

43 Mackenzie Street, Strathfield

Proposal Title : **43 Mackenzie Street, Strathfield**

Proposal Summary : **Zoning 43 Mackenzie Street, Strathfield to R2 Low Density Residential, decreasing the minimum lot size to 560sqm and deleting the floor space ratio control.**

PP Number : **PP_2014_STRAT_001_00**

Dop File No : **14/02076**

Proposal Details

Date Planning : **28-Jan-2014**

Proposal Received :

LGA covered :

Strathfield

Region :

Sydney Region East

RPA :

Strathfield Municipal Council

State Electorate :

STRATHFIELD

Section of the Act :

55 - Planning Proposal

LEP Type :

Spot Rezoning

Location Details

Street : **43 Mackenzie Street**

Suburb : **Strathfield**

City : **Sydney**

Postcode : **2135**

Land Parcel :

DoP Planning Officer Contact Details

Contact Name : **Tharani Yoganathan**

Contact Number : **0285754111**

Contact Email : **tharani.yoganathan@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Roger Brooks**

Contact Number : **0297489932**

Contact Email : **roger.brook@strathfield.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Sandy Shewell**

Contact Number : **0285754115**

Contact Email : **sandy.shewell@planning.nsw.gov.au**

Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub : **Metro Inner West subregion**

Consistent with Strategy : **Yes**

Regional Strategy :

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MDP Number :

Date of Release :

Area of Release
(Ha) :Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings -4
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**If No, comment : **Planning and Infrastructure's Code of Conduct has been complied with. Metropolitan
Delivery (CBD) has not met with or communicated with any lobbyist in relation to this
planning proposal.**Have there been
meetings or
communications with
registered lobbyists? : **No**

If Yes, comment :

Supporting notesInternal Supporting
Notes :

On 4 February 2010, GMD Architects on behalf of the landowner of 43 Mackenzie Street, Strathfield (the site) requested Strathfield Council (Council) rezone the site to R3 Medium Density Residential zone as part of the standard instrument LEP process. The submission was forwarded to JBA consultants who incorporated it into the Residential Land Use Study.

On 11 November 2011, Council submitted the then draft Strathfield LEP to the Agency under s64 of the EP&A Act 1979, with the site zoned R3 Medium Density Residential.

On 4 September 2012, Council submitted a standard instrument section 68 package for the draft Strathfield LEP. The LEP proposed a post exhibition change because of community opposition, for 43 Mackenzie Street, Strathfield to rezone the site from R3 Medium Density Residential to R2 Low Density Residential. The Agency assessed this proposal and did not support it because it was considered a cumulative substantial post exhibition change. Strathfield LEP 2012 was made on 15 March 2013 with the subject site zoned R3 Medium Density Residential.

On 16 September 2013, a workshop was organised by community representatives to revert the zoning to R2 Low Density Residential for the subject site. Councillors and Council representatives were present at this workshop. The preparation of a planning proposal was identified as one of the potential options to protect the amenity and character of the site, which is surrounded by a low density residential area. Council endorsed this approach and submitted a planning proposal for the Agency's assessment.

It is understood that no further consultation has been undertaken with the affected landowner in relation to this planning proposal.

On 23 February 2014, residents wrote to the Minister, supporting the planning proposal.

On 27 February 2014, Smyth Planning on behalf of the landowner of the subject site, wrote to the Agency, objecting to the planning proposal.

This planning proposal is not supported because:

(1) It is inconsistent with the Agency's strategies and Council's JBA Residential Land Use Study 2010, which recommends that this site be zoned R3 Medium Density Residential as it is a large intact site that will provide greater housing diversity in the area; and

External Supporting
Notes :

(2) The density permitted on the subject site under R3 Medium Density Residential, will allow an extra 4 to 5 dwellings, which is considered compatible with the surrounding low density area. The height of the dwellings will remain the same at 9.5m.

Council supports this planning proposal because:

- it will protect the amenity of the surrounding low density residential area; and
- there have been public submissions and workshops seeking to revert the zoning of this site to R2 Low Density Residential, therefore showing community support for this downzoning.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The objective of this planning proposal is to amend the zoning of the subject site from R3 Medium Density Residential to R2 Low Density Residential, which Council believes will protect the character of the surrounding low density residential area.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : This planning proposal seeks to:

- rezone the subject site from R3 Medium Density Residential to R2 Low Density Residential
- amend the floor space ratio from 0.65:1 to no FSR control
- amend the minimum lot size from 1000sqm to 560sqm.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA : **3.1 Residential Zones**

* May need the Director General's agreement

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

e) List any other
matters that need to
be considered :

Have inconsistencies with items a), b) and d) being adequately justified?

If No, explain :

Direction 3.1 Residential Zones

This planning proposal is considered inconsistent with this Direction because it does not broaden the choice of building types and locations available in the housing market, as it proposes to downzone the subject site from R3 Medium Density Residential to R2 Low Density Residential and reduce the height and density controls. However, the inconsistency is considered to be of minor significance because the loss of development potential is estimated by Council to be four to five dwellings.

The planning proposal is considered consistent with all other s117 directions and SEPPs.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **A community consultation period of 14 days has been proposed.**

A community workshop has been held previously regarding the subject site, which received community support for the submission of this planning proposal. It is understood that this consultation excluded the affected landowner.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **The planning proposal provides adequate information on the following:**

- Objectives and intended outcomes
- Explanation of provisions
- Justification for the planning proposal
- Community consultation
- Project timeline
- Evaluation criteria for delegation

Delegation for this planning proposal is not supported because the Agency is recommending this planning proposal not proceed.

Proposal Assessment

Principal LEP:

Due Date : **March 2013**

Comments in relation to Principal LEP : **Strathfield LEP 2012 was notified on 15 March 2013 and zoned the site R3 Medium Density Residential.**

Assessment Criteria

Need for planning proposal : **The planning proposal seeks to rezone the subject site from R3 Medium Density Residential to R2 Low Density Residential as a result of community feedback received during the public exhibition of the then draft Strathfield Local Environmental Plan and during community workshops held after the LEP was notified.**

Council previously made the request to rezone the subject site, together with the other post exhibition changes requested by Council, when it submitted its Standard Instrument section 68 package. The Agency did not support Council's post exhibition request as it was considered a substantial post exhibition change. Strathfield LEP 2012 was made with the subject site zoned R3 Medium Density Residential.

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Consistency with strategic planning framework :

The planning proposal is considered inconsistent with aspects of the Metropolitan Plan, draft Metropolitan Strategy and draft Inner North Subregional Strategy. These Strategies encourage increased density in close proximity to centres, public transport, shops and services. The subject site is in close proximity to bus stops, which provide services to Strathfield and Burwood railway stations. The subject site is 1.2km to the nearest train station and small village.

The JBA Residential Land Use Study 2010 recommended that the subject site be zoned R3 Medium Density Residential because it is a large intact site, which has the opportunity to provide greater housing diversity in the area. This zone creates a potential of 8-10 dwellings; under the R2 Low Density Zoning there is potential for 4-5 detached dwelling houses. The zoning recommended in the Study is considered appropriate. The planning proposal is inconsistent with this Study.

This planning proposal is considered consistent with Council's Community Strategic Plan, Strathfield 2025.

Environmental social economic impacts :

There is no known critical habitat or threatened species, populations or ecological communities, or their habitats affecting this site and there are no other likely environmental affects of the planning proposal.

The planning proposal will have an adverse economic impact as it will reduce the dwelling yield by 4 to 5 dwellings.

The planning proposal will not produce any adverse social outcomes.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	14 Days
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Timeframe to make LEP :	9 months	Delegation :	RPA
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Public Authority Consultation - s56(2) (d) :

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **No**

If no, provide reasons : **This planning proposal is inconsistent with the Agency's strategies and Council's JBA Residential Land Use Study 2010, which recommends the subject site be zoned R3 Medium Density Residential. The R3 Medium Density Residential will result in an uplift of 4 to 5 dwellings, this is not excessive and considered appropriate for the low density area.**

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Strathfield PP.pdf	Proposal	Yes
Strathfield cover letter.pdf	Proposal Covering Letter	Yes
Council Report.pdf	Study	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Not Recommended**

S.117 directions: **3.1 Residential Zones**

Additional Information : **It is recommended the planning proposal not proceed because:**

(1) It is inconsistent with the Agency's strategies and Council's JBA Residential Land Use Study 2010, which recommends that this site be zoned R3 Medium Density Residential because it is a large intact site that will provide greater housing diversity in the area; and

(2) The density permitted on the subject site under R3 Medium Density Residential, will allow an extra 4 to 5 dwellings, which is considered compatible with the surrounding low density area. The height of the dwellings will remain the same at 9.5m.

Should the LEP Panel choose to proceed with this proposal, it is recommended that they consider reducing the minimum lot size to allow greater density on this site.

Supporting Reasons : **This planning proposal is not supported because:**

- the JBA Residential Land Use Study 2010 recommended this site be zoned R3 Medium Density Residential, as it is a large intact site, which will provide greater housing diversity in the area.

- The R3 Medium Density Residential zoning will provide a total of 8 to 10 dwellings, which is an additional 4 to 5 dwellings on the subject site. The height of the dwellings will remain the same at 9.5m, which is consistent with the surrounding area. The bulk of the dwellings can be dealt with at the development application stage.

Signature:



Printed Name:

Sandy Shewell

Date:

14.3.14