

8 July 2009

The General Manager
Strathfield Municipal Council
PO Box 120
STRATHFIELD NSW 2135

Attention: David Hazeldine

Dear Mr Hazeldine,

RE: EXPANSION OF SCOPE OF REZONING REQUEST TO INCLUDE 3 ADJOINING PROPERTIES - REZONING APPLICATION FOR LOT 8, DP 30405 (ORIGINAL REQUEST), PLUS LOTS 1,2 AND 3 DP 30405 (ADDITIONAL LOTS)

CORONATION PARADE, HILLCREST AVENUE AND HILL STREET, STRATHFIELD SOUTH

I refer to our telephone discussion on 1 July 2009 regarding the abovementioned rezoning application for a property at located at Lot 8, DP 30405 Coronation Parade, Strathfield South. The purpose of this letter is to formally request that Council also consider three adjoining properties for rezoning to Residential 2(a).

Background

A rezoning application prepared by David Crane and Associates on behalf of the owner of the site, Mr Said Nassif, was submitted in June 2007. The application concerned only Lot 8, DP 30405 as the other three adjoining allotments owned by Mr Nassif were already proposed to be rezoned from Special Uses to Residential 2(a) under DLEP 2003.

The planning report noted: *"The issue of rezoning has been addressed for three of the four lots that make up the former depot in the exhibited Draft Local Environmental Plan 2003. Each of these lots, (lots 1,2 and 3 of DP 30405) are proposed to be rezoned from Special Uses to Residential 2(a) under DLEP 2003. A search of Council records indicates that it was also clearly the intention to rezone the subject site (lot 8 in DP 30405) as part of the current draft LEP however the site was accidentally left with it's current special uses zoning in the exhibited draft plan. As a result, a proposed amendment to the draft plan at this stage would require re-exhibition of the whole plan. Council has expressed an unwillingness to embark upon such a process at this stage, resolving instead to address the "oversight" as part of the first amendment to the new LEP."*

Accordingly, although all four properties require a rezoning, a request for only one was made in 2007 as it was assumed that the DLEP amendment would provide the desired outcome for the other 3 lots. However, since the rezoning application was submitted, a decision has been made to hold the DLEP in abeyance whilst a new template LEP is prepared for the whole of Strathfield Municipality. Exhibition of a draft version of this plan is likely some time in 2010. Council have indicated verbally that gazettal is possible some time in 2011.

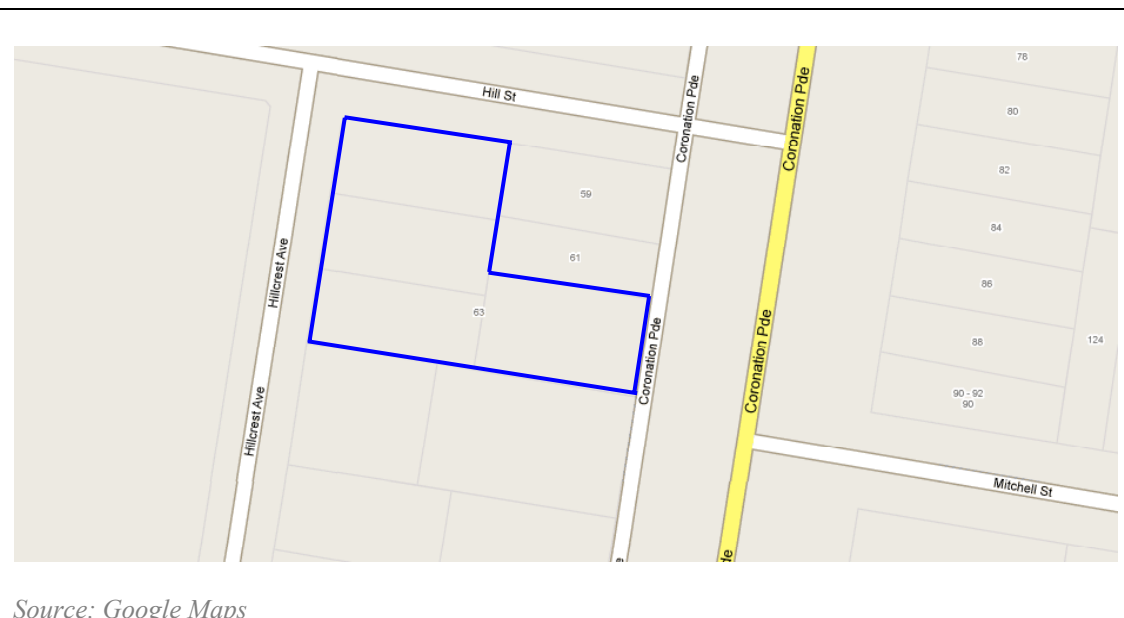
Council has already shown support for the proposal to provide all 4 sites with a residential zoning and it is therefore likely that a residential zoning over the whole subject site could be expected when the Draft Template LEP is gazetted. However, given the likely timeframe, it is considered unreasonable for the site owner to have to wait at least another 1-2 years to have a zoning reasonably enabling him to redevelop the property.

Rezoning Request

It is requested that, in addition to Lot 8, DP 30405, the following properties also be rezoned to Residential 2(a):

- Lot 1 DP 30405;
- Lot 2 DP 30405; and
- Lot 3 of DP 30405.

All 4 lots proposed to be rezoned are shown on the attached Figures.





Source: Google Maps

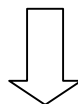
Process and Timing

Recent amendments to the Environmental Planning and Assessment Act 1979 will make the process of small spot rezonings, (such as is proposed in this case), much simpler and faster.

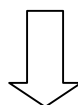
In our recent discussion it was verbally indicated that this rezoning application could be reported to Council at its meeting on 11th August, 2009. If a favourable resolution is made at that meeting the request can then be forwarded to the Department of Planning seeking a spot rezoning of the land. Our understanding of the key steps in the rezoning process are presented in the following flow chart.

1. Applicant decides to submit proposal and prepares rezoning request -

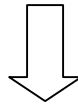
Applicant decision to submit rezoning proposal to Council. Planning report prepared for submission to Council providing justification for proposed rezoning and outlining key features.



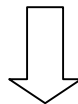
2. Council preliminary assessment of rezoning request - Council planners assess rezoning request and prepare report to Council with recommendation to progress or reject request for rezoning



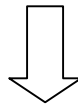
3. Preliminary Council endorsement or otherwise - Decision reached by Council as to whether to progress or reject rezoning request. If no rezoning request ends at this point.



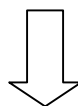
4. Preparation of Planning Proposal – If Council endorses applicants rezoning request in principle they prepare a “planning proposal” according to section 55 of the EP and A Act.



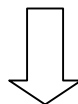
5. “Gateway” determination is made - The Planning Minister (or delegate) determines whether the planning proposal is to proceed. This Gateway acts as a checkpoint to ensure that the proposal is justified before further studies are done and resources are allocated to the preparation of a plan. A community consultation process is also determined at this time. Consultations occur with relevant public authorities and, if necessary, the proposal is varied.



6. Community consultations are undertaken – The Director General of Planning (or delegate) must approve the form of planning proposals, as revised, to comply with the gateway determination, before community consultation is undertaken. Where-ever possible this approval will be granted at the same time as issuing the gateway determination. Public hearings can also be undertaken at this time.



7. Assessment and Legal Drafting – The relevant planning authority considers public submissions and the proposal is varied as necessary. Parliamentary Counsel then prepares a draft local environmental plan — the legal instrument.



8. Decision – With the Minister’s (or delegate’s) approval the plan becomes law and is published on the NSW Legislation Website.

The Department of Planning have indicated that the process could be completed in as little as 3 months from the date of referral.

We therefore make this formal submission with the request that Council support the inclusion of the additional 3 lots in the rezoning application.

Should you have any queries or wish to discuss the issues further please do not hesitate to call me on 9698 9865 or 0419 967 746.

Yours Faithfully

A handwritten signature in blue ink that reads "David V. Crane". The signature is written in a cursive style with a large, stylized initial 'D'.

David Crane