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REZONING APPLICATION

Lot 8, DP 30405

**Coronation Parade
Strathfield South**



RECEIVED

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STRATHFIELD

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6 June 2007

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1.0 INTRODUCTION

1.1 TERMS OF REFERENCE

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.

1.2 REZONING APPLICATION CONTEXT

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.

1.3 REPORT AIMS

The aims of this report are:

- To provide a rezoning assessment context by describing key elements of, (a) the site; (b) the surrounding local environment; and (c) existing and proposed planning controls;
- To explain the need for rezoning of the property and to evaluation rezoning options; and
- To describe the rezoning proposal including justification of the proposal.

2.0 SUBJECT SITE CONTEXT

2.1 LOCATIONAL CONTEXT

The subject site is located within the suburb of South Strathfield within an area zoned for special uses. The subject site is located on the western side of Coronation Parade. Refer Figures 1 and 2 below.

Figure 1: Site Location

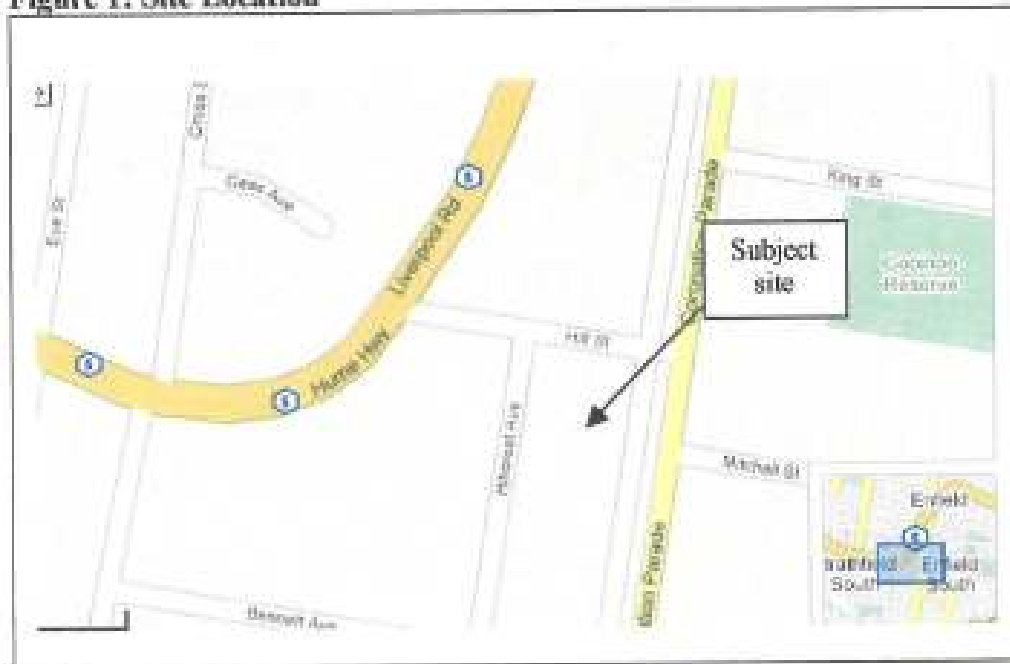


Figure 2: Aerial photo of subject site and surrounding properties

The site is part of a former Sydney Water Depot which is currently occupied by the Youma Group and Nassir Excavations. The area adjoining and surrounding the site is characterised by:

- Predominantly older style single and double storey dwellings to the north of the site, north of Hill Street,
- Two single dwellings adjoining the northern boundary,
- One and two storey dwellings, located in the residential areas to the east of Coronation Drive. Some small neighbourhood shops are also located within these areas, however this area is separated from the subject site by the wide Coronation Parade road reservation which includes a “park-like” median separating the main road from the access road which provides the street address for the subject site.
- An existing Sydney Water Brick Valve House adjoins the southern boundary. An electricity substation lies further to the south and diagonally opposite the site, with access to Hillcrest Avenue. Further to the south lie more single dwellings, similar in style and age to the other single dwellings in the immediate vicinity.
- A medical facility known as “Central Medical Health and Research” is located less than 100m to the west of the site on Hill Street within a area zoned for medium density housing. Immediately to the south of this facility (less than 200m away from the subject site) a medium density development has been recently constructed.

2.2 SUBJECT SITE DESCRIPTION

2.2.1 Overview

The rezoning application process has identified key features of the site and its immediate surroundings. The Survey Plan submitted with the application, (refer Appendix A), indicates property boundaries, the location of the existing and adjoining buildings, services in the street such as power/light poles, telecom pits and hydrants, and footpath, kerb and vehicular crossings.

Appendix B also contains photographs of the site and the surrounding area.

2.2.2 Legal Description

The subject land is legally described as Lot 8 in DP 30405.

The subject site is rectangular in shape and the site has an area of approximately 715 sq.m. The Coronation Parade frontage is 20.07m whilst the eastern boundary is 20.78m. The northern side boundary is 35.31m and the southern side boundary is 35.34m.

2.2.3 Existing site improvements

The site is currently occupied by a single storey demountable office and a part of a single storey brick garage as shown on the survey plan.

2.2.4 Vehicular Access and Traffic

The existing buildings are accessible via a driveway to the adjoining former depot properties on lots 1,2 and 3 DP 30405. However the site has a street frontage to the Coronation Parade access road and could easily be accessible from that street, in a similar fashion to the adjoining and nearby dwellings.

2.2.5 Vegetation and Topography

Existing vegetation on the site is limited due to the nature of the existing development on the site (Refer survey plan in Appendix A and photos in Appendix B).

The property drains towards the southern boundary at a grade of less than 5% and would be drained to Coronation Drive.

2.2.6 Services

Water, sewer and electricity are currently available for the existing buildings on the site and surrounding development and it is not envisaged that there will

be any problems in providing these services to future residential or any other permissible development requiring these services.

2.3 SITE HISTORY

Sydney Water¹ was contacted on 29th May 2007. The Sydney Water representatives contacted advised that:

- The surplus depot lots had originally been used as a water and sewer maintenance depot. However, with the reduction in Sydney Water personnel during the 80's and 90's the depot had been closed and the existing buildings had remained empty for several years, leading to the site being declared surplus.
- It was their understanding that correspondence and discussions were held between Sydney Water and Strathfield Council regarding Sydney Water's land holdings at Hillcrest Avenue, Hill Street and Coronation Parade, South Strathfield during the 1990's. During this period Council was made aware that lots 1,2,3 and 8 DP 30405 had become surplus to Sydney Water's requirements. It was the understanding of the Sydney Water representatives that Council would consider the four surplus sites for rezoning from special uses to a low density residential zone upon preparation of the next comprehensive LEP;
- During the above negotiations/discussions it was also made clear that a fifth property known as lot 7, DP 30405, was still required for operational purposes. The adjoining lot 7 houses the "Sydney Water Brick Valve House". This building, whilst having heritage significance in its own right, is also an essential part of the current Sydney Water operations, and is therefore not surplus to their needs. It is an access point for Sydney Water system and houses a shaft (possibly around 60-70m deep) extending down to the water pressure chamber below.
- The surplus depot site comprising lots 1,2,3 and 8 was subsequently sold at auction to Youma Constructions No. 2 (the current owners) on March 2006. Whilst the property was sold with the existing special uses zoning under the Strathfield Planning Scheme Ordinance, the new owners were informed that a draft LEP was in place that intended to rezone the land to residential.

Discussions with Council officers² and a literature search of Council files³ on 29th May 2007 revealed that:

¹ Geoff Colenso and Carolina DeWolff (ph: 9350 5447)

² David Hazeldine and Roger Brook.

- The former depot property (lots 1,2,3 and 4 DP 30405) plus a Sydney Water owned property located to the south of the former depot (lot 7, DP 30405) are all currently zoned Special Uses – Water Supply under Strathfield Planning Scheme Ordinance.
- A comprehensive Draft LEP covering the whole of Strathfield Municipality was placed on public exhibition for 30 days from 15 October to 14 November 2003. This plan was known as draft Strathfield Local Plan 2003 and proposed to rezone three of the former depot properties (lots 1,2 and 3) from Special Uses to Residential 2A. Although it had been the intention of Council to rezone all of the former depot land (including the subject site – lot 8) to residential a drafting error had resulted in the subject site retaining the same special uses zoning under the exhibited draft plan.
- A report was presented to Council on 2 December 2003 after the public exhibition of DLEP 2003. The following is an extract from that report:
“Submission 34 – Sydney Water

Summary of Submission

- *Request that Lot 8, DP 30405 Coronation Parade, Strathfield South be rezoned from Special Uses 5B (Public Utility Undertakings) to Residential A.*
- *Clause 37 should be relocated to Part 3 – Zoning and land Use Provisions*
- *Request that water efficient measures be added into the LEP in various sections.*

Responses

- *The omission of Lot 8 from the exhibited LEP was an oversight. It is proposed that the next available draft LEP will include the rezoning of the land to Residential A as was Lots 1,2 and 3.*
- *Clause 37 has been relocated to Part 4 as per advice from Council's Solicitors.*
- *The details of water efficient measures are more appropriately located in development control plans.*

Recommendation

³ Including a letter sent to Mr Russell Olsson on 1 March 2007 (file ref: P732G Part 5). Refer Appendix C.

- *A separate LEP will be prepared to cover the rezoning of Lot 8.*
- The above recommendation was subsequently resolved by Council.
- Russell Olsson was advised in a letter dated 1 March 2007 (copy in Appendix C) that *"Council plans to act on this proposal [as described in the recommendation above] 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 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 the necessary documentation) can be lodged by the owner"*
- Council verbally advised that, whilst the plan has been submitted to the Department of Planning to be made and it is anticipated that the draft plan will be gazetted in 2007 there was no clear indication of when the plan would come into effect. Accordingly, there was no imminent plan to undertake a first amendment of the plan at this stage.

3.0 PLANNING CONSIDERATIONS

3.1 STATE PLANNING CONSIDERATIONS

3.1.1 State Environmental Planning Policies

SEPP No. 8 - Surplus Public Land no longer strictly applies to the land as it has recently been transferred into private ownership. The SEPP promotes and coordinates the orderly and economic use of public land that is surplus to public needs. As discussed earlier in the report, the reason the site was sold privately was because it had become surplus to Sydney Water's needs however, the current restrictive special uses zoning, does not enable the site to be "orderly and economically" used.

3.1.2 Regional Environmental Planning Policies

There are no relevant Regional Environmental Planning Policies.

3.1.3 State Planning Strategies

The Sydney Metropolitan Strategy is a strategic document that outlines a vision for Sydney over the next 25 years. Whilst the strategy sets out the broad framework it is intended that more detailed planning will follow via regional strategies and subregional strategies prepared in the coming years.

Subregional groupings of local government will test target numbers of additional dwellings and jobs have been allotted for each area as shown in the figures below. The Strathfield Local Government Area is within the Inner West Subregion.

Figure 3: Metropolitan Strategy Subregions



Figure 4: Metropolitan Strategy - Subregional Dwelling and Employment Targets

Subregion	Local Government Area	New Dwellings	Employment Capacity Targets*
Sydney City	Sydney City	55,000	88,000 New Jobs
Inner North	Lane Cove, North Sydney, Ryde, Willoughby, Hunters Hill, Mosman	30,000	54,000 New Jobs
Inner West	Ashfield, Burwood, Canada Bay, Leichhardt, Strathfield	30,000	10,000 New Jobs
South	Englewood, Hurstville, Canterbury, Rockdale, Sutherland, Murrumbidgee	35,000	21,000 New Jobs
East	Illawarra, Shellharbour, Wollongong, Wollumbi	20,000	17,500 New Jobs
North East	Parramatta, Westmead, Murrumbidgee	17,500**	36,000 New Jobs
North	Hornsby, Ku-ring-gai	21,000**	8,000 New Jobs
North West	Bankham Hills, Blacktown, Blue Mountains, Hawkesbury, Penrith	60,000 existing areas 60,000***NW growth centre 20,000 other greenfield	99,000 New Jobs
West Central	Auburn, Bankstown, Fairfield, Holroyd, Parramatta	95,500	35,000 New Jobs
South West	Wollondilly, Camden, Campbelltown, Liverpool	40,000 existing areas 100,000 SW growth centre 15,000 other greenfield	80,000 New Jobs
Central Coast	Gosford, Wyong	35,000 existing areas 21,000 greenfield areas	55,000 New Jobs

* new jobs from 2004

** includes a small amount of greenfield development

*** includes dwellings that will be built after 2031

These targets are subject to periodic review in line with regular Metropolitan Strategy reviews.

Rezoning of the site to permit residential development could potentially assist Strathfield Council in achieving its share of the Inner West sub-regional dwelling target.

3.1.4 Section 117 (2) Ministerial Directions

Section 117 Directions are Directions by the Minister to Council's that must be considered in the preparation new or amending LEP's such as that proposed. According to a recent DOP planning circular (PS 05-009), particular 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 consistent or substantially consistent with the terms of the direction.*

The Reform Act provides that a section 117 direction can specify whether a draft LEP must be either strictly consistent or substantially consistent with that direction. It also allows for circumstances in which any inconsistency can be justified.

A number of the section 117 directions provide for matters where inconsistency would be justified in a draft LEP. Generally for this to be allowed in these circumstances councils are required to provide a strong case as to why a variation of the direction is warranted. Council will need to demonstrate this via:

- *a strategy dealing with the particular issue prepared by council and approved by the Director-General*
- *an environmental study under section 57 of the EP&A Act, or*
- *compliance with any relevant regional strategy prepared by the Department.*

If local circumstances require a deviation from a direction, then this should be justified in the context as to how the zone or provision operates across the local government area. The Reform Act however, reinforces the importance of draft LEPs being consistent with section 117 directions through the amendment to section 68 of the Act, which allows the Director-General to return a draft LEP to a council where it has not taken into account a direction."

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

3.1.5 Department of Planning Circulars

The main circulars of relevance to this rezoning application are:

- PS 05-009, 30 September 2005, Changes to ministerial directions under S 117 of the EP and A Act, 1979;
- PS 05-006, 17 February 2006, Changes to transitional arrangements for the introduction of new section 117 directions;
- PS 06-005, 16 February 2006, LEP Review Panel.
- PS 06-013, 2 May 2006, Local Environmental Studies.
- PS 06-015, 15 June 2006, Spot Rezoning.

Relevant parts of these circulars have been addressed in this report. In particular, it is noted that the LEP pro-forma evaluation criteria outlined in PS 06-005 and the new S 117 directions have both been addressed in Section 4 of this report.

3.2 LOCAL PLANNING CONSIDERATIONS

3.2.1 Strathfield Planning Scheme Ordinance (SPSO)

The Strathfield Planning Scheme Ordinance 1969 or SPSO contains the permissible uses for differently zoned land in the Strathfield Local Government Area (LGA).

Council is currently updating its planning controls, however the SPSO is the relevant statutory control for all development in the Strathfield Municipality.

The subject site is currently zoned Special Uses A under the SPSO.

Purposes for which buildings or works may be erected or carried out or used subject to such conditions as may be imposed by the responsible authority include are: *"the particular purpose indicated by scarlet lettering on the scheme map."* In this case the identified purpose is "water supply".

Permissible uses with consent in this zone are: *"any purpose ordinarily incidental or subsidiary to the purposes referred to in Column III: child care centres (only where the particular purpose indicated by scarlet lettering on*

the scheme map is 'school'), roads, drainage, utility installations, other than generating works or gas holders."

From the above it is clear that most uses would be prohibited under the current zone, despite the fact that Sydney Water now do not own the site, making the original water supply use obsolete on the site.

Adjoining and nearby residential land is currently zoned Residential "A" under the PSO. The following uses are permitted within that zone with development consent:

- 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.

3.2.2 Draft Strathfield LEP 2003

The draft Strathfield Local Environmental Plan (LEP) 2003 is a comprehensive new Planning Instrument designed to guide future development throughout the Strathfield Municipality. Upon gazettal it will replace the existing Strathfield Planning Scheme Ordinance.

Draft Strathfield Local Plan 2003 was placed on public exhibition in 2003 and adopted by Council in December 2003. It has been lodged with the Department of Planning and is awaiting gazettal, however, as discussed earlier in this report, there is no firm date for the plan to come into operation.

Should gazettal 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.

Under the draft plan the subject site is proposed to be zoned Special Uses 5(b).

Figure 5: Draft Zoning under DLEP 2003

The objectives of the Special Uses 5(b) zone are:

- (a) *to recognise land owned, used or required to be used by or under the authority of a public authority to deliver public utility services to the community including electricity, gas telecommunications, water and sewerage;*
- (b) *to ensure that any development in this zone takes into account the objectives, permissible land uses, development standards and Council Policies applicable to land adjoining sites within the zone;*
- (c) *to ensure public utility services have a minimal impact on the amenity of adjoining uses and users;*
- (d) *to permit subdivision provided it is broadly compatible with existing patterns and other objectives in this zone;*
- (e) *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 following land uses are proposed to be permitted with consent within the Special Uses 5(b) zone:

- Utility installation.

Utility installation is defined in the draft plan as *'a building or work used by a public utility undertaking or the Council, but does not include a building designed wholly or principally as administrative or business premises or as a showroom'*.

The DLEP restricts the future use of the subject site in much the same way as the PSO. It is clear that most uses would be prohibited under the current zone, despite the fact that Sydney Water now do not own the site.

Under the draft plan the remaining lots in the former depot (the adjoining lots 1,2 and 3) are proposed to be zoned Residential 2(a). Figure 4 below shows that this zoning will be in accordance with the surrounding properties.

The objectives of the proposed Residential 2(a) zone are:

- (a) *"to nominate those established areas where a predominantly single dwelling detached housing character should be maintained and reinforced;*
- (b) *to ensure that all development, including alterations and additions, is compatible with the scale, density, form, urban design, streetscape and landscape characteristics of the neighbourhood and respects the amenity of residents, and*
- (c) *to ensure appropriate attention to conservation principles and standards in residential areas which include individual buildings and streetscapes of nominated heritage significance; and*
- (d) *to provide opportunities for non-residential activities and development which is of a type and scale that is compatible with the surrounding environment and does not detract from residential amenity; and*
- (e) *to ensure all development incorporates the principles of energy efficiency and effective waste management design;*
- (f) *to permit subdivision provided it is broadly compatible with existing patterns and other objectives of this zone;*

- (g) *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 following land uses are proposed to be permitted with consent within the Residential 2(a) zone:

Attached dual occupancy;

- Bed and breakfast establishment;
- Child care facility;
- Community facility;
- Detached dual occupancy;
- Dwelling house;
- Educational establishment;
- Home business;
- Home industry;
- Hospital;
- Place of public worship;
- Professional consulting rooms;
- Public building; and
- Utility installation.

3.2.3 Development Control Plans

Strathfield Consolidated Development Control Plan 2005 consolidates Councils DCPs and came into force on 3 May 2006. The plan consolidates the following development control plans:

- DCP No 21 - Dwelling Houses & Ancillary Structures
- DCP No 8 - Dual Occupancy Housing
- DCP No 3 - Multiple - unit Housing
- DCP No 27 - Industrial Development
- DCP No 18 - Child Care Centres
- DCP No 24 - Bed & Breakfast Establishments
- DCP No 15 - Provisions for the Establishment of Brothels
- DCP No 26 - Waste Management
- DCP No 4 - Provision of Off Street Parking Facilities
- DCP No 7 - Erection & Display of Advertising Structures
- DCP No 23 - Development on Contaminated Land
- DCP No 19 - Public Notification Requirements for Development and Complying Development Applications.

The consolidated DCP would not apply to development under the current zone, however, should the property be rezoned to a Residential zone a number of chapters in the DCP would apply.

3.2.4 Section 94 Plan

The provisions of a section 94 plan are not relevant to the current special uses zoning. Should the property be rezoned the provisions would apply, and monetary contribution may be payable to Council, depending on the final use proposed.

3.2.5 Council Management Plan

A draft Management Plan is currently on exhibition which outlines the principal activities and services that Council intends to undertake, how those activities are to be measured (key performance indicators), details of capital works, Council's expected income and expenditure, rates, fees and charges. Any future development of the site would need to ensure that it is not in conflict with any of the adopted management plan principles.

3.2.6 Other Relevant Council Policies and Strategies

There are no other relevant Council policies or strategies.