

Planning Proposal

Reclassify Council owned land from Community to Operational

1 Loftus Crescent, Homebush

On Behalf of Strathfield Council

JANUARY 2019



REPORT REVISION HISTORY

Revision	Date Issued	Revision Description	
01	31/1/2019	Revision tracking notes	
		Prepared by	Verified by
		Anthony Kazacos	
02	21/3/2019	Associate	Steph

Stephen Kerr

Executive Director

Certification

This report has been authorised by City Plan Strategy & Development P/L, with input from a number of other expert consultants. To the best of our knowledge the accuracy of the information contained herein is neither false nor misleading. The comments have been based upon information and facts that were correct at the time of writing.

Copyright © City Plan Strategy & Development P/L ABN 58 133 501 774

All Rights Reserved. No material may be reproduced without prior permission. While we have tried to ensure the accuracy of the information in this publication, City Plan Strategy & Development P/L accepts no responsibility or liability for any errors, omissions or resultant consequences including any loss or damage arising from reliance in information in this publication.



TABLE OF CONTENTS

Sec	tion A – Overview	4
1.	Executive Summary	
2.	Background	5
3.	land Reclassification	6
	3.1. Reclassification Checklist	6
4.	The Site	
Sec	tion B – Planning Proposals	.11
5.	Part 1 – Objectives and the intended outcomes	.11
	5.1. Objectives of the Planning Proposal	.11
6.	part 2 – Explanation of the provisions	.12
7.	Part 3 – Justification	.13
	7.1. Need for a Planning Proposal	.13
	7.2. Relationship to Strategic Planning Framework	.13
	7.3. Environmental, Social and Economic Impact	.20
	7.4. State and Commonwealth Interests	.21
8.	Part 4 – Mapping	.22
9.	Part 5 – Community Consultation	.23
10.	Part 6 – Project Timeline	.24
11.	Conclusion	.25

FIGURES

Figure 1: Planning and Design Guidelines	5
Figure 2: The site	9
Figure 3: The existing building on the site	. 10
Figure 4: Homebush train station	. 10
Figure 5: Loftus Crescent looking west	. 10



TABLES

Table 1: Site background	5
Table 2: Compliance with Practice Note 16-001	6
Table 3: Amendments to Schedule 4 of SLEP 2012	. 12
Table 4: Consistency with Regional and District Plan	. 13
Table 5: Consistency with SEPPs	. 14
Table 6: Consistency with Ministerial Directions	. 18
Table 7: Project timeline	. 24



SECTION A – OVERVIEW

1. EXECUTIVE SUMMARY

This Planning Proposal (PP) has been prepared on behalf of Strathfield Council.

This PP explains the intended effect of, and justification for, the proposed amendment to the Strathfield Local Environmental Plan 2012. The amendment is a site specific LEP for 1 Loftus Crescent, Homebush (the site). It has been prepared in accordance with Section 3.33 of *the Environmental Planning and Assessment Act, 1979* (EP&A Act) and the relevant Department of Planning Guidelines including "A Guide to Preparing Local Environmental Plans and A Guide to Preparing Planning Proposals".

This PP seeks to amend the Strathfield Local Environmental Plan 2012 (SLEP 2012) to reclassify Councilowned land, from "community" to "operational" land.

This Planning Proposal does not propose to rezone the subject site or vary any existing development standards.



2. BACKGROUND

Table 1 provides a summary of the background of the site.

Table 1: Site background

Year	Background
2000	The site was identified as a "public square" in DCP 20 and zoned for "public open space" and reserved for acquisition in the Strathfield Planning Scheme Ordinance (SPSO).
2003	The owner of the site requests Council acquires the land.
2006	The site is acquired using development contributions collected for open space.
2012	The site is rezoned R4 High Density Residential in the Strathfield Local Environmental Plan 2012.
2016	The Parramatta Road Corridor Urban Transformation Strategy recommends rezoning of the site for mixed use development with building heights up to 80 metres. The Strategy identifies existing, as well as indicative proposed open space. The site is not identified as either (refer to Figure 1).
	appropriate to, new development permitted by the planning proposal will be identified in this process.



3. LAND RECLASSIFICATION

Under Part 2 of the *Local Government Act 1993*, all public land vested in a council (except a road or land to which the *Crown Lands Act 1989* applies) must be classified as either "community" land or "operational" land. Pursuant to Clause 27 land may be classified or reclassified either through a LEP or by resolution of council in certain limited circumstances.

The purpose of classification is to identify land which should be kept for access by the general public as "community" land, such as parks and open space and land which is considered "operational" land to facilitate the functions of Council.

The functions of Council are described in Section 24 of the Local Government Act 1993 and broadly include the provision of goods, services and facilitates and the carrying out of activities.

3.1. Reclassification Checklist

The Planning Proposal has been prepared in accordance with LEP Practice Note 16-001 "Classification and reclassification of public land through a local environmental plan".

The table below provides a response to the Practice Note's checklist.

Matters	Response
The current and proposed classification of the land.	It is proposed to reclassify the site from "community" to "operational" land.
Whether the land is a 'public reserve' (defined in the LG Act).	No, the land is not defined as a "public reserve".
The strategic and site-specific merits of the reclassification and evidence to support this.	The reclassification will allow Council to review its options in relation to the future the land. It will allow the site to be redeveloped, in accordance with its current zoning. Any redevelopment also has the potential for Council to utilise this asset, to provide additional affordable housing for the local community. This is consistent with the aims and goals of Council's local strategic plan.
Whether the planning proposal is the result of a strategic study or report.	No. The Planning Proposal is not as a result of any strategic study or report.
Whether the planning proposal is consistent with council's community plan or other local strategic plan.	Yes. The Planning Proposal is consistent with the Strathfield 2030 Community Strategic Plan. Refer to Section 7.2.2 for further detail.
A summary of council's interests in the land, including:	Refer to Section 2 for further detail. The land is not subject to any trusts.



 how and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution). if council does not own the land, the land owner's consent. the nature of any trusts, dedications etc. 	
Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why.	No interests to be changed.
The effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged).	The site currently comprises a Residential Flat Building containing 4 residential apartments.
Evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents).	There is no public reserve status applying to the land. Refer to the attached electronic title search (Appendix 2).
Current use(s) of the land, and whether uses are authorised or unauthorised.	A Residential Flat Building is currently located on the site, which is permissible within the site's current zoning.
Current or proposed lease or agreements applying to the land, together with their duration, terms and controls.	All four apartments are currently leased to tenants. The leases will be unaffected by the reclassification.
Current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time).	No agreements have been made.
Any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy).	Not applicable. This Planning Proposal does not propose to change the zoning of the site.
How council may or will benefit financially, and how these funds will be used.	The reclassification will allow the site to be redeveloped and affordable housing provided to Council as consideration for the land.
	Affordable housing is to be provided by way of a joint venture agreement where consideration for the land will be provided in the form of completed apartments. The completed apartments will be used by Council exclusively for affordable housing. The consideration (i.e. number of apartments) provided to Council, security and the like will be determined at the time of entering the



	agreement in accordance with the requirements of the Local Government Act 1993 and relevant guidelines including "Direct Negotiations: Guidelines for Managing Risks" (ICAC August 2013). Indicatively, Council anticipates acquiring eight apartments from the redevelopment of the land.
How council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal;	The site is located within the Homebush Precinct of the Parramatta Road Corridor Urban Transformation Strategy. The Strategy recommends the precinct be rezoned to allow for significantly higher density development. As part of the rezoning process, Council will ensure that there is sufficient open space to accommodate existing and future demand and will also introduce appropriate mechanisms to fund any additional infrastructure.
A Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot.	Not applicable. The reclassification applies to the whole lot.
Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.	The site is owned by Council. Consultation will be undertaken with state agencies in accordance with the Gateway Determination.



4. THE SITE

The site is located at 1 Loftus Crescent, Homebush and legally described as Lot D DP 340860 (refer to Figure 2).



Figure 2: The site, highlighted in yellow (Source: Six Maps)

The site has an area of approximately 690 sqm and contains a 1930's art deco style block of apartments with 4 units. A driveway is situated to the western side of the site (refer to Figure 3). The site is situated adjacent to Homebush Railway Station (refer to Figure 4) and is within a precinct comprising single detached dwellings and also Residential Flat Buildings (refer to Figure 5).





Figure 3: The existing building on the site



Figure 4: Homebush train station



Figure 5: Loftus Crescent looking west



SECTION B – PLANNING PROPOSALS

5. PART 1 – OBJECTIVES AND THE INTENDED OUTCOMES

5.1. Objectives of the Planning Proposal

The site is owned by Strathfield Council and is currently classified as "community" land under the Local Government Act 1993. To facilitate the potential redevelopment of the site for affordable housing, it must be classified as "operational".

The objective of this Planning Proposal is therefore to amend the Strathfield Local Environmental Plan 2012 to enable the site to be reclassified from "community" land to "operational" land.

It is not proposed to amend the zoning of the site.



6. PART 2 - EXPLANATION OF THE PROVISIONS

The intended outcome will be achieved by amending Schedule 4 of the Strathfield Local Environmental Plan 2012. Schedule 4 identifies land that is to be classified or reclassified as either "community" or "operational" land.

Schedule 4 is divided into three parts as follows:

- Part 1: identifies land being classified or reclassified as "operational" where no interests will change.
- Part 2: identifies land being classified or reclassified as "operational" where interests will change.
- Part 3: identifies land being classified or reclassified as "community" land.

There are no interests registered on the title of the land to be extinguished by the planning proposal, therefore, an amendment to Part 1, Schedule 4 is required, as outlined in the table below.

Table 3: Amendments to Schedule 4 of SLEP 2012

Insert into Column 1 - Locality	Insert into Column 2 - Description		
1 Loftus Crescent, Homebush	Lot D DP 340860		

The proposal does not involve any change to the existing zone or development standards that apply to the site. The proposal also does not require any changes to the SLEP maps.



7. PART 3 – JUSTIFICATION

7.1. Need for a Planning Proposal

7.1.1. Is the PP a result of any strategic study or report?

No, the Planning Proposal is not as a result of any strategic study or report.

7.1.2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The site is currently classified as "community" land, meaning that Council is unable to sell, exchange or dispose of the land under the provisions of the Local Government Act 1993, nor is Council able to enter into any long-term leases over the land. The Planning Proposal is therefore the best means of achieving the objectives and intended outcomes. It will enable Council to develop the site as affordable housing, allowing for more effective management of Council assets.

7.2. Relationship to Strategic Planning Framework

7.2.1. 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)?

The Greater Sydney Commission released the Greater Sydney Region Plan in March 2018, which outlines a series of actions to coordinate the growth of Sydney. The Regional Plan has identified the Strathfield Local Government Area, as being within the Eastern City District.

The table below demonstrates consistency with the planning priorities, objectives and actions of both the Regional and District Plans.

Planning Priority	Greater Sydney Region Plan objective	Action	Comment	Consistent
Planning Priority E3 Providing services and social infrastructure to meet people's changing needs	Objective 6 Services and infrastructure meet communities' changing needs.	8. Deliver social infrastructure that reflects the needs of the community now and in the future.9. Optimise the use of available public land for	The reclassification from "community" to "operational" land will allow Council to efficiently utilise publicly owned land for new social infrastructure such as affordable house, to meet the growing needs of the local community.	Yes

Table 4: Consistency with Regional and District Plan



		social infrastructure.		
Planning Priority E5 Providing housing supply, choice and affordability, with access to jobs, services and public transport	Objective 10 Greater housing supply. Objective 11 Housing is more diverse and affordable.	17. Prepare Affordable Rental Housing Target Schemes following development of implementation arrangements.	year housing target of 3,650 (2016 – 2021). The	Yes

7.2.2. Is the planning proposal consistent with the council's local strategy or other local strategy plan?

The Strathfield 2030 Community Strategic Plan was adopted in June 2018 and is Council's long-term strategic document, which sets the goals and strategies for the Local Government Area until 2030.

Of particular relevance to this Planning Proposal is Goal 4.1 Quality, liveable and sustainable urban design and development.

To address this goal, Council will develop plans and make representations to improve housing affordability, to increase the supply of affordable rental and social housing in the Local Government Area.

This Planning Proposal will directly contribute to satisfying this goal, by reclassifying land from "community" to "operational" land. This will allow the site to be redeveloped, in accordance with its current zoning, and provide affordable housing in a strategic location.

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

The Planning Proposal is consistent with applicable State Environmental Planning Policies (SEPP), as demonstrated below, due to the proposed changes being of minor significance.

SEPP Title	Consistency	Comment
1.Development Standards Consistent	N/A	Not applicable
14.Coastal Wetlands	N/A	Not applicable

Table 5: Consistency with SEPPs



19.Bushland in Urban Areas	N/A	Not applicable	
21.Caravan Parks	N/A	Not applicable	
26.Littoral Rainforests	N/A	Not applicable	
30.Intensive Agriculture	N/A	Not applicable	
33.Hazardous and Offensive Development Complex	N/A	Not applicable	
36.Manufactured Home Estates	N/A	Not applicable	
44.Koala Habitat Protection	N/A	Not applicable	
47.Moore Park Showground	N/A	Not applicable	
50.Canal Estate Development	N/A	Not applicable	
52.Farm Dams, Drought Relief and Other Works	N/A	Not applicable	
55.Remediation of Land	N/A	SEPP 55 will be addressed subject to any future development applications on the site.	
62.Sustainable Aquaculture	N/A	Not applicable	
64.Advertising and Signage	N/A	Not applicable	
65.Design Quality of Residential Flat Development	N/A	Not applicable	
70.Affordable Housing (Revised Schemes)	Yes	The reclassification could allow for additional affordable housing to be provided on the site, consistent with the aims of this SEPP.	
SEPP (Coastal Management) 2018	N/A	Not applicable	



SEPP (Kurnell Peninsula) 1989	N/A	Not applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	Not applicable
SEPP (Miscellaneous Consent Provisions) 2007	N/A	Not applicable
SEPP (Penrith Lakes Scheme) 1989	N/A	Not applicable
SEPP (State and Regional Development) 2011	N/A	Not applicable
SEPP (Building Sustainability Index: BASIX) 2004	N/A	Not applicable
SEPP (Housing for Seniors or People with a Disability) 2004	N/A	Not applicable
SEPP (Sydney Region Growth Centres) 2006	N/A	Not applicable
SEPP (Infrastructure) 2007	N/A	Not applicable
SEPP (Kosciuszko National Park-Alpine Resorts) 2007	N/A	Not applicable



SEPP (Sydney Drinking Water Catchment) 2011	N/A	Not applicable
SEPP (Three Ports) 2013	N/A	Not applicable
SEPP (Urban Renewal) 2010	N/A	Not applicable
SEPP (Exempt and Complying Development Codes) 2008	N/A	Not applicable
SEPP (Rural Lands) 2008	N/A	Not applicable
SEPP (Western Sydney Employment Area) 2009	N/A	Not applicable
SEPP (Western Sydney Parklands) 2009	N/A	Not applicable
SEPP (Affordable Rental Housing) 2009	N/A	Not applicable
SEPP (Integration and Repeals) 2016	N/A	Not applicable
SEPP (State Significant Precincts) 2005	N/A	Not applicable

7.2.4. Is the planning proposal consistent with the applicable Ministerial directions (s.117 directions)?

The Planning Proposal is consistent with the relevant Directions issued under Section 117(2) of the Act by the Minister to Councils, as demonstrated in the assessment of the following:



Table 6: Consistency with Ministerial Directions

Direction Title	Consistency	Comment	
Employment and Resources			
1.1 Business and Industrial Zones	N/A	Not applicable	
1.2 Rural Zones	N/A	Not applicable	
1.3 Mining, Petroleum Production and Extractive Industries	N/A	Not applicable	
1.4 Oyster Aquaculture	N/A	Not applicable	
1.5 Rural Lands	N/A	Not applicable	
Environment and Heritage			
2.1 Environment Protection Zones	N/A	Not applicable	
2.2 Coastal Protection	N/A	Not applicable	
2.3 Heritage Conservation	N/A	Not applicable	
2.4 Recreation Vehicle Areas	N/A	Not applicable	
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N/A	Not applicable	
Housing, Infrastructure and Urban Development			
3.1 Residential zones	N/A	Not applicable	
3.2 Caravan Parks and Manufactured Home Estates	N/A	Not applicable	
3.3 Home Occupations	N/A	Not applicable	
3.4 Integrating land use and transport	N/A	Not applicable	
3.5 Development Near Licensed Aerodromes	N/A	Not applicable	
3.6 Shooting Ranges	N/A	Not applicable	
Hazard and Risk			



4.1 Acid sulphate soils	N/A	Not applicable	
4.2 Mine Subsidence and Unstable Land	N/A	Not applicable	
4.3 Flood Prone Land	N/A	The site is not located within an identified flood prone area. Accordingly, Direction 4.3 is not applicable.	
4.4 Planning for Bushfire Protection	N/A	The site is not located within a Bushfire prone area. Accordingly, Direction 4.4 is not applicable.	
Regional Planning			
5.1 Implementation of Regional Strategies	N/A	Not Applicable. No regional strategies apply to the subject site.	
5.2 Sydney Drinking Water Catchments	N/A	Not applicable	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	Not applicable	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	Not applicable	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A	Not applicable	
5.6 Sydney to Canberra Corridor	N/A	Not applicable	
5.7 Central Coast	N/A	Not applicable	
5.8 Second Sydney Airport: Badgerys Creek	N/A	Not applicable	
5.9 North West Rail Link Corridor Strategy	N/A	Not applicable	
5.10 Implementation of Regional Plans	N/A	Not applicable	
Local Plan Making			
6.1 Approval and Referral Requirements	N/A	Not applicable	
6.2 Reserving Land for Public Purposes	N/A	Not applicable	
6.3 Site Specific Provisions	N/A	Not applicable	
Metropolitan Planning			



7.1 Implementation of the Metropolitan Plan for Sydney	Yes	Refer to Table 4.
7.2 Implementation of Greater Macarthur Land Release Investigation	N/A	Not applicable
7.3 (Parramatta) (Road) (Corridor) (Urban) Transformation Strategy)	Yes	The Parramatta Road Corridor Urban Transformation Strategy recommends rezoning of the site for mixed use development with building heights up to 80 metres. The Strategy identifies existing, as well as indicative proposed open space. The site is not identified as either.

7.3. Environmental, Social and Economic Impact

7.3.1. Is there any likelihood that critical habitat or threatened species will be adversely affected as a result of the proposal?

The site is located within an existing urban environment and has not been identified as containing critical habitat or threatened species, population or ecological communities, or their habitats.

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

The proposed reclassification does not result in any direct environmental impacts. However, it will enable Council to develop the site in accordance with the permissible uses in the existing R4 Zone, including "Residential Flat Buildings" and "Shop Top Housing".

The environmental effects of any such proposal will be assessed in the context of a future development application and in accordance with the relevant planning controls.

7.3.3. Has the planning proposal adequately addressed any social and economic effects?

The social and economic effects of the Planning Proposal are most appropriately described in the context of the challenges associated with a growing population identified in the strategic policies such as the Regional and District Plans, which highlight the importance of providing affordable housing for key workers across the Sydney Metropolitan Region.

Council must therefore actively manage its land holdings in strategic locations, such as in employment hubs and in close proximity to train stations, to contribute to strategic planning principles.

Reclassifying the site from "community" to "operational" land will enable Council to develop the site in accordance with the existing zoning and provide affordable housing for the local community.



As discussed earlier, the site is located within the Homebush Precinct of the Parramatta Road Corridor Urban Transformation Strategy.

The Strategy recommends the wider precinct be rezoned to allow for high density development. As part of the rezoning process, Council will ensure that there is sufficient open space to accommodate existing and future demand and will also introduce an appropriate mechanism to fund any additional infrastructure.

7.4. State and Commonwealth Interests

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

The Planning Proposal only proposes the reclassification of the site from "community" to "operational" land. It will not result in the need for any new or augmented public infrastructure such as public utilities or roads.

7.4.2. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

The Planning Proposal has not yet received Gateway Determination and consultation with public authorities, including State and Commonwealth authorities, has not yet commenced. Consultation with these agencies will be undertake as per the Gateway Determination.



8. PART 4 – MAPPING

No mapping amendments are required to implement the proposed reclassification.



9. PART 5 – COMMUNITY CONSULTATION

The gateway determination will outline the community consultation required to be undertaken.

The community will be notified of the commencement of the exhibition period via a notice in a local newspaper and via a notice on Strathfield Council's website. The written notice will: -

- Give a brief description of the objectives or intended outcomes of the PP;
- Indicate the land affected by the PP;
- State where and when the PP can be inspected;
- Give the name and address of the RPA for the receipt of any submissions; and
- Indicate the last date for submissions.

An independently chaired public hearing will also be arranged for the Planning Proposal, after the closing of the public exhibition period. Notice of the public hearing will be given in local papers and on Council's website. Notification letters will be sent out to residents/businesses who make a submission during the public exhibition period.



10. PART 6 – PROJECT TIMELINE

The timeframe for the completion of the PP will depend on the complexity of the matters, the nature of any additional information that may be required and the need for agency and community consultation. The following details are indicative only and may be amended at Gateway to provide the necessary level of confidence that the PP will be finalised within a reasonable time.

Table 7: Project timeline

Step	Indicative Timeframe		
Council endorsement of the Planning Proposal	4 December 2018 (refer to Council resolution at Appendix 1)		
Submission to Department of Planning and Environment	February 2019		
Gateway Determination issued	March 2019		
Public exhibition and consultation with public authorities	April 2019		
Consideration of submissions	May - June 2019		
Undertake public hearing	July 2019		
Reporting of the Planning Proposal to Council	August 2019		
Submission to the Department of Planning and Environment	September 2019		
Publication of LEP amendment	October - November 2019		



11. CONCLUSION

This Planning Proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 (the EP&A Act) and the relevant guidelines prepared by the NSW Department of Planning and Environment including 'A Guide to Preparing Local Environmental Plans' and 'A Guide to Preparing Planning Proposals'.

It sets out the justification for the proposed reclassification of the subject site at 1 Loftus Street, Homebush from "community" to "operational" land, which will allow the site to be developed for affordable housing.

The proposal has been demonstrated as being the best means of achieving the objectives and intended outcomes. The PP is considered suitable and appropriate as it:

- Is consistent with the principles of Council's community strategic policies;
- Is consistent with the Greater Sydney Regional Plan and the Eastern City District Plan;
- Is consistent and complies with the strategic planning test outlined in DPE's 'A Guide to preparing planning proposals';
- Is consistent with the relevant Ministerial Directions under Section 117 of the Act; and
- Does not pose any adverse environmental or social impacts to the surrounding community.

In summary, there is a sound planning basis and strategic merit to support the reclassification of the site as promoted by this PP.