

**Planning proposal to rezone 38-50 Weeroona Rd, Strathfield from SP2 Electricity Supply to IN1 General Industrial.**

**Proposal Title :** Planning proposal to rezone 38-50 Weeroona Rd, Strathfield from SP2 Electricity Supply to IN1 General Industrial.

**Proposal Summary :** The planning proposal is seeking to enable the subject site to be rezoned for general industrial uses consistent with the adjoining IN1 General Industrial land to the north.

**PP Number :** PP\_2015\_STRAT\_002\_00      **Dop File No :** 15/08968

**Proposal Details**

**Date Planning Proposal Received :** 29-May-2015      **LGA covered :** Strathfield

**Region :** Metro(CBD)      **RPA :** Strathfield Municipal Council

**State Electorate :** AUBURN      **Section of the Act :** 55 - Planning Proposal

**LEP Type :** Spot Rezoning

**Location Details**

**Street :** 38-50 Weeroona Road

**Suburb :** Strathfield      **City :** Sydney      **Postcode :** 2135

**Land Parcel :** Lot 1, DP 803688

**DoP Planning Officer Contact Details**

**Contact Name :** Helen Wilkins

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**RPA Contact Details**

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**DoP Project Manager Contact Details**

**Contact Name :** Diane Sarkies

**Contact Number :** 0285754111

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**Land Release Data**

**Growth Centre :**      **Release Area Name :**

**Regional / Sub Regional Strategy :**      **Consistent with 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 Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

### Supporting notes

Internal Supporting Notes :

#### Site Context

In circa 1966, the subject site was deemed a surplus piece of government railways land and the Electricity Commission of NSW constructed an electricity substation on the land. The site was subsequently zoned "Special Uses 5(b) - Railway" under Strathfield Planning Scheme Ordinance 1969. In 1991, the current owner, Flemington Properties Pty Ltd, purchased the land from the then owner, the State Rail Authority of New South Wales. In 1999, the zoning was changed to Industrial (4) by Strathfield Local Environment Plan No. 86, and then to SP2 Electricity Supply under Strathfield LEP 2012.

To the north of the subject site is a small industrial area, zoned IN1 General Industrial and which contains an Australia Post distribution facility and the State Emergency Service (SES) Strathfield Unit. To the east is a goods railway line and major road, zoned SP2 Infrastructure (Rail Infrastructure) and (Classified Road) respectively, a small public reserve, zoned RE1 Public Recreation, and an extensive residential area, zoned R2 Low Density Residential area. To the south is Strathfield Golf Club, zoned RE2 Private Recreation. To the west is Rookwood Cemetery, which is within Auburn Council LGA and zoned SP1 Special Activities (Cemetery).

#### Purpose of the Planning Proposal

Council is seeking to rezone the subject site, which has a lease agreement with Ausgrid until 2065 and which contains an operational substation, to be consistent with the small industrial area to the north and to facilitate industrial and employment uses on the privately-owned land should Ausgrid decide to relocate elsewhere, or if the current lease is not extended.

The planning proposal is supported with conditions because:

- it removes SP2 Infrastructure zoning from land that is not public land, having been deemed surplus and sold in 1966;
- the site was originally zoned Special Uses 5(b) – (Railway) under Council's Planning Scheme Ordinance (SPSO) 1969 and subsequently rezoned to Industrial (4) in 1999;
- it is consistent with State Environmental Planning Policy (SEPP) (Infrastructure) 2007 as development for the purposes of electrical substations can be carried out on any land;
- it is consistent with the Department's Practice Note: Zoning for Infrastructure in LEPs (PN 10-001) as 'special purpose' zones are not required in LEPs to permit infrastructure that is already permitted on all land through the Infrastructure SEPP (Principle 1.1), wherein the appropriate adjacent land zone should generally be used (Principle 1.2);

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- it will facilitate industrial and employment uses should the lessee, Ausgrid, decide to relocate the electricity substation elsewhere, or when the current lease expires; and
- the lessee, Ausgrid, does not object to the rezoning.

However, in view of the likely presence of vulnerable species and critically endangered ecological communities on the site, under the Threatened Species Conservation Act 1995, National Parks & Wildlife Act 1974, and Environment Biodiversity and Conservation Act 1999 (EPBC Act), it is recommended that Council:

- consult with the Commonwealth Department of the Environment and NSW Office of Environment and Heritage (OEH) prior to exhibition;
- undertake a study to determine the degree of impact, if any, and map the presence of, any threatened species and communities on the site; and
- give consideration to means to mitigate potential impacts of the proposed rezoning on any vulnerable and protected species, and any critically endangered ecological communities.

External Supporting Notes :

The planning proposal will enable the privately owned site to be rezoned for industrial uses similar to adjoining land located within the small industrial precinct to the north. This proposed zoning reflects the sites' previous, and long term, industrial zoning under the Strathfield Planning Scheme Ordinance 1969.

The site may contain various threatened flora and fauna species and communities, including the critically endangered Cooks River Castlereagh Ironbark Forest ecological community, the endangered Tadgell's Bluebell and the vulnerable Downy Wattle, and possibly the endangered Green and Golden Bell Frog.

**Adequacy Assessment**

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

Is a statement of the objectives provided? Yes

Comment : The stated objective of the planning proposal is to amend the zoning of the subject site from SP2 Infrastructure (Electricity Supply) to IN1 General Industrial to enable the privately owned site to be rezoned for industrial uses similar to the small industrial precinct to the north.

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

Is an explanation of provisions provided? Yes

Comment : The planning proposal seeks to amend the Strathfield LEP 2012, as it pertains to the subject site, as follows:

- Land Zoning Map LZN\_002 to be amended from SP2 Infrastructure (Electrical Supply) to IN1 General Industrial;
- Height of Buildings Map HOB\_002 to be amended to introduce a maximum building height of 12m;
- Lot Size Map LSZ\_002 to be amended to introduce a minimum lot size of 2000sqm; and
- Floor Space Ratio Map FSR\_002 to introduce a minimum floor space ratio of 1.0:1.

**Justification - s55 (2)(c)**

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

b) S.117 directions identified by RPA :

\* May need the Director General's agreement

- 1.1 Business and Industrial Zones
- 2.3 Heritage Conservation
- 2.4 Recreation Vehicle Areas
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 7.1 Implementation of A Plan for Growing Sydney

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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 55—Remediation of Land  
SEPP No 64—Advertising and Signage  
SEPP (Infrastructure) 2007  
SEPP (Major Projects) 2005

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

Have inconsistencies with items a), b) and d) being adequately justified? Yes

If No, explain : **Direction 4.1 Acid Sulphate Soils.**  
The proposal is not consistent with this Direction as the proposal will result in an intensification of land that is identified as Class 5 on the Acid Sulfate Soils Map in Strathfield LEP 2012. However, Strathfield LEP 2012 contains the Acid Sulphate Soils model clause which is considered sufficient to prevent any significant adverse environmental impacts arising from the development of the land or intensification of its use. The inconsistency is therefore considered to be minor and justifiable.

**Direction 6.2 Reserving Land for Public Purposes**  
The proposal is not consistent with the Direction as it will result in the rezoning of land that is currently zoned SP2 Infrastructure (Electrical Supply) (public purpose land) to IN1 General Industrial. However, as the land is privately owned and the lessee, Ausgrid, has a long term lease on the land until 2065, the rezoning will not result in any immediate loss of public services or facilities. Further, the proposed rezoning will facilitate removal of a reservation of land that is no longer required for acquisition, as indicated by Ausgrid's submission to Council stating that Ausgrid does not object to the proposed rezoning. The inconsistency is therefore considered to be minor and justifiable.

The planning proposal is consistent with all other relevant section 117 Directions and SEPPs.

**Mapping Provided - s55(2)(d)**

Is mapping provided? Yes

Comment : The planning proposal includes both the current and proposed zoning maps.

**Community consultation - s55(2)(e)**

Has community consultation been proposed? Yes

Comment : Council has requested delegation and suggested a community consultation period of 14 days. However, given the likely presence of threatened species and communities on the site, the planning proposal is not considered a low impact proposal. A community consultation period of 28 days is therefore recommended.

**Additional Director General's requirements**

Are there any additional Director General's requirements? No

If Yes, reasons :

**Overall adequacy of the proposal**

Does the proposal meet the adequacy criteria? No

If No, comment : Due to the likely presence of vulnerable species and critically endangered ecological communities on the site, the approval of the Australian Government Minister for the Environment and the Director-General of the Department of the Office of Environment

and Heritage may be required before proceeding.

## Proposal Assessment

### Principal LEP:

Due Date :

Comments in  
relation to Principal  
LEP :

Strathfield LEP 2012 was notified on 15 March 2013.

### Assessment Criteria

Need for planning  
proposal :

The proposal is not the result of any strategic study or report. However, the site was originally zoned Special Uses 5(b) – (Railway) under Council's Planning Scheme Ordinance (SPSO) 1969 and subsequently rezoned to Industrial (4) in 1999. A planning proposal is the most appropriate mechanism to achieve the rezoning of the land.

Consistency with  
strategic planning  
framework :

The proposal is consistent with A Plan for Growing Sydney and Central Subregional strategy in A Plan for Growing Sydney.

Environmental social  
economic impacts :

#### Environmental impacts

• Critical habitat or threatened species, population or ecological communities, or their habitats:

Council and OEH have identified the presence of Downy Wattle on the site. This species is listed as 'vulnerable' under the Threatened Species Conservation Act 1995, as 'protected' under the National Parks & Wildlife Act 1974, and as 'vulnerable' in the EPBC Act List of Threatened Fauna.

Council has identified the possible presence on the site of the Green and Golden Bell Frog and OEH has identified its presence on a site to the east of Centenary Drive, which is physically connected to the subject site via an underpass. The Cooks River flows through the underpass alongside and a pedestrian pathway that connects the eastern and western parts of Strathfield Golf Club. This species is listed as 'endangered' under the Threatened Species Conservation Act 1995, as 'protected' under the National Parks & Wildlife Act 1974, and as 'vulnerable' in the EPBC Act List of Threatened Fauna .

Council has also identified the presence of various species belonging to the Cooks River Castlereagh Ironbark Forest on the site. This species is listed as an 'endangered ecological community' under the Threatened Species Conservation Act 1995 and as 'critically endangered' in the EPBC Act List of Threatened Ecological Communities (OEH does not map ecological communities).

The presence of the vulnerable Downy Wattle species, and the possible presence of the vulnerable Green and Golden Bell Frog species and the critically endangered Cooks River Castlereagh Ironbark Forest ecological community on the site, potentially triggers a requirement to acquire the approval of the Australian Government Minister for the Environment under the EPBC Act. The EPBC Act prohibits taking an action (including a non-physical undertaking, such as a residential subdivision) that has, will have, or is likely to have a significant impact on matters of national interest, such as vulnerable species and critically endangered communities. Actions that could have a significant impact on species or communities listed in Part 3 of the EPBC Act are prohibited without the approval of the Australian Government Minister for the Environment, under the EPBC Act. An Assessment of Significance is required under s.5A of the Environmental Planning and Assessment Act 1979 (the Act) and the Threatened Species Assessment Guidelines.

Council and OEH have further identified the presence of Tadgell's Bluebell on the site. This species is listed as an 'endangered population' under the Threatened Species Conservation Act 1995. Council and OEH have also identified the presence of various other

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flora and fauna species on the site that are listed as 'protected' under the National Parks & Wildlife Act 1974.

It is therefore recommended that Council:

- consult with the Commonwealth Department of the Environment and NSW Office of Environment and Heritage (OEH) prior to exhibition;
- undertake a study to determine the degree of impact, if any, on the threatened species and communities and map the presence of any vulnerable species and critically endangered ecological communities; and
- give consideration to means to mitigate potential impacts of the proposed rezoning on any vulnerable and protected species, and any critically endangered ecological communities.

**Social and Economic impacts**

The proposed rezoning is unlikely to result in any immediate redevelopment of the site and will not result in any immediate social or economic impacts. However, it is intended that the rezoning to IN1 General Industrial will allow for future redevelopment and employment uses in a location with good road, rail freight, and local pedestrian access.

**Assessment Process**

Proposal type :	<b>Routine</b>	Community Consultation Period :	<b>28 Days</b>
Timeframe to make LEP :	<b>18 months</b>	Delegation :	<b>RPA</b>
Public Authority Consultation - 56(2) (d) :	<b>Office of Environment and Heritage Transport for NSW Other</b>		

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 :

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
Covering letter from Council.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes

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Council Report - 19.05.2015.pdf	Proposal	Yes
Council Resolution - 19.05.2015.pdf	Proposal	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
  - 2.4 Recreation Vehicle Areas
  - 3.4 Integrating Land Use and Transport
  - 4.1 Acid Sulfate Soils
  - 6.1 Approval and Referral Requirements
  - 6.2 Reserving Land for Public Purposes
  - 7.1 Implementation of A Plan for Growing Sydney

Additional Information : It is recommended the planning proposal proceeds subject to the following conditions:

1. Prior to exhibition, Council is to:
  - consult with the Commonwealth Department of the Environment to ascertain if the approval of the Australian Government Minister for the Environment is required, and update the planning proposal in line with the consultation;
  - consult with OEH and update the planning proposal in line with the consultation in accordance with s.34A of the EP&A Act;
  - undertake a study to determine the degree of impact, if any, on the threatened species and communities, and map the presence of any vulnerable species and critically endangered ecological communities; and
  - give consideration to means to mitigate potential impacts of the proposed rezoning on any vulnerable and protected species, and any critically endangered ecological communities.
2. The plan making function be granted to Council.
3. The planning proposal is to be exhibited for 28 days.
4. The planning proposal is to be completed within 18 months.
5. The planning proposal is considered to be consistent with all relevant S 117 Directions, except for Directions 4.1 Acid Sulfate Soils, and 6.2 Reserving Land for Public Purposes, and no further consideration of the other relevant Directions is required.
6. The Secretary's delegate agrees the inconsistency of the planning proposal with S117 Directions 4.1, and 6.2 is of minor significance.


Supporting Reasons : The planning proposal is supported with conditions because:

- the rezoning is consistent with previous zoning and with the intended purpose for the land;
- it is consistent with SEPP (Infrastructure) 2007 and the Department's Practice Note Zoning for Infrastructure in LEPs; and
- the lessee, Ausgrid, do not object to the rezoning.

However, in view of the likely presence of vulnerable species and critically endangered ecological communities on the site, it is recommended that Council:

- consult with the Commonwealth Department of the Environment and NSW Office of Environment and Heritage (OEH) prior to exhibition; and
- undertake a study to determine the degree of impact, if any, and map the presence of, any threatened species and communities on the site.

Signature:



Printed Name:

Diane Sarkies

Date:

7/7/15

