

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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