

Report by David Hazeldine, Manager Strategic Planning

RECOMMENDATION

That Council resolve to endorse the Planning Proposal (refer Attachment 1) to Rezone 7-33 Water Street and 8-10 Dunlop Street Strathfield South, from 'Industrial 4' to 'Residential 2(b)', to be submitted to the Department of Planning for 'gateway determination' under s56(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act).

PURPOSE OF REPORT

1. To update Council on the progress of the proposal to rezone 7-33 Water Street and 8-10 Dunlop Street, Strathfield South.
2. To seek Council endorsement of the Planning Proposal to rezone 7-33 Water Street and 8-10 Dunlop Street, Strathfield South from 'Industrial 4' to 'Residential 2(b)' to be submitted to the Department of Planning.

BACKGROUND

Council, at its meeting on 8 July 2008, resolved (minute no. 52/08):

"That Council PROCEED with the preparation of the draft Local Environmental Plan to rezone the subject site from 'Industrial 4' to 'Residential 2B' (ie. approval 'to resolve to prepare draft Local Environmental Plan and to notify the Department of Planning {section 54}) subject to the following conditions.

1. *The Concept Master Plan and associated drawings and the Draft Development Control Plan documents be amended in accordance with the following requirements as indicated on the 'Amendments Sketch Plan' (refer attachment 11) and submitted to Council for approval by the General Manager:*
 - a) *maximum site storey height be limited to 7 storeys, excluding building C4*
 - b) *specific building footprint storey heights to be as specified in 'Amendments Sketch Plan'*
 - c) *all street frontage building setbacks be minimum 5 metre setbacks and balconies 4.5 metre minimum setback*
 - d) *all side and rear building setbacks to be minimum 8 metres, except minimum 4metres to building C3*
 - e) *minimum 50% landscape area to be provided*
 - f) *south eastern internal roadway to be deleted*
 - g) *minimum amount of carspaces is to provided in accordance wit Part C DCP*
 - h) *south eastern internal roadway is to be deleted and replaced with landscaping and pedestrian circulation and access*
 - i) *alternative vehicle entrance is to be provided for buildings D1 and D2."*

Council, at its meeting on 2 December 2008, resolved (minute no. 228/08):

"That Strathfield Municipal Council prepare a report on the draft Local Environmental Plan (LEP) to rezone 7-33 Water Street and 8-10 Dunlop Street, Strathfield South, from 'Industrial 4' to 'Residential 2B', AND THAT the New South Wales Department of Planning be advised accordingly."

This report has been prepared in response to both resolutions.

REPORT

The following provides a summary of the progress of this rezoning proposal since the July 2008 Council resolution:

- 1 December 2008, Council received documentation including the amended Master Plan (refer Attachment 2) from the applicant that addressed the conditions of the 8 July 2008 Council resolution.
- 17 December 2008, Council wrote to the applicant asking if they want the s54 notification to be lodged with the Department of Planning based on the submitted information or if they wish to provide additional information. This related to previous advice to the applicant regarding addressing the Ministerial Section 117 Directions on 'flood prone land'.
- 19 December 2008, the applicant confirmed in writing that they intended to provide additional information to address the 'flood prone land matter', prior to the s54 notification being submitted to the Department of Planning.
- 14 April 2009, the applicant submitted a 'Site Specific Flood Report'. This did not include the flood levels identified in the February 2009 Sydney Water Cooks River Flood Study as at that stage Sydney Water had not made the report available to the applicant.
- 1 May 2009, Council wrote to the applicant advising that the 'Site Specific Flood Report' had not adequately addressed a number of issues including extent of flood prone land.
- Note: The Sydney Water study identified a significant area of the subject site as impacted by the 1 in 100 flood extent. This is critical as the s117 Directions state that draft LEPs applying to flood planning areas (ie. areas impacted by 1 in 100 flood extent) are subject to a number of considerations including that they shall not contain provisions that 'permit a significant increase in the development'.
- 16 June 2009, the applicant met with Council officers to present an initial proposal to use cut & fill involving modifying the channel and banks of the adjacent section of Cooks River to address the 1 in 100 flood affectation.
- 1 July 2009, the Department of Planning introduced new requirements for the LEP plan making process which includes preparing a 'Planning Proposal' and 'gateway determination' (refer Attachment 3) to replace the previous s54 notification process.
- 6 August 2009, the applicant submitted the 29 July version of the 'Site Specific Flood Report' (refer Attachment 4) to address the s117 Directions in regard to flood affectation (refer further detail below). This included documenting the cut & fill proposal to address the extent of 1 in 100 flood affectation.
- 21 October 2009, the applicant submitted additional documentation to Council to address the Department of Planning's new 'Planning Proposal' requirements. This included Section A3. 'Net Community Benefit Test' and Section C10. 'Environmental, Social and Economic Impact' and s117 Direction 7.1 'Implementation of the Metropolitan Strategy'.

Proposal to Address Flood Affection

The applicant's Site Specific Flood Report prepared by CM Consulting Engineers dated 29 July 2009 (refer Attachment 4), identifies that the site is impacted by flood levels related to the Cooks River as well as some local overland flows 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 in 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 the 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 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, 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 Attachment 4). 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.

Summary of Key Planning Issues

Issue	Details	Recommendation
Site master planning, layout, landscape, density, storey heights and setbacks	Refer Master Plan (Attachment 2)	Complies with conditions of 2 July 2008 Council resolution
Road layout and external access	Refer Master Plan (Attachment 2)	Complies with conditions of 2 July 2008 Council resolution
On-site & visitor parking.	Refer Master Plan (Attachment 2) and as detailed in applicant's Planning Report.	Endorsed by 2 July 2008 Council resolution
Flood Affection - proposal to address 1:100 flood extent by cut & fill involving modifying the adjacent section of Cooks River	Refer above text, Planning Proposal (attachment 1) and Site Specific Flood Report (Attachment 4)	Recommend support of initial proposal - subject to further feasibility testing and design at later stage.

Ministerial Section 117 Directions	Directions have been addressed - refer Planning Proposal (Attachment 1)	Recommend support.
---------------------------------------	---	--------------------

Conclusion

The submission by the applicant of the above mentioned information has addressed the outstanding issues including:

- the conditions of the 8 July 2008 Council resolution.
- the Department of Planning's new Planning Proposal/LEP plan making guidelines and the requirements of the EP&A Act, that commenced on 1 July 2009.
- the Ministerial S117 Directions in regard to flood matters.

This has enabled Council to finalise the 'Planning Proposal' (refer Attachment 1). It is recommended to submit this Planning Proposal to rezone 7-33 Water Street and 8-10 Dunlop Street, Strathfield South from 'Industrial 4' to 'Residential 2(b)' to the Department of Planning to be assessed and considered under the 'gateway determination' stage. The Department of Planning's flow chart (refer Attachment 3) illustrates the new LEP plan making process and the 'Gateway' stage.

REFERRAL FROM OTHER DEPARTMENT

Referral was made to Engineering Works & Services, Development Assessment, Parks & Environment and Sustainability.

FINANCIAL IMPLICATIONS

There are no current financial implications to Council in regard to the proposal.

ATTACHMENTS

1. Planning Proposal for the rezoning of 7-33 Water Street and 8-10 Dunlop Street, November 2009.
2. Master Plan MP-001, Water Dunlop St, Allen Jack+Cottier, October 2008.
3. 'Process to make a local environmental plan', A guide to preparing local environmental plans, Department of Planning
4. Site Specific Flood Report – at 8-10 Dunlop Street and 7-33 Water Street, Strathfield South, C&M Consulting Engineers, 29 July 2009.

Report approved by:

David Hazeldine	Patrick Wong
Manager Strategic Planning	Director Technical Services