

24 December 2012

Adam Gauna

Mr Sam Haddad
Director General
Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2000

RECEIVED
- 8 JAN 2013
Director-General

Dear Mr Haddad

**RE: PLANNING PROPOSAL TO DELETE KEY SITES AND REZONE THE SYDNEY
MARKETS SITE, HOMEBUSH**

In reference to the above matter, it was resolved at Strathfield Council's 11 December 2012 Liveable Neighbourhoods Committee meeting:

1. That Council resolve to submit the Planning Proposal (Attachment 1) for the Sydney Markets Site which consists of:

- a) deleting site 37 Smallwood Avenue and adjoining sites to the south from Height of Buildings Map and Floor Space Ratio Map;*
- b) rezoning of sites 222-242 Parramatta Road from B4 Mixed Use and B6 Enterprise Corridor to SP1 Special Activities;*
- c) delete Key Sites 34, 35, 36 and 42 and adjust Key Site 37.*

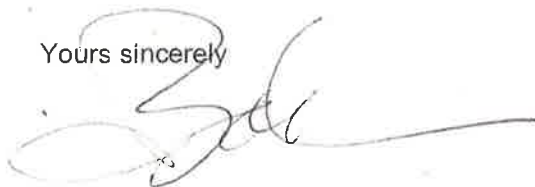
2. That Council resolve to request the Department of Planning & Infrastructure to issue written authorisation for Council to exercise delegation in accordance with s23 of the EP&A Act 1979 for this Planning Proposal.

In accordance with s55(3) of the EP&A Act 1979 & 'Guide to Preparing a Planning Proposal' please find enclosed:

- Planning Proposal to delete key sites and rezone the Sydney Markets site at Homebush.
- Council Report for the 11 December 2012 Liveable Neighbourhoods Committee meeting recommending the Planning Proposal be endorsed and forwarded to the Department to commence the LEP plan making process under s56 of the EP&A Act 1979 and to initially seek Gateway Determination.
- Copy of Council Minutes 11 December 2012.

Should you have any questions in regard to this letter please contact Council's A/Manager Strategic Planning, Roger Brook on 9748 9932.

Yours sincerely



DAVID BACKHOUSE
GENERAL MANAGER



PMU024452



PLANNING PROPOSAL FOR SYDNEY MARKETS SITE AT HOMEBUSH:

1. THE REZONING OF SITES 222-242 PARRAMATTA ROAD HOMEBUSH FROM B4 MIXED USE & B6 ENTERPRISE CORRIDOR TO "SYDNEY WHOLESALE AND RETAIL MARKETS AND DISTRIBUTION CENTRE";
2. DELETION OF SITE 37 SMALLWOOD AVENUE HOMEBUSH & ADJOINING SITES FROM HEIGHT OF BUILDINGS AND FLOOR SPACE RATIO MAPS;
3. DELETION OF KEY SITES 34, 35, 36, 42

Part 1 – Objectives or Intended Outcomes

The objective of this planning proposal is to amend the zoning, height and floor-space ratio maps for sites directly adjacent to Sydney Markets, Homebush. These changes are intended to more accurately reflect and protect the scope and nature of activities conducted on these sites, most of which are ancillary to the operation of Sydney Markets. The previously proposed B4 zone would restrict many of these activities, limiting the ability of the markets to function. Additionally, the planning proposal aims to reduce the potential for conflict associated with increased residential densities abutting the Sydney Markets site and associated operations.

MAP 1: LOCATION OF SUBJECT SITES



Sydney Markets, Parramatta Road, Homebush

MAP 2: LOCATION OF SUBJECT SITES (37 SMALLWOOD AVENUE, HOMEBUSH & ADJACENT SITES)



37 Smallwood Avenue Homebush & adjacent sites to the north-east

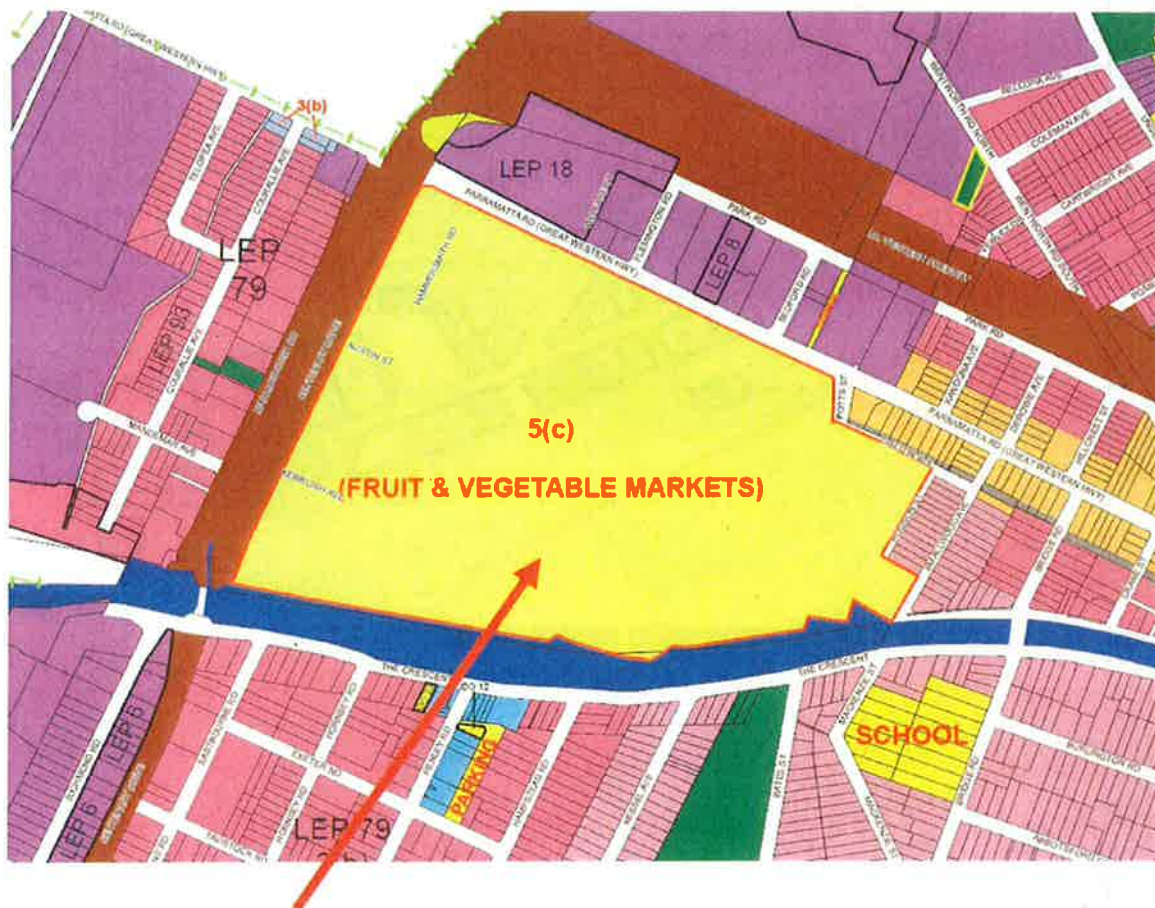
MAP 3: LOCATION OF KEY SITES 34, 35, 36, 37 & 42 IN DRAFT STRATHFIELD LEP 2011



MAP 4: INDICATIVE MAP OF PROPOSED REMOVAL OF KEY SITES



MAP 2: EXISTING ZONING



Existing zoning of the Sydney Market Site and surrounds

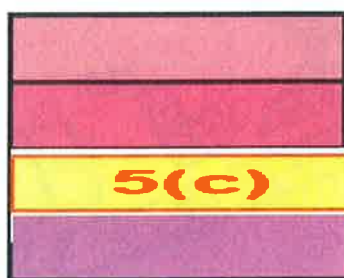
KEY:

Residential 2(a)

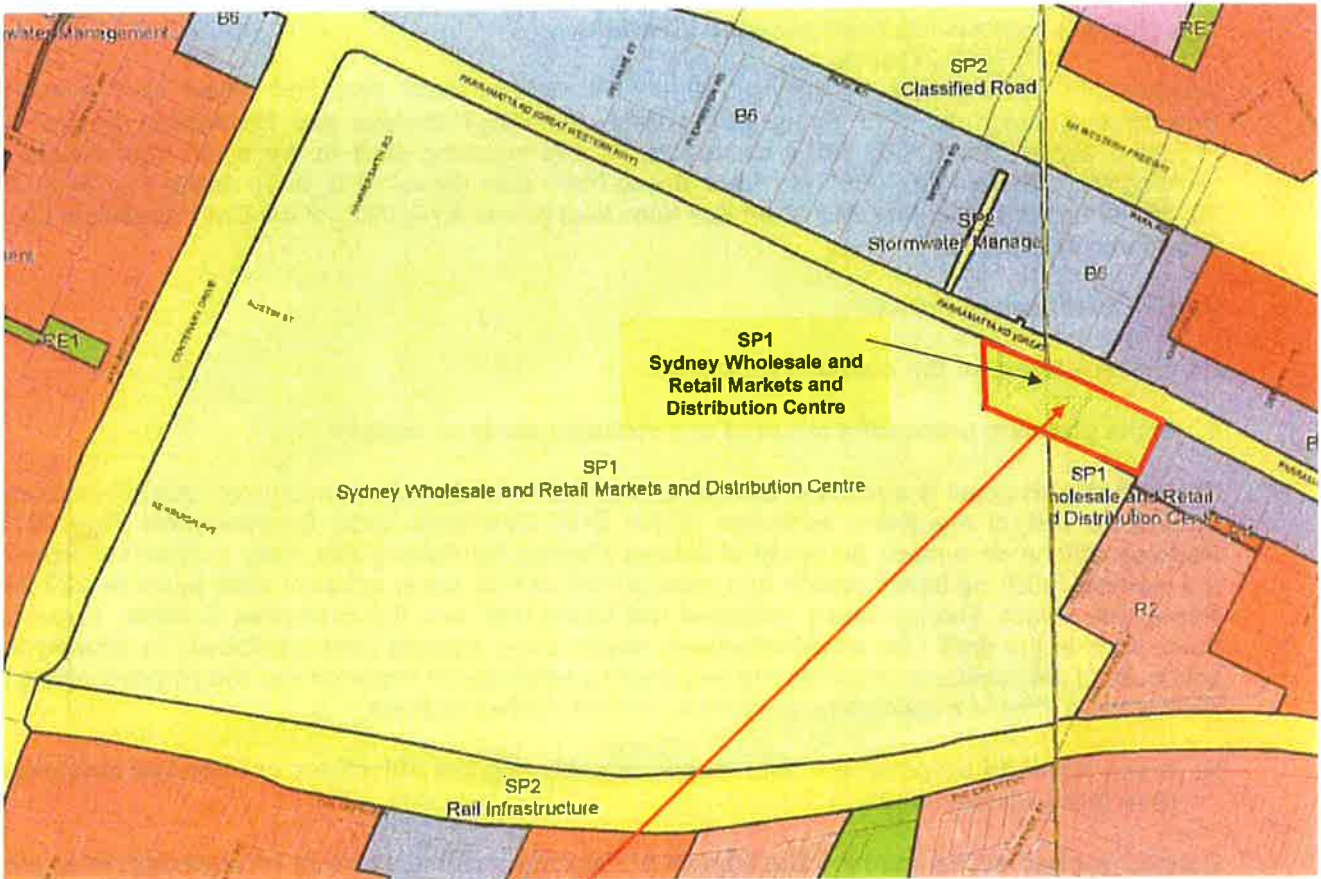
Residential 2(b)

Special Uses 5(c)

Industrial 4



MAP 3: PROPOSED ZONING (S68 VERSION)



Indicative rezoning of sites 222-242 Parramatta Rd from B4 Mixed Use and B6 Enterprise Corridor to 'SP1 Sydney Wholesale and Retail Markets and Distribution Centre' (while retaining 1-9 Smallwood Avenue as B4 Mixed Use)

LEGEND



Strathfield Local Environmental Plan 2011

Land Zoning Map -
Sheet LZN_002

Zone

- | | |
|-----|----------------------------|
| B1 | Neighbourhood Centre |
| B2 | Local Centre |
| B3 | Commercial Core |
| B4 | Mixed Use |
| B6 | Enterprise Corridor |
| B7 | Business Park |
| E2 | Environmental Conservation |
| IN1 | General Industrial |
| IN2 | Light Industrial |
| IR2 | Low Density Residential |
| IR3 | Medium Density Residential |
| IR4 | High Density Residential |
| RE1 | Public Recreation |
| RE2 | Private Recreation |
| SP1 | Special Activities |
| SP2 | Infrastructure |

Cadastre

Cadastre 20/07/09 © Dept of Lands

Part 2 – Explanation of Provisions that are to be included in the proposed LEP

This planning proposal has been proposed in order to:

Amend Land Zoning Map to rezone 222-242 Parramatta Road from “B4 Mixed Use” and “B6 Enterprise Corridor” to “SP1 Sydney Wholesale and Retail Markets and Distribution Centre” as indicated above (Sheet LZN_002); delete site 37 and adjoining sites to the south from Height of Building Map (Sheet HOB_002) and Floor Space Ratio Map (Sheet FSR_002), delete Key Sites 34, 35, 36, 42 and adjusting Key Site 37 on Key Sites Map (Sheet KYS_002_ of the Draft Strathfield Local Environmental Plan 2011.

Part 3 Justification For LEP:

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is a result of extensive consultation and studies undertaken with affected land owners as part of the public exhibition of the Draft Strathfield Local Environmental Plan 2011. Representations were made on behalf of Sydney Markets highlighting that many support services for the markets (such as transportation and storage) are carried out in adjacent sites (such as 222-242 Parramatta Road). The previously proposed “B4 Mixed Use” and “B6 Enterprise Corridor” zones for these sites in the draft LEP would effectively render these existing uses prohibited. To support the continuity of the substantial markets site and ongoing employment opportunities, the proposal seeks to rezone these sites to a zone more compatible with the Sydney Markets.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Council received advice from the Department of Planning and Infrastructure on amendments to draft SLEP 2011 and a planning proposal was recommended to deal with the matters where the extent of the change is a significant departure from the exhibited LEP and would trigger re-exhibition.

Progression of a separate Planning Proposal enables specific issues raised in submissions regarding the draft SLEP 2011 to be considered in greater detail and with community consultation specific to the site.

The amendments outlined in the planning proposal will prevent land use conflicts associated with the operation of the markets and nearby residences.

3. Will the net community benefit outweigh the cost of implementing and administering the planning proposal?

The 43-hectare Sydney Market site provide extensive employment associated with the operations of its food distribution activities. Extending its zoning to the Parramatta Road area will ensure the continuance of these activities and employment opportunities, which would otherwise be prohibited under the Draft Strathfield Local Environmental Plan 2011. In addition, allowing the construction of multi-unit high-density residential accommodation on land directly abutting the site (Smallwood Ave) is not in the community's interest as it would bring about significant land use conflict. Future residents would be potentially exposed to consider light spillage, noise and odours associated with the operation of the markets. These problems would only be exacerbated by increased residential density within the area.

There is no community benefit in the planning proposal not proceeding. For example, not following with the planning proposal would result in the following:

- The inability of sites 222 -242 Parramatta Road to continue providing ancillary services to the adjacent markets;
- Adjoining residents will be exposed to high levels of noise, light and odour pollution should densities be increased.
- The operation of the markets being compromised by the prohibition of many support services.

It is therefore considered that the net community benefit will substantially outweigh the cost of implementing and administering the planning proposal.

Section B – Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub – regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Metropolitan Strategy and Inner West Subregion Draft Subregional Strategy

The revised Metropolitan Strategy for Sydney titled *City of Cities: A Plan for Sydney's Future* was released in December 2005. More detailed planning was proposed to follow and be incorporated into the Strategy framework via regional strategies and sub-regional strategies and in this respect the Inner West Subregion Draft Subregional Strategy was released for public comment on 30th June 2008.

The revised Metropolitan Strategy is based on anticipated population, economic and demographic trends and has five aims as follows:

1. Enhance Livability
2. Strengthen Economic Competitiveness
3. Ensure Fairness
4. Protect the Environment
5. Improve Governance

The Draft Subregional Strategy provides a 2031 housing target for Strathfield LGA of 8,300 estimated dwellings. These are to be achieved within a number of areas identified for housing infrastructure with Strathfield addressed within the Draft Strathfield Local Environmental Plan 2011. The planning proposal will have little, if any, detrimental impact on the execution of the Metropolitan Strategy and Inner West Subregion Draft Subregional Strategy.

5. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

Strathfield's current strategic plan, *Strathfield 2025 Community Strategic Plan*, was formulated based on five broad themes; two of which have been included below:

- *"Supporting high quality, well planned and sustainable urban and natural environments that balance well designed and innovative development with existing local character whilst protecting and enhancing the natural environments"*
- *"The wellbeing of the local community is supported and enhanced by providing safe, clean, healthy and attractive environments, access to public spaces and community facilities, and opportunities to participate in programs and activities."*

The planning proposal is consistent with these themes of the Strathfield Community Plan as it ensures future residents are not adversely exposed to pollution and impacts resulting from the operations of the substantial Sydney Markets site.

Additionally, the *Strathfield 2025 Community Strategic Plan* seeks to preserve and enhance employment opportunities and business development within the LGA. Ensuring the uninterrupted operation of this significant employer is consistent with this goal.

6. Is the planning proposal consistent with applicable state environmental planning policies?

There are no state environmental planning policies which would contravene the planning proposal.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)

Ministerial S117 Directions

New local planning directions were issued by the Minister for Planning under section 117(2) of the Environmental Planning and Assessment Act 1979 on 19 July 2007. These directions replaced previous s117 ministerial Directions.

The Ministerial S117 Directions most relevant to this planning proposal are addressed below:

Section 1.1 Business & Industrial Zones of the s117 Directions is applicable when Council prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).

The objectives of this Section are:

- (a) *encourage employment growth in suitable locations,*
- (b) *protect employment land in business and industrial zones, and*
- (c) *support the viability of identified strategic centres.*

Council is required under this Direction to include in a planning proposal provisions that encourage the following:

- (a) give effect to the objectives of this direction,
- (b) retain the areas and locations of existing business and industrial zones,
- (c) not reduce the total potential floor space area for employment uses and related public services in business zones,
- (d) not reduce the total potential floor space area for industrial uses in industrial zones, and
- (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.

The planning proposal seeks to protect and reinforce the activities undertaken on the 43-hectare special uses area which are industrial and business in nature (such as the transport/storage/selling of produce). By rezoning adjacent sites to SP1 zoning, the continuance of such support activities carried out on those sites. Reducing the previously proposed residential density in the adjacent Smallwood Avenue as well as reducing the number of key sites minimalizes any potential conflict between the industrial uses of the site and future residents, thus ensuring the preservation of these activities. It is considered that the planning proposal is consistent with the requirements of this Direction subject to suitable site servicing and design standards.

Section C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The sites affected by this planning proposal are already built up and used for residential/industrial/commercial purposes. The likelihood of the presence of any endangered or significant ecological communities or habitats is considered to be minor.

9. Are there any other likely environmental effects a result of the planning proposal and how are they proposed to be managed?

There are no other likely environmental effects as a result of the planning proposal.

10. How has the planning proposal adequately addressed any social and economic effects?

The applicant's submission on the Strathfield Draft Local Environmental Plan 2011 prepared by SJB Planning states that many of the sites subject to rezoning and nominated for key sites under the Draft LEP are either owned by or used by the adjacent Sydney Markets to provide ancillary services. The purpose of this planning proposal is to ensure these activities and associated employment opportunities can continue. Under the Draft Strathfield LEP 2011, many of these uses (being industrial in nature) would not be permitted in the proposed B4 Mixed Use and B6 Enterprise Corridor zones.

Additionally, any high-density residential development on sites directly adjacent to the Sydney Markets site will expose future residents to negative impacts. Light spillage, noise and odour associated with the operation of the site would incur significant nuisance and health impacts. The planning proposal seeks to limit the amount of development which would expose future residents to significant negative impacts.

Rezoning will not unduly restrict use of the land but rather will preserve the variety of existing uses. Protecting these uses promotes beneficial social and economic effect in the locality as it allows for continuance of employment opportunities and economic activity.

The Planning Proposal is not expected to have any adverse social or economic effects. Community consultation was undertaken to ascertain the community's views in respect to the draft SLEP 2011.

Section D – State and Commonwealth Interests

11. Is there adequate public infrastructure for the planning proposal?

The planning proposal involves the rezoning of a number of sites to preserve their existing uses and will not increase demands on existing public infrastructure.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

This section will be completed following consultation with the State and Commonwealth Public Authorities identified in the gateway determination.

PART 4 – Community Consultation

The proposal which involves the rezoning of four lots is considered to be low impact as defined in section 4.5 Community Consultation of the Department of Planning's guidelines to preparing a local environmental plan. The proposed rezoning is consistent with adjacent residential land uses and zones, is consistent with the strategic planning framework and presents no issues with regard to infrastructure servicing. This is therefore consistent with the Department's requirements for low impact proposals which is for a public exhibition period of 14 days.

**ITEM 5. PLANNING PROPOSAL TO AMEND VARIOUS PLANNING
CONTROLS - SYDNEY MARKETS SITE, HOMEBUSH**

Report by Adam Gauna, Strategic Planner

RECOMMENDATION

- 1. That Council resolve to submit the Planning Proposal (Attachment 1) for the Sydney Markets Site which consists of:**
 - a) deleting site 37 Smallwood Avenue and adjoining sites to the south from Height of Buildings Map and Floor Space Ratio Map;**
 - b) rezoning of sites 222-242 Parramatta Road from B4 Mixed Use and B6 Enterprise Corridor to SP1 Special Activities;**
 - c) delete Key Sites 34, 35, 36 and 42 and adjust Key Site 37.**
- 2 That Council resolve to request the Department of Planning & Infrastructure to issue written authorisation for Council to exercise delegation in accordance with s23 of the EP&A Act 1979 for this Planning Proposal.**

PURPOSE OF REPORT

1. To inform Council of the planning proposal to delete 37 Smallwood Avenue and adjoining sites from the Height of Building and Floor Space Ratio Maps; the rezoning of sites 222-242 Parramatta Road to SP1 Special Activities; delete Key Sites 34, 35, 36 and 43 and to adjust Key Site 37.
2. To seek Council endorsement to submit the Planning Proposal to the Department of Planning in order to commence the LEP process under s56 of the Environmental Planning and Assessment Act (EP&A ACT) for Gateway Determination.

REPORT

Background

When the draft Strathfield LEP 2011 was considered by Council at its Extraordinary Council Meeting of 24 July 2012 after the public exhibition period, Council resolved to forward the draft LEP with the recommended amendments to the Department of Planning and Infrastructure with a request for gazettal and to initially seek Gateway Determination.

It was also resolved at the meeting that Council would further investigate and prepare a number of Planning Proposals that will be potential amendments to the LEP after gazettal. The resolution for the Planning Proposal which this report relates to is as follows:

Council, at its meeting on 24 July 2012, resolved inter alia (Minute No 122/12):

- " (26) Council to further investigate and consult in relation to preparation of a Planning Proposal relating to the Sydney Markets site to potentially amend the gazetted LEP as follows:*

**ITEM 5. PLANNING PROPOSAL TO AMEND VARIOUS PLANNING
CONTROLS - SYDNEY MARKETS SITE, HOMEBUSH**

- * For site 37 Smallwood Avenue and adjoining sites to the south delete from Height of Buildings Map and Floor Space Ratio Map.*
- * For sites 222-242 Parramatta Road rezone from B4 Mixed Use and B6 Enterprise Corridor to SP1 Special Activities from "Markets" or "Sydney Wholesale and Retail Markets and Distribution Centre" (retain 1-9 Smallwood Avenue site as B4 Mixed Use).*
- *Delete Key Sites 34, 35, 36 and 42 and adjust Key Site 37."*

This report has been prepared in response to the resolution.

Consideration of Issues

The preparation of the Planning Proposal is a result of considering the submission/s received during the public exhibition of the Draft Strathfield Local Environmental Plan 2011. Representations were made on behalf of Sydney Markets highlighting that many support services for the markets (such as transportation and storage) are carried out in adjacent sites such as 222-242 Parramatta Road. It was claimed that the previously proposed "B4 Mixed Use" and "B6 Enterprise Corridor" for these sites (acquired by Sydney Markets in recent years) in the draft LEP would effectively restrict these markets related uses. Note these types of activities are generally permissible in the "B6 Enterprise Corridor" zone. The submission also provided justification as to why the existing Sydney Markets sites along the southern end of Smallwood Avenue should have zoning and planning controls consistent with the main Sydney Markets site.

In response to the submissions received, Council considered these issues at the Extraordinary Council meeting of 24 July 2012. Giving consideration to ongoing development of the Sydney Markets and their intention to develop their new sites along Parramatta Road consistent with their core operations and the need to balance the impact on the amenity of the adjacent residential amenity and character of Smallwood Avenue, the recommendation to investigate these specific changes to the zonings of the subject Sydney Market sites was made.

The specific recommendations have been prepared as a 'Planning Proposal' in accordance with s55 of the EP&A Act 1979 and the Department's new guide for Preparing a Planning Proposal (released 1 July 2009) which explains and justifies the proposal (refer Attachment 1). These recent changes to the plan making process are outlined in a previous report to the Planning Committee on 14 July 2009.

The Planning Proposal is the most effective means of promoting the continuance of the activities of the Sydney Markets, a significant employer with the Strathfield LGA. The planning proposal will also ensure minimal detrimental impacts on the existing and future residents in the adjacent area, whilst also assisting the economic development of the Sydney Markets. This achieved by retaining the B4 Mixed Use zoning to the 1-9 Smallwood Avenue site (at the corner of Parramatta Road) in order to preserve the residential character and amenity of Smallwood Avenue. Also the existing Sydney Markets sites to the southern end of Smallwood that have been zoned SP1 to reflect their existing use.

The attached Planning Proposal comprises four parts as follows:

- Part 1 provides a statement of the objectives or intended outcomes of the proposed LEP
- Part 2 provides an explanation of the provisions that are to be included in the proposed LEP

**ITEM 5. PLANNING PROPOSAL TO AMEND VARIOUS PLANNING
CONTROLS - SYDNEY MARKETS SITE, HOMEBUSH**

- Part 3 provides justification for these objectives, outcomes and provisions and the process for their implementation
- Part 4 provides details of the community consultation proposed to be undertaken with the Planning Proposal.

It is considered that the above specific matters and requirements of s55 of the EP&A Act 1979 have been adequately addressed in the Planning Proposal (refer Attachment 1) and it is therefore recommended that Council supports this proposal. 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.

Council also intends to request the Department of Planning & Infrastructure enable Council to exercise delegation in accordance with s23 of the EP&A Act 1979 for the Planning Proposal. This delegation will enable Council to assume some of Department's LEP plan making functions once the Gateway Determination has been approved by the Department.

REFERRAL FROM OTHER DEPARTMENT

No referral was required.

FINANCIAL IMPLICATIONS

There are no financial implications.

ATTACHMENTS

1. Planning Proposal for various amendments to the gazetted LEP relating to the Sydney Markets Site.

Report approved by:

Roger Brook	David Hazeldine
Acting Manager Strategic Planning	Acting Director Technical Services

**MINUTES OF THE LIVEABLE NEIGHBOURHOODS COMMITTEE MEETING OF THE
COUNCIL OF THE MUNICIPALITY OF STRATHFIELD HELD ON 11 DECEMBER
2012**

**5. Planning Proposal to Amend Various Planning Controls - Sydney Markets Site,
Homebush**

P80/12

RESOLVED: (Kokkolis/McLucas)

1. That Council resolve to submit the Planning Proposal (Attachment 1) for the Sydney Markets Site which consists of:

- a) deleting site 37 Smallwood Avenue and adjoining sites to the south from Height of Buildings Map and Floor Space Ratio Map;
- b) rezoning of sites 222-242 Parramatta Road from B4 Mixed Use and B6 Enterprise Corridor to SP1 Special Activities;
- c) delete Key Sites 34, 35, 36 and 42 and adjust Key Site 37.

2. That Council resolve to request the Department of Planning & Infrastructure to issue written authorisation for Council to exercise delegation in accordance with s23 of the EP&AAct 1979 for this Planning Proposal.

Voting on this item was unanimous.