

SECTION 59 PLANNING REPORT

Planning proposal details:

PP_2016_STRAT_001_00

Planning proposal summary:

Planning proposal to amend the Strathfield Local Environmental Plan 2012 – Housekeeping Amendments.

Date of Gateway determination:

8 July 2016

1.0 SUMMARY

Strathfield Local Environmental Plan 2012 (SLEP 2012) was gazetted on 15 March 2013. Since the commencement of SLEP 2012, Council Officers have become aware of several minor anomalies and errors within the SLEP 2012 maps and written instrument.

In January 2015, a Section 73A submission (amending obvious errors in the SLEP 2012) was previously completed by Council as the delegated authority from the Department of Planning & Environment (the Department). In accordance with the previous advice from the Department, some amendments initially proposed to be included in that submission were postponed to this housekeeping amendment process subject to Community Consultation.

This housekeeping amendment to SLEP 2012 has been prepared to address these minor issues and to improve the operation and accuracy of the plan.

In summary, this Housekeeping Planning Proposal intends to rectify eight (8) minor anomalies in the SLEP 2012, which are as follows:

1. Missing building height and floor-space ratio at southern end of Enfield Intermodal Logistics Centre (ILC)
2. Error in building height at 2-26 Telopea Avenue, Homebush West
3. Missing Floor Space Ratio at Weeroona Road Industrial Precinct
4. Missing Floor Space Ratio at 415 Liverpool Road, Strathfield
5. Error in Floor Space Ratio at 14 Rochester Street and 55 Rochester Street, Homebush
6. Error in identifying location of St. Columba's Anglican Church on Heritage Map
7. Error in incentive building height controls for Key Site 74 and Key Site 75
8. Discrepancy between written instrument and Parramatta Road Key Sites map due to previously removed key sites

In July 2016, DP&E notified Council that the Planning Proposal should proceed, subject to the a number of conditions including removal of item 1, which seeks to apply height and FSR controls to the southern section of the Enfield Intermodal Logistic Centre site. Please see section 2.0 for further Gateway Determination details.

Council Officers made these changes responding to the Gateway Determination and the revised Planning Proposal was publicly exhibited from 19 July 2016 to 16 August 2016 (28 days). Two submissions were received including one objection. Please see section 3.0 for further public exhibition details.

No amendment/s were made to the Planning Proposal as a consequence of public exhibition and the Planning Proposal was endorsed by Council on 20 September 2016.

2.0 GATEWAY DETERMINATION

A Gateway Determination for the Planning Proposal was issued by the Department of Planning & Environment on 8 July 2015 (see Appendix 1).

The Determination recommended the Planning Proposal proceed subject to the following conditions:

1. *Prior to public exhibition, the Planning Proposal is to be updated to include a plain English explanation of the intended effect of the proposed provisions.*
2. *Prior to public exhibition, the Planning Proposal is to be updated to remove Item 1, which seeks to apply height and FSR controls to the southern section of the Enfield Intermodal Logistic Centre site.*
3. *Community consultation is required under sections 56(2Xc) and 57 of the Act as follows:*
 - (a) *the Planning Proposal must be made publicly available for a minimum of 28 days; and*
 - (b) *the relevant planning authority must comply with the notice requirements for public exhibition of Planning Proposals and the specifications for material that must be made publicly available along with Planning Proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).*
4. *Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:*
 - *Office of Environment and Heritage;*
2. *Each public authority is to be provided with a copy of the Planning Proposal and any relevant supporting material, and given at least 21 days to comment on the proposal*
5. *A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).*
6. *The timeframe for completing the Local Environmental Plan is to be 6 months from the week following the date of the Gateway determination.*

In response to the Gateway Determination being issued, Council's Officers have undertaken the following actions:

- **Early July 2015:** The revised Housekeeping Planning Proposal (see Appendix 2) was prepared in accordance with the Gateway Determination, including the removal of the item relating to the Enfield ILC site and preparation of Plain English explanatory notes.

- **15 July 2016:** Council bulletin was prepared advising the Councillors of the Gateway Determination and the Public Exhibition period commencing on 19 July for a period of 28 days.
- **19 July 2016:** Notification of the Housekeeping Planning Proposal was placed in the Inner West Courier and the affected landowners were also notified in writing of the Public Exhibition commencement.
- **21 July 2016:** Council notification letter and Housekeeping Planning Proposal exhibition package were sent to Office of Environment & Heritage providing 21 days to comment.

The Gateway Determination was not subject to a review request and the conditions of the Gateway Determination have been complied with.

3.0 COMMUNITY CONSULTATION

As indicated above, the revised Planning Proposal was publicly exhibited from 19 July 2016 to 16 August 2016 (28 days).

At the end of the Public Exhibition process, one (1) written objection was received on behalf of the owner of the properties at 2-26 Telopea Avenue Homebush West.

Details of issues raised during exhibition, Council Officers' response to these issues are outlined in Council Report dated 20 September 2016 (Appendix 3).

No amendment/s to the Planning Proposal were made as a consequence of the community consultation.

The community consultation has been undertaken in accordance with the Gateway Determination requirement.

4.0 VIEWS OF PUBLIC AUTHORITIES

Council notification letter and the revised Housekeeping Planning Proposal exhibition package were sent to Office of Environment & Heritage on 21 July 2016, providing 21 days to comment.

On 27 July 2016, the Office of Environment & Heritage provided a response to Council concerning the revised Housekeeping Planning Proposal. No objection was made in relation to the update of heritage map and property description to reflect the correct location of St Columbas Anglican Church School heritage item at 11 Hornsey Road, Homebush West.

5.0 CONSISTENCY WITH S.117 DIRECTIONS AND OTHER STRATEGIC PLANNING DOCUMENTS

The Ministerial s117 Directions relevant to this Planning Proposal are outlined and addressed below:

1. Employment and Resources

No.	Title	Consistency with Planning Proposal
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1.1	Business and Industrial Zones	Consistent. This amendment does not involve rezoning that affect the areas or locations of existing business zones. It does seek to apply the standard FSR control 1:1 to Weeroona Road Industrial precinct which is consistent with other IN1 zoned industrial sites.
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2. Environment and Heritage

No.	Title	Consistency with Planning Proposal
2.3	Heritage Conservation	Consistent. This amendment seeks to provide heritage protection on the heritage item of St Columba's Anglican Church at 11 Hornsey Road, Homebush West, which was incorrectly identified on the Heritage LEP map and written instrument as 13 Hornsey Road, Homebush West.

3. Housing, Infrastructure and Urban Development

No.	Title	Consistency with Planning Proposal
3.1	Residential Zones	Consistent. This amendment will not result in a loss of the net amount of land zoned residential nor affect the permissible residential density of the land. However, the proposed FSR changes in residential zoned land is intended to provide better clarity and consistency in the SLEP, and are minor in nature.

6. Local Plan Making

No.	Title	Consistency with Planning Proposal
6.1	Approval & referral requirements	Consistent. This planning proposal does not contradict or hinder application of this local planning direction.

The State Environmental Planning Policies (SEPPs) applicable to this Planning Proposal are outlined and addressed below:

SEPP title	Comment
State Environmental Planning Policy No 55—Remediation of Land	The revised Planning Proposal does not hinder the application of this SEPP as it removes the proposed planning controls applicable to the Enfield ILC site, which contains contaminated land.
SEPP 32 – Urban Consolidation (Redevelopment of Urban Land)	The revised planning proposal is consistent with this SEPP as it intends to apply development controls to the sites which were overlooked in the comprehensive LEP process. This will enable accurate interpretation of the LEP and promote orderly redevelopment.
SEPP (Infrastructure) 2007	The revised Planning Proposal does not hinder the application of this SEPP as it removes the proposed planning controls applicable to the Enfield ILC site, which is a state infrastructure site.

SEPP (Major Projects) 2005	The revised Planning Proposal does not hinder the application of this SEPP as it removes the proposed planning controls applicable to the Enfield ILC site, which is a state infrastructure site.
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6.0 PARLIAMENTARY COUNSEL OPINION

Council sought an opinion from the Parliamentary Counsel on 6 October 2016. An opinion (see Appendix 5) was issued by the Parliamentary Counsel on 24 October 2016.

7.0 OTHER RELEVANT MATTERS

Council has not received any representations on the planning proposal from State or Federal members of Parliament. Council has not met with the Minister in relation to the planning proposal either.

8.0 MAPPING

Relevant LEP mapping amendment and GIS data was finalised by Council's GIS officer in consultation with the GIS unit of Department of Planning & Environment.

Council prepared the Mapping Cover Sheet and amended Height of Buildings (Sheet No.1,4), Floor Space Ratio (Sheet No. 2,5,6) and Heritage Map (Sheet No. 5) on 12 October 2016.

9.0 RECOMMENDATION

This Planning Proposal was reported and endorsed at the Council Meeting of 20 September 2016 (see Appendix 3 and 4). It is therefore recommended that the Housekeeping changes to Strathfield Local Environmental Plan 2012 (Amendment No 9) be made.

APPENDIX:

1. Gateway Determination dated 8 July 2016
2. Revised Housekeeping Planning Proposal (July 2016)
3. Council Report dated 20 September 2016
4. Council resolution dated 20 September 2016
5. Opinion version of Strathfield Local Environmental Plan Amendment No.9