

ATTACHMENT 1



PLANNING PROPOSAL

FOR

THE REZONING OF

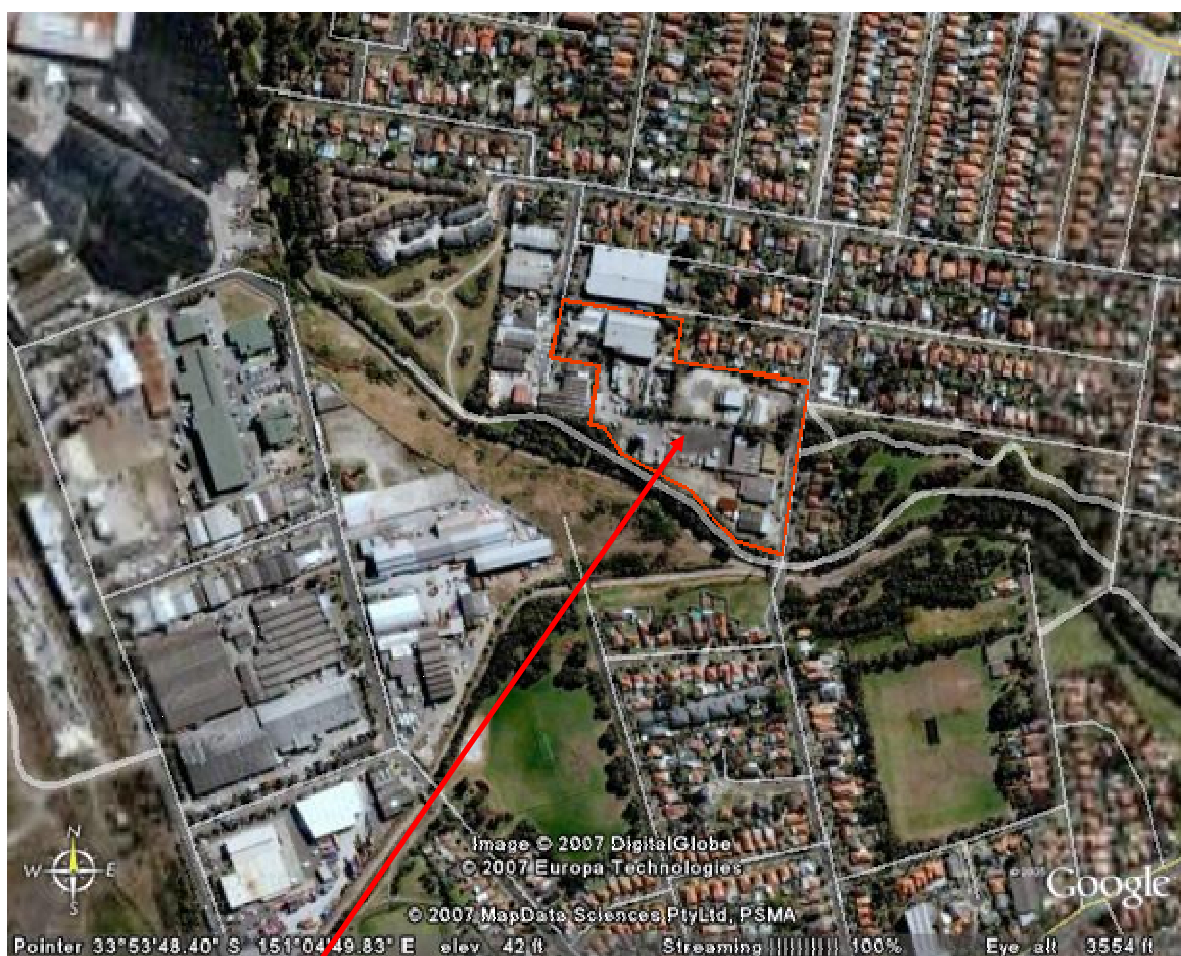
7 – 33 WATER STREET &

8 – 10 DUNLOP STREET, STRATHFIELD SOUTH

Part 1 – Objectives or Intended Outcomes

To enable the redevelopment of subject sites Lots 1 DP 812668 (6-8 Dunlop St), Lot 1 DP 627152 (10 Dunlop St), Lot 1 DP 603465 (7-15 Water St), Lot 2 DP 603465 (17 Water St), Lot 3 DP 217450 (19-23 Water St), Lot 22 DP 402062, Lot 23 & 24 DP 29213 (25-33 Water St) Strathfield South as shown below for multi-unit housing by changing the zoning from Industrial (4) to Residential 2(B).

MAP 1: LOCATION OF SUBJECT SITES



Subject Sites: Lots 1 DP 812668 (6-8 Dunlop St), Lot 1 DP 627152 (10 Dunlop St), Lot 1 DP 603465 (7-15 Water St), Lot 2 DP 603465 (17 Water St), Lot 3 DP 217450 (19-23 Water St), Lot 22 DP 402062, Lot 23 & 24 DP 29213 (25-33 Water St) Strathfield South.

3

Dunlop and Water Street

6-8 Dunlop St
Lot 1 DP 812668

10 Dunlop St
Lot 1 DP 627152

7-15 Water St
Lot 1 DP 603465

17 Water St
Lot 2 DP 603465

19-23 Water St
Lot 3 DP 217450

25-33 Water St
Lot 22 DP 402062

25-33 Water St
Lot 23 DP 29213

25-33 Water St
Lot 24 DP 29213

CHISHOLM ST

WILLIAM ST

DUNLOP ST

WATER ST

4

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

This planning proposal has been proposed in order to:

Amend Schedule 4 of the Strathfield Planning Scheme Ordinance (SPSO) “Scheme map” or amend draft Strathfield Local Environmental Plan 2008 (2003) land use zoning map (if draft LEP 2008 is gazetted prior to this Amendment) in accordance with the proposed zoning map shown in Map 3 and summarised in Table 1.

Table 1 Proposed Zoning Changes

Sites	Area	Existing Zoning	Proposed Zoning
7 - 15 & 17 & 19 - 23 Water Street Lot 1 & 2 DP 603465, Lot 3 DP 217450	13,292 sqm	Industrial (4)	Residential 2 (b)
25 – 33 Water Street Lot 22 DP 402062 Lots 23 & 24 DP 29213	5,761 sqm	Industrial (4)	Residential 2(b)
6-8 Dunlop Street Lot 1 DP 812668	8,307sqm	Industrial (4)	Residential 2(b)
10 Dunlop Street Lot 1 DP 627152	5,413sqm	Industrial (4)	Residential 2(b)

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 for 7 – 33 Water Street and 8 – 10 Dunlop Street Strathfield South is a result of a number of specific studies prepared by the applicant including:

- Proposed Rezoning To Residential B, Rezoning Report, by Don Smith Planning, 15/10/08;
- Remedial Action Plan, by Environmental & Earth Sciences, May 07 ;
- Environmental Site Audit, by Environ Australia, April 07;
- Urban Design Report, by Allen Jack+Cottier, Architects, 3/5/07;
- Traffic & Transport, by Masson, Wilson Traffic Consultants, 2/5/07 ;
- Letter re: Acid Sulfate Soils, by Douglas & Partners, 27/11/08
- Site Specific Flood Report, by C&M Consulting Engineers, 29/7/09

The subject industrial land is described in the Inner West Subregion Draft Subregional Strategy as “adjoining” the industrial land comprising the Enfield Marshalling Yards. However more detailed consideration at the local planning level indicates that it could more accurately be described as an isolated pocket of industrial land. The applicant’s report indicates that the area proposed to be rezoned is approx 3.3 Ha in area representing approx 65% of the total area of the Water Street industrial pocket shown in the Inner West Subregion Draft Subregional Strategy to be 5.1 ha.

Whilst it is adjacent to the large area of industrial zoned land on the Southern side of the Cooks River there are no road linkages directly connecting to this other industrial land other than through residential streets. The industrial zoned land on the southern side of the Cooks River has road access

to the Hume Highway in the north and Punchbowl Rd in the south without the need to traverse residential areas. The Water St industrial pocket requires traversing numerous residential streets to gain road access to the Hume Highway or Punchbowl Road.

The Cooks River demarcates the two adjacent areas of industrial zoned land into those areas which have direct access to main roads without the need to traverse residential areas and those areas which are cut off from such access and require access through residential areas. The subject land is surrounded by residential land use which comprises low and medium density housing which can be accessed only via residential streets.

The conflicting nature of the industrial zoned land was recognised in a planning report to the Council Planning Committee meeting of 14 September 2004 which stated: "It is widely recognised that this industrial pocket is an anomaly in terms of the surrounding land uses which causes irreconcilable conflicts."

The report recognises that it is not desirable in terms of residential amenity to have this pocket of industrial land within a residential area. The conflicts that arise include heavy industrial traffic traversing residential streets.

Restrictions have been placed on industrial development in order to reduce the impact on residential properties. These are outlined in LEP 86 (aims, clause 61GA, 61GB) and amendments to the Strathfield Planning Scheme Ordinance under LEP 79 which set out additional considerations for industrial development where it adjoins residential land (refer clause 41C of SPSO).

As indicated in the applicant's Rezoning Report the industrial development and redevelopment potential of the Water Street industrial land is considered to be compromised by such requirements. The Water Street industrial land can therefore be considered as an isolated pocket less suitable for its zoned industrial purpose than industrial zoned land on the southern side of the Cooks River and other areas of Strathfield that are not accessed via residential streets.

Furthermore much of the present industrial development on the area proposed for rezoning is near the end of its economic life and the sites are not fully developed. Should they be further developed for industrial uses this may pose additional impacts on adjoining residential areas including potentially increasing traffic generation. This proposal by rezoning the subject sites from industrial to residential uses seeks to avoid the greater impact of intensified industrial development on the local residential area.

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

The planning proposal to change the zoning from Industrial (4) to Residential 2(b) is the most effective means of addressing the site to remove any potential conflict as a result of having a small pocket of industrial land in close proximity to a residential area eg. heavy traffic on residential streets and noise.

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

The applicant has provided the following assessment of the proposal against the Net Community Benefit Test from the Draft Centres Policy:

NET COMMUNITY BENEFIT TEST	REZONING PROPOSAL
Evaluation Criteria	Assessment/Comment
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?	State and regional directions are aimed at retaining Employment Land precincts in the region. This proposal seeks to rezone redundant industrial land located on the fringe and disconnected from the South Strathfield-Enfield employment area, representing less than 1% (3.3hectares) of total land zoned for employment in 2006 in this subregion – see Table 5 p.28 of the Draft Inner West Subregion Strategy.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	No. The proposal is located within Employment Land precinct – south and identified as part of the South Strathfield-Enfield freight and logistics area in the Metropolitan Strategy – see Figure A17 p.62. The Draft Inner West Subregion Strategy identifies Water Street (including the site) as part of Category 1 employment lands covering 5.2 hectares and providing local industry, manufacturing – light functions.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	No. The proposal seeks to rezone land disconnected from the South Strathfield – Enfield area by the Cooks River and is surrounded by residential development. Existing construction related, rubbish disposal, concrete batching and warehousing uses are incompatible with adjoining housing areas. A change in zoning to residential represents the best urban planning alternative.
Have the cumulative effects of other spot rezoning proposals in the locality been consistent? What was the outcome of these considerations?	Other spot rezoning and redevelopment has been consistent with the redevelopment of the locality for low and medium density residential purposes.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	Proposal will reduce the land supply for employment by less than 1% (3.3hectares) of total land zoned for employment in 2006 in this subregion. Based on existing uses this represents 173 jobs in construction related, rubbish disposal, concrete batching and warehousing activities operating from this site. Importantly the planning proposal has no impact on the South Strathfield –Enfield employment cluster

	due to the site's location and physical separation from this area. Redevelopment provides the opportunity for relocation of incompatible industrial uses such as the concrete batching plant and rubbish disposal depot to more suitable locations unencumbered by adjoining housing and limited road access. In this regard there are alternate locational opportunities and vacant lands within the South Strathfield–Enfield employment area more suited to these uses.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	Proposal will increase the supply of housing with potential for an additional 388 dwellings comprising 1, 2 and 3 bedroom units and 8 town houses. This will contribute to the Draft Subregion housing target of 8,300 for Strathfield by 2031, and housing affordability given the mix of dwelling type.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future supply transport?	Existing industrial uses have resulted in the need for substantial traffic management restrictions in the local area. The roads are not designed to carry the volume of heavy vehicle nature of employment traffic. For residential purposes, the site is serviced by private bus transport in Water Street, public bus services on Liverpool Road and adjoins existing pedestrian paths and cycleway along Cooks River.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	Increasing residential density adjacent to a bus transport route will reduce car dependency and travel distance for residents. In turn this reduces greenhouse gas emissions, operating costs and can improve road safety.
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	The impact on Government investments in road, rail and bus infrastructure will be positive resulting from increased utilisation, and bus and rail patronage.
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding.	No impact on environmentally sensitive land. The site is not subject to flooding, heritage or other environmental constraints. The site is suitable for housing.
Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	The proposal is compatible with adjoining residential development and will improve local amenity through redevelopment of redundant industrial land. No adverse impacts on the wider community are expected.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	No. However increasing residential density has potential to contribute to increased viability of local and neighbourhood retail facilities.
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	Not relevant.
What are the public interest reasons for preparing the draft plan? What are the	Public interest is served by maximising the efficient use of redundant industrial land, reducing traffic,

The provision of an additional 3.3 hectares of land for residential development has potential to create 388 new dwellings. During construction positive impacts can be expected on employment and post construction outcomes will result in a high quality residential development contributing to housing goals in the inner west. The net effect of the proposal is to maximise the efficient use of former industrial land, minimising environmental impact on the community by reducing noise, dust and odour emissions and heavy vehicle traffic volumes in the local road system.

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. Whilst a considerable portion of this target already exists within the current zonings and planning controls within the Strathfield local government area (the exact extent will be confirmed as a result of the current studies to support the Strathfield Comprehensive LEP 2011) a significant amount of additional capacity will still need to be created before 2031 to reach the full target. Therefore the rezoning of this site to Residential 2(b) zoning would be compatible and is consistent towards achieving this target as potentially 388 new multiunit dwellings will be able to be constructed on the site.

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

The planning proposal is consistent with Council's Housing Strategy in 1999 and implemented through LEP 79 to provide greater opportunities for residential development and for a mix of housing types in Strathfield. The proposed rezoning would provide additional land for multi-unit housing and provide a range of dwelling types.

The proposal is consistent with Council's Vision 2020 document for Strathfield which is implemented through Strathfield's Management Plan 2009-2012. The proposal is consistent with the key directions of Strategic Planning, Integrated Transport, Community Building and Sustainable Development and Strathfield Management Plan's Principle Activity Areas of Sustainable Environment, Community Building and Economic Development by potentially permitting new residential development in close proximity to public transport (eg. bus services along Water Street, Liverpool Road and Punchbowl Road providing direct access to major shopping areas and stations – Strathfield, Burwood, Bankstown), 2.5km from Belmore rail station, open space areas (eg. Dean Reserve), regional

pedestrian/cycle ways (eg. along Cooks River adjacent to the site), community facilities and employment opportunities.

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

State Environmental Planning Policies that are considered relevant to the proposed rezoning are set out as follows.

SEPP No. 32 - Urban Consolidation (Redevelopment of Urban Land)

Gazetted:15.11.91

Abstract:

States the Government's intention to ensure that urban consolidation objectives are met in all urban areas throughout the State. The policy focuses on the redevelopment of urban land that is no longer required for the purpose it is currently zoned or used, and encourages local Councils to pursue their own urban consolidation strategies to help implement the aims and objectives of the policy. Councils will continue to be responsible for the majority of rezonings.

SEPP No. 32 applies to all urban land and therefore the site. The aims and objectives of the SEPP are:

(1) This Policy aims:

- (a) to promote the orderly and economic use and development of land by enabling urban land which is no longer required for the purpose for which it is currently zoned or used to be redeveloped for multi-unit housing and related development, and
- (b) to implement a policy of urban consolidation which will promote the social and economic welfare of the State and a better environment by enabling:
 - (i) the location of housing in areas where there are existing public infra-structure, transport and community facilities, and
 - (ii) increased opportunities for people to live in a locality which is close to employment, leisure and other opportunities, and
 - (iii) the reduction in the rate at which land is released for development on the fringe of existing urban areas.

The proposal seeks to rezone the subject land to enable it to be redeveloped for multi-unit housing which is considered to be a more suitable use of the land consistent with adjoining residential zonings and a better environment by addressing existing potential conflicts from current industrial zoning such as traffic noise and locating housing in close proximity to employment and open space areas.

SEPP No. 53 - Metropolitan Residential Development

Gazetted: 26.09.97

Abstract:

Repeals SEPP No. 12, SEPP No. 20, SEPP No. 25 and Sydney Regional Environmental Plan No. 12. Applies to councils in the Greater Metropolitan Region that have not prepared a suitable residential development strategy that addresses local housing needs while contributing to the metropolitan objective of more compact cities. The policy contains development controls for integrated housing and dual occupancy.

Strathfield Council prepared a Residential Development Strategy in 1999 that subsequently led to exemption from SEPP53 so that the strata subdivision of dual occupancy housing is not permitted in

Strathfield Local Government Area. However the proposed rezoning is consistent with the intent of SEPP No.53 and the goal of more compact cities through infill housing.

SEPP No. 55 – Remediation of Land

Gazetted: 28.08.98

Abstract:

The SEPP introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires Councils to be notified of all remediation proposals.

The SEPP applies across the state. The aims and objectives of the SEPP are

- (1) The object of this Policy is to provide for a Statewide planning approach to the remediation of contaminated land.
- (2) In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:
 - (a) by specifying when consent is required, and when it is not required, for a remediation work, and
 - (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and
 - (c) by requiring that a remediation work meet certain standards and notification requirements.

The applicant's Rezoning Report indicates that the site was once part of the Strathfield and Enfield Steam Brick and Terracotta Works and a former brick pit. It is uncertain what fill was used and so the site potentially could be contaminated.

Clause 6 requires that Council not rezone the site for residential purposes unless:

- “(a) the planning authority has considered whether the land is contaminated, and
- (b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and
- (c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.

Note. In order to satisfy itself as to paragraph (c), the planning authority may need to include certain provisions in the environmental planning instrument”.

Clause 6(2) requires Council before any rezoning to residential to “have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines”.

The requirements in relation to contamination and remediation are an important consideration for the proposed rezoning. The applicant's Rezoning Report prepared indicates that a number of investigations have been carried out on the subject sites. The site owners have submitted with the rezoning proposal a Remedial Action Plan prepared by Environmental and Earth Sciences and a Site Audit Report by Environ.

Council is required by SEPP 55 to be satisfied that the site will be suitable before or after remediation for residential use before proceeding to rezone the site. Council must also not rezone the site unless it is satisfied the site will be satisfactorily remediated before use for residential purposes. Council's Environmental Services section is satisfied that satisfactory remediation of the site can be undertaken.

The proposed rezoning is therefore considered to be consistent with the provisions of the SEPP and the subject sites suitable for permissible residential uses under the proposed 2(B) residential zone after remediation has been undertaken.

SEPP (Infrastructure) 2007

Gazetted: 21.12.07; commences 1.1.08

Abstract:

Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.

The SEPP allows for the efficient development, redevelopment or disposal of Government owned land. This is achieved by permitting additional uses on State land and allowing adjacent land uses to be undertaken on State land (except conservation lands) if the uses are compatible with surrounding land uses.

Although the subject sites are not Government owned land, the proposed rezoning is consistent with the intent of this SEPP of allowing efficient redevelopment land considered surplus by allowing additional uses compatible with surrounding land uses.

Council's Housing Strategy

Consistent with State Government urban consolidation policies and to gain exemption from SEPP 53, Council adopted a Housing Strategy in 1999. Strathfield LEP 79 gazetted in 2000 implemented key parts of that Strategy and provided greater opportunities for multiunit residential development particularly in the northern area of the LGA accessible to public transport infrastructure and other amenities. The strategy sought to preserve single dwelling allotments where multiunit development is not considered appropriate. The proposed rezoning will provide additional multi-unit housing consistent with the Housing Strategy.

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.

Section 1.1 Business and Industrial Zones of the s117 Directions is applicable when Council prepares a draft LEP that affects land within an existing industrial zone and has the objectives to:

- (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 in a draft LEP to:

- (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.

A draft LEP may be inconsistent with this direction only if Council can satisfy the Director-General that the inconsistent provisions of the draft LEP are:

(a) justified by a strategy which:

(i) gives consideration to the objective of this direction, and

(ii) identifies the land which is the subject of the draft LEP (if the draft LEP relates to a particular site or sites), and

(iii) is approved by the Director-General of the Department of Planning, or

(b) justified by an environmental study (prepared in accordance with section 57 of the Environmental Planning and Assessment Act 1979) which gives consideration to the objective of this direction, or

(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or

(d) of minor significance.

The proposed rezoning could reasonably be argued as being of minor significance in this context given the relatively small area of land involved, the availability of undeveloped industrial zoned land within the Strathfield LGA and additional restrictions placed upon any industrial development of the site by its proximity to residential development and the need to traverse residential streets for access.

It is considered that the Director-General could reasonably be satisfied that the draft LEP for the proposed rezoning could be prepared because the inconsistencies with the s117 Direction are of minor significance.

Section 3.1 Residential Zones of the s117 Directions is applicable when Council prepares a draft LEP that affects land within a zone in which significant residential development is proposed to be permitted and therefore would be applicable if Council prepares a draft LEP to rezone the site to a residential zone.

The objectives of this Section are:

(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,

(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and

(c) to minimise the impact of residential development on the environment and resource lands.

Council is required under this Direction to include provisions that encourage the provision of housing that will:

(a) broaden the choice of building types and locations available in the housing market, and

(b) make more efficient use of existing infrastructure and services, and

(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and

(d) be of good design

and to

(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and

(b) not contain provisions which will reduce the permissible residential density of land.

The proposed LEP, by rezoning the subject sites to a residential zone would be consistent with the requirements of this Direction subject to suitable site servicing and design standards as would be expected to be required.

Section 3.4 Integrating Land Use and Transport of the s117 Directions is applicable when Council alters a land use zone including a residential zone.

The objective of this Direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and
- (b) increasing the choice of available transport and reducing dependence on cars, and
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- (d) supporting the efficient and viable operation of public transport services, and
- (e) providing for the efficient movement of freight.

The rezoning proposal is generally consistent with this Direction given the availability of access to nearby cycle ways, local employment and reasonable proximity to public transport.

The site is located about 2.5km from Belmore railway station, is within walking distances to bus services along the Liverpool Road to Strathfield station and the City and is within walking distance of a bus services travelling along Punchbowl Road to Campsie Station. Punchbowl Bus Company route 450 from Strathfield to Hurstville Station runs along Water Street past the site. It provides peak time services about every 20 minutes to Hurstville Station and from both Olympic Park Station and Strathfield Station to the site.

A cycle way is located within the Cooks River open space adjoining the site to the south which connects to Botany Bay near Sydney Airport and Homebush Bay.

The site is located within a middle ring suburb with reasonable proximity to the City, Parramatta and other major centres.

Section 4.1 Acid Sulfate Soils of the s117 Directions is applicable when land has a probability of containing acid sulfate soils as shown on Acid Sulfate Soils Planning Maps held by the Department of Planning. Part of the site is shown on these maps as having a low probability of acid sulphate soils and therefore this Direction applies.

Council is required by this Direction to consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General when preparing a draft LEP applicable to the site.

Council is also required to introduce provisions in a draft LEP to regulate works in acid sulfate soils which are consistent with:

- (a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or
- (b) such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines.

The Direction further requires Council to consider an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils and to provide a copy the study with its statement to the Director-General of the Department of Planning under section 64 of the EP&A Act.

The applicant engaged Douglas & Partners to review the possibility of encountering acid sulphate soils. The report outlines that:

- The Acid Sulphate Soil Risk map for Botany Bay indicates a low risk of acid sulphate soils and if present would be sporadic.
- Investigation of the site (the majority being a former brick pit quarry) revealed significant depth of filling with minimal likelihood of encountering acid sulphate soils.

The consultants conclude ' that there is a very low risk of encountering acid sulfate soils during excavation.' Acid Sulfate soils is a potential issue which needs to be considered with the proposed change of land use.

The Environmental Management Plan that will be required with development applications for the site (subject to the gazettal of the proposed rezoning) will need to outline the specific procedures to be undertaken in the unlikely event that Acid Sulphate soils are encountered during site works.

Section 4.3 Flood Prone Land of the s117 Directions is applicable when a Council prepares a draft LEP that creates, removes or alters a zone or a provision that affects flood prone land.

The objective of this direction is

- (a) To ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 and
- (b) To ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

The Direction requires that a draft LEP shall limit development in flood planning areas and not contain provisions that apply to the flood planning areas which:

- (a) permit development in floodway areas,
- (b) permit development that will result in significant flood impacts to other properties,
- (c) permit a significant increase in the development of that land,
- (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or
- (e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.

The Direction also requires that a draft LEP must not impose flood related development controls above the residential flood planning level for residential development unless justification for those controls to the satisfaction of the Director-General is provided.

In this respect Council's internal referrals by Council's Drainage and Development Engineer have recommended that a flood study be conducted to determine if the site is subject to flooding. The applicant submitted a flood report prepared by CM Consulting Engineers dated 29 July 2009 which indicates that the site being located directly north of Cooks River is subject to flooding and minor overland flow. The Cooks River Flood Study undertaken by Sydney Water dated February 2009 indicates that approx 1/2 of the site would be impacted by the 1:100 year flood event.

The applicant's propose to address this issue through cut and fill and the modification and semi naturalisation and the adjacent Cooks River concrete channel. This would involve approximately 6,500 cubic metres of fill which would raise the flood impacted area. This proposal is discussed in more detail in Section C 9.

Section 6.1 Approval and Referral Requirements of the s117 Directions applies to the preparation of any draft LEP to minimize the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority. This Direction will be taken into consideration in the preparation of a draft LEP to rezone the site.

Department of Planning Circulars, Practice Notes and Guidelines

Relevant Department of Planning Circulars, Practice Notes and Guidelines are considered below.

PS07-008 New section 117 directions 17 July 2007

This circular is to advise councils of new ministerial directions under section 117(2) of the EP&A Act that commence on 19 July 2007.

This report has considered the proposal in terms of the new ministerial directions.

PS07-007 New mapping requirements for local environmental plans 17 April 2007

This circular is to advise councils of the new standard technical requirements for local environmental plan (LEP) maps.

This requires new LEP maps to be in a standardized format suitable for electronic transmission which can be complied with in the preparation of any draft LEP maps.

PS06-015 Spot rezonings 15 June 2006

This circular states the Department of Planning's current position on spot rezoning.

This circular recommends using a pro-forma evaluation criteria for proceeding with spot rezonings. This report considers those matters raised in the pro-forma.

PS06-013 Local environmental studies 2 May 2006

This circular explains the processes that are used to identify when a local environmental study is required for an amendment to a local environmental plan and the information that is expected from a development proponent to support a rezoning request.

The local environmental study is not considered necessary as there are valid planning reasons in support of the proposed rezoning and the proposed rezoning would be of minor significance in terms of inconsistency with ministerial s117 Directions.

PS 06-005 Local environmental plan review panel 16 February 2006

This Circular explains the role of the Department's new LEP Review Panel. It provides advice on new procedures, including the information the Director-General requires from council in notifying the Department (under section 54(4) of the Environmental Planning and Assessment Act 1979) of council's decision to prepare a draft local environmental plan. The new procedures come into effect on 22 February 2006.

This Planning Proposal includes the considerations that an LEP Review Panel might consider in assessing any draft LEP.

Section 7.1 Implementation of the Metropolitan Strategy of the s117 Directions is applicable when a Council prepares a draft LEP that is a variation to the land use strategy and policies contained in the Metropolitan Strategy.

The applicant has provided the following assessment of the proposal against Direction 7 Metropolitan Planning – 7.1 as follows:

outcomes or actions.		more contemporary employment planning and economic outcomes. Redevelopment for more intensive employment activities is not likely to be compatible with adjoining housing areas and rezoning to residential is justified in this instance.
Direction 7.1 – issued 1 October 2009		

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 site formerly a brick pit as part of the Strathfield and Enfield Steam Brick and Terracotta works and the sites have since been occupied by various industrial uses and is not likely to adversely affect critical habitat, threatened species, populations or ecological communities and their habitats.

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

There are a number of potential environmental effects which are required to be addressed and managed in relation to the planning proposal and are outlined as follows.

Contamination

The applicant's Rezoning Report indicates that the subject site has been subject to contamination and the majority of the area proposed for rezoning was once a brick pit as part of the Strathfield and Enfield Steam Brick and Terracotta Works and was to be declared as Unhealthy Building Land by the Environment Protection Authority. The now filled former brick pit occupies a substantial part of the area proposed for rezoning and according to the applicants report consultant plans indicate that the entire brick pit is contained within the re-zoning site.

A number of site investigations have been undertaken and the site owners have submitted with the rezoning proposal a Remedial Action Plan prepared by Environmental and Earth Sciences and a site audit report by Environ. Council's Environmental Services section is satisfied that the site can be satisfactorily be remediated.

Acid Sulfate Soils

The Department of Planning's acid sulfate soils planning maps indicate that part of the site has a low probability of containing acid sulfate soils. The applicant's engaged Douglas and Partners to investigate the possibility of encountering acid sulfate soils. The consultants concluded "that there was a very low risk of encountering acid sulfate soils during excavation. Any potential problems associated with acid sulfate soils will be addressed at development application stage (subject to gazettal of proposed rezoning) in an Environmental Management Plan for the site.

Flood Affectation

The applicant's Site Specific Flood Report prepared by CM Consulting Engineers dated 29 July 2009, identifies that the site is impacted by flood levels related to the Cooks River as well as some local overland flow flood matters (which can be addressed through on site design). The Cooks River Flood Study undertaken by Sydney Water dated February 2009 indicates that a significant amount of the site would be impacted by the 1:100 year flood event.

As detailed in the Flood Report the applicant proposes to address this issue through 6500 cubic metres of cut and fill by modifying and widening the Cooks River adjacent to the frontage of their site. This would involve lowering and widening the banks of the river and replacing the concrete channel wall with a more naturalised treatment. The 6,500 cubic metres of fill would then be used to raise the low lying areas of the subject site to above the 1 in 100 flood extent. This approach importantly is modelled so as not to increase the flood extent of the catchment and other properties.

Council's Engineers and Operations sections have given in principal support for this approach, subject to further feasibility testing, hydraulic, engineering and landscape design at a later stage, and the additional support from relevant government agencies and Departments associated with the Cooks River. The applicants have received initial support via letters from the Sydney Metropolitan Catchment Management Authority and from Sydney Water (refer Site Specific Flood Report, 29 July 2009). The letters detail a number of general conditions and considerations that would need to be followed in order proceed with this proposal.

This proposal, subject to further feasibility testing at a later stage, potentially will deliver significant benefits to this section of the Cooks River and open space river corridor. The current Cooks River concrete channel limits the ability to naturalise and improve the water quality of the river and to improve the overall ecosystem, biodiversity and landscape amenity in this section of the river corridor.

Studies including the Cooks River Master Plan by Sydney Water identify the general goal of naturalising the river and banks along the corridor. The proposal would also be consistent with the commitment Council has demonstrated to improving the Cooks River through naturalising the river and river banks within Freshwater Park and the Strathfield Golf Course.

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

The current use of the site results in a number of detrimental environmental impacts as follows:

- The site is underutilised in terms of the intensity of development achievable and thereby does not represent the most economically efficient use of the land. Most of the existing buildings are outdated and do not meet contemporary building or amenity requirements;
- The current land uses result in a number of adverse environmental impacts on the local area by way of heavy vehicle traffic generation and intrusion into a residential area, and noise and dust emissions from existing industrial activities;
- The potential to attract investment for redevelopment is limited given the condition of existing buildings, the fragmented nature of ownership of relatively small blocks and that the site does not possess the locational, and access to other services attributed to larger more accessible sites elsewhere in the subregion;
- Redevelopment for employment purposes would be incompatible with adjoining development given the residential nature of the locality and road pattern designed for low volumes of traffic associated with a residential environment.

The planning proposal represents the most economically viable alternative to redevelopment of the site. Existing industrial uses are incompatible with the localities residential character. Due to site,

locational and poor road and transport access the site does not present a “best case” location for attracting industrial development.

A residential rezoning will be compatible with Strathfield Council's vision for the area as demonstrated by its existing and proposed local environmental plans. Redevelopment for housing will contribute to the Metropolitan Strategy and Inner West Subregional Plan's housing goal.

Redevelopment as proposed will enable land owners and occupants to make investment decisions about relocation to more suitable employment locations which suit the business, economic, social and environmental operations of these activities.

Section D – State and Commonwealth Interests

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

The planning proposal by rezoning land from Industrial to Residential will not require the provision of any specific additional state and commonwealth services to cater for the proposed multi-unit housing development. State and commonwealth infrastructure services will be required in general across the inner west regional to accommodate the general additional dwelling targets as identified in the Draft Inner West Subregional Strategy.

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

A Planning Proposal which involves the rezoning of a number of lots is considered to require a public exhibition period, consistent with Department of Planning's guidelines as identified in the gateway determination. This will enable community consultation and ascertain the community views on this proposal.