



17 February 2017

RJC:MW\13-058D

The General Manager
Strathfield Council
PO Box 120
STRATHFIELD NSW 2105

Attention: Mr Frankie Liang

email Frankie.liang@strathfield.nsw.gov.au

Dear Frankie,

Re: Planning Proposal – to increase the maximum “height of buildings” control from 26 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 responding to the letter signed by your colleague, Ms Leah Beatty, received by us via email at 11:49am on 23 December 2016. The letter identifies you as the relevant contact officer in Council, and we understand that the letter is essentially from you.

In your letter, you state that further information is required. Your letter numbers these items of required further information 1-9. Each of these items is addressed below.

“1. Analysis of the planning proposal against the Parramatta Road Urban Transformation Strategy. This is to ensure that inconsistencies with the Strategy are adequately justified having regard to the vision and objectives contained therein. You are directed to Parts 3, 4 and 7.1-7.8 of the Planning and Design Guidelines of the Strategy.”

- The planning proposal was lodged in October 2016 so the analysis in the planning proposal refers to the Draft Parramatta Road Urban Transformation Strategy. The final strategy was released after the planning proposal was submitted.
- The planning proposal is consistent with the vision and principles in Part 3 of the final strategy.
- The Planning Panel will decide whether the planning proposal has adequate justification to proceed to the next stage – Council should be pro-active in getting the planning proposal to that point.

- The planning proposal is not inconsistent with the provision in Part 4 of the final strategy. This section states that the current planning controls, such as zoning, height and floor space ratios, constrain much of the proposed renewal activities identified in the Strategy, and will need to be amended. Further it provides that local planning proposals can be prepared by landowners to amend the zoning and/or planning controls that apply to their land. Planning proposals need to be generally consistent with the Strategy. The submitted planning proposal satisfies this requirement.
- The planning proposal is only inconsistent with the Planning and Design Guidelines in Section 7 “Homebush Guidelines” in the Parramatta Road Corridor Urban Transformation Planning and Design Guidelines (which were released after the planning proposal was lodged with Council) because these guidelines wrongly identify the site as open-space:
 - the site is zoned B4;
 - the site is not and never has been reserved for open space;
 - no-one has any intention of acquiring it for open space;
 - there are no urban amenity improvement works proposed on the site under Section 4 Homebush Precinct Urban Amenity Improvement Works of the Urban Amenity Improvement Plan;
 - there are two substantial approved residential flat buildings approaching completion on the site - all as per the relevant approvals;
 - the identification of the site as open space is an error as acknowledged in the attached email from Urban Growth (NSW) which has previously been sent to Council by Urban Growth – See Attachment 1.
- Council should be being pro-active in correcting the error, not asking the Applicant to explain why the planning proposal is acceptable if the Strategy (wrongly) identifies the site as open-space.

“2. Analysis of the planning proposal against the draft Central District Plan (released on 21 November 2016) to ensure the planning proposal is consistent with the draft District Plan.”

- The planning proposal is consistent with the strategic direction of the District Plan and with the final Parramatta Road Urban Transformation Strategy now that Urban Growth NSW has acknowledged that
 - (i) the site should not have been identified for open space; and
 - (ii) the same height and FSR controls that have been applied to neighbouring land should be applied to the subject site.

“3. A Transport and Accessibility Study. This is to include traffic impacts on regional/local road networks, active transport opportunities etc.”

- The basement levels of the approved buildings on the site essentially provide a sufficient number of car spaces to accommodate the parking needs of the additional apartments in the proposed tower which the Planning Proposal is intended to allow. (There may be a deficiency of approximately 19 spaces but that is a detail that can be resolved at DA stage).
- Given that no significant additional number of parking spaces is required the need for a "Transport and Accessibility Study" is not considered necessary prior to Gateway review.

"4. An Acoustic Report – serious consideration must be given to the acoustic impact of the adjoining Westconnex traffic corridor and Homebush on-ramp currently under construction, as well as the acoustic impact of Parramatta Road."

- The Council has approved three multi-storey residential flat buildings on the site, two of which have already been constructed.
- The acoustic amenity of future residents in the approved buildings has been addressed in the DA assessment and determination process.
- The acoustic amenity of residents in apartments in the tower which the planning proposal is intended to allow would be better (not worse) than in the approved buildings because the apartments will be more distant from the noise source.
- This is a DA issue not a planning proposal issue.

"5. Development Yield Analysis – potential residential yield and employment generation resulting from the planning proposal."

- The proposal is for a tower of 25 storeys in lieu of the eight-storey building which has been approved on this part of this site. It is expected that the planning proposal would result in approximately 136 units.
- The post-construction employment generation would remain the same as for the approved scheme (with ground level retail spaces activating the street edge).

"6. Explanation of any intended activities for the site and potential impacts on the surrounding area (e.g. traffic and parking, noise, solar access, public domain interface etc.)"

- There will be no significant change to the number of car-parking spaces already provided on site (that is 440 spaces).
- Noise impacts are a matter for the DA stage but clearly, they are not obstacles to the planning proposal as there is already an eight-storey residential flat building approved on this part of the site.
- The additional apartments that the planning proposal would allow will comply with the amenity and other guidelines in the ADG - this is a matter for consideration at DA stage.

- Shadow studies have been provided in the planning proposal package submitted to Council.
- The ground level public domain interface of the tower will be the same as for the approved eight-storey building on the site.
- The shadow impacts of the tower on the open space are not significantly different to those of the approved eight-storey building on the part of the site which the tower will occupy.

“7. *Site Plan and analysis drawn to scale (with North point clearly shown) indicating physical features such as trees, topography, existing building footprint and all adjoining properties/buildings.*”

- The information submitted with the request to prepare the planning proposal includes a detailed consideration of the site and its context. It also included the approved site plan showing all the approved buildings, open space, north point and the like. Sufficient information have been given to Council in relation to the site and its context to enable the Council to form a view on the planning proposal and to advise the Applicant whether the planning proposal is supported.

“8. *A Heritage Impact Statement to assess and manage the potential impact on the adjoining Knight Street Heritage Precinct (former Homebush Theatre and the Horse and Jockey Hotel). You are directed to Part 3.7 of the Fine Grain Study of the Strategy” and*

- Parts 3 and 7 of the “Fine Grain Study” have no implications for the site or for the planning proposal. The focus of the case study is the area to the south of Parramatta Road. Knight Street and the Horse and Jockey Hotel are some 100 metres from the site and separated from it by Parramatta Road.

“9. *Update the Planning Proposal in response to any findings from the above outstanding strategic planning investigations.*”

- The planning proposal is of sufficient detail to enable advancement to Gateway. Council is reminded that the Gateway review process can identify if any additional studies are required for the planning proposal to proceed to exhibition.
- There is nothing to prevent Council from advising the Department (or the Planning Panel) what has occurred since the planning proposal was submitted, such as the exhibition of the Draft District Plan, the finalising of the PRUTS, the error in the mapping in the PRUTS, and any other relevant considerations.



It is apparent from your letters to the Applicant, in relation to this matter that Council's preference would be for it to do nothing to advance what is a clearly expressed strategic planning intent to increase the permissible height and FSR on the subject site. The Applicant does not accept that approach and urges you to be pro-active in accelerating a planning proposal for this site.

Yours faithfully
BBC Consulting Planners

A handwritten signature in blue ink, consisting of a stylized 'R' followed by a long, sweeping horizontal line that extends to the right.

Robert Chambers
Director

Email bob.chambers@bbcplanners.com.au



ANNEXURE 1

**Email from S Ballangalo, Urban Growth to S Falato and
F Liang, Strathfield Council**

From: Stephanie Ballango [<mailto:sballango@urbangrowth.nsw.gov.au>]
Sent: Friday, 3 February 2017 4:49 PM
To: Charlie Elachi
Cc: Silvio Falato (silvio.falato@strathfield.nsw.gov.au); Frankie Liang (Frankie.Liang@strathfield.nsw.gov.au)
Subject: Parramatta Road Corridor Urban Transformation Strategy - 17 - 35 Parramatta Road, Homebush

Dear Charlie,

I'm following up on a phone call I had with Ian Hancock from Premier State this morning.

I understand that you are seeking some further clarification on how the Parramatta Road Corridor Urban Transformation Strategy, and particularly the maps within the Parramatta Road Corridor Urban Transformation Strategy Planning and Design Guidelines ('the Guidelines') which support the Strategy apply to your property at 17-35 Parramatta Road and 5 Powell Street in Homebush. I further understand that you are seeking clarification on the justification for your property being identified as 'infrastructure' and 'proposed open space' on various maps within the Guidelines. Having spoken with Ian earlier today, I also offered to reiterate advice we have previously provided you about when the Strategy should be considered.

Design and Planning Guidelines Mapping

The Guidelines contain maps for each of the Corridor's eight Precincts comprising opportunities and constraints, existing attributes and future recommended features including open space, movement networks, land uses, heights and densities amongst other things. The maps were prepared from a range of base data sources obtained from local councils, State agencies we worked with during the preparation of the Strategy and also include new plans generated by our consultant team.

In the case of the Homebush Precinct within which your property lies, Figure 7.5: Homebush Opportunities and Constraints maps heritage items and conservation areas, significant infrastructure such as substations and schools, strata titled properties, existing development consents, recent development (being development consents or sites where construction had been completed within the last 5 years) and sites for which a valid construction certificate has been issued. Figure 7.5 also maps the extent of land generally beneath and adjacent to the existing M4 Motorway that was surveyed to inform investigations related to the proposed WestConnex motorway.

A number of properties across the Corridor and within the Homebush Precinct are affected by multiple opportunities or constraints (e.g.: heritage and infrastructure, infrastructure and recent development, etc). Your property being affected by the 'infrastructure' and 'recent development' layer is one of these sites. In instances such as these, the project team determined to identify a dominant layer for the purposes of publishing the plans rather than plotting multiple attributes which could be confusing and difficult to understand. In the case of Figure 7.5, the infrastructure layer was determined to be the dominant layer given the significant influence of the future WestConnex on the distribution and density of future land uses.

It is crucial to point out the infrastructure layer as the dominant layer does not override or replace the DA consent on your land. The electronic working files we have show your property as being mapped both 'infrastructure' and 'recent development'. We acknowledge that given the progression of development activity on your site, that a more appropriate response would have been to nominate the 'recent development' layer as the dominant layer. Your property has not been attributed a 'Planning Proposal' layer as only those Planning Proposals that have been registered on the Department of Planning and Environment's LEP Tracking or Pre Gateway Tracking websites were mapped; your Planning Proposal is not registered on either of those lists.

We acknowledge that your property is mapped as 'Indicative Proposed Open Space' and is recommended for Green Edge and Active Edge Setbacks on Figure 7.7 Homebush Green Edge, Transitions and Active and Commercial Frontages and Figure 7.12 Homebush Recommended Land Uses. The nomination of your property for potential future open spaces follows a Corridor wide principle adopted by the project team when preparing the Strategy and Guidelines that any 'infrastructure' nominated land should (in the first instance) be considered as potential locations for future open space. Your property, aligned to the Powell's Creek Corridor fell into this category, however as per earlier comments above and recognising that development had already progressed, the nomination of your property as future open space in the published Guidelines is an oversight.

Whilst this mapping oversight is recognised, we are not in a position to amend the Strategy and/or Guidelines at this stage. We draw your attention to Page 130 of the Guidelines which clearly indicates that the indicative location and configuration of any 'indicative proposed open space' areas shown in Figure 7.5 such as your property is to be determined as part of a future planning proposal. This statement provides the flexibility to depart from Figure 7.5, which in your case and given the commencement of construction, would be appropriate justification. The same logic applies to addressing Figures 7.7 and 7.12. Whilst there are no recommended height or FSR controls identified for your site, your proposal could seek a height and density control based on the surrounding context and other standard considerations such as SEPP 65 compliance.

Status and Application of the Strategy

I'd like to reiterate previous advice provided to you that your property's current zoning and the current development approval remain intact despite the release of the final Strategy. More specifically:

- the Strategy and Implementation Tool Kit do not rezone any land across the Corridor including your property;
- the Strategy (and its component parts) do not alter the current DA approval you have secured and commenced constructing; and
- the Strategy should not preclude you tenanted the property.

The Section 117 Direction issued by the Minister for Planning sets out when and how the Strategy and Guidelines should be considered (see copy attached at Section 7.3). The S117 Direction explicitly requires consideration of the Strategy when a planning proposal (rezoning) is being considered. The Strategy is not required to be considered when a DA is being considered.

Concluding Comments

I trust this provides you with the clarity you require. We have also shared this email with Strathfield Council to ensure everyone is provided with consistent advice.

Kind regards,



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