

TO: Strathfield Local Planning Panel Meeting - 5 April 2018
REPORT: SLPP – Report No. 1
SUBJECT: PLANNING PROPOSAL - NO 7-23 AND 25-33, WATER STREET,
STRATHFIELD SOUTH
(LOT 1, DP 603465; LOT 2, DP603465; LOT 3, DP 217450; LOT 22, DP 402062;
LOT 23, DP 29213; AND LOT 24, DP 2921)
DA NO. N/A

PURPOSE

1. The purpose of this report is to provide Council with an update on the status of the Planning Proposal for No 7 – 33 Water Street, Strathfield (Lot 1, DP 603465; Lot 2, DP603465; Lot 3, DP 217450; Lot 22, DP 402062; Lot 23, DP 29213; and Lot 24, DP 2921).



2. The Planning Proposal seeks the following amendment to Strathfield Local Environmental Plan 2012 (SLEP 2012) for the subject site:
 - Amend the Land Zoning from IN1 – General Industrial to R4 – High Density Residential; and
 - Increase the Maximum Height of Buildings from 12m to 28m; and
 - Increase the Maximum Floor Space Ratio (FSR) from 1:1 to 1.85:1
3. Following on from a recommendation from the Sydney Central Planning Panel in April 2017, Council has requested that the Planning Proposal be amended to address the issues raised.
4. To date the applicant has not provided Council with the requested information. As a result, council has sought advice from the Department of Planning & Environment.
5. They have suggested two (2) options that are available to Council:
 - Council can continue in the role of RPA and submit the proposal in its current form for Gateway determination. A letter can be provided with this outlining Council's concerns and requested Gateway conditions in keeping with the Panel recommendation; or

Planning Proposal - No 7-23 and 25-33, Water Street, Strathfield South

(Lot 1, DP 603465; Lot 2, DP603465; Lot 3, DP 217450; Lot 22, DP 402062; Lot 23, DP 29213; and Lot 24, DP 2921) (Cont'd)

- *Council can advise that they do not choose to continue in the role of RPA. Should Council choose not to continue in the role of RPA, an alternate RPA will be appointed to progress the planning proposal to Gateway determination in keeping with the Panel determination.*
6. This report recommends that Council continue in the role of the RPA and that should the DPE issue a Gateway Determination, that the issues raised by the Sydney Central Planning Panel and Council be addressed and that the Planning Proposal be amended prior to exhibition.

BACKGROUND

7. Council, at its meeting on 19 July 2016 considered a report on a Planning Proposal submitted by Urbis Pty Ltd, on behalf of the landowners Westport Pty Ltd and RJ Green & Lloyd Pty Ltd, of No 7-23 and 25-33 Water Street, Strathfield South.
8. The Planning Proposal submitted to Council sought to amend Strathfield Local Environmental Plan 2012 (SLEP 2012) as follows:
- Amend the Land Zoning from IN1 – General Industrial to R4 – high Density Residential; and
 - Increase the Maximum Height of Buildings from 12m to 28m; and
 - Increase the Maximum Floor Space Ratio (FSR) from 1:1 to 1.85:1
9. The proposal will facilitate the redevelopment of the site for residential development comprising approximately 361-371 apartments across 5 buildings of 3-8 storeys and basement parking for up to 607 cars and landscaping.
10. The report concluded that the Planning Proposal failed to justify the proposed amendments and the flooding constraints and matters relating to the provision of a public benefit, in accordance with Council's Voluntary Planning Agreements Policy 2016 were not adequately addressed.
11. A copy of the report is included at Attachment 1.
12. As a result of this report, Council resolved the following (Minute No 221/16):
1. *That the Planning Proposal to rezone 7-33 Water Street, Strathfield South from IN1 General Industrial to R4 High Density Residential should not proceed to Gateway Determination for the following reasons:*
 - *Lack of a comprehensive Flood Study to support the zoning change;*
 - *Lack of detail and consultation with external agencies regarding the proposed Voluntary Planning Agreement;*
 - *The proposed maximum height of 28m and maximum Floor Space Ratio of 1.85:1 are excessive considering context of the site; and*
 - *Potential land use conflict between the proposed R4 High Density Residential zoning and neighbouring IN1 General Industrial zoning.*
 2. *That the proponent be advised to amend the Planning Proposal in accordance with maximum height of 11m and maximum FSR up to 1.2:1 consistent with the established Strathfield Local Environmental Plan spatial hierarchy, subject to the submission of additional information to satisfy the flooding issues within the site and value capture matters.*
 3. *That the Department of Planning & Environment be notified accordingly.*

Planning Proposal - No 7-23 and 25-33, Water Street, Strathfield South

(Lot 1, DP 603465; Lot 2, DP603465; Lot 3, DP 217450; Lot 22, DP 402062; Lot 23, DP 29213; and Lot 24, DP 2921) (Cont'd)

13. On 15 August 2016, Urbis Pty Ltd submitted on behalf of the landowners a request to the Department of Planning & Environment (DPE) for a pre-Gateway review of the Planning Proposal. The reason for the review was that Council had notified the proponent of its resolution to not support the proposed amendment.
14. Following its assessment, DPE prepared a report for consideration by the Sydney Central Planning Panel. The report makes the following comments on site specific merit:

The Department notes a number of specific merit issues, including the height and scale relationship of the development with the low density residential scale and character of the area, and potential amenity impacts on new residents arising from adjoining industrial operations, flooding, contamination and electromagnetic radiation from nearby high voltage power lines

15. In conclusion, the report states:

The proposal has demonstrated strategic merit in its delivery of additional and diverse housing.....

It is recommended that, should the proposal proceed to Gateway, the planning proposal be expanded to include the whole of Water Street/Dunlop Street Precinct and include investigation of inconsistencies with the relevant Section 117 Directions (and subsequently released draft Central District Plan) in relation to:

- *The loss of industrial land and the impact of rezoning the whole of the industrial precinct (versus the proposed partial precinct) on the future operations of the industrial/business precinct and nearby industrial areas, including the Enfield Intermodal Logistics Centre;*
- *Addressing flooding, contamination and electromagnetic radiation from nearby high voltage power lines, and opportunities for enhancing open space provision and connections with the adjacent Cooks River open space network; and*
- *Suitable zoning, scale and density in relation to visual and amenity impacts within the precinct site and on adjoining low density residential uses*

16. A copy of the report is included at Attachment 2.
17. The pre-Gateway Review Advice Report was considered by the Sydney Central Planning Panel (SCPP) on 5 April 2017. The Panel considered that precautionary principle contained in the Draft Central District plan relating to a concern for the loss of industrial and urban services land uses.
18. However, in the case of the subject Planning Proposal and taking into account the strategic planning work that had been undertaken by Council in respect of the residential needs and employment lands strategy, it was considered that the subject sites and surrounding precinct has strategic merit for rezoning to a residential purpose. This consideration was made on the following grounds:
- *The current IN1 land sits within and is accessed exclusively through low density residential housing and street network.*
 - *The land the subject of the Planning Proposal accounts for only 0.7% of the employment land in the Municipality with the whole precinct accounting for 1.3% of local employment land*
 - *The location of the land adjacent to the Cooks River which Council has been improving with landscaping, cycleway improvements etc.*
 - *The rezoning would allow for increased housing supply to assist housing affordability*

Planning Proposal - No 7-23 and 25-33, Water Street, Strathfield South

(Lot 1, DP 603465; Lot 2, DP603465; Lot 3, DP 217450; Lot 22, DP 402062; Lot 23, DP 29213; and Lot 24, DP 2921) (Cont'd)

19. The majority of the SCPP agreed with the conclusion of DPE however considered that the subject sites should not be rezoned in isolation to the rest of the precinct *since the collocation of a residential zone adjacent to the IN1 zone would be undesirable, contrary to fundamental planning land use principles and also inconsistent since the proximity of residential land to the industrial uses is one of the reasons for the support of the Panel to rezone. In considering the whole precinct, it is necessary for deliberation of the suitability of the whole precinct for residential use having regard to the following studies:*
1. *Flooding*
 2. *Contamination*
 3. *Traffic*
 4. *Noise and emissions*
 5. *Economic impact on existing neighbouring employment lands including the Enfield Inter Modal Centre*
 6. *Masterplan/urban design analysis*
20. Subsequently the SCPP on 5 April 2017 recommended that the Planning Proposal proceed to Gateway, subject to the following:
- *Any rezoning to residential use be for the whole IN1 precinct of which the site only forms a part*
 - *That the existing expert reports attached to the Planning Proposal for sites A and B be augmented to include analysis of the larger precinct having regard to items 1-6 above and the Planning Proposal be amended accordingly*
 - *That prior to public exhibition, the adjoining landowners within the precinct be informed in relation to the prospective rezoning of the whole precinct*
 - *The augmented reports (b) be available for exhibition*
21. A copy of the SCPP Panel Advice Report dated 5 April 2017 is included at Attachment 3.
22. Following the decision of the SCPP, Council confirmed acceptance of the role of the RPA on 20 July 2017. DPE advised Council that the Planning Proposal should be submitted by 31 August 2017 for Gateway.
23. Ongoing discussions have been held with the applicant to ensure compliance with the SCPP's recommendations.
24. Due to the delay by the applicant in meeting the recommendation of the SCPP, the DPE on 3 October 2017 granted an additional four (4) week extension (to 31 October 2017) to submit the Planning Proposal for Gateway Determination.
25. On 14 December 2017, Council wrote to the applicant seeking an update on the progression of the Planning Proposal. A follow up email was sent on 23 February 2018 requesting a response.
26. To date, Council has received no response from the applicant.
27. In order to progress the Planning Proposal, Council has sought advice from DPE. In this regard, they have advised that there are two (2) options available to Council:

Option 1: *Council can continue in the role of RPA and submit the proposal in its current form for Gateway determination. A letter can be provided with this outlining*

Planning Proposal - No 7-23 and 25-33, Water Street, Strathfield South

(Lot 1, DP 603465; Lot 2, DP603465; Lot 3, DP 217450; Lot 22, DP 402062; Lot 23, DP 29213; and Lot 24, DP 2921) (Cont'd)

Council's concerns and requested Gateway conditions in keeping with the Panel recommendation; or

Option 2: *Council can advise that they do not choose to continue in the role of RPA. Should Council choose not to continue in the role of RPA, an alternate RPA will be appointed to progress the planning proposal to Gateway determination in keeping with the Panel determination.*

28. It is recommended that Council continue in the role of the relevant planning authority (RPA) for the Planning Proposal, but includes with the submission of the Planning Proposal to the Greater Sydney Commission a letter outlining Council's concerns and requesting the information as included in the recommendation above.

DESCRIPTION OF THE SITE

29. The Planning Proposal seeks to rezone the land and amend the maximum building height and floor space ratio (FSR) controls applicable to No 7-23 and 25-33 Water Street, Strathfield South (Lot 1, DP 603465; Lot 2, DP603465; Lot 3, DP 217450; Lot 22, DP 402062; Lot 23, DP 29213; and Lot 24, DP 2921).
30. The site consists of two blocks, split by ownership. Site A is 25-33 Water Street and is owned by RJ Green & Lloyd and Site B is 7-23 Water Street and is owned by Westport Pty Ltd (Figure 1)
31. The site comprises six lots and has a total area of 18,952m² (1.9 ha). It is bounded by contiguous industrial land to the west, the Cooks River to the south, low density residential development to the north and residential flat buildings of up to 3 storey are also located to the north east of the site along Water street.
32. The site is not located within an identified urban renewal corridor, centre or major redevelopment precinct.
33. The site is currently used for a variety of industrial purposes, including household trades, distributions centres and vehicle repairs. The adjacent industrial areas are also used for a variety of industrial uses, including a concrete batching plant and warehouse and logistics centre. The nearby industrial area and the Enfield Intermodal Logistics Centre are separated from the subject site by the Cooks River (Figure 2).
34. The site is somewhat isolated from the majority of the industrial and employment lands. It is also constrained by limited access to major haulage transport routes.
35. The site is surrounded by the following:
- **North** – Immediately to the north of the site are ten allotments that contain 1-2 storey residential dwellings that are zoned R-2 - Low Density Residential.
 - **West** – Immediately to the west of the site are several industrial properties that are currently used for low intensity industrial purposes. All of these properties are zoned IN1 – General Industrial and are accessed via Dunlop Street. Further to the west is Dean Reserve which includes a playground and picnic facilities.
 - **South** – Sharing the southern boundary of the site is the Cooks River and the Cooks River Cycleway, which provides protected pedestrian and bicycle access from Rookwood Cemetery to Sydney Airport.

Planning Proposal - No 7-23 and 25-33, Water Street, Strathfield South

(Lot 1, DP 603465; Lot 2, DP603465; Lot 3, DP 217450; Lot 22, DP 402062; Lot 23, DP 29213; and Lot 24, DP 2921) (Cont'd)

- **East** – East of the site, across Water Street, is a series of 1-2 storey residential dwellings, Ford Park and a 3-storey residential flat building.

36. Table 1 and Figure 3 below provides a summary of the current and proposed planning controls relating to 7-33 Water Street:

Table 1: Comparison of Current and Proposed Planning

	EXISTING	PROPOSED
Zoning	IN1 General Industrial	R4 High Density Residential
Height	12m	28m (135% increase)
FSR	1:1	1.85:1 (85% increase)



Figure 1: Subject Site

Planning Proposal - No 7-23 and 25-33, Water Street, Strathfield South
(Lot 1, DP 603465; Lot 2, DP603465; Lot 3, DP 217450; Lot 22, DP 402062; Lot 23, DP 29213; and Lot 24, DP 2921) (Cont'd)



PICTURE 1 – PHOTO OF 25-33 WATER STREET



PICTURE 2 – PHOTO OF AUSTLAND TILES, 17-23 WATER STREET

Planning Proposal - No 7-23 and 25-33, Water Street, Strathfield South
(Lot 1, DP 603465; Lot 2, DP603465; Lot 3, DP 217450; Lot 22, DP 402062; Lot 23, DP 29213; and Lot 24, DP 2921) (Cont'd)



The Site

PICTURE 3 – PHOTO OF GHP AUSTRALIA AND HEMS GLOBAL, 7-15 WATER STREET



PICTURE 4 – PROPERTIES IMMEDIATELY NORTH OF THE SUBJECT SITE



PICTURE 5 – IMAGES OF PROPERTIES WEST OF THE SUBJECT SITE

Planning Proposal - No 7-23 and 25-33, Water Street, Strathfield South
(Lot 1, DP 603465; Lot 2, DP603465; Lot 3, DP 217450; Lot 22, DP 402062; Lot 23, DP 29213; and Lot 24, DP 2921) (Cont'd)



PICTURE 6 – PANORAMA OF COOKS RIVER AND COOKS RIVER CYCLEWAY



PICTURE 7 – IMAGE OF PROPERTIES WEST OF THE SITE



Figure 2: Site and Enfield Intermodal Logistics Centre.
Source Enfield ILC EIS and Strathfield LEP 2012.

Planning Proposal - No 7-23 and 25-33, Water Street, Strathfield South

(Lot 1, DP 603465; Lot 2, DP603465; Lot 3, DP 217450; Lot 22, DP 402062; Lot 23, DP 29213; and Lot 24, DP 2921) (Cont'd)



Figure 3: Existing and Proposed Controls. Source: Planning Proposal

EASTERN CITY DISTRICT PLAN

37. The draft Central District Plan was released on 21 November 2016 and DPE, in its report to the SCPP assessed the proposal against the priorities of the draft Plan.

38. In the report, the officer concludes that the proposal is inconsistent with Productivity Action 5, which aims to protect and support employment and urban services land. The draft Plan states that a precautionary approach should be taken to the conversion of employment and urban

Planning Proposal - No 7-23 and 25-33, Water Street, Strathfield South

(Lot 1, DP 603465; Lot 2, DP603465; Lot 3, DP 217450; Lot 22, DP 402062; Lot 23, DP 29213; and Lot 24, DP 2921) (Cont'd)

services lands, unless there is an alternative strategy endorsed by the relevant planning authority.

39. Further, the Greater Sydney Commission advised Council on 22 September 2017 that in relation to the merits of the proposal, the opinion of the GSC at officer level is that the Planning Proposal is not supported *particularly on the basis of the loss of employment land but most specifically because of the potential long term impact on the operation of the nearby intermodal terminal.*
40. Industrial and urban services land in the Eastern City District provides cost competitive and well located land for industries and services that support businesses in the Harbour CBD, other centres and Greater Sydney's two existing international trade gateways of Port Botany and Sydney Airport.
41. Urban services include activities such as motor vehicle services, printing, waste management, courier services and concrete batching plants. These activities serve local communities and businesses and require adequate access to industrial land across the District. Demand for this land will increase commensurate with population growth. Good local access to these services reduces the need to travel to other areas, minimising congestion on the transport system.
42. The Eastern City District Plan was recently finalised and provides actions for Councils with respect to existing industrial and urban services land. Unlike the draft Plan, which advised that Councils take a "precautionary approach", the finalised Eastern City District Plan provides a clearer direction with respect to the consideration of the rezoning of industrial and employment lands. Planning Priority E12, Objective 23 of the Eastern City District Plan requires that *industrial and urban services land is planned, retained and managed*
43. In this regard, the Eastern City District Plan states:


All existing industrial and urban services land should be safeguarded from competing pressures, especially residential and mixed-use zones. This approach retains this land for economic activities required for Greater Sydney's operation, such as urban services. Specifically these industrial lands are required for economic and employment purposes. Therefore the number of jobs should not be the primary objective – rather a mix of economic outcomes that support the city and population. The management of these lands should accommodate evolving business practices and changes in needs for urban services from the surrounding community and businesses.

Where a retain and manage approach is being undertaken, councils are to conduct a strategic review of industrial land as part of updating local environmental plans. There will also be a need, from time to time, to review the list of appropriate activities within any precinct in consideration of evolving business practices and how they can be supported through permitted uses in local environmental plans. Any review should take into consideration findings of industrial, commercial and centre strategies for the local government area and/or the district.

Planning Proposal - No 7-23 and 25-33, Water Street, Strathfield South

(Lot 1, DP 603465; Lot 2, DP603465; Lot 3, DP 217450; Lot 22, DP 402062; Lot 23, DP 29213; and Lot 24, DP 2921) (Cont'd)

44. The key actions related to this Planning Priority include:

 Actions	Responsibility
51. Retain and manage industrial and urban services land, in line with the Principles for managing industrial and urban services land in the Eastern City District by safeguarding all industrial zoned land from conversion to residential development, including conversion to mixed use zones. In updating local environmental plans, councils are to conduct a strategic review of industrial land.	Bayside Council, Burwood Council, City of Canada Bay, Council of the City of Sydney, Inner West Council, Randwick City Council, Strathfield Council, Waverley Council, Woollahra Municipal Council, and other planning authorities
52. Facilitate the contemporary adaptation of industrial and warehouse buildings through increased floor to ceiling heights.	Councils and other planning authorities

45. A *Metropolis of Three Cities* includes Affordable Rental Housing Targets for very low to low-income households in Greater Sydney. Affordable Rental Housing Targets that are generally in the range of 5-10 per cent of new residential floor space are subject to viability.

46. The Eastern City District Plan identifies that an Affordable Rental Housing Target of between 5%-10% be provided for development of new urban renewal areas.

47. It is recommended that should a Gateway Determination be issued, that prior to the exhibition the Planning Proposal be updated to include a provision for affordable housing to be incorporated in any development on the site equivalent not less than 10% in accordance with the Eastern City District Plan.

STRATEGIC REVIEW OF INDUSTRIAL LANDS

48. The Economic Land Use and Employment Strategy for the Strathfield LGA was prepared by SGS in June 2010 (Strathfield at the Crossroads of Sydney: An Economic Land Use and Employment Strategy: SGS 2010).

49. The Strategy focused on how new jobs could be encouraged through appropriate land use planning and identified tools to protect business and industrial areas. The study identified the need to modernise planning controls to reflect local circumstances and the changing nature of employment.

50. With respect to the subject site, this is part of the Water/Dunlop Street Precinct. This Precinct was identified as an area where alternate planning controls may be investigated. In this regard, the Strategy stated that *more work is required to investigate alternate uses for the Water Street/Dunlop Street Precinct* and that *there is a need for a precinct wide approach to ensure an equitable outcome for landowners*.

51. In addition to this Strategy, the GSC commissioned Hill PDA to undertake a Industrial Precinct Review (2015). This review identified the Water Street Precinct as being a mid-scale precinct of "good health". The Review states that, while *Sydney's traditional manufacturing operations have moved either offshore or to lower value locations in Western Sydney, there is a growing and evolving demand for industrial areas within inner city and middle ring suburbs of Sydney to serve the needs of the growing local population (ie panel beaters, council depots, vehicle repairs) and strategic centres (ie data centres, concrete batching plants and distribution centres)*.

Planning Proposal - No 7-23 and 25-33, Water Street, Strathfield South

(Lot 1, DP 603465; Lot 2, DP603465; Lot 3, DP 217450; Lot 22, DP 402062; Lot 23, DP 29213; and Lot 24, DP 2921) (Cont'd)

52. In view of the finalisation of the Eastern City District Plan and its Actions, it is recommended that prior to the consideration of any further Planning Proposals for industrial and urban services land, that Council prepare a comprehensive and updated Employment Lands Strategy for all industrial zoned lands within the Strathfield LGA to set a clear strategic direction for all industrial lands and to investigate alternative industrial opportunities including revitalisation of the areas.
53. Should the proponent wish to progress the planning proposal for the rezoning of IN1 land, it is considered appropriate to request that the proponent be requested to undertake a strategic review of all Industrial (IN1 and IN2 zoned land) within the Strathfield LGA in accordance with Action 51 of the Eastern City District Plan.

OUTSTANDING ISSUES

54. The proposal is inconsistent with a number of existing and proposed Section 117 Directions, including *Direction 4.3 Flood Prone Land* and the proposed Section 117 Direction for considering contamination when rezoning land.

Contaminated Land

55. The planning proposal included a Contamination Report, which is reliant on information that is more than two (2) years old and relates to a different proposal.
56. The draft Contaminated Land Planning Guidelines and the draft Section 117 Direction outlines a process for applicants where it is proposed to rezone land that is contaminated. The draft Section 117 Direction also requires that a planning proposal to rezone land must be accompanied by a preliminary site investigation or detailed site investigation when:
- land is significantly contaminated land within the meaning of the CLM Act
 - an activity listed in the SEPP (as reproduced in Table 1 in Appendix 1 of the draft Guidelines) is being carried out on the land and is potentially causing contamination
 - records show that a potentially contaminating activity has been carried out on the land
 - there are incomplete records about the use of the land and during the periods not covered by those records, it would have been lawful to carry out a potentially contaminating activity and
 - the proposed rezoning, or proposed change to planning controls, would allow the land to be used for residential, educational, recreational or child care purposes, or for the purposes of a hospital.
57. It is recommended that should a Gateway Determination be issued, a condition be included that prior to the exhibition of the Planning Proposal, a detailed Contamination Study in accordance with the draft Contaminated Land Planning Guidelines and the draft Section 117 Direction for the whole precinct that clearly demonstrates that the precinct can be remediated to be suitable for residential/open space purposes be prepared and included with the exhibition material.

Flooding

58. The proposal also contained a Flood Impact Assessment, which states that the site is subject to both local overland flows from the north and mainstream flooding from the Cooks River.
59. Council's Consultant Development Engineer has reviewed the Flood Impact Assessment Report

Planning Proposal - No 7-23 and 25-33, Water Street, Strathfield South

(Lot 1, DP 603465; Lot 2, DP603465; Lot 3, DP 217450; Lot 22, DP 402062; Lot 23, DP 29213; and Lot 24, DP 2921) (Cont'd)

prepared by WMA Water dated November 2015 and its supporting Concept Plan which indicates the proposed residential building footprints. The assessment has considered the Cooks River Flood Study and NSW Floodplain Development Manual 2005.

60. Council's Consultant Development Engineer has provided the following conclusion with respect to Flood Impact Assessment:

...it can be concluded that the subject site is unsafe and high risk and therefore the proposal for residential development cannot be supported as the flood depth exceeds 2.8m along the western boundary of the site;

The proposal also fails to demonstrate how vehicles can enter and exit the subject site in a safe manner (i.e. the proposed locations of vehicular access are located within areas of high flood risk) and therefore cannot be supported. This also relates to issues of evacuation. There is insufficient time warning for people to evacuate to a place of refuge above the 100 year or PMF flood level. Again, this is contrary to the requirements set out in Section 117 Direction and NSW Floodplain Development Manual dated 2005.

61. The officer of the DPE, in their report to the SCPP also made the following comments in respect to the impact of flooding:

The site is vulnerable to flash flooding (the modelled Probable Maximum Flood would peak 1.5 hours after the commencement of rain, but begin to inundate the ground at the site after just 25 minutes). Evacuation of the site is not considered practical and evacuation to higher floor levels is considered to be a safer course of action.

Should the proposal proceed to gateway, it is recommended that a comprehensive flood study...and consultation with the State Emergency Service be required.

62. It is recommended that should a Gateway Determination be issued, a condition be included that prior to the exhibition of the Planning Proposal, a comprehensive flood study which addresses the flood affectation for the whole precinct and provides an effective design that addresses all of the critical issues that relate to flooding.
63. The Flood Study should also demonstrate compliance with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005

Electromagnetic Radiation

64. The planning proposal includes an electromagnetic radiation report, given the proximity to high voltage power lines. It concludes that:
- no habitable rooms should be located within 11 radial metres of the power lines;
 - no unreasonable magnetic field will occur beyond 23 radial metres of the power lines; and
 - mitigation measures need to be applied between 11 and 23 radial metres of the power lines to mitigate the otherwise unacceptable magnetic fields, which would affect general electronic and medical equipment.
65. The report does not provide discussion on appropriate mitigation measures. These should be included and should apply to the whole Precinct.
66. It is recommended that should a Gateway Determination be issued, a condition be included that requires an updated electromagnetic radiation report, which addresses the impact of residential development for the whole Precinct, given the proximity to high voltage power lines and identifies

Planning Proposal - No 7-23 and 25-33, Water Street, Strathfield South

(Lot 1, DP 603465; Lot 2, DP603465; Lot 3, DP 217450; Lot 22, DP 402062; Lot 23, DP 29213; and Lot 24, DP 2921) (Cont'd)

appropriate mitigation measures.

Context of R4 – High Density Residential with adjoining R2 – Low Density Residential

67. The Planning Proposal was accompanied by an Urban Design Report prepared by GMU Urban Design & Architecture. A copy of the Urban Design Report is included at Attachment 3.
68. Based on the analysis of the area GMU provided the following concept design for the subject site, shown in Figure 4 below:



Figure 4: Concept Design prepared by GMU

69. The concept plan indicates how the built form massing could be distributed on the site in order to meet the principles for the development of the precinct
70. Council considers that the proposed height as indicated in the concept plan does not appropriately address the adjoining R2 – Low Density Residential zone
71. The physical impact on the surrounding area (i.e. height, bulk, building location & orientation) is a critical concern, specifically in relation to:

Planning Proposal - No 7-23 and 25-33, Water Street, Strathfield South

(Lot 1, DP 603465; Lot 2, DP603465; Lot 3, DP 217450; Lot 22, DP 402062; Lot 23, DP 29213; and Lot 24, DP 2921) (Cont'd)

- Five (5) storey buildings to the Water Street frontage would be incompatible with the existing built form and character of the streetscape;
- Five (5) storey buildings (with minimal setback above three storey component) to the northern boundary will likely create opportunities for significant overlooking toward the existing houses fronting William Street;
- High rise buildings ranging five (5) to eight (8) storeys on the western part of the site maximise the potential land use conflicts with the existing industrial premises at Dunlop Street; and
- The potential overshadowing impact on Cooks River Cycleway / Open Space link is excessive. This overshadowing impact would severely impact the visual amenity of the regional open space corridor area and potentially impact on the native vegetation.

72. In addition, the DPE officer's report notes that the *proposed height limit of 28m, allowing up to 8 storey development is considered to be a significant increase compared to the existing development, with potentially significant visual impacts upon the adjacent residential developments.*

73. A more comprehensive Urban Design Analysis of the whole IN2 precinct is to be prepared and should provide building massing envelopes that appropriately transition to the existing R2 – Low Density Residential zone.

74. Consideration also needs to be given to the stepping of heights adjacent to the Cooks River Cycleway/Open Space link so as to minimise the impacts of overshadowing.

OFFER TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT

75. The Proponent has offered to enter into a Voluntary Planning Agreement (VPA) based on the following:

- a) *Funding a portion of the implementation of Sydney Water's Cooks River Bank Naturalisation Project;*
- b) *Enhancement works to the Cooks River foreshore reserve and cycleway adjacent to the site;*
- c) *Relocation and replacement of the existing north bound and south bound Water Street bus stops; and*
- d) *Funding of a widened pedestrian / cycle path cantilevered off the existing Water Street bridge over the Cooks River*

76. The Voluntary Planning Agreement offer includes elements that extend beyond Council's jurisdiction, and would therefore require further consultation/negotiation with relevant State agencies such as Sydney Water and Transport for NSW.

77. With respect to the works to the Cooks River, Council has already been collecting funding through Section 94 contributions to improve the amenity along the Cooks River foreshore reserve and cycleway. This Section 94 work program will be undertaken according to the Section 94 Direct Contributions Plan regardless of whether this rezoning proposal will proceed or not.

78. It is recommended that should a Gateway Determination be issued, the proponent continue to

Planning Proposal - No 7-23 and 25-33, Water Street, Strathfield South

(Lot 1, DP 603465; Lot 2, DP603465; Lot 3, DP 217450; Lot 22, DP 402062; Lot 23, DP 29213; and Lot 24, DP 2921) (Cont'd)

negotiate with Council to formalise a letter of offer to enter into a Voluntary Planning Agreement (VPA), in accordance with Council's current VPA Policy.

CONCLUSION

79. The Planning Proposal for No 7-23 and 25-33 Water Street, Strathfield South was considered by the SCPP in April 2017, where it resolved that any rezoning from IN1 to a residential use must consider the whole precinct.
80. Prior to submitting the Planning Proposal to Greater Sydney Commission (GSC) for a Gateway Determination in accordance with section 3.34 of the Act, Council requested that the proponent address the recommendation of the SCPP, including expanding the Planning Proposal to address the whole IN1 precinct.
81. To date, no response has been received from the proponent and as a result Council sought advice from DPE with respect to how to proceed.
82. In this regard, it is recommended that Council seek to advise the DPE that it will continue the role of the planning proposal authority (RPA) and that Council submit to the GSC, the Planning Proposal, accompanied with a letter that includes the issues raised in this report and request that they be considered as conditions that the proponent will have to deal with prior to the public exhibition of the planning proposal, should a Gateway Determination be given.

RECOMMENDATION

1. That the Strathfield Local Planning Panel recommend to Council that the following be undertaken with respect to the Planning Proposal for No 7-23 and 25-33 Water Street, Strathfield South:
 - (a) Council advise the Department of Planning and Environment that it will continue the role of the planning proposal authority in accordance with Section 3.32 of the Environmental Planning & Assessment Act.
 - (b) That the Planning Proposal be submitted to the delegate of the Greater Sydney Commission for a Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act
 - (c) That Council reiterate the recommendations of the Sydney Central Planning Panel and request that prior to community consultation, the Planning Proposal be updated to address the following:
 - *Any rezoning to residential use be for the whole IN1 precinct of which the site only forms a part*
 - *That the existing expert reports attached to the Planning Proposal for sites A and B be augmented to include analysis of the larger precinct having regard to:*
 - (i) *Flooding*
 - (ii) *Contamination*
 - (iii) *Traffic*
 - (iv) *Noise and emissions*
 - (v) *Economic impact on existing neighbouring employment lands including the Enfield*

Planning Proposal - No 7-23 and 25-33, Water Street, Strathfield South

(Lot 1, DP 603465; Lot 2, DP603465; Lot 3, DP 217450; Lot 22, DP 402062; Lot 23, DP 29213; and Lot 24, DP 2921) (Cont'd)

Inter Modal Centre

(vi) *Masterplan/urban design analysis*

and the Planning Proposal be amended accordingly

- *That prior to public exhibition, the adjoining landowners within the precinct be informed in relation to the prospective rezoning of the whole precinct*
- *The augmented reports (b) be available for exhibition*

(d) That Council request that the following condition be included as part of any Gateway Determination and the proponent be given a specified timeframe in which to comply with all of the conditions:

Prior to community consultation, the Planning Proposal is to be updated and amended to:

- Reference and address all relevant priorities and actions in *A Metropolis of Three Cities – the Greater Sydney Region Plan* and provide justification as to any inconsistencies;
- Reference and address all relevant priorities and actions outlined in the Eastern City District Plan;
- In accordance with Action 51 of the Eastern City District Plan, undertake a strategic review of all Industrial (IN1 and IN2 zoned land) within the Strathfield LGA;
- Include a comprehensive Urban Design Analysis of the whole IN2 Precinct which provides building massing envelopes that appropriately transition to the existing R2 – Low Density Residential zone. Consideration also needs to be given to the stepping of heights adjacent to the Cooks River Cycleway/Open Space link so as to minimise the impacts of overshadowing.
- Include a comprehensive flood study which addresses the flood affectation for the whole precinct and provides an effective design that addresses all of the critical issues that relate to flooding. The Flood Study should also demonstrate compliance with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005;
- Include a detailed Contamination Study in accordance with the draft Contaminated Land Planning Guidelines and the draft Section 117 Direction for the whole precinct that clearly demonstrates that the precinct can be remediated to be suitable for residential/open space purposes;
- Include an updated electromagnetic radiation report, which addresses the impact of residential development for the whole Precinct, given the proximity to high voltage power lines and identifies appropriate mitigation measures;
- Include a provision in the Planning Proposal for affordable housing to be incorporated in any development on the site equivalent not less than 10% in accordance with the Eastern City District Plan.
- Address and justify the inconsistencies with the relevant Section 117 Directions

(e) That should a Gateway Determination be issued, the proponent continue to negotiate with

Planning Proposal - No 7-23 and 25-33, Water Street, Strathfield South

(Lot 1, DP 603465; Lot 2, DP603465; Lot 3, DP 217450; Lot 22, DP 402062; Lot 23, DP 29213; and Lot 24, DP 2921) (Cont'd)

Council to formalise a letter of offer to enter into a Voluntary Planning Agreement (VPA), in accordance with Council's current VPA Policy.

- (f) That should the proponent not comply with the recommended conditions of any Gateway Determination within the timeframe provided, that Council request that the Greater Sydney Commission, in accordance with Section 3.35(4) determine that the matter not proceed.

2. That a report to Council be prepared to advise of the IHAP recommendations.

ATTACHMENTS

1. Council Officer's Report to Council - July 2016 - Planning Proposal 7-33 Water Street, Strathfield South
2. Pre-Gateway Review Advice Report - Prepared by DPE (April 2017) - Planning Proposal No 7-33 Water Street, Strathfield South
3. Panel Advice Report - 5 April 2017 - Planning Proposal 7-35 Water Street, Strathfield South