

## REZONING REVIEW – Briefing Report

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| <b>Date of Referral:</b>                                                                                                 | 28 February 2017                                                                                                                                                                             |                                                                                                                                                                   |
| <b>Department Ref. No:</b>                                                                                               | PGR_2017_STRAT_001_00                                                                                                                                                                        |                                                                                                                                                                   |
| <b>LGA:</b>                                                                                                              | Strathfield                                                                                                                                                                                  |                                                                                                                                                                   |
| <b>LEP to be Amended</b>                                                                                                 | Strathfield LEP 2012                                                                                                                                                                         |                                                                                                                                                                   |
| <b>Address:</b>                                                                                                          | 17-35 Parramatta Road and 5 Powell Street, Homebush                                                                                                                                          |                                                                                                                                                                   |
| <b>Reason for review:</b>                                                                                                | <input type="checkbox"/> Council notified the proponent that it will not support proposed amendment                                                                                          | <input checked="" type="checkbox"/> Council failed to indicate support for proposal within 90 days, or failed to submit the proposal after indicating its support |
| <b>Is a disclosure statement relating to reportable political donations under s147 of the Act required and provided?</b> | <input type="checkbox"/> Provided <input checked="" type="checkbox"/> Not required<br>Comment: The application states that there are no reportable political donations or gifts to disclose. |                                                                                                                                                                   |

### SUMMARY OF THE PROPOSAL

#### Background

- The Rezoning Review request made by Charlie Elachi on behalf of Al Maha Pty Ltd seeks to amend development standards under Strathfield Local Environmental Plan (LEP) 2012, which apply to land 17-35 Parramatta Road and 5 Powell Street, Homebush.
- The proposal seeks to increase the maximum floor space ratio from 1.65:1 to 4.5:1 and increase the maximum building height from 26 metres to 85 metres. This will facilitate greater density and yield at the site.
- On 21 February 2017, Strathfield Council resolved to defer consideration of the proposal.
- On 28 February 2017, the Planning Proposal request had been with Strathfield Council for 116 days. The Rezoning Review request has now been submitted as the matter has not been supported by Council within 90 days.

#### Locality and Context

- The subject site has a total area of 6,257 square metres and is located (Attachment A):
  - within the south-east portion of the Homebush Precinct as outlined in the Parramatta Road Urban Transformation Strategy; and
  - 100m from the Bakehouse Quarter retail area, 150m from Homebush Railway Station, 1km from North Strathfield Railway Station and 1.3km from Strathfield Railway Station.

#### Site Description

- The site is bounded by the M4 Motorway to the north, Parramatta Road to the south, Powell Street to the west and open space to the east (Attachment B).

- On 27 August 2014, a deferred development consent was issued by the Sydney East Joint Regional Planning Panel (JRPP) for the construction of two 8 storey mixed use buildings comprising 221 residential units and 6 commercial tenancies. The deferred commencement consent subsequently became operational on 10 November 2014 and construction works have commenced.

### **Current Planning Provisions**

- The site is zoned B4 Mixed Use under Strathfield Local Environmental Plan (LEP) 2012.
- The site is identified as Item 33 on the Key Sites Map in the Strathfield LEP 2012, and has a maximum building height of 26 metres and maximum floor space ratio FSR of 2.7:1 (Attachment C).

### **Proposed Planning Provisions**

- A concept design has been prepared to increase density on the land. This concept design provides for 348 units across three separate buildings. Heights of up to 25 storeys (85 metres) are proposed in the south-east corner of the site and up to eight storeys (20 metres) adjoining existing residences to the west (Attachment B).
- The Planning Proposal request seeks amend the development controls under the Strathfield LEP 2012 to facilitate this concept design by applying a maximum building height of 85 metres and maximum floor space ratio from 2.7:1 to 4.5:1 (Attachment D).
- This will be achieved by amending clause 4.3A Exceptions to height of buildings (Parramatta Road Corridor) and clause 4.4A Exceptions to floor space ratio (Parramatta Road Corridor) (Attachment D). No changes are proposed to the maps.

### **INFORMATION ASSESSMENT**

*Does the proposal seek to amend a zone or planning control that is less than 5 years old?*

- Yes – the proposal seeks to amend development controls under the Strathfield LEP 2012.
- When the Strathfield Planning Scheme Ordinance (1969) was replaced by the Strathfield LEP 2012:
  - the zoning changed from Mixed Use (10) to B4 Mixed Use;
  - there was previously no floor space ratio controls for the site. Floor space density was controlled by building heights, footprint and envelope under Council's development control plan; and
  - the height changed from 6-storey restriction towards Parramatta Road / Powell Street frontage and 3-storey restriction towards the rear to 26 metres across the site.

### **STRATEGIC MERIT TEST**

*Consistency with the relevant regional plan outside of the Greater Sydney Region, district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment.*

*Proponents will not be able to depend on a draft regional, district or corridor/precinct plan when the Minister for Planning, Greater Sydney Commission or Department of Planning and Environment have announced that such a plan will be updated before being able to be relied upon.*

### **Draft Central District Plan**

- The draft Central District Plan (the Plan) was released by the Greater Sydney Commission on 21 November 2016 (after the submission of this planning proposal request to Council) and is relevant to the site.

- The draft plan states that there is a need to create housing supply and choice within the Central District. This is outlined in Liveability Priority 1: Deliver Central District's five-year housing target which states that the five-year (2016-2021) housing target for Strathfield LGA is 3,650 dwellings.
- The draft plan does not contain directions or actions that preclude consideration of the land for redevelopment.
- Productivity Priority 3: Growing economic activity in centres and managing growth and change in strategic and district centres and, as relevant, local centres states that when planning for strategic, district and local centres, opportunities for existing centres to grow and to meet forecast demand across a range of retail business types should be considered. Planning proposals should demonstrate, how the proposal meets job targets; retail and service needs; promotes walking, cycling and public transport; provides urban spaces; responds to surrounding heritage and history; and manages the transition between higher intensity activity in and around a centre and lower intensity activity that frames the centre.
- The planning proposal request has not specifically addressed the draft plan; however, an addendum was provided to Council as part of an information request that states that the proposal is consistent with the draft plan given that it is consistent with the Parramatta Road Urban Transformation Strategy.

### **Parramatta Road Urban Transformation Strategy**

- The Parramatta Road Urban Transformation Strategy prepared by Urban Growth NSW (the Strategy) was released on 9 November 2016 (after the submission of this planning proposal request to Council) and is relevant to the site.
- The Strategy sets out a 30 year plan for the Parramatta Road Corridor outlining renewal of the corridor to support new communities through investment in homes, jobs, transport, open spaces and public amenity.
- The Strategy recommends densities for each precinct and the controls and sequence have been designed to achieve these densities. Infrastructure that is dedicated for the corridor will support this growth in each of the precincts.
- The site is identified outside the release area for the Homebush Precinct and is recommended for rezoning in the medium (2023-2036) to long term (2036-2050) stages of the strategy.
- The site is identified in the Strategy as having a recommended zoning of RE1 Public Recreation to integrate with open space along Powells Creek Reserve. There is no maximum height, or maximum FSR zoning recommended for the site.
- Urban Growth NSW (UGNSW) acknowledged in an email to the Applicant dated 3 February 2017 ([Attachment G](#)), that the "indicative proposed open space use" for the site was an oversight. UGNSW outlined the strategy provides flexibility to depart from this zoning, with a DA approval and commencement of construction deemed adequate justification for this departure.
- It is a requirement of the section 117 Direction for proposals inconsistent with the recommended release area to address the Out-of-Sequence Checklist provided in the Strategy. Proposals that are inconsistent with the strategy's proposed controls must demonstrate how the proposal will deliver better outcomes than identified in the strategy.
- The planning proposal request does not address this Out-of-Sequence Checklist though it notes that the proposal is consistent with the Strategy given that UGNSW has acknowledged that the site has been incorrectly identified for open space and that the draft Parramatta Road Urban Transformation Strategy nominated the site for mixed use with a 82m building height standard.

*Consistency with a relevant local strategy that has been endorsed by the Department;*

- There is no relevant local strategy that has been endorsed by the Department.

*Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.*

- The planning proposal seeks to justify the LEP amendment given that the current controls do not recognise new infrastructure services including the Westconnex and Parramatta Light Rail and given its identification under the draft Parramatta Road Urban Transformation Strategy (draft Strategy).
- The draft Strategy stated that the:
  - “vision, principles and strategic actions would encourage 40,000 new homes for up to 70,000 people, close to transport and services with workplaces for productive and prosperous businesses that support 50,000 new jobs, with a focus on investment to support emerging employment generating industries in the Corridor’s west”.
- The draft Strategy outlined the subject site would accommodate a mixed use building with an approximate building height of 14-25 storeys, which equates to a maximum building height up to approximately 82 metres.
- The proposal outlines the approved development has a lifespan of approximately 60-80 years, and therefore requests an increase in density on the site, in response to the draft Parramatta Road Strategy.
- The final strategy was released in November 2016 and has been discussed above.

## **SITE-SPECIFIC MERIT TEST**

*The Natural Environment (including known significant environmental values, resources or hazards)*

### **Natural Environment**

- The subject site is located within an established urban area in metropolitan Sydney, with an approved development application for 8 storey residential towers.
- The proposal states there are no known critical habitats, threatened species or ecological communities located on the site and therefore the likelihood of any negative ecological impacts is minimal.

### **Contamination**

- Construction has commenced on the site as part of the deferred development consent as approved by the JRPP. While the current proposal is not supported by a contamination study, it was determined in 2014 under the development assessment process that the site is suitable in its current state for the purposes for which consent was granted.

### **Acid Sulfate Soils**

- The site is classified as Class 5 on the Acid Sulfate Soils map in the Strathfield LEP 2012. Clause 6.1 Acid Sulfate Soils outlines development consent is required for “works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land”.
- The proposal notes the existing provisions outlined in the Strathfield LEP 2012 and outlines the planning proposal will not affect these provisions.

### **Heritage**

- The site is located in close proximity to two local heritage items identified in the Strathfield LEP 2012. These include the Horse and Jockey Hotel and former Homebush Theatre.
- A Heritage Impact Statement has not been submitted with the proposal.

*The existing uses, approved uses and likely future uses of land in the vicinity of the proposal*

- The site is currently being developed to accommodate two 8 storey towers, as approved by a deferred commencement consent which became operational on 10 November 2014.
- The development application was approved prior to the release of the Parramatta Road Strategy.

*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.*

### **Infrastructure and Services**

- The site is in an established urban area and has access to infrastructure, utilities and services.
- The Parramatta Road Urban Transformation Strategy has outlined the Homebush precinct will accommodate approximately 19,500 new people by 2050. To achieve this an Infrastructure Schedule has been prepared to support the Parramatta Road Urban Transformation Strategy document. The Infrastructure Schedule outlines a requirement for improved public domain and amenities, increased open space and active transport improvements. It is envisaged by the Strategy that planning proposals will contribute funding or land towards provision of this infrastructure.
- The proposal does not address the provision of infrastructure in line with the Parramatta Road Urban Transformation Strategy Infrastructure Schedule.

### **Traffic**

- A Traffic and Transport Impact Assessment has not been prepared to support the proposal.

### **Public Transport**

- The proposal outlines the site is serviced by regular public transport, such as Homebush Railway Station (150 metres) which is in immediate proximity of the subject site. Two railway stations are within 1.5km of the subject site. These include, North Strathfield Railway Station (1km) and Strathfield Railway Station (1.3km).
- The proposal outlines the site is in close proximity to the preferred network map for the proposed Parramatta Light Rail route.

### **Open space:**

- Powells Creek Reserve is located directly adjacent to the proposal on the eastern boundary of the subject site.

### **VIEWS OF COUNCIL AND AGENCIES**

- On 7 March 2017, the Department advised Strathfield Council that a Rezoning Review request had been lodged. Council responded to the Department on 27 March 2017 (Attachment F), and outlined the following issues:
  - the planning proposal is inconsistent with the Parramatta Road Urban Transformation and may result in ad-hoc planning consequences;
  - Council does not support site-specific planning proposals and proposes to complete a precinct wide planning proposal which will include consideration of impacts such as land use, traffic, noise, urban design, built form and overshadowing;
  - Council suggests the proposal is pre-emptive of a precinct wide planning proposal and other relevant background studies relating to traffic impacts and urban design, including regional background studies that are currently being prepared cooperatively between Strathfield, Burwood, and Canada Bay Councils; and
  - the proposal has not demonstrated enough justification in regard to built form, bulk and scale, traffic and transport, overshadowing, acoustic and impacts on surrounding heritage to support site specific merit.

## **ATTACHMENTS**

- Attachment A – Locality Map
- Attachment B – Site Map
- Attachment C – Current LEP Provision
- Attachment D – Proposed LEP Provision
- Attachment E – Council Comments
- Attachment F – Comments from Urban Growth NSW
- Attachment G – Rezoning Review Application Package
  - Application Form
  - Cover Letter - Rezoning Review Request
  - Draft Planning Proposal
  - Recent Application/Approvals
  - Urban Design Report
  - Correspondence Letter – Strathfield Council 6 December 2016
  - Correspondence Letter – BBC Consulting Planners 13 December 2016
  - Copy of Planning Proposal Lodgement Receipt
  - Correspondence Letter – Strathfield Council 23 December 2016
  - Correspondence Letter – BBC Consulting Planners 17 February 2017
  - Email from S Ballangalo, Urban Growth to S Falato and F Liang, Strathfield Council
  - Minutes of Council Meeting – 21 February 2017
  - Council Officer's Report – 21 February 2017

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