**.

The Planning Proposal is:

1. Consistent with the recommended 3B zoning within the Draft LEP (2003) 2008 for other sites within the Strathfield South Commercial Centre;
2. Consistent with the recent rezoning of 481 Liverpool Road immediately west of the Subject Site also to Business (Special) 3(b);
3. Likely to be consistent with the recommendations of the new Draft Strathfield Comprehensive LEP;
4. Consistent with the commercial uses of the site and also of other sites in the South Strathfield Precinct Centre;

In summary there is no reasonable planning basis for retaining the current land use zoning nor from allowing the proposed zoning.

File No/ Document No	Description of Issue	Prepared By/ Date	Reviewed by Project Manager/ Director	Approved by Project Manager/Director
28046/Rezoning Report	Rezoning Report/Draft	CO/June 2010	CO	 Name: Chris Outtersides Date: 30/6/2010
28046/Rezoning Report	Rezoning Report/Client Draft	CO/June 2010	CO	
28046/Rezoning Report	Rezoning Report/Final	CO/ June 10	CO	
Note: This document is preliminary unless it is approved by a Project Manager or Director of City Plan Services				