

Report by Frankie Liang, Graduate Strategic Planner

RECOMMENDATION

- 1. That Council resolve to endorse the draft Planning Proposal (refer Attachment 2) to attempt to rezone 43 Mackenzie Street, Strathfield from R3 Medium Density Residential to R2 Low Density Residential.**
- 2. That Council resolve to forward the Planning Proposal to the Department of Planning & Infrastructure to commence the LEP plan-making process under s56 of the Environmental Planning and Assessment Act 1979 (EP&A Act).**

PURPOSE OF REPORT

Council, at its meeting on 8 October 2013, resolved, inter alia (Minute No. 227/13)

That Council prepare a report on 43 Mackenzie Street that covers the potential for Council to:

- 1. Prepare a Planning Proposal to have 43 Mackenzie Street rezoned from R3 Medium Density to R2 Low Density.*

This report has been prepared in response to the above resolution.

REPORT

Background

In July 2012, Council resolved to submit the Section 68 version of the Draft Strathfield LEP to the Department of Planning & Infrastructure (Department). This included the zoning for 43 Mackenzie Street which was reverted from R3 Medium Density Residential to R2 Low Density Residential zoning. This zoning change was made in response to the LEP submission feedback from the adjoining residents received during the Draft LEP public exhibition, concerning the potential impact on the surrounding R2 Low Density Residential zoned precinct.

The Department gazetted the Strathfield LEP 2012 in March 2013. However in making the final LEP, the Department overruled Council's resolution by changing the Council endorsed R2 Low Density Residential zoning back to R3 Medium Density Residential zoning for the subject site 43 Mackenzie Street, Strathfield. It should be noted that prior to gazettal of the LEP in March 2013, the subject site was zoned Low Density Residential (Residential 2(a)) under the Strathfield Planning Scheme Ordinance 1969.

On 16 September 2013, a community workshop was organized by community representatives to primarily seek to have the zoning of the subject site changed back to R2 Low Density Residential. Councillors and Council representatives were present at the meeting to listen to the community feedback relating to 43 Mackenzie Street, Strathfield. The preparation of a Planning

Proposal was identified as one of the potential options to protect the amenity and character of the subject site and surrounding low density residential area.

The Planning Proposal

The Planning Proposal (refer attachment 2) seeks to revert the zoning of the subject site from R3 Medium Density Residential to R2 Low Density Residential zoning. This will return the subject site to low density residential zoning (under Strathfield Planning Scheme Ordinance, 1969) that applied prior to the gazettal of the Strathfield LEP 2012 in March 2013. The main intention of this Planning Proposal is to protect the existing suburban character and amenity of the subject site and surrounding low density residential precinct. By returning the subject site to the R2 Low Density Residential zoning, the intention is for the subject area to have protection from medium density development such as town house development.

The attached Planning Proposal has been prepared in accordance with the Department's Guide to Preparing Planning Proposals.

It is considered that the specific matters and requirements of section 55 of the EP&A Act 1979 have been adequately addressed in the Planning Proposal (refer Attachment 2) and it is therefore recommended that Council supports this proposal.

LEP Plan Making Process

For Council to attempt to amend the zoning as outlined in the Planning Proposal in the Strathfield LEP 2012 the Department of Planning and Infrastructure's LEP plan making process needs to be followed (refer Attachment 1).

The LEP plan making process involves the following major steps:

- Council/applicant suggests potential amendment to existing LEP.
- Council considers whether to initially support the proposed amendment to commence the LEP plan making process.
- If Council fails to make decision within 90 days or decides not to support the proposed amendment then pre-gateway review process can be triggered at request of proponent.
- A Planning Proposal is then submitted to the Department.
- The Department undertakes an assessment and issues a gateway determination on whether or not to give Council the authority to continue the process and whether any additional studies are required.
- Council publicly exhibits the Planning Proposal.
- Council considers the submissions received and whether to amend and submit the Planning Proposal to the Department to undertake its final assessment.
- The Department undertakes its final assessment and forwards the LEP to the Minister who will either make or not make the LEP amendment.

The main document to support a LEP amendment is a Planning Proposal which explains the intended effect of the proposed LEP and justification for making the LEP. This document needs to be prepared in accordance with the Department of Planning and Infrastructures "A Guide to Preparing Planning Proposals" and "A Guide to Preparing Local Environmental Plans."

**PLANNING PROPOSAL TO REZONE 43 MACKENZIE STREET,
STRATHFIELD**

The preparation of this draft Planning Proposal (refer Attachment 2) for 43 Mackenzie Street, Strathfield is currently at the third stage of the LEP Plan Making Process diagram (refer Attachment 1) i.e. for Council to consider supporting the Planning Proposal/LEP amendment prior to submitting the Planning Proposal to the Department of Planning & Infrastructure.

Conclusion

Council is seeking to revert the R3 Medium Density zoning back to R2 Low Density zoning as an amendment to the Strathfield LEP 2012 for the subject site based on concerns raised by the community in order to protect the precincts built form, character and amenity.

Subject to Council approval it is intended to submit the Planning Proposal to the Department of Planning & Infrastructure to commence the LEP plan making process under s56 of the EP&A Act 1979 to amend the zoning in Strathfield LEP 2012.

REFERRAL FROM OTHER DEPARTMENT

Referral has been made with the Development Assessment section.

FINANCIAL IMPLICATIONS

There are no financial implications to Council in regard to the proposal.

It should be noted that preparing the Planning Proposal and the other stages of this process such as liaison with the Department of Planning and Infrastructure, organising the community consultation, assessing the submissions and reporting to Council requires a significant allocation of Council staff time and resources.

This proposal is not specifically identified in Council's operational plan targets. If this specific work significantly impacts other projects and processes in the operational plan, this will be reported in Council's 6 monthly reporting.

ATTACHMENTS

1. LEP Plan Making Process Diagram (Department of Planning & Infrastructure's *Guide to Preparing Local Environmental Plans*).
2. Planning Proposal to Rezone 43 Mackenzie Street, Strathfield from R3 Medium Density Residential to R2 Low Density Residential and associated Floor Space Ratio & Minimum Lot Size controls.

Report approved by:

Ash Chand	David Hazeldine
Acting Manager Strategic Planning	Director Technical Services

ATTACHMENT C

5. Planning Proposal to Rezone 43 Mackenzie Street, Strathfield

P81/13

RESOLVED: (McLucas/Vaccari)

1. That Council resolve to endorse the draft Planning Proposal to attempt to rezone 43 Mackenzie Street, Strathfield from R3 Medium Density Residential to R2 Low Density Residential.
2. That Council resolve to forward the Planning Proposal to the Department of Planning & Infrastructure to commence the LEP plan-making process under s56 of the Environmental Planning and Assessment Act 1979.
3. That the planning proposal point out to the Planning Minister that Strathfield Council is currently working with some land owners to upscale the development lands where clear community support is evident and in doing so we are meeting our obligation to the State Government of increased density in the Municipality.

Voting on this item was unanimous.