



13 December 2016

Our ref: RJC/13-058D

The General Manager
Strathfield Council
PO Box 120
STRATHFIELD NSW 2135

Frankie.Liang@strathfield.nsw.gov.au

Attention: Mr Frankie Liang

Dear Frankie,

**Re: Planning Proposal – To amend the maximum permissible height of buildings control from 26 metres to 85 metres and increase the floor space ratio from 2.7:1 to 4.5:1
17-35 Parramatta Road and 5 Powell Street, Homebush**

We are writing in reference to your letter dated 6 December 2016 regarding the abovementioned Planning Proposal which was lodged with Council on 28 October 2016. The fee for the progression of the Planning Proposal was accepted by Council on 4 November 2016.

1. PARRAMATTA ROAD URBAN TRANSFORMATION STRATEGY

Your letter refers to the fact that the site is identified by UrbanGrowth NSW in the final “Parramatta Road Urban Transformation Strategy” as being in an RE1 Public Recreation zone. Given that the site benefits from a development consent for the redevelopment of the site for a mixed use development, the development of which is well advanced, the proposed zoning is clearly an error in the document, a point which is acknowledged in your letter.

Your letter states that:-

Notwithstanding this, the spatial location of a 25-storey development fronting Parramatta Road is contrary to the *Planning and Design Guidelines* of the Strategy and has the potential to compromise the Powells Creek open space areas on both the northern and southern side of Parramatta Road. It is also noted that Council's controls provide for a consistent height along the frontage of Parramatta Road, with any tower elements of this scale located to the centre or the rear of sites.

An extract from the recommended building height map in the “Planning and Design Guidelines” of the strategy is provided below:-



As identified on the recommended building heights map, above, all of the land on either side of Parramatta Road around the site, has been recommended to have a building height of 80 metres. On this basis, it is unclear how a 25 storey development on the site would be contrary to the Planning and Design Guidelines.

The reference to Council’s controls is respectfully rejected. Council’s controls were formulated prior to the release of the Urban Growth Strategy and are ultimately irrelevant to the assessment of the Planning Proposal given that they will need to be rewritten to be consistent with the Strategy.

2. COUNCIL’S RESOLUTION

Your letter refers to Council’s resolution on 25 October 2016 regarding site-specific planning proposals. This resolution was made prior to the release of the Strategy on 9 November 2016.

The timing and delivery of a precinct wide study is uncertain. The Applicant has lodged a Planning Proposal which is entirely consistent with the Draft Strategy which was in place at the time the Proposal was lodged. The final planning proposal has a clear error in relation to the site as it proposes to rezone a site which benefits from a consent, the development of which is well advanced.

3. ASSESSMENT TIMEFRAME

Your letter states:-

With regard to formal timeframes for assessment of any planning proposal, Council holds the view that the 90 day assessment timeframe will not commence until all required information is submitted to Council's satisfaction. This is consistent with the Department of Planning & Environment's "A Guide to Preparing Local Environmental Plans" where the 90 days assessment period may commence in a number of ways, including:

- *"When council formally acknowledges the proponent has lodged sufficient information to support their request..."*

The Department of Planning and Environment's "A guide to preparing Local Environmental Plans" states to preparing LEP's, for completeness states:-

"Councils currently process requests to prepare planning proposals in a number of different ways. In general terms, the 90 day assessment period may commence in a number of ways including:

- *when council formally acknowledges the proponent has lodged sufficient information to support their request; or*
- ***when council accepts a fee for the assessment of the initial request to prepare a planning proposal; or***
- ***when council accepts a fee (staged or lump sum) to progress the planning proposal; or***
- ***when a request has been lodged in accordance with an existing council policy."*** (our emphasis)

Strathfield Council prepared a "Guidelines for Preparing Planning Proposals" document which is dated February 2015. The guidelines relevantly state:-

"Upon receipt of the final planning proposal, council staff will undertake a preliminary assessment of the information lodged to ascertain whether the information is consistent with Department of Planning and Environment's (DP&E) Guidelines for

Preparing Local Environmental Plans and whether the proposal satisfies the matters raised during the pre-lodgement meeting.

Planning proposals that do not include all relevant information or have not been prepared in the correct format in accordance with planning guidelines may be rejected at time of lodgement.

Council will not accept any planning proposal which relies upon additional information being forthcoming. All information must be submitted with the planning proposal concurrently with the appropriate fees.

Please note that an appointment must be arranged with Council's Strategic Planning staff to formally lodge a planning proposal.

Applications will not be received unless it has been checked and certified for lodgement by a planning officer."

The Planning Proposal has been with Council for approximately 47 days. Following an initial review of the Planning Proposal, Council officers advised the Applicant of the fee for the progression of the Planning Proposal on 4 November 2017, 7 days after the Planning Proposal was lodged with Council. This fee was paid on 4 November 2016. A copy of the receipt is provided at **Attachment 1**. The Planning Proposal was not rejected at the time of lodgement and Council accepted the Application when the requested the fees from the Applicant which were subsequently paid.

Therefore, the 90 days started on the 4 November 2016 and the Applicant can lodge a review with the Central Sydney Planning Panel on 2 February 2017.

4. FURTHER ACTION

It is unnecessary and unreasonable of Council to wait until a precinct wide study has been completed when a strategy for the precinct has just been finalised by the State Government. The site will have the same recommended controls as surrounding sites, (i.e. 80 metre height limit and an FSR of 5:1) when Urban Growth realises its drafting errors. On this basis, Council has sufficient information to proceed with an initial assessment of the Planning Proposal and to send the Planning Proposal to the Minister (or his delegate) for a Gateway Determination.

We trust that the above response will allow you to pursue the request further and we look forward to Council recommending the Planning Proposal proceed to a gateway determination.

The Applicant is willing to meet with you should you wish to discuss this further. Please contact the undersigned on (02) 9211 4099 should you wish to organise such a meeting.

Yours faithfully,
BBC Consulting Planners



Robert Chambers
Director

Email: bob.chambers@bbcplanners.com.au



ATTACHMENT 1

Copy of Planning Proposal Lodgement Receipt



65 Homebush Road, Strathfield NSW 2135
PO Box 120, Strathfield NSW 2135
Telephone 02 9748 9999 | Facsimile 02 9764 1034

Email council@strathfield.nsw.gov.au
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STRATHFIELD MUNICIPAL COUNCIL

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AL MAHA PTY LTD 082-057
****/MULTIPLE DISSECTION
Receipt No: 356502

AL MAHA PTY LTD
SUITE 2, 39 COOPER STREET
STRATHFIELD NSW 2135

mbiady FOR MR HENRY WONG
 ACTING GENERAL MANAGER

REZONING APPLICATIONS, REZONIN 10329-058 \$34612.00
DA - Advertising Fees, PLANNIN 10072-001 \$3054.00