

Strathfield LEP 2012 - Housekeeping Amendments

Proposal Title : **Strathfield LEP 2012 - Housekeeping Amendments**

Proposal Summary : **The planning proposal seeks to amend Strathfield LEP 2012 by correcting eight (8) minor anomalies:**

- 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 Flood 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**

The planning proposal is housekeeping and minor in nature.

PP Number : **PP_2016_STRAT_001_00** Dep File No : **16/08374**

Proposal Details

Date Planning Proposal Received :	01-Jun-2016	LGA covered :	Strathfield
Region :	Metro(CBD)	RPA :	Strathfield Municipal Council
State Electorate :	STRATHFIELD	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street :	2-26 Telopea Avenue		
Suburb :	Homebush West	City :	Sydney
		Postcode :	2140
Land Parcel :			
Street :	Weeroona Road		
Suburb :	Strathfield	City :	Sydney
		Postcode :	2135
Land Parcel :			

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Street : **415 Liverpool Road**

Suburb : **Strathfield**

City : **Sydney**

Postcode : **2135**

Land Parcel :

Street : **14 and 15 Rochester Street**

Suburb : **Homebush**

City : **Sydney**

Postcode : **2140**

Land Parcel :

Street : **11 Hornsey Road**

Suburb : **Homebush West**

City : **Sydney**

Postcode : **2140**

Land Parcel :

Street : **17-22 Loftus Crescent**

Suburb : **Homebush**

City : **Sydney**

Postcode : **2140**

Land Parcel :

Street : **Cosgrove Road**

Suburb : **Strathfield South**

City : **Sydney**

Postcode : **2136**

Land Parcel :

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub

Consistent with Strategy :

Regional Strategy :

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MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg

:

Residential /

Employment land) :

No. of Lots : 0

No. of Dwellings 0

(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes

Lobbyists Code of

Conduct has been

complied with :

If No, comment :

Have there been No

meetings or

communications with

registered lobbyists? :

If Yes, comment :

The Department of Planning and Environment's Code of Practice in relation to communication and meetings with lobbyists has been complied with. The Sydney Region East office has not met any lobbyists in relation to this proposal, nor has the Director been advised of any meetings between other Departmental officers and lobbyists concerning this proposal.

Supporting notes

Internal Supporting

Notes :

The Department received the planning proposal from Council on 1 June 2016. The proposal seeks to make minor amendments to the Strathfield LEP 2012 to clarify the intent with certain sites and is housekeeping in nature. In total, there are 8 proposed amendments.

All amendments are detailed in the attached Table 1, which includes Council justification and Department comment.

The majority of the proposal is supported as it will correct minor errors and anomalies in Strathfield LEP 2012, which was gazetted on 15 March 2013. However, the inclusion of development controls to the Enfield ILC site is not supported. The site has been extensively reviewed (the Department has not supported previous planning proposals to rezone the site in February 2015 or in December 2013) and the PAC reviewed controls in May 2016. Application of development controls is not supported.

HISTORY OF ENFIELD ILC

In November 2013, Council submitted a planning proposal to rezone the southern section of the Enfield ILC from IN1 General Industrial and RE2 Private Recreation to RE1 Public Recreation. The proposal was refused as the site is unsuitable for public access, is heavily contaminated and NSW Ports objected (lessee of the land and holder of the Enfield ILC Project Approval). In March 2014, Council requested a Gateway determination review, but this did not proceed as the request did not satisfy the eligibility requirements.

In February 2015, the Department received a second proposal, to rezone the IN1 General Industrial portion of the Community and Ecological Area (Mt Enfield, surrounds and Tarpaulin Shed) to RE2 for community recreational space.

The Department sought NSW Ports(now Sydney Port Authority) comments on the proposal and NSW Ports confirmed its strong objections on the following grounds:

- the rezoning was not consistent with the Enfield ILC Part 3A Project Approval;**
- issues with safety, access and contamination on the site were identified; and**
- the proposal had the potential to constrain operation and growth potential of the Enfield**

ILC, with serious implications to cater for the long term needs of NSW.

In May 2016, the Planning Assessment Commission (PAC) provided advice to the Department on the second planning proposal. The PAC recommended the planning proposal should not proceed to Gateway as:

- no evidence had been provided to justify the loss of land for a State strategic rail intermodal terminal, where operations may be inhibited by a RE2 zone;
- health and safety concerns were evident, given the proximity of the site to the operational area of the intermodal and gas main running across the site;
- NSW Ports are meeting commitments made in the Environmental Assessment for the community and ecological area, which included managed access to area, repair and relocation of the Pillar water tank, and onsite reuse of the Tarpaulin Factory; and
- NSW Ports and Council advised that investigations into the adaptive reuse of the Tarpaulin Factory shed were underway and the uses under consideration are permissible under the current IN1 zoning. The age and condition of the shed need considerable investment to adaptively reuse the facility.

While the amendment seeks to introduce HOB and FSR controls and not rezone the site, the strategic reasons for refusal remain valid. A HOB or FSR control have not been placed on the site to ensure the potential growth of Enfield ILC is not constrained.

In considering the proposal, the Department spoke to NSW Ports who were unaware of Council's proposal to add development controls to the site. Any HOB and/or FSR controls for the site should be made in consultation with NSW Ports to ensure the control do not constrain operations and growth potential of the Enfield ILC site.

OTHER HOUSEKEEPING ITEMS

Items 2-8 are considered to have strategic merit and should proceed to public exhibition.

External Supporting
Notes :

The Department received the Planning Proposal on 1 June 2016.

Council supports this planning proposal because it:

- makes minor and necessary amendments to the Strathfield LEP 2012; and
- the amendments are of an administrative nature and clarify the intended controls on identified sites.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment :

The objective of the planning proposal is to correct minor anomalies in the Strathfield LEP 2012 and its associated maps.

The planning proposal seeks to amend Strathfield LEP 2012 by correcting eight (8) minor anomalies:

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 Flood Space Ratio at 14 Rochester Street and 55 Rochester Street Homebush;
6. Error in identifying location of St. Columba's Anglican Church on Hertiage Map;
7. Error in incentive building height controls for Key Site 74 and Key Site 75; and
8. Discrepancy between written instrument and Parramatta Road Key Sites map due to previously removed key sites.

The proposed Items are described in detail in the attached Table 1.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The planning proposal provides an adequate explanation of provisions for each Item.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

2.3 Heritage Conservation

* May need the Director General's agreement

3.1 Residential Zones

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 55—Remediation of Land

SEPP No 65—Design Quality of Residential Flat Development

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Infrastructure) 2007

SEPP (Major Projects) 2005

SEPP (Affordable Rental Housing) 2009

e) List any other matters that need to be considered :

The following strategic planning documents have been considered in respect of this planning proposal:

- **A Plan for Growing Sydney;**
- **State Environment Planning Policies; and,**
- **Section 117 Directions.**

1. A PLAN FOR GROWING SYDNEY

The proposal has not provided an assessment against the Plan.

3.4 Promote Sydney's heritage, arts and culture.

The planning proposal is consistent with Direction 3.4. Correctly identifying the heritage item at 11 Hornsey Road will ensure St Colombia Church can be protected into the future.

It should be noted the Tarpaulin Factory on the Enfield ILC site is listed as a State Significant Heritage Site under s.170 of the Heritage Act 1977. Any future development on the site must aim to preserve and promote the heritage value of the sheds to be consistent with this Direction.

4.1 Protect our natural environment and biodiversity

Direction 4.1 aims to protect the environment and rich biodiversity of Sydney's Metropolitan Rural Areas.

This Direction is relevant to the planning proposal as the Enfield ILC site in Item 1 adjoins a Green Golden Bell Frog (GGBF) protected habitat. Removing Item 1 will ensure the planning proposal is consistent with Direction.

4.3 Manage the impacts of development on the environment

Direction 4.3 seeks to mitigate the impact of development on our natural environment through good planning and urban design.

The Enfield ILC adjoins a site zoned RE2 Private Recreation. This land is reserved for the purpose of protecting the endangered GGBF. Development on the southern Enfield ILC site has the potential to adversely impact the GGBF population. Removing Item 1 will ensure the planning proposal is consistent with Direction 4.3.

2. STATE ENVIRONMENTAL PLANNING POLICIES

SEPP 55-Remediation of Land

The objective of the SEPP is to provide a state-wide approach to remediate land and reduce risks to human health and the environment.

A Site Contamination Study undertaken for the Environmental Impact Statement (EIS) for the Enfield ILC Project Approval assessed the soil and water contamination levels in the Community and Ecological Area against the National Environmental Health Forum (NEHF) (E) criteria. The study found that soil contamination on Mt. Enfield exceeds the NEHF (E) open space criteria. The study also found that the Tarpaulin Factory on the Enfield ILC site may contain heavy metals, lead, arsenic, pesticides and other toxins.

This SEPP is relevant to Item 1 but is not addressed in the proposal. Applying controls without consideration of contamination or effective land management is inadequate. Item 1 is not consistent with SEPP 55.

Removing Item 1 will ensure the planning proposal is consistent with SEPP 55 as no controls will be applied to the site. Any future proposals for the site would need to adhere to the guidelines for Managing Land Contamination: Planning Guidelines SEPP 55 Remediation of Land.

SEPP 32-Urban Consolidation (Redevelopment of Urban Land)

The objective of the SEPP is to promote the orderly and economical redevelopment of urban land.

The planning proposal is consistent with this SEPP. The proposal intends to apply development controls to the sites which were missed in the comprehensive LEP (Items 2-8). This streamlines the plan making process to enable orderly redevelopment.

SEPP (Infrastructure) 2007

The objective of the SEPP is to facilitate the effective delivery of infrastructure across the state.

Item 1 is inconsistent with the SEPP as applying height and FSR controls has the potential to constrain the operations of Enfield ILC. At this time, addition of controls are unnecessarily restrictive. Removing Item 1 will ensure the planning proposal is consistent with SEPP (Infrastructure) 2007.

SEPP (Major Projects) 2005

The Enfield ILC site is subject to the former SEPP (Major Projects) 2005 as it was submitted under Part 3A of the Environmental Planning and Assessment Act 1979.

The objective of the former SEPP was to facilitate the delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose.

Item 1 intends to apply a HOB and FSR control to the Enfield site. This Item is inconsistent with the SEPP as applying height and FSR controls has the potential to constrain operations and growth potential of Enfield ILC. Removing Item 1 will ensure the planning proposal is consistent with SEPP (Major Projects) 2005.

The proposal is consistent with all other SEPPs.

3. SECTION 117 DIRECTIONS:

1.1 Business and Industrial Zones

This Direction seeks to encourage employment growth in suitable locations and protect

employment land in business and industrial zones. Planning proposals must not reduce the total potential floor space area for employment uses and related public services in business zones and it must not reduce the total potential floor space area for industrial uses in industrial zones.

The proposal states it is consistent with Direction 1.1 as the proposal does not rezone land within existing business zones.

The proposal is inconsistent with this Direction. NSW Ports are designing concept plans for future uses of the site. The PAC supported NSW Ports finding an adaptive way to use the heritage shed on the site to benefit the community. Applying HOB and FSR controls to the Enfield ILC site is unnecessary and could potentially reduce the potential for employment uses, public services or industrial uses of the site in the future.

Removing Item 1 will ensure the planning proposal is consistent with this Direction.

2.3 Heritage Conservation

The Direction aims to conserve items, areas, objects and places of environmental heritage significance.

The proposal is consistent with this Direction as it aims to protect and conserve the heritage item on 11 Hornsey Road, Homebush West (Item 6).

However, it should be noted this Direction is also relevant to Item 1 as the Tarpaulin Factory located on Enfield ILC is a State Significant Heritage Site under s.170 of the Heritage Act 1977. Any proposed modifications to the Tarpaulin Factory are to be referred to Office of Environment & Heritage and Heritage Council of NSW.

3.1 Residential Zones

The Direction aims to encourage a variety and choice of housing types, make efficient use of existing infrastructure and minimises the impact of residential development on the environment. The Direction apply to proposals affecting existing residential zone.

The proposal is considered consistent with the Direction as it will assist with the efficient implementation of the Strathfield LEP.

6.1 Approval and Referral Requirements

The Direction aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development through appropriate referrals.

Council is to refer the planning proposal to Office of Environment and Heritage for consultation and comment.

6.3 Site Specific Provisions

The Direction aims to discourage unnecessarily restrictive site specific planning controls. The proposal states it is consistent with Direction 6.3.

Adding a HOB and FSR control to the Enfield ILC site is an unnecessarily restrictive planning control. NSW Ports is to develop plans to adaptively and creatively use the site. Applying controls to the land without plans for the site from NSW Ports or without consultation with NSW Ports is restrictive and unnecessary at this point in time.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

The inconsistency with section 117 Direction 1.1 and 6.3 are not adequately justified. However, removing Item 1 prior to public exhibition will ensure the planning proposal is consistent with these Directions. Once Item 1 is removed, no further work will be required to justify the inconsistencies.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The planning proposal includes an extract from both the current and proposed zoning maps. The mapping is considered adequate.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Strathfield Council has requested a 14 day exhibition period.**

Given the nature of the amendments, a 28 day exhibition period is recommended.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons : **There are no additional Secretary's Requirements (formerly Director General's Requirements).**

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **March 2013**

Comments in relation to Principal LEP : **The Strathfield Local Environmental Plan 2012 was notified on 15 March 2013 and commenced on 29 March 2013.**

Assessment Criteria

Need for planning proposal : **The planning proposal is a housekeeping LEP amendment and is not based on a specific strategic study or report. The planning proposal results from Council staff reviewing the Strathfield LEP 2012 and identifying minor anomalies in the written instrument and its associated maps and tables.**

All amendments are detailed in the attached Table 1, which includes Council justification and Department comment.

A planning proposal is deemed to be an appropriate mechanism for amending inconsistencies and improving the accuracy of the current Strathfield LEP 2012.

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Consistency with strategic planning framework :

Council considers the planning proposal consistent with the following goals of the Strathfield 2025 Community Strategic Plan:

- Goal 4.1.1- Strathfield's planned environment is highly liveable with quality sustainable development incorporating best practice design; and
- Goal 4.1.2- Council offers informative and accessible planning services and programs that streamline service delivery.

It is clear the proposal is consistent with Goal 4.1.2 as the housekeeping amendment accurately reflects controls in the Strathfield LEP to aid the delivery of planning services.

The planning proposal will enable consistent planning controls and potentially contribute to a better designed and more liveable city, as per goal 4.1.1.

The planning proposal is considered consistent with A Plan for Growing Sydney as it will not have an adverse affect on delivery of the plan's impact or actions.

Environmental social economic impacts :

ENVIRONMENT:

The proposal states none of the proposed amendments will adversely impact the environment, critical habitats of threatened species, populations or ecological communities.

Despite this statement, Item 1 of the planning proposal has the potential to adversely impact the environment by enabling development on the site without considering the GGBF habitat in the adjoining RE2 area.

The second proposed submitted by Council to rezone the Enfield ILC site to RE2 Private Recreation considered the impact of the proposal to the adjoining GGBF habitat. Council identified the benefits of preserving the land for environmental purpose to protect adjacent habitat for the endangered species.

Council neglected to identify the impact on the GGBF population in this proposal despite focusing on the issue in the previous proposals. Any future development on the Enfield ILC site would need to take careful measures to protect the GGBF population.

The contaminated soils on the Enfield ILC site has not been considered in the planning proposal. The Site Contamination Study undertaken for the Environmental Impact Statement (EIS) for the Enfield ILC Project Approval assessed the soil and water contamination levels in the Community and Ecological Area against the National Environmental Health Forum (NEHF) (E) criteria. The study found that soil contamination on Mt. Enfield exceeds the NEHF (E) open space criteria. The study also found that the Tarpaulin Factory on the Enfield ILC site may contain heavy, metals, lead, arsenic, pesticides and other toxins.

The planning proposal has not referenced the contamination levels on the site although this information has been previously supplied to Council.

Any development on the Enfield ILC site would require remediation before it is suitable for industrial use and public access. Moreover, future development would need to ensure the adjoining GGBF habitat is protected.

SOCIAL AND ECONOMIC:

The proposal states there will be no significant social or economic effects from this proposal.

There is the potential for the proposal to have economic impacts. Introducing controls for the Enfield ILC site (Item 1) and 1-36 Weeroona Road (Item 3) has the potential to inhibit the future growth opportunities in the industrial zones. The planning proposal adequately justifies the need to introduce planning controls for 1-36 Weeroona Road (Item 3).

Removing Item 1 prior to public exhibition will ensure restrictive development controls are not applied to the site. Removing this Item will protect the Enfield site from adverse

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economic and social impacts.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	6 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Office of Environment and Heritage Sydney Ports Corporation Other		

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

No additional studies are required.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
1 - Cover Letter.pdf	Proposal Covering Letter	Yes
2 - Planning Proposal.pdf	Proposal	Yes
3- Council Minutes.pdf	Determination Document	Yes
4 - Council Report.pdf	Determination Document	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 6.1 Approval and Referral Requirements**
- 6.3 Site Specific Provisions**
- 7.1 Implementation of A Plan for Growing Sydney**

Additional Information : **It is recommended that 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

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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 ILC site.

3. The planning proposal is to be publicly exhibited for 28 days.

4. Consultation is required with the following public authorities:
• Office of Environment and Heritage.

5. A public hearing is not required to be held.

6. The timeframe for completing the LEP is to be 6 months.

Supporting Reasons :

The planning proposal seeks to amend inconsistencies and minor errors in the Strathfield LEP.

Items 2-8 are SUPPORTED as they clarify the intent of controls on certain lands and enable more effective delivery of the Strathfield LEP 2012.

Item 1 to the Enfield ILC site is NOT SUPPORTED. Applying development controls to the land are in advance of work by Sydney Port Authority and could adversely affect future operations of the State Significant facility.

Previous proposals to rezone the site in February 2015 and December 2013 were refused because the proposed planning controls would adversely affect the operations of the Ports.

The proposal is recommended to proceed to Gateway, subject to the removal of amendment 1.

Signature:



Printed Name:



Date:



