

16 April 2019

Mr James Matthews
Pacific Planning
PO Box 8,
CARINGBAH NSW 1495

Dear James,

Re: Planning Proposal - Nos 10-16 Loftus Crescent, 2 Subway Lane, 88-92A Parramatta Road and 5 & 9-11 Knight Street, Homebush

Reference is made to your response to Council's correspondence dated 25 February 2019 with respect to the Planning Proposal submitted to Strathfield Council on 19 September 2018 for Nos 10-16 Loftus Crescent, 2 Subway Lane, 88-92A Parramatta Road and 5 & 9-11 Knight Street, Homebush seeking consideration of the following amendments to Strathfield LEP 2012:

- Increase the maximum building height controls for the site from part 16m, 21m and 22m to 80m (consistent with the PRCUTS); and
- Increase the maximum floor space ratio control from part 1.65:1 and 2:1 to 5:1 (consistent with the PRCUTS).

Further, the Planning Proposal seeks to amend the identification of the site as a key site on the Floor Space Ratio Map for the purposes of Clause 4.4A Exceptions to floor space ratio (Parramatta Road Corridor) to provide for an additional maximum floor space ratio of 7:1 where certain public benefits are provided.

Council provides the following in response to your correspondence:

Precinct Wide Traffic Study

As outlined in Council's previous correspondence, in accordance with the Action Plan 2016-2023 for the Homebush Precinct in the **Parramatta Road Corridor Implementation Plan 2016-2023**, prior to any rezoning commencing, a Precinct-wide traffic study and supporting modelling is required to be completed which considers the recommended land uses and densities, as well as future Westconnex conditions, and identifies the necessary road improvements and upgrades required to be delivered as part of any proposed renewal in the Precinct.

A Planning Proposal for Nos 17-20 Loftus Crescent, Homebush was considered by the Sydney Eastern Planning Panel on 28 February 2019. The Panel concluded that because the required traffic study had not been completed, the proposal did not have strategic merit and could not proceed to Gateway.

A copy of the decision of the Panel is included for your information.

For this reason, Council cannot further consider the Planning Proposal at this stage.

Isolation of No 7 Knight Street, Homebush

As outlined in Council's previous letter, Council does not support the isolation of No 7 Knight Street, Homebush from the Planning Proposal and considers that a better design outcome could be achieved with the incorporation of No 7 Knight Street, Homebush.

As outlined in your letter you support the inclusion of the land as part of the plan making process. In this regard, Council requests that the Planning Proposal be amended to include No 7 Knight Street, Homebush so as to ensure the orderly and efficient development of the whole site.

Assessment of Public Benefit

The Planning Proposal is also seeking to amend the identification of the site as a key site on the Floor Space Ratio Map for the purposes of Clause 4.4A Exceptions to floor space ratio (Parramatta Road Corridor) to provide for a maximum floor space ratio of 7:1 where certain public benefits are provided.

The proposed public benefits include:

- a new laneway through the site
- the dedication of land to facilitate additional parking in Loftus Street, the provision of an on-road bicycle lane and improved footpath
- the dedication of a new public park (1250m²)
- bus shelter upgrades along Parramatta Road

The EP&A Act describes what a 'public purpose' includes (without limitation) on which Planning Agreements can be based.

Section 7.4(2) describes a public purpose (without limitation) as follows:

- (a) *"the provision of (or the recoupment of the cost of providing) public amenities or public services,*
- (b) *the provision of (or the recoupment of the cost of providing) affordable housing,*
- (c) *the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land,*
- (d) *the funding of recurrent expenditure relating to the provision of public amenities or public services, affordable housing or transport or other infrastructure,*
- (e) *the monitoring of the planning impacts of development,*
- (f) *the conservation or enhancement of the natural environment".*

There appears to be no documentation submitted with the Planning Proposal that provides Council with an indication of the value of the proposed uplift. This information still has not been submitted.

In order for Council to understand the value of the uplift the development feasibility study for the proposed development is required to be submitted to Council. This document will remain confidential and will only be utilised for the purposes of understanding what the value of the uplift is.

Balanced Growth – Increase in Jobs

Council disagrees with your response that the proposal responds *well to the objectives of the strategy in its form and type of increased employment floorspace promoted*.

The Planning Proposal fails to demonstrate how it aligns with the PRCUTS principle of a *diverse and resilient economy*.

The development is predominantly residential and no real justification has been provided as part of the Planning Proposal for the lack of employment uses on the site.

Further detail is to be submitted to Council which provides a breakdown of the amount of employment generating GFA and where this is proposed to be situated on the site.

At this stage Council considers that there are two (2) options available with respect to the consideration of the Planning Proposal:

Option 1 – Withdrawal of the Planning Proposal

For the reasons outlined above, and specifically due to the precinct wide traffic study not being completed, council is unable to progress consideration of the Planning Proposal. In this regard, you may wish to withdraw the Planning Proposal.

If the Planning Proposal is withdrawn, Council will refund the majority of the fees already paid. A \$2,000 fee will be retained by Council to cover Council's administrative costs and assessment of the Planning Proposal to date.

Option 2 – Assessment and Consideration of Planning Proposal, as submitted

Council will undertake an assessment of the Planning Proposal and documentation submitted in accordance with the requirements of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000* and any relevant policy documents prepared by the NSW Department of Planning & Environment.

A report will be prepared and forwarded to the Strathfield Local Planning Panel (SLPP) for consideration and Council for resolution. It should be noted however that for the reasons outlined above, Council's Strategic Planning staff are unlikely to support the Planning Proposal in its current form.

You are advised that should a report be prepared and presented to the SLPP/Council, regardless of the outcome, 100% of the fees paid to date will be retained by Council to cover the assessment and administration of the Planning Proposal by Council's Strategic Planning staff.

Council would also wish to advise that should the proponent request a Rezoning Review from the Department of Planning & Environment, no refund of Council fees will be given regardless of the outcome of the Rezoning Review.

It would be appreciated if you could advise Council by Friday 17 May 2019 as to which Option you would like to pursue.

Please do not hesitate to contact Council's Manager, Strategic Planning, Ms Rita Vella on 9748 9995 should you wish to discuss the contents of this letter or if you require any further clarification.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Stephen Clements', written in a cursive style.

STEPHEN CLEMENTS

Deputy CEO/General Manager Planning, Environment & Urban Services



DATE OF DECISION	Thursday 28 February 2019
PANEL MEMBERS	Carl Scully (Chair), John Roseth, Sue Francis, Vivienne Albin, Mike Ryan
APOLOGIES	None
DECLARATIONS OF INTEREST	None

REZONING REVIEW

2018ECI009 – Strathfield - RR_2018_STRAT_003_00 - at 17-20 Loftus Crescent Homebush (AS DESCRIBED IN SCHEDULE 1)

Reason for Review:

- ☐ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☒ The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:

- ☐ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- ☒ **should not** be submitted for a Gateway determination because the proposal has
- ☒ not demonstrated strategic merit
 - ☐ has demonstrated strategic merit but not site specific merit

The decision was unanimous.

REASONS FOR THE DECISION






The Panel in considering this matter, took into account several planning documents, in particular the PRCUTS (the Strategy) and its associated Action Plan, as well as Ministerial Direction 7.3, which requires a relevant planning authority, when considering planning proposals, to make decisions consistent with the Strategy. The Panel notes that the applicant had submitted a previous planning proposal for the site, which proposed a higher density and was advised by the council to amend it so that the proposed density and height are consistent with that recommended in the Strategy.

While the Strategy proposes specific FSRs and building heights for the various precincts, including the Homebush Precinct, it requires that, before land is rezoned to the density and height suggested, a precinct-wide traffic study and supporting modelling is to be completed, which considers the recommended land uses and densities, as well as future Westconnex conditions, and identifies the necessary road improvements and upgrades required to be delivered as part of any proposed renewal of the Precinct. While such a study is under way, sponsored by Canada Bay, Strathfield and Burwood Councils, it is not complete. The preliminary indications of the study are that the existing roadwork cannot support the densities proposed in the Strategy.

The Panel therefore concludes that the planning proposal, while consistent with the FSR and building height identified for the site in the Strategy, is nevertheless not consistent with the Strategy, when read as a whole, because the required traffic study has not been completed. For that reason, the Panel considers that the proposal does not have strategic merit.

Whilst the Panel acknowledges Ministerial Direction 7.3 states that a planning proposal may be inconsistent if it is of a minor significance, the Panel is also aware that several decisions of 'minor significance' can cumulatively have major significance. Therefore, the Panel does not recommend that this planning proposal proceed to Gateway until either the precinct-wide traffic study justifies the densities suggested by the Strategy, or those densities are modified to correspond with the findings of the traffic study.

The Panel determined that the planning proposal does not have strategic merit to proceed to Gateway at this time.

PANEL MEMBERS	
 Carl Scully (Chair)	 John Roseth
 Sue Francis	 Vivienne Albin
 Mike Ryan	

SCHEDULE 1

1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	2018ECI009 – Strathfield - RR_2018_STRAT_003_00 - at 17-20 Loftus Crescent Homebush
2	LEP TO BE AMENDED	Strathfield Local Environmental Plan 2012
3	PROPOSED INSTRUMENT	The proposal seeks to amend the Strathfield Local Environmental Plan 2012 to increase the maximum building height to 75 metres and increase the maximum floor space ratio to 3.6:1 at 17-20 Loftus Crescent Homebush.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Rezoning review request documentation Briefing report from Department of Planning and Environment
5	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> Site inspection: 31 January 2019 <ul style="list-style-type: none"> Panel members in attendance: Carl Scully (Chair), John Roseth, Sue Francis, Vivienne Albin, Mike Ryan Department of Planning and Environment (DPE) staff in attendance: Kris Walsh, Nick Armstrong, Christina Brooks Briefing with Department of Planning and Environment (DPE): 31 January 2019 <ul style="list-style-type: none"> Panel members in attendance: Carl Scully (Chair), John Roseth, Sue Francis, Vivienne Albin, Mike Ryan Department of Planning and Environment (DPE) staff in attendance: Kris Walsh, Nick Armstrong, Christina Brooks Briefing with Council & Proponent: 31 January 2019 <ul style="list-style-type: none"> Panel members in attendance: Panel members in attendance: Carl Scully (Chair), John Roseth, Sue Francis, Vivienne Albin, Mike Ryan Department of Planning and Environment (DPE) staff in attendance: Kris Walsh, Nick Armstrong, Christina Brooks Council representatives in attendance: Rita Vella Proponent representatives in attendance: Adam Byrnes, Schandel Fortu, Michelle Jelcic, Aleksandar Jelcic Briefing with Department of Planning and Environment (DPE): 28 February 2019 <ul style="list-style-type: none"> Panel members in attendance: Carl Scully (Chair), John Roseth, Sue Francis, Vivienne Albin, Mike Ryan Department of Planning and Environment (DPE) staff in attendance: Kris Walsh, Amanda Harvey, Navdeep Hanjra