

Ashfield East

Planning Proposal

PLANNING PROPOSAL:
Nos. 1-3 Prospect Road (odd nos.) Nos. 124-127 Carlton Crescent (consecutive nos.) Nos. 90-108 Liverpool Road (even nos.) Nos. 2-6 Victoria Street (even nos.)
PURPOSE:
Rezone properties from R2 Low Density Residential to B4 Mixed Use , including applying new height and floor space ratio provisions applicable to the B4 zone
May 2014

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1.0 INTRODUCTION

This Planning Proposal explains the intended effect of, and justification for, a proposed amendment to the Ashfield Local Environmental Plan (LEP) 2013. The Planning Proposal relates to Nos. 1-3 Prospect Road, Nos. 124-127 Carlton Crescent, Nos. 90-108 Liverpool Road, and Nos. 2-6 Victoria Street, Ashfield

Note: The Ashfield Council laneway access to Liverpool Road from Council's Works Depot (currently zoned for public recreation purposes under Ashfield LEP 2013) is not part of this planning proposal)

It is proposed to rezone the above sites from R2 Low Density to B4 Mixed Use, increase the maximum permitted height from 8.5m to 20m and increase the maximum permitted floor space ratio (FSR) from 0.7:1 to 1.5:1.

Most recently, Council considered a Planning Proposal for Nos.106–108 Liverpool Road, Ashfield. In reviewing the planning controls that apply to these two (2) sites, Council took into account broader strategic planning & urban design issues and subsequently determined that nearby sites should also be examined to assess whether new planning controls should also be considered for these properties (see **Map 1** attached for extent of recommended study area).

The Planning Proposal has been prepared in accordance with Section 55 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'.

The history of the Planning Proposal is outlined in Section 2.0 of this report. A review of current zoning and development standards that apply to the locality has been undertaken. The suitability of the proposed zoning and development standards has also been considered.

If the proposal is progressed, It is intended to amend development standards and zoning by way of amendment to LEP building height and floor space ratio maps currently part of Ashfield LEP 2013. There is no need to amend the written instrument as a result of the Planning Proposal.

The Planning Proposal report comprises five sections. Section 2.0 provides the background to the Proposal, Section 3.0 identifies the site, Section 4.0 comprises the Proposal and Section 5.0 is the conclusion.

2.0 BACKGROUND TO PLANNING PROPOSAL

This section provides a brief summary of the background to the Planning Proposal. This includes applications made prior to the preparation of the Draft Ashfield LEP 2013 as well as submissions made during the exhibition period of Draft LEP 2013.

September 2010 - Council established an "Ashfield LEP 2013 Working Party". In September 2010 it was reported to the Working Party that a number of written requests for rezoning had been received. The Working Party requested a briefing from Council Officers. An information memorandum was subsequently provided to the Working Party on 29 March 2011.

29 March 2011 - Information memorandum provided to the LEP Working Party members including details of written requests for rezoning received by Council.

This memorandum included a submission prepared by GSA Planning on behalf of the owners of Nos.106-108 Liverpool Road, Ashfield. The GSA Planning submission sought to have these sites rezoned from R2 Low Density Residential to either R3 Medium Density or R4 High Density Residential with a maximum height of five (5) storeys.

The response of Council Officers to this request was positive with the proviso that in order to realise best practice urban design outcomes for this important "Gateway" location to Ashfield Town Centre and to address vehicular access issues comprehensively any planning proposal should also include all of the following properties:

- 106-108 Liverpool Road
- Nos.2-6 Victoria Street,
- Nos. 90-106 Liverpool Road
- Nos.124-127 Carlton Crescent.

See **Figure 1** for Council officer recommended boundaries of the Planning Proposal.

31 May 2011 - A recommendation to proceed on the above basis was also contained in a subsequent report to Council's Strategic Planning and Economic Development Committee on Tuesday, 31 May 2011. At this meeting, Council adopted the recommendation of its planning officers.

8 November 2011 - The 'Working Draft LEP' was tabled at Council's Meeting of 8 November 2011. Council Officers sought approval from Council to refer the Working Draft LEP to the NSW Department of Planning for "pre - Section 64 comments".

At the meeting, an amendment to the officer recommendation was moved to require the land on Liverpool Road extending from Victoria Street to Prospect Road to be zoned R2 Low Density with a maximum permitted height of 8.5m and maximum floor space ratio (FSR) of 0.7:1 in the Draft LEP and not B4 mixed use as recommended by Council officers. This amendment was endorsed to by Council.

27 June 2012 to 21 August 2012 - Draft Ashfield LEP 2013 was placed on public exhibition between 27 June 2012 and 21 August 2012. In accordance with Council's previous resolution the draft plan applied an R2 Low Density Residential zoning, a maximum height of 8.5m and maximum FSR of 0.7:1 to the subject sites.

21 August 2012 - GSA Planning acting for the owners of 106-108 Liverpool Road made a submission on the draft LEP during the public exhibition period. The submission requested Council revisit the exhibited planning controls and consider applying the controls previously agreed by Council on 31 May 2011.

8 November 2012 - At an Extraordinary Meeting on 8 November 2012, Council considered submissions to the draft LEP, including the GSA Planning submission mentioned above. Council officers reported the submission to Council and recommended Council officers prepare a Planning Proposal "post draft LEP gazettal" for Council's consideration.

The resolution of Council at this meeting was as follows:

That in Table 3, reference 3.5 replace recommendation in the report dealing with property 106-108 Liverpool Road, Ashfield with the recommendation that Council Officers prepare a Planning Proposal within the next 3 months. In addition Council recommends that the applicant be approached to provide administrative assistance to Council Officers so as to progress the proposal in a timely manner.

A further report was placed before Council clarifying that for sound strategic town planning reasons to achieve good urban design outcomes any planning proposal should also include the following properties

- Nos.2-6 Victoria Street,
- Nos. 90-106 Liverpool Road, and
- Nos.124-127 Carlton Crescent.

It was further indicated in that report that due to competing work priorities (e.g. Ashfield Development Control Plan 2007 required to be replaced within 6 months to meet statutory requirements) work on any planning proposal could not be commenced immediately. Council endorsed this opinion and resolved that work commence on the planning proposal 'as soon as practicable'.

3.0 SITE IDENTIFICATION

3.1 The Site

This Planning Proposal relates to 19 allotments being Nos.1 & 3 Prospect Road, Nos.127-127 Carlton Crescent, Nos. 90-108 Liverpool Road, and Nos. 2-6 Victoria Street, Ashfield. The area has a primary frontage to Liverpool Road (see Photographs 1-5).

The subject sites are located approximately 7.5 km south west of the Sydney CBD and approx. 500m from the core area of Ashfield Town Centre (see Map 1 below).The area is located on the southern side of Liverpool Road, between Carlton Crescent and Victoria Street, Ashfield. The site is an irregularly shaped parcel of land, with a frontage to Liverpool Road and Carlton Crescent of approximately 225 metres, an eastern frontage to Prospect Road of 61 metres, a southern boundary of 275 metres, and a western frontage to Victoria Street of 43 metres, providing a total site area of approximately 1.1 hectares (see Figures 1 and 2 on the following pages).

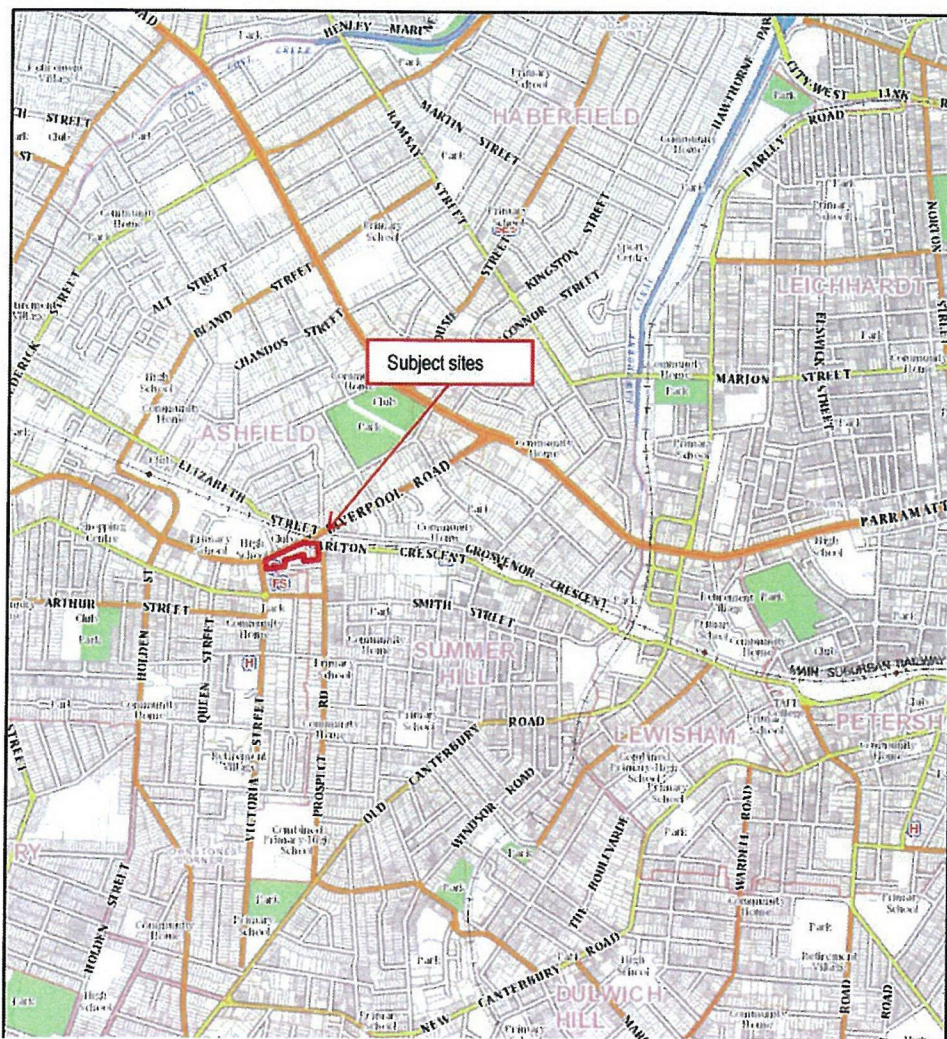
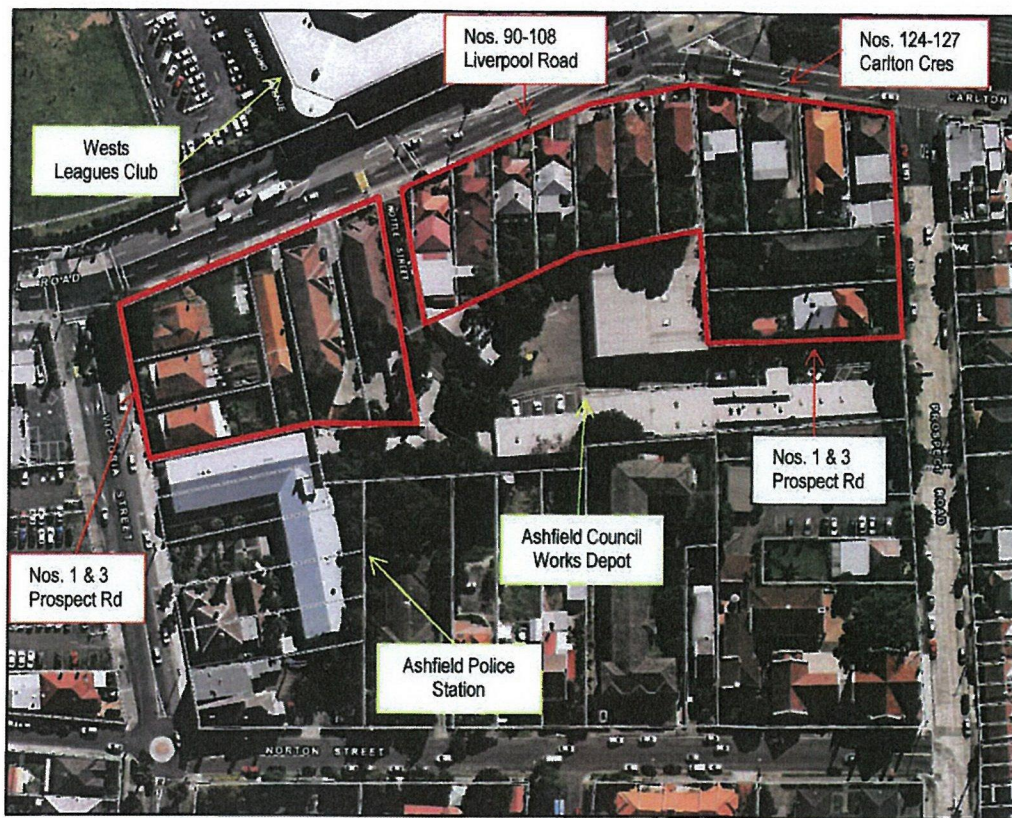


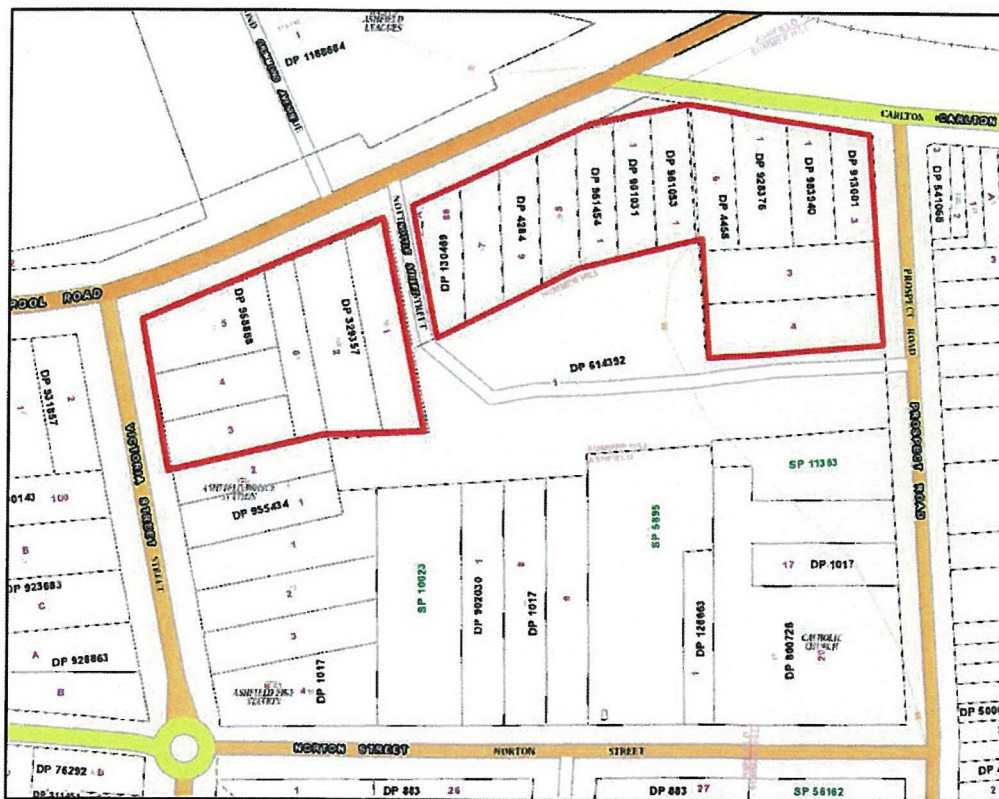
FIGURE 1: LOCATION PLAN



(Source: NSW LPI)

 Subject sites

FIGURE 2: AERIAL LOCATION PLAN



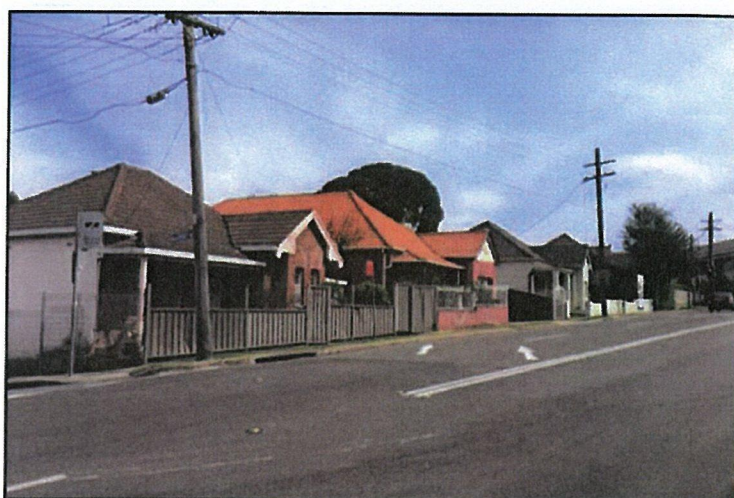
(Source: NSW LPI)

 Subject sites

FIGURE 3: CADASTRAL PLAN OF SITES



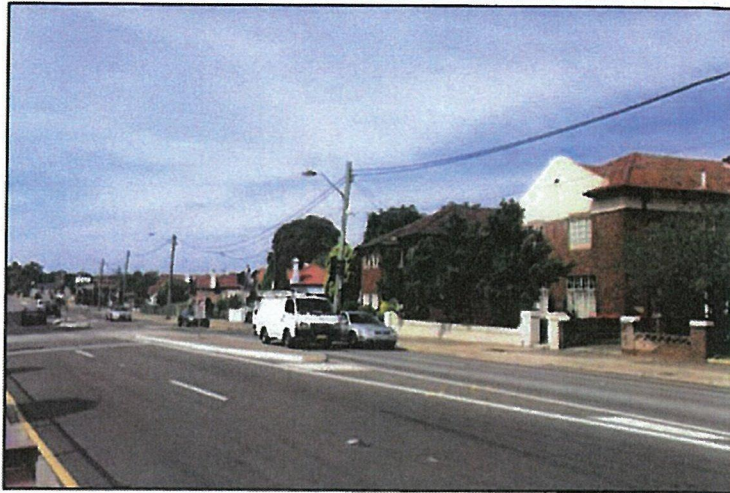
Photograph 1: The eastern extent of the site at the intersection of Prospect Rd and Carlton Street (looking south-west).



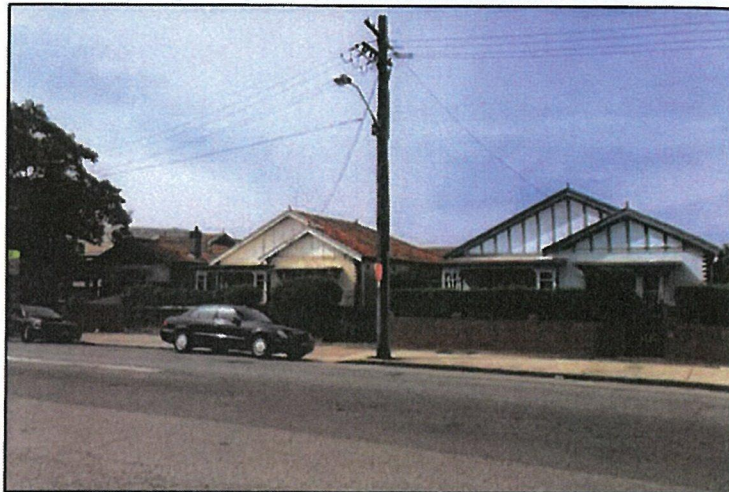
Photograph 2: Nos. 124-127 Carlton Crescent as viewed from Carlton Crescent (looking west).



Photograph 3: Nos. 90-102 Liverpool Road as viewed from Liverpool Road (looking east)



Photograph 4 - Nos.104-108 Liverpool Road as viewed from Liverpool Road (looking east)



Photograph 5: Nos. 2-6 Victoria Street as viewed from Victoria Street (looking east)

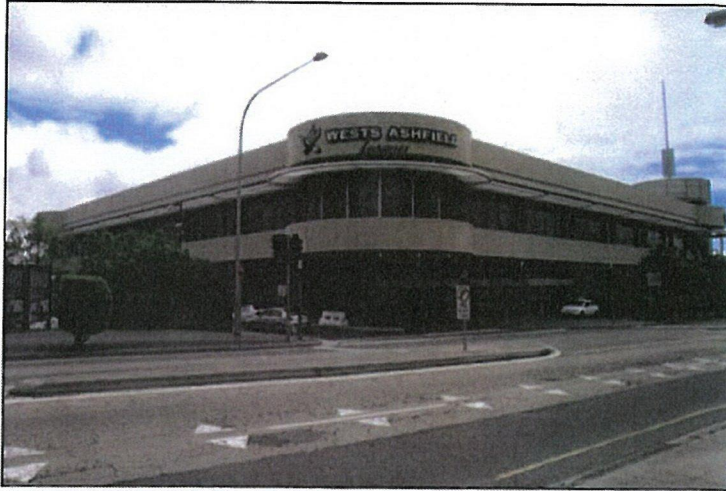
3.2 The Surrounds

The surrounding area is characterised by multi-unit residential developments, single dwellings, retail and commercial development and some educational and community uses.

A number of older multi-unit residential developments are located along Liverpool Road, Victoria Street and Prospect Road. These are predominantly two (2) and three (3) storeys.

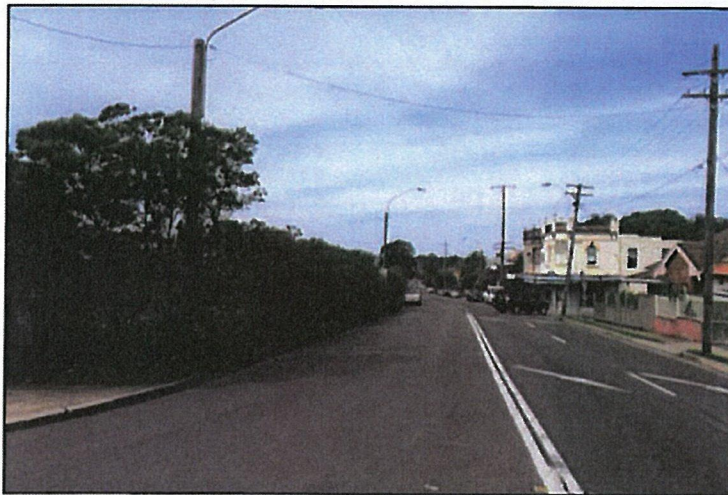
Ashfield Town Centre is in close proximity comprising predominantly two (2) to five (5) storey commercial and mixed use developments.

To the north of the site on the opposite side of Liverpool Road is the Wests Ashfield Leagues Club and car park (see Photograph 3). Further north is the Inner West railway line.



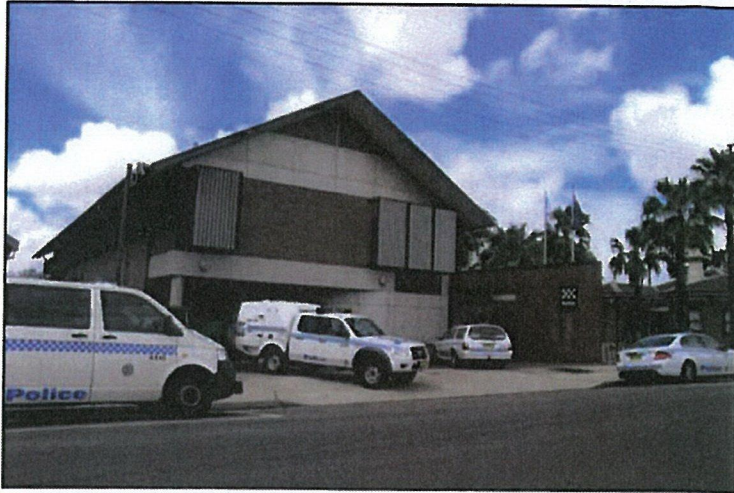
Photograph 6: Development to the north - Wests Ashfield Leagues Club.

To the east of the site is the intersection of Carlton Crescent and Prospect Road. The Inner West, Southern and Bankstown Railway lines run on the opposite side of Carlton Crescent. There are three (3) two-storey commercial buildings at the intersection of Carlton Crescent and Prospect Road to the east of the site.



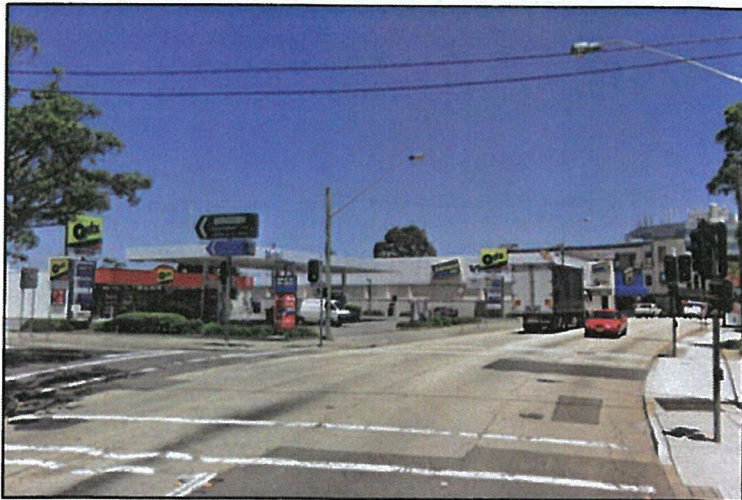
Photograph 7: Development to the east near Prospect Road

To the south at No. 7 Prospect Road is the Ashfield Council works Depot, which is accessed from Prospect Road and Liverpool Road. Further south are the Ashfield Police Station, a three (3) storey residential flat building at No. 15 Norton Street and more two (2) and three (3) storey residential flat buildings.



Photograph 8: Ashfield Police Station lies to the south (looking east from Victoria Street)

To the south- west, on the opposite side of Victoria Street, is a service station on the corner of Victoria Street and Liverpool Road. Further to the south-west is the core area of Ashfield Town Centre which comprises commercial developments of various ages, style and scale.



Photograph 9: Development near 132 Victoria Street (looking west toward Ashfield Town Centre)

4.0 THE PLANNING PROPOSAL

4.1 Objectives and Intended Outcomes

This section outlines the objectives and intended outcomes of the Planning Proposal.

The objective of the Planning Proposal is to amend the Ashfield LEP 2013 in order to facilitate and encourage, the redevelopment of sites at the gateway to the Ashfield Town Centre, known as 'Ashfield East', for the purposes of mixed use development. The intended outcomes of the Planning Proposal are as follows:

1. Change the zoning of the subject sites from 'R2 Low Density' to 'B4 Mixed Use';
2. Increase maximum permitted FSR applying to the subject sites from 0.7:1 to 1.5:1; and,
3. Change the height of buildings development standard applying to the area from 8.5metres to 20metres (permitting maximum five (5) storeys due to the Ashfield LEP 2013 Clause 4.3(2A) which requires that any part of the building within 3m of the maximum height not be used as floor space).

4.2 Explanation of Provisions

This section will explain key existing planning controls that apply to the land, and will compare them to the controls that will be applied to the as a result of this Planning Proposal. The proposed changes would be implemented via amendments to the Maps forming part of Ashfield LEP 2013. There is no proposed amendment necessary to the written LEP content.

4.2.1 Existing and Proposed Zoning

Existing Zoning

The subject sites are currently zoned R2 Low Density Residential (see Figure 4).

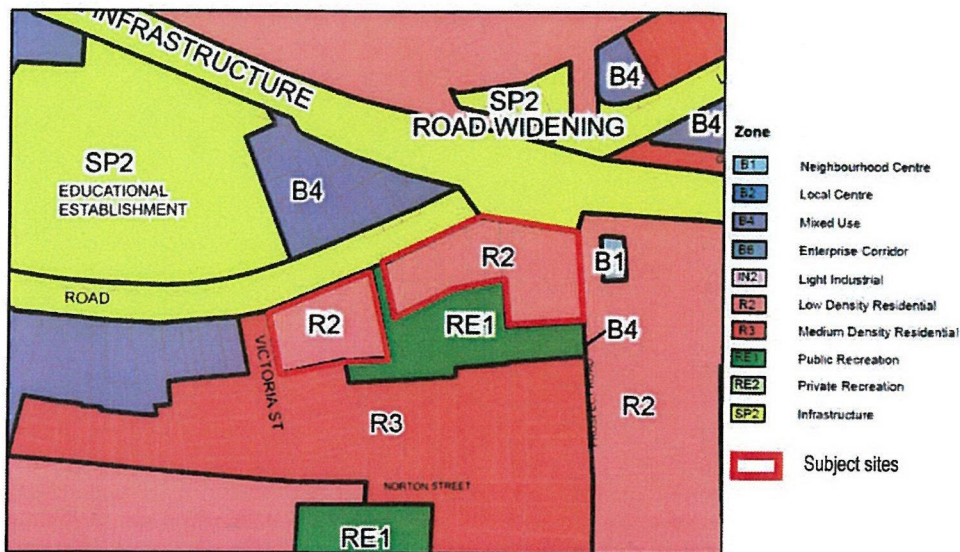


FIGURE 4: CURRENT ZONING

The stated objectives of the R2 Zone are:

- *To provide for the housing needs of the community within a low density residential environment*
- *To enable other land uses that provide facilities or services to meet the day to day need of residents*

Proposed Zoning

The proposed zoning of the subject sites is "B4 Mixed Use". This would be done by amending the LEP Zoning Map. The B4 Mixed Use Zone has been applied in Ashfield LEP 2013 to areas within and near the core area of Ashfield Town Centre.

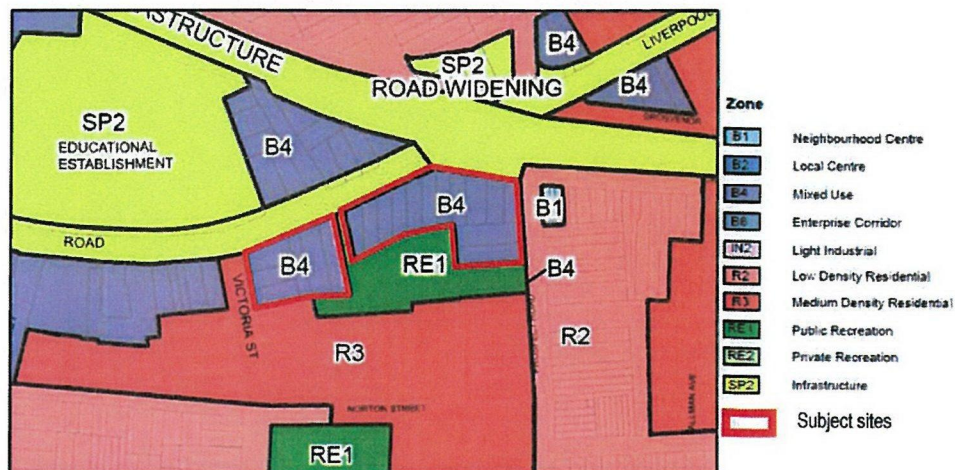


FIGURE 5: PROPOSED ZONING

The objectives of the **B4** Mixed Use Zone are stated, inter alia:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To enhance the viability, vitality and amenity of Ashfield town centre as the primary business activity, employment and civic centre of Ashfield.*
- *To encourage the orderly and efficient development of land through the consolidation of lots.*

Existing FSR:

Affected properties are currently identified as having a maximum Floor space Ratio (FSR) of 0.7:1 - Category 'H' in Ashfield LEP 2013 (see Figure 6).

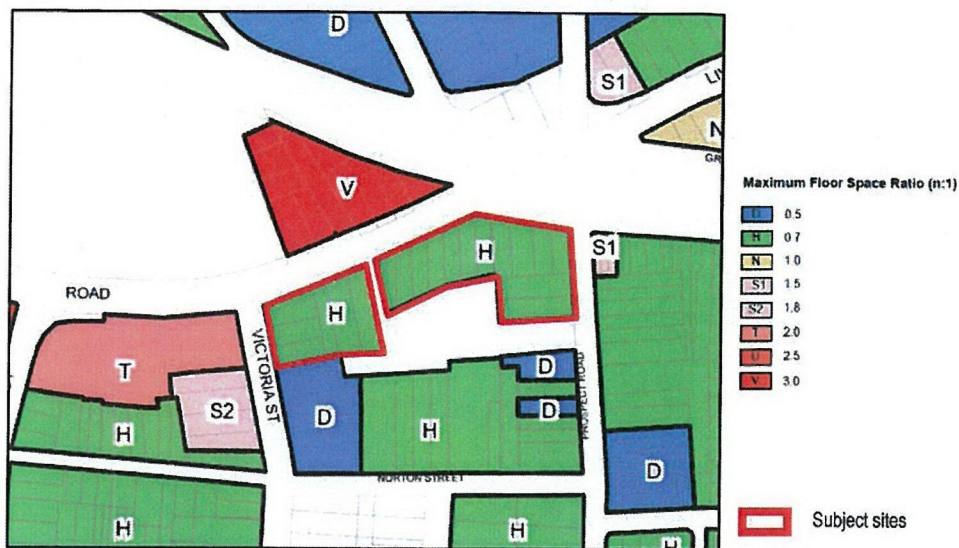


FIGURE 6: CURRENT FSR

Proposed FSR:

The proposed FSR that would apply to the subject sites as a result of the Planning Proposal is 1.5:1. This is to be done by amending the Ashfield LEP FSR Map from an 'H' to an 'S1' designation to apply to the subject sites (see Figure 7).

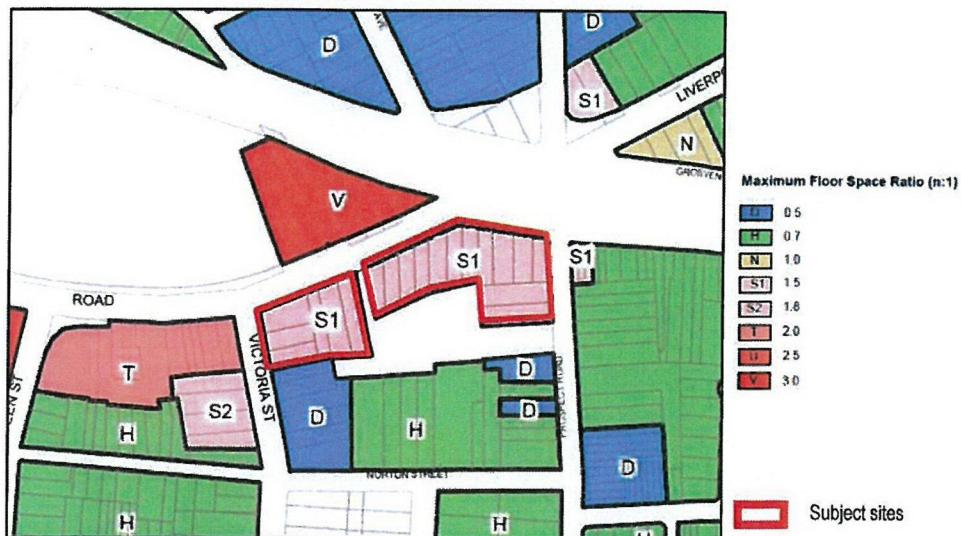


FIGURE 7: PROPOSED FSR

Existing Height of Buildings

Council's LEP designates the properties within area 'I' where a maximum building height of 8.5 metres applies (see Figure 8).



FIGURE 8: CURRENT HEIGHT OF BUILDINGS

Proposed Height of Buildings

The proposed Height of Buildings that would apply to the properties as a result of the Planning Proposal is 20 metres. This is to be enacted via amending LEP Maps to apply a 'Q' designation to the subject sites (see Figure 9).

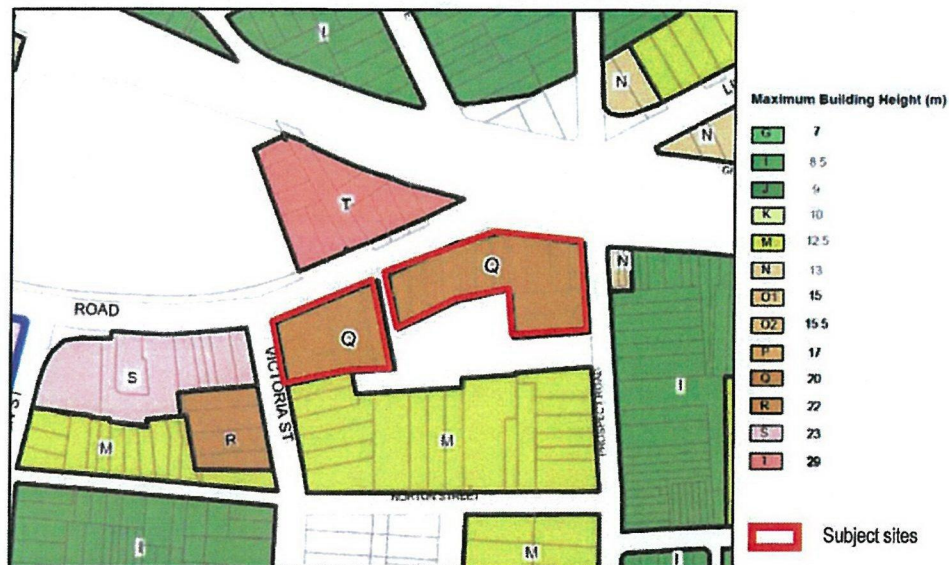


FIGURE 9: PROPOSED HEIGHT OF BUILDINGS

4.3 Justification

This Section of the Planning Proposal sets out the case for amending the Ashfield LEP 2013. The Department of Planning & Infrastructure's (DoP&I) 'Guide to Preparing Planning Proposals' outlines the overarching principles relating to the Justification section.

The Guide outlines that firstly, the level of justification should be proportionate to the impact of the Planning Proposal. Secondly it provides that not all questions in the guide may be relevant and those not relevant need not be addressed.

Lastly, it outlines that the level of justification in the Planning Proposal should be sufficient to allow a Gateway determination to be made with confidence that the LEP can be completed within a reasonable time frame.

4.3.1 Questions to Consider when Demonstrating the Justification

Question 1: Is the Planning Proposal a result of any strategic study or report?

As outlined in the Background section of this report (see Section 2.0) the proposal has been the subject of a number of submissions prepared on behalf of land owners, reports by Council Officers, and Council resolutions.

Most recently, on 8 November 2012, when considering reports dealing with Draft Ashfield LEP 2013, Council resolved to prepare a Planning Proposal to amend the planning controls applying to the subject sites. This resolution has prompted the preparation of this report.

The recommendation of Council Officers to the above meeting was that Council should prepare a Planning Proposal post gazettal of the then draft Ashfield LEP 2013. The rationale for the recommendation was as follows:

- *Council planning officers agree with the original recommendation of the Strategic Planning Committee and concur with the proponent's request. This area is positioned in a gateway location to Ashfield Town Centre and comprises ordinary single dwellings which suffer from poor amenity and difficult access.*
- *A mixed use zoning would encourage redevelopment and could markedly improve the amenity of the locality comprising an entry to the Town Centre. It would also be desirable from an urban design perspective because it would better relate to the scale of the Wests Club building opposite. Dangerous access points to the highway could also be reduced in number if property amalgamations took place.*
- *Although Council subsequently decided not to proceed it is considered that this proposal has considerable merit and should be reconsidered as a possible future planning proposal. More urban design/built form modelling details could be provided at that time to enable council to make it considered decision. In the interim, and because this change is significant it is recommended that planning proposal be considered following Gazettal of the draft LEP.*

This recommendation of Council Officers and the subsequent resolution of Council to proceed forms the basis for the preparation of this Planning Proposal.

Question 2 :Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the best means of achieving the stated objective of facilitating the mixed use redevelopment of the subject sites. The intended outcomes are to rezone the subject sites to B4 Mixed Use, increase maximum permitted FSR to 1.5:1 and increase the applicable height limit to 20m.

The amendments canvassed in this Planning Proposal were deferred from inclusion in the comprehensive Ashfield LEP 2013 so that gazettal of Draft

Ashfield LEP 2013 could proceed expeditiously. Council concurrently resolved to pursue this amendment as a separate Planning Proposal post-gazettal of the Draft LEP.

There is no alternative methodology other than a Planning Proposal to achieve rezoning of the subject sites and concurrent alteration to development standards. The Planning Proposal utilises zones and development standards that already forming part of the Ashfield LEP 2013 applying to Ashfield Town Centre locality. The required amendments will relate only to mapping.

4.3.2 Relationship to Strategic Planning Framework

Question 1: Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Metropolitan Strategy and exhibited draft strategies)?

(i) Does the proposal have strategic merit and:

- ***is consistent with a relevant local strategy endorsed by the Director-General: or,***
- ***is consistent with the relevant regional strategy or Metropolitan Plan: or,***
- ***can it otherwise demonstrate strategic merit, giving consideration to the relevant section 117 Directions applying to the site and other strategic considerations (e.g. proximity to existing urban areas, public transport and infrastructure accessibility, providing jobs closer to home etc) ?***

A. The Metropolitan Plan for Sydney 2036 was released in December 2010. This plan identifies the subject sites as being within the Inner West Sub - Region. The Draft Metropolitan Strategy for Sydney to 2031 was released in March 2013 and identifies the site as being within the Central Subregion. The relevant objectives of these sub-regional strategies will now be considered.

Metropolitan Strategy for Sydney & Inner West Sub-Regional Plan

The Draft Inner West Sub-Regional Plan identifies a number of key directions which relate to the subject sites. The relevant key directions are to “support and differentiate the role of strategic centres” and “improve housing choice”. The Sub-Regional plan seeks to generate 12,500 new jobs and create 30,000 new dwellings.

The subject sites are located in close proximity to the Ashfield Town Centre which is identified as a Local Centre in the Sub-Regional Plan. The proposal will potentially create additional business floor space in close proximity to Ashfield Town Centre. However the scale of the proposal would not be likely to adversely impact on the economic viability of Ashfield Town Centre, therefore satisfying the first direction.

It is anticipated the proposal will predominantly create additional contemporary housing stock. It would add to housing diversity in the Ashfield LGA, thus satisfying the second direction. The Strategy seeks for Ashfield to provide an additional 2,000 dwellings by 2031, and the proposal would potentially assist in satisfying of this target on a site within close proximity of the Ashfield Town

Centre which provides various existing residential services. The proposal is consistent with the sub-regional strategy.

Draft Metropolitan Strategy for Sydney to 2031 – Central Sub-Region

The Draft Metropolitan Strategy for Sydney to 2031 is built around achieving five key outcomes for Sydney which are stated, inter alia:

- Balanced growth
- A liveable city
- Productivity and prosperity
- Healthy and resilient environment
- Accessibility and connectivity.

The Metropolitan Strategy divides the city into sub regions. The Ashfield LGA is contained within the Central Sub-region. The Strategy presents objectives in terms of those applying to the entire Metropolitan Region, those applicable to Global Sydney, and those which relate to the identified major centres.

The Sub-Regional Strategy also deals with growth of jobs and housing setting target for increases in both areas. Across the entire sub-region, there is required to be an increase of 230,000 jobs and 138,000 homes. The proposal will contribute to Ashfield's share of these targets within an area close to existing residential services and well serviced by public transport.

(ii) Does the proposal have site-specific merit and is it compatible with the surrounding land uses, having regard to the following ? :

Q. the natural environment (including known significant environmental values, resources or hazards) ?

A. There will not be any adverse impacts on the natural environment given the site is within an existing urban area.

- ***Q. existing uses, approved uses, and likely future uses of land in the vicinity of the proposal ?***

A. Annexure 4 is a "broad brush" town planning contextual analysis of the area showing possible site layouts and building heights. It demonstrates that the area the subject of the planning proposal can be redeveloped with compatible land uses and resulting development will not adversely impact on the mixed built form character of the locality.

For example, opposite the site to the north at the "West's Club" site, construction is underway for a 25 metre high serviced apartment building. Nearby in Victoria Street on the "West's" car park site approval was given by the JRPP for a 6 storey residential flat building.

During the planning proposal's public exhibition stage, Council can use Council's "SIMURBAN" computer modelling program to show possible development outcomes and existing structures in a "broad brush" theoretical three dimensional format in order to illustrate the likely spatial impacts and compatibility of future development. This will help generate informed community feedback.

Considerable improvements can also occur to the streetscape along Liverpool Road with wide verge areas for tall tree planting and improved

paving finishes, and new buildings will give strong spatial definition to this important "gateway entry" to Ashfield Town Centre. A **Draft Development Control Plan (DCP)** can be produced and placed on exhibition with the Planning Proposal. The purpose of the DCP would be to give more certainty in terms of future building design and ensure good built form compatibility with surrounding land uses.

Q. the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision ?

A. There are adequate existing water supply, sewerage disposal, and power supply services available.

Question 2: Is the Planning Proposal consistent with a Council's local strategy or other local strategic plan?

Yes. The Ashfield LEP 2013 has been informed by the **Ashfield Urban Planning Strategy** adopted by Council on 28 September 2010.

The purpose of the Urban Planning Strategy is:

- To provide the strategic underpinning for the preparation of Council's comprehensive Local Environmental Plan 2010;
- To provide the long term direction for land use planning decisions within the Ashfield local government area;
- To demonstrate that strategic directions and actions, including additional dwelling and employment capacity targets, as set out in the Sydney Metropolitan Strategy 2005 and the Draft Inner West Subregional Strategy 2008 can be implemented;
- To assist decision making in terms of future infrastructure projects, population growth and economic investment within the local government area.

The Ashfield Urban Planning Strategy contains strategic land use directions and actions and of these, the two strategies with particular relevance to the Planning Proposal are "Ensure new housing meets the needs of the local community" and "Improve the Attractiveness of the Ashfield Town Centre".

The proposed zoning, height and FSR controls would allow for a greater diversity in housing provision by providing opportunities for shop top housing or alternatively, "stand alone" residential development. This would provide additional contemporary housing stock close to public transport and shopping/community facilities.

Redevelopment of this significant gateway site would also positively contribute to the urban environment and appearance of the Ashfield Town Centre. The site represents a significant gateway to the Town Centre and the proposal presents an ideal opportunity for improvements to the surrounding public domain.

Annexure 3 contains the extract of the report to the Council meeting of 28 February 2013 which recommended a planning proposal be prepared and that this be pursued via a future amendment to Ashfield LEP 2013.

Annexure 4 contains a broad brush town planning analysis of this precinct, and as explained above, shows that the sites can be redeveloped and be contextually compatible with surrounding development including matters such as site layout and building height. In addition, considerable improvements can occur along Liverpool Road with wide verge areas and tall tree planting, and the new buildings giving string spatial definition to the “gateway entry” to the town centre.

Question 3: Is the Planning Proposal consistent with applicable State Environmental Planning Policies (SEPP's)?

Consideration has been given to State Environmental Planning Policies (SEPPs) that apply to the subject sites. A full assessment of SEPP's applying to the subject sites is at **Annexure 1**.

The majority of the SEPP's which are applicable relate to matters that would be considered as part of a development application for the subject sites. The Ministerial Directions (s.117s) require consideration of some SEPPs as part of the Planning Proposal. Consideration of the relevant Ministerial S.117 Directions is at **Annexure 2**.

It is considered that the recommended Planning Proposal is consistent with relevant SEPP's that apply to the subject sites.

Question 4: Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 Directions)?

The proposal is consistent with the relevant Ministerial directions that apply to the subject sites. These Directions include:

- **Direction 1.1** – Business and Industrial Zones;
- **Direction 3.4** – Integrating Land Use and Transport; and
- **Direction 7.1** – Implementation of the Metropolitan Plan for Sydney

An assessment of the proposal against the relevant s.117 directions has been undertaken and is **Annexure 2**. The proposal is consistent with relevant S.117 directions applying to the site.

4.3.3 Environmental, Social and Economic Impact

Question 1: Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The planning proposal applies to an established built-up urban area and is not identified as having any ecological significance. It is not expected that any critical habitats, threatened species, populations, ecological communities or their habitats would be impacted.

If required, an assessment of the environmental impacts of any future development of the site and required mitigation would be undertaken at development application stage in accordance with the relevant provisions of the EP&A Act.

Question 2: Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

There are unlikely to be any significant environmental impacts as a result of the proposal. The majority of issues associated with the redevelopment of the subject sites are likely to be minor and manageable at development application stage.

As outlined, the subject sites are located on a main road within an existing urban area comprising a mix of low and medium density residential development. Surrounding development is a variety of community or infrastructure uses including Wests Leagues club, railway infrastructure, Ashfield Council Works Depot and Ashfield Police station. There is a substantial separation from low density properties to the south in Norton Street and so redevelopment of the subject sites is not likely to have significant impacts on these properties in terms of overshadowing or visual and acoustic privacy.

The orientation of the site presents an opportunity for high levels of solar access to future residential development on the site. Given the Council Depot and Police Station buffer most nearby residential properties, adverse overshadowing impacts can be avoided.

Given the size of the sites involved it is possible to comply with SEPP No.65 (Residential Flat Design Code). Adjoining non-residential uses are unlikely to be impacted by a future mixed residential/commercial uses.

The area is also well serviced by public transport and located at the Gateway to the Ashfield Town Centre where there are a range of residential support services.

Any environmental or built form issues are more than capable of being dealt with by way of a Development Control Plan that can be prepared for the subject sites.

4.3.4 State and Commonwealth Interests

Question 1: Is there adequate public infrastructure for the Planning Proposal?

The proposal is within an existing urban area and is currently zoned for residential purposes. The planning proposal area has electricity and telephone connections and water and sewer capability to service the development.

Any required upgrading would be discussed further with Sydney Water as part of consultation with State Government Authorities.

The site is well serviced by public transport with nearby connections to buses and the rail network (see Figure 11 on the following page). The proximity of the area to Ashfield Town Centre also means the site is close to various residential services.

The State Significant Infrastructure Application for Stage 1 of the West Connex Motorway is now publicly available on the website of the NSW Department of Planning and Infrastructure. Having reviewed this document, there do not appear to be works associated with the WestConnex project located in close

proximity to the subject sites. The proposal is unlikely to impact upon WestConnex proposals.

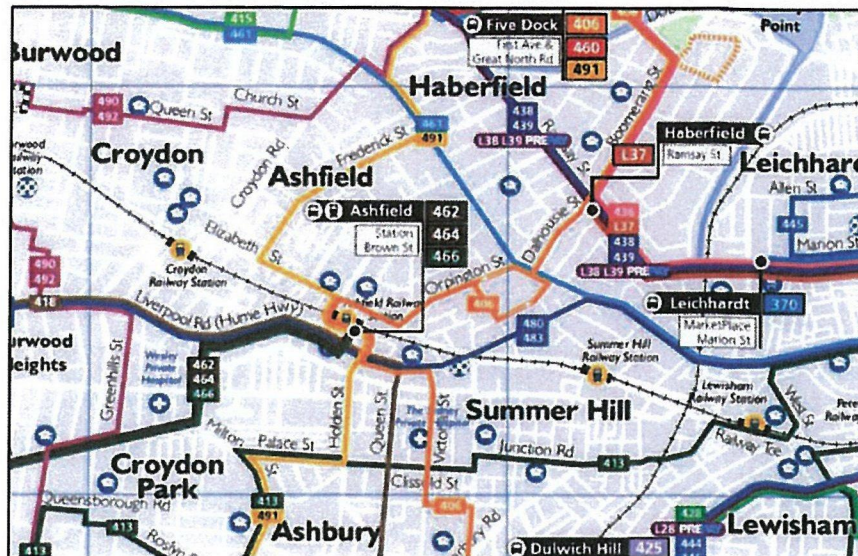


FIGURE 10: BUS NETWORKS IN THE VICINITY OF THE SUBJECT SITES

Question 2: What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

The proposal will be referred to relevant State and Commonwealth authorities as part of the public exhibition period and in accordance with any Gateway determination. The proposal is unlikely to adversely impact on the interests of any State or Commonwealth authority.

5.0 MAPPING

Refer to diagrams above in Part 4.2.1 which show the parts of the Ashfield LEP 2013 Maps which need to be amended.

6.0 COMMUNITY CONSULTATION

To be undertaken in accordance with the future "Gateway" determination (refer to Council report). As a minimum the following Public Consultation procedures are recommended to the Gateway Panel authorities :

- Advertisements in Council's newspaper column
- "Open House" session including an after hours convenient location showing plans and attended by officers
- Enquiry hotline to Strategic Town Planners
- Static information material at Ground Level foyer, Council building and additional display available after hours at Wests Leagues Club
- Web site display with online submission facility and relevant data

including plain english "Fact Sheets"

- Individual plain english letters in distinctive stationery to directly affected and indirectly affected landowners (comply with Council's Neighbour Notification Policy)

7.0 PROJECT TIMELINE

The Planning Proposal is not considered to be "low impact" as defined in DOP&I's "Guide to preparing local environmental plans" when assessed against the relevant following "low impact" criteria:

- consistent with the pattern of surrounding land uses
- consistent with the strategic planning framework
- presents no issues with regards to infrastructure servicing
- is not a Principal Local Environmental Plan
- does not reclassify public land.

The reason the proposal is not "low impact" is because the proposed new land use zoning and development standards vary the "existing pattern of surrounding land uses". This means that the minimum community consultation period must be 28 days. With this in mind, a recommended minimum Project Timeline appears in the Table below.

Anticipated Project Timeline	Proposed Date(s)
Commencement date (date of gateway determination)	Week 1
Timeframe for the completion of required technical information	Week 5
Timeframe for government agency consultation(pre and post exhibition as required by Gateway determination)	Week 9
Report to Council with completed Planning Proposal Exhibition material.	Week 13
Commencement and completion dates for public exhibition period	Week 16
Dates for public hearing (if required)	Week 20
Timeframe for the consideration of submissions post exhibition.	Week 22
Timeframe for the consideration of proposal post exhibition.	Week 25
Date of submission to the department to finalise the Local Environmental Plan	Week 28

8.0 CONCLUSION

This Planning Proposal has carefully assessed the proposed amendments to the Ashfield LEP 2013 for the area affected by the Planning Proposal against the Department of Planning's 'Guide to Preparing Planning Proposals'.

The proposal is considered to be consistent with the guidelines and on this basis, the following amendments to the Ashfield LEP 2013 are recommended:

- Rezone Nos. 1-3 Prospect Road, Nos. 124-127 Carlton Crescent, Nos. 90-108 Liverpool Road, and Nos. 2-6 Victoria Street, Ashfield from 'R2 Low Density Residential' to 'B4 Mixed Use';
- Increase maximum permitted height from 8.5metres to 20metres to permit possible 5 storey buildings (this height allows for required greater floor to ceiling heights for ground level commercial development, land slope variance and a mandatory 3 metre roof/plant room zone); and
- Increase maximum permitted Floor Space Ratio (FSR) from 0.7:1 to 1.5:1.

This Planning Proposal has been prepared in accordance with the DOP& I Guidelines and is consistent with these. The proposal is also consistent with the Draft Metropolitan Strategy, Central Sub-Regional Strategy and Ashfield Council's adopted Urban Planning Strategy.

Implementing amendments to Ashfield LEP 2013 as recommended would provide added potential for additional employment and residential uses in close proximity to the core area of the highly accessible and the extensive retail/community service resources of Ashfield Town Centre.

The proposal is conforms with/aligns with all relevant strategies and will provide opportunities for urban design and public domain improvements. Any new development will be in close proximity to Ashfield Town Centre and will be consistent with the scale of development already approved or permitted in the appurtenant business zone.

There are also two annexures that accompany this report relating to the subject sites prepared by Council Officers, consideration of SEPP's, and an assessment of the Planning Proposal against relevant Section 117 Directions.

In relation to ongoing assessment of the Planning Proposal, and the public exhibition of the Proposal, it is recommended that the following be also placed on exhibition following endorsement by Council :

- (i) **A Draft Development Control Plan.** This is in order to demonstrate that future development will be subject to controls that ensure that the building design and landscape is compatible with surrounding land uses.
- (ii) **A "SIMURBAN" 3 dimensional computer model** showing potential building and landscape forms on the sites, and showing surrounding existing buildings. This is in order to assist the public in assessing the impacts of the Proposal.

ANNEXURE 1 : LIST OF APPLICABLE SEPP'S

SEPP	APPLIES/COMMENTS
SEPP No 1—Development Standards	Not applicable
SEPP No 14—Coastal Wetlands	Not applicable
SEPP No 15—Rural Landsharing Communities	Not applicable
SEPP No 19—Bushland in Urban Areas	Not applicable
SEPP No 21—Caravan Parks	Not applicable
SEPP No 26—Littoral Rainforests	Not applicable
SEPP No 29—Western Sydney Recreation Area	Not applicable
SEPP No 30—Intensive Agriculture	Not applicable
SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)	Not applicable – The site is being rezoned to facilitate additional residential uses.
SEPP No 33—Hazardous and Offensive Development	Unlikely to apply.
SEPP No 36—Manufactured Home Estates	Not applicable
SEPP No 39—Spit Island Bird Habitat	Not applicable
SEPP No 44—Koala Habitat Protection	Not applicable
SEPP No 47—Moore Park Showground	Not applicable
SEPP No 50—Canal Estate Development	Not applicable
SEPP No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable
SEPP No 55—Remediation of Land	Would be considered at DA Stage. Given long history of residential use of the site, it is unlikely to be contaminated. Site is located adjacent to the Council works depot and this would be a matter for consideration at DA Stage.
SEPP No 59—Central Western Sydney Regional Open Space and Residential	Not applicable
SEPP No 62—Sustainable Aquaculture	Not applicable
SEPP No 64—Advertising and Signage	Matter for consideration at the time of any Signage DA.
SEPP No 65—Design Quality of Residential Flat Development	Would be a matter for consideration at DA Stage and in the preparation of DCP controls for the subject sites.
SEPP No 70—Affordable Housing (Revised Schemes)	Not applicable
SEPP No 71—Coastal Protection	Not applicable
SEPP (Affordable Rental Housing) 2009	Potentially relevant at DA Stage
SEPP (Building Sustainability Index: BASIX) 2004	Matter for consideration at DA Stage.
SEPP (Exempt and Complying Development Codes) 2008	Relevant to the site but proposal is not inconsistent.

SEPP (Housing for Seniors or People with a Disability) 2004	Potential matter for consideration at DA Stage.
SEPP (Infrastructure) 2007	Relevant to the site but proposal is not inconsistent. Likely to apply to future DA due to proximity to Classified Road and Rail Corridor.
SEPP (Kosciuszko National Park—Alpine Resorts) 2007	Not applicable
SEPP (Kurnell Peninsula) 1989	Not applicable
SEPP (Major Development) 2005	

SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable
SEPP (Miscellaneous Consent Provisions) 2007	Not applicable
SEPP (Penrith Lakes Scheme) 1989	Not applicable
SEPP (Port Botany and Port Kembla) 2013	Not applicable
SEPP (Rural Lands) 2008	Not applicable
SEPP (SEPP 53 Transitional Provisions) 2011	Not applicable
SEPP (State and Regional Development) 2011	Unlikely to apply to the proposal. Not inconsistent
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable
SEPP (Sydney Region Growth Centres) 2006	Not applicable
SEPP (Urban Renewal) 2010	Not currently applicable to the subject sites as land is not a designated precinct
SEPP (Western Sydney Employment Area) 2009	Not applicable
SEPP (Western Sydney Parklands) 2009	Not Applicable

ANNEXURE 2: CONSIDERATION OF MINISTERIAL SECTION 117 DIRECTIONS

SECTION 117 DIRECTIONS		APPLICABLE/NOT APPLICABLE
1. Employment Resources		
1.1 Business and Industrial Zones		Applicable
1.2 Rural Zones		Not Applicable
1.3 Mining, Petroleum Production and Extractive Industries		Not Applicable
1.4 Oyster Aquaculture		Not Applicable
1.5 Rural Lands		Not Applicable
2. Environment and Heritage		
2.1 Environment Protection Zones		Not Applicable
2.2 Coastal Protection		Not Applicable
2.3 Heritage Conservation		Not Applicable
2.4 Recreation Vehicle Areas		Not Applicable
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones		Applicable
3.2 Caravan Parks and Manufactured homes Estates		Not Applicable
3.3 Home Occupations		Not Applicable
3.4 Integrating Land Use and transport		Applicable
3.5 Development Near Licenced Aerodromes		Not Applicable
3.6 Shooting Ranges		Not Applicable
4. Hazard and Risk		
4.1 Acid Sulfate Soils		Not Applicable
4.2 Mine Subsidence and Unstable Land		Not Applicable
4.3 Flood Prone Land		Not Applicable
4.4 Planning for Bushfire Protection		Not Applicable
5. Regional Planning		
5.1 Implementation of Regional Strategies		Not Applicable
5.2 Sydney Drinking Water Catchments		Not Applicable
5.3 Farmland of State and Regional Significance of the NSW Far North Coast		Not Applicable
5.4 Commercial and Retail Development along the Pacific Highway		Not Applicable
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)		Not Applicable
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)		Not Applicable
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)		Not Applicable
5.8 Second Sydney Airport: Badgerys Creek		Not Applicable
5.9 North West Rail Link Corridor Strategy		Not Applicable
6. Local Plan Making		
6.1 Approval and Referral Requirements		Applicable
6.2 Reserving Land for Public Purposes		Applicable
6.3 Site Specific Provisions		Not Applicable
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036		Applicable

CONSIDERATION OF RELEVANT SECTION 117 MINISTERIAL DIRECTIONS

Direction 1.1 – Business and Industrial Zones

This direction applies to all Planning Proposals that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial protection zone boundary). The objectives of this direction are stated, inter alia:

- (a) Encourage employment growth in suitable locations,*
- (b) Protect employment land in business and industrial zones, and*
- (c) Support the viability of identified strategic centres.*

The proposal is consistent with the objectives of Direction 1.1 – Business and Industrial Zones as it will provide the potential for additional employment opportunities, will not reduce or remove business lands and will support the viability of strategic centres identified in the Metropolitan Plan for Sydney 2031 through the provision of business lands.

In this particular instance, the relevant planning authority must be consistent with the direction, and therefore, a planning proposal must:

- (a) Give effect to the objectives of this direction,*
- (b) Retain the areas and locations of existing business and industrial zones,*
- (c) Not reduce the total potential floor space area for employment uses and related public services in business zones,*
- (d) Not reduce the total potential floor space area for industrial uses in industrial zones, and*
- (e) Ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.*

The proposed change in land use for the subject sites from R2 Low Density to B4 Mixed Use will allow for the provision of new business land and will give effect to the objectives of this direction. The proposal demonstrates there will be no reductions in business land; instead the potential floor space for employment uses will be increased.

The Planning Proposal will not impact the provision of industrial land throughout the LGA. The proposal ensures that new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.

The Planning Proposal has considered the amended planning controls against relevant state and local planning strategies and has determined it to be consistent with the relevant aims and objectives. In summary, the proposal is consistent with this Direction.

Direction 3.1 – Residential Zones

The direction applies when a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential boundary) and any other zone in which significant residential development is permitted or proposed to be permitted. The objectives of this direction are stated, inter alia:

- (a) To encourage a variety and choice of housing types to provide for existing and future housing needs,*
- (b) To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- (c) To minimise the impact of residential development on the environment and resource lands*

The proposed change in land use is consistent with the objectives of Direction 3.1 due to the efficient use of existing infrastructure and services.

In this particular instance, the relevant planning authority must be consistent with the direction, and therefore, a Planning Proposal must include provisions that encourage the provision of housing that will:

- (a) Broaden the choice of building types and locations available in the housing market, and*
- (b) Make more efficient use of existing infrastructure and services, and*
- (c) Reduce the consumption of land for housing and associated urban development on the urban fringe, and*
- (d) Be of good design.*

A planning proposal must, in relation to land to which this direction applies:

- (a) Contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and*
- (b) Not contain provisions which will reduce the permissible residential density of land.*

The proposed change in land use from R2 Low Density Residential for B4 Mixed Use will allow for the provision of additional residential uses above those permitted in an R2 Low Density Zone. This will broaden the choice of dwelling types available in a location in close proximity to the Ashfield Town Centre. The proposal will remain consistent with the direction as it will make more efficient use of existing land, infrastructure and services while satisfying targets contained in the Metropolitan Strategy.

The proposal is located at the gateway to the Ashfield Town Centre and represents a good opportunity for infill development within an existing urban area close to public transport and community/retail services. Consultation with Sydney Water and other providers after the Gateway determination will determine whether the site is adequately serviced for the proposed use.

Direction 3.4 – Integrating Land Use and Transport

The direction applies when a relevant planning authority prepares a Planning Proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. The objectives of this direction are stated, inter alia:

- (a) Improving access to housing, jobs and services by walking, cycling and public transport, and*
- (b) Increasing the choice of available transport and reducing dependence on cars, and*
- (c) Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
- (d) Supporting the efficient and viable operation of public transport services, and*
- (e) Providing for the efficient movement of freight.*

The proposal is consistent with the objectives of Direction 3.4 due to the site's close proximity to public transport. Ashfield Railway Station is located within comfortable walking distance of the site whilst bus services are easily accessible along Liverpool Road. The site's accessibility to a variety of public transport options satisfies the objectives of the direction as it reduces dependence on cars. In addition, the availability of business lands will improve access to jobs and services through the maximisation of public transport use. The proposal is consistent with this direction.

Direction 6.1 – Approval and Referral Requirements

The direction applies when a relevant planning authority prepares a Planning Proposal. The objective of the direction is stated, inter alia:

- (a) To ensure that LEP provisions encourage the efficient and appropriate assessment of development.*

The Planning Proposal does not propose any controls that amend concurrence or referral procedures in the LEP. The proposal is consistent with the direction.

Direction 6.2 Reserving Land for Public Purposes

The direction applies when a relevant planning authority prepares a Planning Proposal. The objectives of this direction are stated, inter alia:

- (a) To facilitate the provision of public services and facilities by reserving land for public purposes, and*
- (b) To facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition*

The proposal does not create, alter or reduce existing zoning or reservations of land for public purposes is consistent with the direction.

Direction 7.1 – Implementation of the Metropolitan Plan for Sydney 2036

The direction applies to the Ashfield Local Government Area and aims to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.

The abovementioned Metropolitan Plan has been reviewed, with the Metropolitan Plan for Sydney 2031 replacing the document. The proposal to change the zoning of the site to **B4 Mixed Use** and the provision of additional mixed use business/residential lands is consistent with the draft Metropolitan Plan for Sydney 2031 as outlined within this Planning Proposal.