

4.0 PROPOSED REZONING

4.1 INTRODUCTION

As discussed earlier, the current Special Uses zoning under Strathfield Planning Scheme Ordinance (PSO) is very prohibitive and in practice does not allow the subject site to be used for anything other than Sydney Water uses, or uses that are ancillary or incidental to such uses. As Sydney Water are no longer the owners of the site, this effectively means that the future use of the site is sterilised until or unless a rezoning occurs.

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.

In the light of the uncertainty of a gazettal timetable and the likelihood that a first amendment to the plan will take a number of months to consider, prepare and exhibit, the owner of the subject site has elected to pursue a rezoning under the existing plan in force - the Planning Scheme Ordinance. It is hoped, that this approach will minimise unnecessary delay in the determining appropriate future use and development options for the site.

Should the Draft LEP be gazetted during the process of seeking a zoning amendment to the PSO, Council or the Department of Planning (depending on what stage of the process the application is at) would need to change the way in which the amending plan is referenced so that the final zoning amendment is gazetted as an amendment to the plan in force at the time.

4.2 APPRAISAL OF ALTERNATIVE PROVISIONS OR LANDUSES

Zonings are designed to encourage development of appropriate landuses and therefore landuse assessment is the first step in any proposed zoning amendment.

At this stage there are no firm development proposals for the future use of the site.

The adjoining and nearby zones are currently zoned Residential A under the Strathfield Planning Scheme Ordinance and the remaining lots in the former depot are proposed to be rezoned to residential 2(a) under the new draft LEP. It is therefore considered that the suitability of uses permissible in these zones should be explored for the subject site.

Single dwellings, attached or detached dual occupancy

The site is situated in a neighbourhood largely developed for detached single dwellings. In addition to being compatible with surrounding uses the site is also readily capable of development for single dwellings in that it is relatively flat and has easy street access from the Coronation Parade access road. Furthermore there are no other impediments to development of dwellings such as contamination, or heritage issues.

Dual occupancy development would also be a suitable for the subject site provided that the scale and character of any proposed development respected the existing surrounding dwellings and locality.

Bed and breakfast establishments,

Child care centres, churches, educational establishments, home industries, home occupations and professional consulting rooms

If the site was rezoned to Residential A (or equivalent zone) the provisions applicable to development in that zone would be adopted. This would ensure that any future development would be required to respect the height, density, scale and character of the surrounding low density dwelling area, which is similarly zoned.

Whilst child care centres, churches, educational establishments, home industries and home occupations would all be permissible in a low density residential zone, Council would only consent to such development where an individual application meets the planning requirements having regard to environmental impacts on the surrounding area. The low density zone typically includes these uses in the development control table as permissible uses because they can be designed to be compatible with dwellings.

Given that the subject site is well located in terms of accessibility to the local and regional road network it is likely that some of the above uses may be suitable for the subject site in principle. These matters would be more appropriately addressed at the Development Application stage.

Open space

Given that the site is in private ownership and Council has not expressed any interest in purchasing it for a park it is unlikely that this will be a future use. In addition, the area is well served by open space, particularly as the wide

median opposite the site functions as a open space area. Finally, the site is only approximately 715 sq.m. and it is considered that it is not large enough to be an effective "vest pocket park".

Roads, utility installations other than gas holders or generating works.

A road would be an inappropriate use of the subject site given its location near the junction of two other roads. Furthermore there is no indication that Council is intending to acquire the site for a road.

The site is no longer owned by Sydney Water and is unlikely to be acquired for future use for utility installations.

4.3 FUTURE LAND USE

As mentioned in section 4.2 above, at this stage the future use of the site is unknown however it has been demonstrated that the site may be suitable for a range of uses that are currently permissible in the Residential A zone.

4.4 PROPOSED LEP AMENDMENT

It is proposed to rezone the subject site from Special Uses - Water Supply to Residential A under Strathfield Planning Scheme Ordinance, 1969.

The proposed draft zoning amendment is presented in Appendix C to this report.

As mentioned earlier, should gazettal of the DLEP occur part-way through the rezoning process for the subject property, the proposed amendment to the PSO, as recommended in this report, would need to be carried across to the new plan.

4.5 PRECEDENTS THAT MAY BE SET BY THE PROPOSAL

There are no precedents likely to be set by the proposal.

4.6 SITE CONSTRAINTS AND OPPORTUNITIES

4.6.1 Context and setting

As discussed in section 4.2 above any future use of the subject site can be designed to complement the surrounding setting which primarily comprises single dwellings.

4.6.2 Soil, geological & contamination

The site has been formerly used for a Sydney Water depot and was therefore provided office accommodation, garaging etc for Sydney Water personnel. No

evidence has been uncovered to suggest that the site has ever been previously used for any industrial or semi-industrial use, or any other use likely to have resulted in contamination. Furthermore, potential issues pertaining to soil, geology and contamination were all considered in evaluating whether to rezone the adjoining Lots 1,2 and 3 DP 30405. As it was Council's intention to rezone the subject at that time, these issues have also been considered, and found satisfactory, for Lot 8.

4.6.3 Site drainage and hydrology

As discussed above, it was Council's intention to rezone the subject at the time of proposing the rezoning of adjoining lots 1,2 and 3. Accordingly these issues have also been considered and found satisfactory for the subject site - Lot 8.

4.6.4 Air quality & light spill

Refer comment in section 4.6.3.

4.6.5 Noise & vibration

Refer comment in section 4.6.3.

4.6.6 Flora & fauna

Refer comment in section 4.6.3.

4.6.7 Heritage

Refer comment in section 4.6.3.

4.6.8 Transport, traffic, access and parking

Refer comment in section 4.6.3.

4.6.9 Open space and public domain opportunities

Refer comment in section 4.6.3.

4.6.10 Urban and residential amenity

Refer comment in section 4.6.3.

4.6.11 Social impact

Refer comment in section 4.6.3.

4.6.12 Economic and commercial impact

Refer comment in section 4.6.3.

4.6.13 Sustainability, energy usage and water conservation

Refer comment in section 4.6.3.

4.6.14 Safety, security and crime prevention

Refer comment in section 4.6.3.

4.6.15 Utilities & services

Refer comment in section 4.6.3.

4.7 JUSTIFICATION FOR PROPOSAL

As discussed in section 4.6 above, it was Council's intention to rezone the subject at the time of proposing the rezoning of adjoining lots 1,2 and 3 and therefore the proposal has already been justified and agreed to in principle. Never-the-less the following summarises some of the key justifications for the proposal.

4.7.1 Strategic and Regional Justification

Part of Council's role in determining and recommending appropriate zonings over land within each local government area is to ensure that all land parcels are able to be used for uses that suit their position, the environmental conditions, regional context, local character, scale and density and the communities expectations. To this end, Council sometimes protects certain land due to its environmental, cultural or other significance and encourages development on other parcels. Council's strategic responses always seek to enable land to be used for appropriate uses within their urban context.

In this case, if the land remains under its current zone, it will effectively be sterilised for future use due to the very restrictive landuse table that only enables Sydney Water uses or other uses ancillary to that purpose. As the site is now in private ownership it therefore cannot be legally used or redeveloped under the existing zoning. There is no strategic, regional, local or environmental reason to sterilise all future use and development of the subject land, particularly as it is readily accessible, well located in relation to other residential areas and the land is physically capable of development for dwellings or other land uses permissible in the Residential A zone.

4.7.2 Site Specific and Local Justification

See comment in section 4.7.1 above.

4.7.3 State and Local Planning Policy Justification

See comment in section 4.7.1 above.

As discussed in section 3 the proposed rezoning is not inconsistent with any SEPP or REP and furthermore could potentially assist Strathfield Council in achieving its share of the Inner West sub-regional dwelling target.

Relevant section 117 directions for this proposal have been assessed in Appendix C.

4.7.4 Social and Community Benefit

If the site retains its current zoning it cannot be legally occupied or redeveloped for any use other than water supply uses, or purposes incidental to this use.

Re-zoning to enable a wider range of uses will have a beneficial economic effect in the locality since it will provide the opportunity to satisfy demand for a variety of uses within the district.

4.7.5 Physical Environmental and Economic Benefit

Re-zoning to enable a wider range of uses will encourage the economic use of existing services, transport and other infrastructure within the locality.

4.8 DOP PRO-FORMA EVALUATION CRITERIA

When notifying the Director-General under section 54(4) of the EP&A Act of a decision to prepare a draft local environmental plan, Council is required to complete the 'Section 54(4) Notification Advice' cover sheet and relevant 'LEP Pro-forma Evaluation Criteria' sheet.

The following pro-forma evaluation sheet has been sourced from the Department of Planning's website. Applicant responses are in *italics*.

LEP Pro-forma Evaluation Criteria Category 1: Spot Rezoning LEP		
1.	Will the LEP be compatible with agreed State and Regional strategic direction for development in the area (eg land release, strategic corridors, development within 800m of a transit node)? <i>Explain: This matter is addressed in sections 4.7.1 and 4.7.3 of this report.</i>	<i>Yes</i>
2.	Will the LEP implement studies and strategic work consistent with State and regional policies and Ministerial (s.117) directions?	<i>Yes</i>

	<i>Explain: This matter is addressed in section 4.9 and Appendix D of this report.</i>	
3.	Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy? <i>Explain: Not relevant.</i>	No
4.	Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands? <i>Explain: Refer to discussion in section 4.2 of this report. The LEP could facilitate a permanent employment generating activity in that the proposed residential zone allows for some employment generating activities such as child care centres, educational establishments etc, amongst other uses. There will be no net loss of employment lands as the existing zoning over the site is special uses.</i>	No loss of employment lands. Possible permanent employment generating activity.
5.	Will the LEP be compatible/complementary with surrounding land uses? <i>Explain: The Residential A zoning proposed in this LEP adjoins the subject property to the north and is also the dominant zoning in the surrounding area. Furthermore, an equivalent residential zone has been proposed over land adjoining the subject site (the remaining former depot site described throughout this report). This residential zone was also intended to be proposed over the subject site in DLEP 2003.</i>	Yes

6.	Is the LEP likely to create a precedent; or create or change the expectations of the landowner or other landholders? <i>Explain: There will be no precedent created by the rezoning. The expectation of the subject site landholder and the surrounding landholders has been that the land would be rezoned to residential because the former Sydney Water depot has been decommissioned and the land sold to the private sector. The original special uses zoning is therefore no longer practical or reasonable.</i>	No
7.	Will the LEP deal with a deferred matter in an existing LEP? <i>Explain: Not relevant.</i>	No
8.	Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations? <i>Explain: Council has considered this matter as part of its deliberations regarding the proposed rezoning of the remaining part of the former Sydney Water depot site and other sites under DLEP 2003.</i>	Yes

4.9 S. 117 DIRECTION EVALUATION

As outlined in PS 05-009, S 117 directions may:

- *“be given to a particular council or to councils generally,*
- *require a draft LEP to include provisions that achieve or give effect to particular aims, principles, objectives and policies,*

- *require a draft LEP to be strictly or consistent or substantially consistent with the terms of the direction (or provide circumstances in which the inconsistency can be justified.)*

The following Section 117 direction evaluation examines the relevance, applicability and consistency of each direction with the proposed LEP amendment.

Not relevant.

The draft LEP amendment is consistent with this direction because it will not contain provisions requiring concurrence, consultation or referral of a Minister or public authority.

Not relevant.

Not relevant.

Not relevant.

Not relevant.

Not relevant.

Not relevant.

Not relevant

Not relevant.

Not relevant.

Not relevant.

Not relevant.

Not relevant.

Not relevant.

Not relevant.

This direction applies when a council prepares a draft LEP that creates, removes or alters a zone or a provision relating to urban land, such as for residential (as in this case), business or industrial purposes.

The draft LEP amendment is consistent with this direction because the proposed residentially zoned land is well located in terms of surrounding public transport routes and infrastructure, thereby helping to achieve the directive objective which seeks to *“ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:*

- *improving access to housing, jobs and services by walking, cycling and public transport*
- *increasing the choice of available transport and reducing dependence on cars*
- *reducing travel demand including the number of trips generated by development and the distances travelled, especially by car*
- *supporting the efficient and viable operation of public transport services"*

Not relevant.

Not relevant.

Not relevant.

This direction applies when a council prepares a draft LEP that creates, removes or alters a Residential Zone boundary or a Residential Zone provision. The direction is designed to ensure the orderly and economic use or development of residential land.

The draft LEP amendment seeks to adopt the residential zone of the adjoining land and will not alter the provisions affecting Residential A zoned land generally. These provisions already deal with issues relating to servicing and the ability to erect a dwelling house.

The proposed DLEP amendment will also be consistent with the direction to ensure that provisions do not reduce the permissible residential density on the land, to be compatible with the environmental quality of the area, provide for a variety of housing forms and increase the permissible residential density on the land. Furthermore, the draft plan will enable dual occupancy development.

Not relevant.

Not relevant.

Not relevant. Not relevant.

This direction only applies when a council prepares any draft Local Environmental Plan to allow a particular development proposal to be carried out. The direction is therefore not relevant in this case.

This direction applies when a council prepares a draft LEP that creates, alters or removes a zoning or provision for any public purpose.

The proposed DLEP amendment is consistent with the direction as the proposal to rezone the subject site is in accordance with the request of Sydney Water who formerly owned the land and deemed it surplus to their needs, before selling it to the private market.

Not relevant.

Not relevant.

5.0 CONCLUSION

This document comprises a rezoning proposal for Lot 8, DP 30405 Coronation Parade, South Strathfield from Special Uses – Water Supply to Residential A under Strathfield Planning Scheme Ordinance. David Crane and Associates Pty Ltd have prepared this report on behalf of Said Nassif.

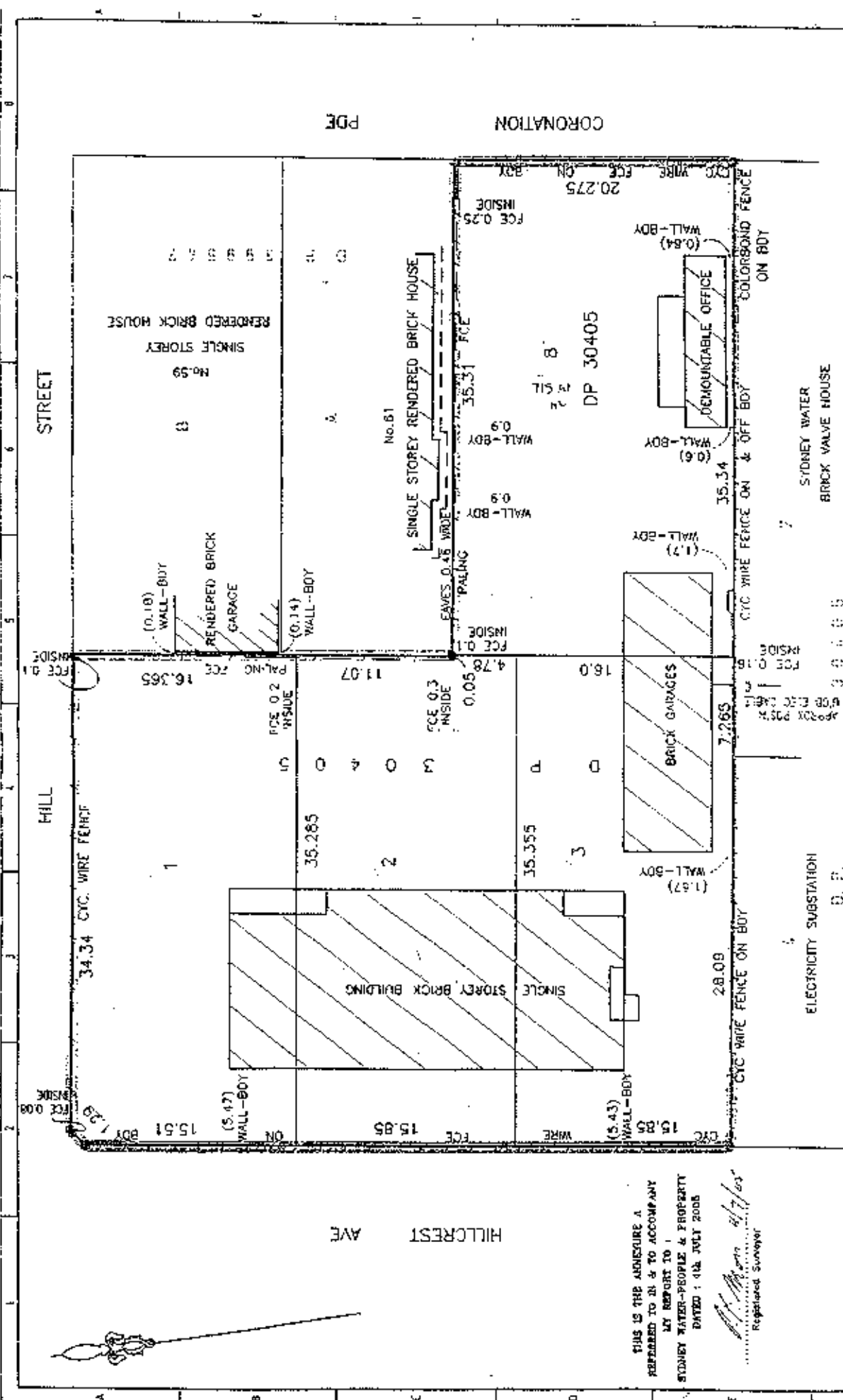
The current Special Uses zoning under Strathfield Planning Scheme Ordinance (PSO) is very prohibitive and in practice does not allow the subject site to be used for anything other than Sydney Water uses, or uses that are ancillary or incidental to such uses. As Sydney Water are no longer the owners of the site, this effectively means that the future use of the site is sterilised until or unless a rezoning occurs.

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.

It is considered that this report demonstrates that the proposed rezoning is justified in the circumstances and should be supported by Council for referral to the Department of Planning.

Appendix A

Survey Plan



HILL STREET

HILL

PDE

CORONATION

HILLCREST AVE

THIS IS THE ANNEXURE A
REFERRED TO IN & TO ACCOMPANY
MY REPORT TO
STONEY WATER-PEOPLE & PROPERTY
DATED: 11th JULY 2005

St. Marys 4/7/05
Registered Surveyor

SURVEYED	DATE
P. MOSS	JULY JUNE 2005
DRAWN	
P.H./J.S.	

ANALYSIS SURVEY

ANALYSIS SURVEY PTY LTD
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LOCALITY: SOUTH STRAITFIELD PROJECT 716

050609

SKETCH SHOWING BOUNDARIES
FOR IDENTIFICATION PURPOSES ONLY
BEING LOT 1, 2, 3 & 8 IN D.P. 30405

ANNEXURE A

Appendix B

Site Photos

Photo 1: Subject site viewed from Coronation Parade access road.



Photo 2: Looking south along the Coronation Drive access road from in front of the subject site.



Photo 3: Sydney Water brick valve house adjoins the southern boundary of the site.



Photo 4: Existing buildings on the remaining part of the former Sydney Water depot site (not part of the subject site). Buildings are currently occupied by the Youma Group and Nassir Excavations.



Photo 5: Typical single dwellings surrounding the subject site.



Photo 6: Typical single dwellings surrounding the subject site.



Appendix C

Letter to Olsson and Associates Architects



65 Homebush Road, Strathfield NSW 2135
PO Box 120, Strathfield NSW 2135
Telephone 02 9748 9999 | Facsimile 02 9764 1033

Email council@strathfield.nsw.gov.au
Web www.strathfield.nsw.gov.au
ABN 52 719 940 263

P732G Part 5
Roger Brook

1/03/2007

Mr Russell Olsson
Level 5
68-72 Wentworth Avenue
Surry Hills NSW 2010

Dear Mr Olsson

**Re: Rezoning Query Concerning Sydney Water Site (Lots 1, 2, 3 & 8 DP 30405
(cner Hill St & Coronation Parade)**

In response to our meeting on 28 February 2007 and telephone discussions with Council's Strategic Planning section in relation to the zoning status of the above properties the following response is provided.

The existing 4 lots you are inquiring about (Lots 1, 2, 3 & 8 DP 30405) are currently zoned Special Uses - Water Supply under Strathfield Planning Scheme Ordinance for use by Sydney Water.

Under the draft Strathfield LEP 2003 which has not as yet been gazetted, 3 of the lots (1, 2 & 3) are proposed to be rezoned from Special Uses - Water Supply to Residential 2A. One lot (lot 8) remains unchanged and is zoned Special Uses- Water Supply for use by Sydney Water.

It is my understanding that you would like Council to amend the draft LEP 2003 to change the zoning of Lot 8 DP 3405 to a residential zoning consistent with the zoning of adjoining lots with the intention of constructing a childcare facility subject to Council approval.

As previously confirmed a rezoning amendment to Draft LEP 2003 would necessitate re-exhibition which at this stage is not Council's intention.

A further search of Council's records (subsequent to our meeting) has indicated that Sydney Water requested Lot 8 DP 30405 to be rezoned from Special Uses to Residential A in response to the public exhibition of draft LEP 2003.

In response to Sydney Water's request it was indicated in the Council Report dated 2 December 2003 that "the omission of Lot 8 from the exhibited LEP was an oversight." The Report "proposed that the next available draft LEP will include the rezoning of the land to Residential A as was Lots 1, 2 & 3."

- Council plans to act on this proposal and incorporate the rezoning of Lot 8 to Residential A in the next draft LEP that Council prepares. This is subject to the new owner making a formal written request including justification to Council for the rezoning to proceed including proof of ownership.

Alternatively should the owner of the subject property not wish to wait for this process a specific rezoning draft LEP application (including all necessary documentation) can be lodged by the owner which is subject to the payment of the relevant fees (in accordance with Council's Fees and Charges).

To discuss this matter further you can contact Council's Strategic Planner on 97489932 during normal business hours.

Yours sincerely,



PATRICK WONG
DIRECTOR TECHNICAL SERVICES

Appendix D

**Proposed Zoning Amendment
to Strathfield Planning Scheme Ordinance**

Draft
Strathfield Local Environmental Plan
No. XX

Under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following Local Environmental Plan under the
Environmental Planning and Assessment Act, 1979

FRANK SARTOR, M.P.
Minister for Planning

Draft Strathfield Local Environmental Plan No. XX

Under the

Environmental Planning and Assessment Act 1979

1. Name of the Plan

This plan is Strathfield Local Environmental Plan No. XX.

2. Aims of the Plan

This plan aims to rezone the land to which the plan applies from Special Uses – Water Supply to Residential A under the Strathfield Planning Scheme Ordinance.

3. Land to Which the Plan Applies

This plan applies to land described as Lot 8, DP 30405, 63 (check) Coronation Parade, South Strathfield as shown edged heavy black on the map marked “Strathfield Local Environmental Plan No. XX” deposited in the office of Strathfield Municipal Council.

4. Relationship to Other Planning Instruments

This plan amends the Strathfield Planning Scheme Ordinance in the manner set out in clause 5.

5. Amendment of Strathfield Planning Ordinance

Strathfield Planning Scheme Ordinance is amended as set out in Schedule 1.

Schedule 1 Amendment

Clause 4 Interpretation

Insert in appropriate order in paragraph (b) of the definition of Scheme map in clause 4(1):

Strathfield Local Environmental Plan No. XX

NOTE: ZONING MAP TO BE INSERTED BY COUNCIL