

Report by Frankie Liang, Acting Manager Strategic Planning

RECOMMENDATION

- 1. That Council support the Planning Proposal to rezone 38-50 Weeroona Road, Strathfield from SP2 Electricity Supply to IN1 General Industrial and the associated development standards.**
- 2. That Council forward the Planning Proposal to Department of Planning and Environment to commence the LEP plan making process under s56 of the Environmental Planning and Assessment Act 1979 (EP&A Act).**
- 3. That Council request the Department of Planning and Environment to issue written authorisation for Council to exercise delegation in accordance with s23 of the EP&A Act 1979 to prepare and make the LEP following Gateway determination (and public exhibition).**

PURPOSE OF REPORT

1. To inform Council of the Planning Proposal lodged by Flemington Properties Pty Ltd to amend the zoning (including the associated planning controls) of 38-50 Weeroona Road, Strathfield as detailed below:
 - a) Amend the zoning of the site from SP2 Electricity Supply to IN1 General Industrial;
 - b) Amend the building height control 12m; and
 - c) Amend the floor space ratio control to 1:1; and
 - d) Amend the minimum lot size control to 20,000sqm
2. To inform Council of the outcomes of the initial assessment of the Planning Proposal and of the recommendation to support the Planning Proposal to be submitted to the Department of Planning and Environment for Gateway determination.

REPORT

Background

During the preparation of the draft Strathfield LEP, Ausgrid lodged a submission in March 2010 requesting Council to rezone the subject site from Industrial (4) to SP2 Electricity on the assumption that they were the landowner as part of the section 62 consultation process. No submissions were made by the actual landowner.

Following the Strathfield Local Environmental Plan gazettal in March 2013, the landowner and his representative met with Council's officers in mid 2013 to seek to rectify the zoning anomaly for 38-50 Weeroona Road.

Council subsequently contacted the Department of Planning & Environment to verify the rezoning process for the subject site. The advice from the Department indicated that a new Planning Proposal was required to be lodged if the landowner sought to change the zoning back to an industrial zoning.

On 30 December 2014, the applicant lodged the Planning Proposal package for Council's assessment.

The site and its context

The subject site is commonly known as 38-50 Weeroona Road, Strathfield. It is generally rectangular in shape with a primary frontage of 201.5m to Weeroona Road. Total site area is 51,190m². It is currently leased by Ausgrid for electricity transmission purposes (e.g. high voltage transmission towers and power lines). It is also noted that the subject land is currently subject to a 99-year lease to Ausgrid until 2065.

The site is physically bound by Weeroona Road to the west, Centenary Drive and a freight railway line to the east and Strathfield Golf Club site to the south. The Australian Post Distribution Centre is located to its immediate north and Rookwood Cemetery located to its immediate west.

Statutory and Strategic Planning Framework

The site is currently zoned SP2 Electricity Supply under the Strathfield LEP 2012. Consistent with other Special Uses zoned sites in Strathfield, there are no numerical controls (e.g. height of building, floorspace ratio and minimum lot size) specific to the subject site.

The Planning Proposal

The Planning Proposal seeks to:

- Change the zoning from SP2 Electricity Supply to IN1 General Industrial;
- Apply the building height control at 12m; and
- Apply the floor space ratio control to 1:1; and
- Apply the minimum lot size control to 20,000sqm

The proposed controls will return the subject land to the equivalent industrial zoning. It is noted that the original site's Industrial (4) zoning under the Strathfield Planning Scheme Ordinance 1969 is equivalent to the IN1 General Industrial in the new Strathfield LEP. The proposed re-zoning will not hinder or conflict with the current operation of the site by Ausgrid to undertake Electricity Supply type of activities which is governed by the State Environmental Planning Policy (Infrastructure) 2007.

Following the formal lodgement of the Planning Proposal by the applicant on 30 December 2014, Council undertook a preliminary assessment. The assessment identified a number of issues that needed to be addressed prior to Council's formal consideration. These issues included:

- Further details on the zoning history
- Reference to the threatened species impact
- Inclusion of Community Consultation and Project Timeline
- Other minor wording anomalies for consistency

These above issues were raised with the applicant in writing (refer Appendix V of the Planning Proposal) on 9 February 2015 by Council.

On 19 March 2015 Council received the revised submission from the applicant of the Planning Proposal addressing Council's previous comment as outlined in the above letter. The revised submission also included the draft Plans and mapping amendments intended to be placed on public exhibition (see Attachment 2).

Assessment of Additional Information

Adequacy of Submission

The revised Planning Proposal has been prepared generally in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 and relevant state government guidelines associated with preparing Local Environmental Plans and Planning Proposals.

Overall, the Planning Proposal is of strategic merit and sufficient information has been submitted with the Planning Proposal which is considered adequate to be forwarded to the Department of Planning and Environment to seek Gateway Determination.

Background History

There is a complex history of the zoning issues associated with the subject site as follows:

The site was originally zoned Special Uses 5(b) (Railway) in the Strathfield Planning Scheme Ordinance (SPSO) 1969.

In 1991, the current owner purchased the land based on the previous Special Uses 5(b) (Railway) zoning (according to the Planning Proposal) and a 99 years lease until 2065 as registered to the land title.

In 1999, the Strathfield Local Environment Plan No.86 instrument amended the zoning of the subject site from Special Uses 5(b) Railway to Industrial (4).

In March 2010, Ausgrid lodged a submission requesting Council to rezone the subject site from Industrial (4) to SP2 Electricity as part of the section 62 consultation process during the preparation of the draft Strathfield LEP 2011.

In January 2012, Council sent out notification letter to all landowners in Strathfield advising the public exhibition and providing a list of rezoning including the subject site. However, the owner of 38-50 Weeroona Road did not make a submission.

The revised Planning Proposal verifies the above historical information, and therefore it is considered that this is a minor zoning anomaly which does not require complex assessment to return the site to an industrial zoning.

Biodiversity Impact

The following facts were identified in regard to the potential biodiversity impact:

- Rare / endangered plant species such as *Wahlenbergia multicaulis* (Tadgells bluebell), *Acacia pubescens* (Downy Wattle), are located on or close to site.

- A variety of other species belonging to the endangered Cooks River Castlereigh Ironbark Forest (CRCIF) on or close to the site (eg: Pomaderris lanigera, Acacia longissima, Hakea sericea, Pultenaea villosa, Dianella revoluta).
- The site is likely to provide habitat for various frog species potentially including the endangered Litoria aurea (Green and Golden Bell Frog).
- Various small bird species would also use the site for foraging and nesting purposes. The shrub component of the vegetation community is valuable for small bird species.

The applicant acknowledged the biodiversity impact in their updated version of the Planning Proposal. It was also further justified by the applicant that:

- It is more appropriate for potential biodiversity impacts to be considered during the development assessment process if/when redevelopment is to occur.
- Redevelopment of the site is not planned and unlikely to occur within the next 50 years as the site is subject to an existing long term lease with Ausgrid until 2065.

Based on the updated Planning Proposal and the above justification, it is considered adequate at this stage for Council to forward to the Department of Planning and Environment for further assessment. Should a detailed Biodiversity Impact Assessment be required by the Department, this would be conditioned at a later stage or possibly further addressed should a Development Application for the site be lodged.

Conclusion

The proposed Planning Proposal to rezone the 38-50 Weeroona Road, Strathfield site intends to rectify a zoning anomaly in the Strathfield LEP 2012 caused by the Ausgrid submission. Additionally, the zoning change has merit to proceed given its location within an existing industrial precinct and the proposed industrial zoning is also consistent with the state government policy direction and Council's long term vision of protecting employment land and maintaining employment capacity in Strathfield.

It is therefore recommended that Council supports this Planning Proposal to be submitted to the Department for Gateway Determination. Subject to Council's approval, it is also intended to request the Department of Planning and Environment to authorise local delegation in accordance with s23 of the EP&A Act 1979 for Council to make the LEP subject to public exhibition stage. This delegation will enable Council to assume some of the Department's LEP plan making functions once the Gateway Determination has been approved by the Department.

The issues of biodiversity impact as identified in this report may possibly require further studies / additional information to be provided by the applicant before or following the Department's Gateway Determination.

REFERRAL FROM OTHER DEPARTMENT

Council's Community Lands and Services section has been consulted with regarding this matter and raises no objection for the Planning Proposal to proceed.

FINANCIAL IMPLICATIONS

There are no financial implications.

ATTACHMENTS

1. Draft Planning Proposal for 38-50 Weeroona Road, Strathfield prepared by Sheridan Planning.
2. Proposed plans and mapping amendments for Public Exhibition.

Report approved by:

David Hazeldine
Director Technical Services