

ID2 RECLASSIFICATION OF NO. 1 LOFTUS CRESCENT, HOMEBUSH

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Environment and Urban Services**

APPROVER: Henry T Wong, Chief Executive Officer

RECOMMENDATION

1. That Council resolve to prepare a Planning Proposal to amend the provisions of Strathfield LEP 2012 to reclassify Council owned land at No 1 Loftus Crescent, Strathfield from community to operational land to provide additional affordable housing and that once the Planning Proposal is prepared it be forwarded to the delegate of the Greater Sydney Commission for a Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act 1979.
2. That a Public Hearing is held into the reclassification of No 1 Loftus Crescent, Homebush from community to operational as required under Section 29 of the Local Government Act 1993.
3. That in the event of the proposed redevelopment for transitional housing, affordable housing, not proceed, the Classification of land at 1 Loftus Crescent shall automatically revert to Community Land.
4. That following the exhibition and the public hearing, a report be presented back to Council.

PURPOSE OF REPORT

Council is seeking to reclassify Lot D, DP340860, known as No 1 Loftus Crescent, Homebush from community to operational land. The reclassification will allow Council to consider opportunities for the development of the land and to provide additional affordable housing.

CLASSIFICATION OF LAND

The preparation of a planning proposal is the first step in the New South Wales (NSW) Planning and Environment's (the Department) Gateway Process, the process for making or amending local environmental plans.

It is proposed to prepare a planning proposal to amend Strathfield Local Environmental Plan 2012 (LEP) to change the classification of Lot D, DP340860, known as No 1 Loftus Crescent from Community to Operational land.

The site is owned by Council and is currently classified as Community Land under the Local Government Act 1993 (LG Act). The intent of the planning proposal is to reclassify the land to Operational Land.

The LG Act requires all public land (any land vested in, or under the control of Council, except roads, Crown land or a common) to be classified as one of two categories: Community or Operational. Community Land is generally open to the public and includes parks, reserves and sports grounds. Operational Land is generally land held as a temporary asset or used by Council to carry out its functions (work depots and garages) or to provide car parking. Community land cannot be sold and cannot be leased or licensed for more than twenty-one (21) years. No such restrictions apply to Operational Land.

The reclassification of the land does not commit Council to the sale or development of the land. Nor does it remove the land from Council's ownership or prevent the current use of the Land from continuing. Such considerations will be subject to separate processes and decisions.

Reclassification of No. 1 Loftus Crescent, Homebush (Cont'd)



Reclassification of No. 1 Loftus Crescent, Homebush (Cont'd)**BACKGROUND**

Strathfield Development Control Plan No 20 – Parramatta Road Corridor Area came into force on 9 February 2000 and identified No 1 Loftus Crescent, Homebush as a Public Square.

No 1 Loftus Crescent was identified as public open space in the Parramatta Road Corridor Masterplan. The subject property was identified pursuant to LEP 102 (gazetted in August 2003) as being zoned open space (referred to in Clause 18A of the Strathfield Planning Scheme Ordinance (SPSO)).

Upon gazettal of LEP 102, the owner of No 1 Loftus Crescent wrote to Council (letter dated 2 July 2003) requesting that Council acquire the subject property.

Council, in late 2006 compulsorily acquired No 1 Loftus Crescent, Homebush. The subject property was purchased using section 94 funds allocated towards the provision of open space.

At the time of the purchase, the land was zoned Proposed Open Space under the Strathfield Planning Scheme Ordinance. Land at No 29 and 30 Loftus Crescent, Homebush was also identified as future open space.

The Strathfield Planning Scheme Ordinance was reviewed in 2011 as part of the Standard LEP Instrument review. At this time, it was proposed that the site be rezoned consistent with the adjoining zoning, which is currently R4 – High Density Residential.

The rationale for the zoning change was to allow Council flexibility for future options for the site, as at the time of the preparation of the Strathfield LEP 2012 it was undecided if Council would continue with the proposal to utilise the site for open space.

THE SITE AND LOCALITY

The **Site** is legally known as Lot D, DP340860 known as No 1 Loftus Crescent, Homebush. The subject site is approximately 690m² and is a 1930's art deco style block of apartments with 4 units. A driveway is situated to the western side of the site.

The subject site is situated adjacent to Homebush Railway Station and is within a high density residential precinct. Adjoining the site are single dwellings houses, many of which appear to have been built in the 1930s/40s. The locality is an area in transition from low density to high density residential development.

Reclassification of No. 1 Loftus Crescent, Homebush (Cont'd)

The subject site is within the Homebush Precinct of the Parramatta Road Corridor Urban Transformation Strategy which sets out the vision, land use and transport principles to accommodate additional dwellings and jobs over the next 30 years.

CURRENT PLANNING CONTROLS

The subject site is currently zoned R4 – High Density Residential and is identified within Key Site No 86 (Nos 1, 3 & 5 Loftus Crescent) under Strathfield LEP 2012. Key Site No 86 has frontage to both Loftus Crescent and Station.

Under the Key Sites provision, the subject sites, if amalgamated as one development site permit a maximum height of 29m and a maximum floor space ratio (FSR) of 2.7:1. As an isolated site, the maximum height and FSR is 16m and 1.64:1 respectively under Strathfield LEP 2012.

The subject land is strategically located within the Parramatta Road Corridor, which links the CBD's of Parramatta and Sydney.

The Homebush Precinct is identified as a priority growth precinct within State-led strategic planning documents, targeted to deliver housing supply and employment opportunities within the transit oriented development Corridor.

The subject site is within the *Parramatta Road Corridor Urban Transformation Strategy* (PRCUTS) which was released in November 2016 and is given statutory weight under a Section 117 Ministerial Direction.

A maximum building height of **80m** and floor space ratio of **5:1** is recommended for the site under the *Parramatta Road Urban Transformation Strategy* (PRCUTS) 2016, which is given statutory weight under a Section 117 Ministerial Direction.

RECLASSIFICATION OF THE SUBJECT LAND FROM “COMMUNITY” TO “OPERATIONAL” LAND

The Department of Planning & Environment has issued a practice note (PN 16-001) which provides guidance on classifying and reclassifying public land through a local environmental plan (LEP).

A planning proposal to classify or reclassify public land will need to be prepared in accordance with the practice note and the additional matters specified in Attachment 1 to this practice note.

An assessment against the practice note and its attachment is as follows:

Matters for Consideration	Comment
The current and proposed classification of the Land.	The subject land is classified as community land.
Whether the land is a ‘public reserve’ (defined in the LG Act).	No.
The strategic and site specific merits of the reclassification and evidence to support this.	<p>The reclassification will allow Council to review its options in relation to the future of the land.</p> <p>The request is to implement statutory changes that will change the classification of the land in line with the current R4 – High Density Residential zone and to allow Council</p>

Reclassification of No. 1 Loftus Crescent, Homebush (Cont'd)

Matters for Consideration	Comment
	flexibility for future options for the site.
Whether the planning proposal is the result of a strategic study or report.	The request for a Planning Proposal is not the result of a specific planning study.
Whether the planning proposal is consistent with council's community plan or other local strategic plan.	
<p>A summary of Council's interests in the land, including:</p> <ul style="list-style-type: none"> • how and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution), • if Council does not own the land, the land owner's consent; • the nature of any trusts, dedications etc. 	Refer to information above.
Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why.	No interests to be changed.
The effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged).	There is currently a 1930's art deco style block of apartments with 4 units. A driveway is situated to the western side of the site. In the short term, the proposed reclassification will not result in a change to the existing development on the site.
Evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents).	Not applicable.
Current use(s) of the land, and whether uses are authorised or unauthorised.	There is an existing residential flat building on the subject site.
Current or proposed lease or agreements applying to the land, together with their duration, terms and controls.	The four units in the current building are all currently leased on the private rental market.
Current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when Council intends to realise its asset, either immediately after rezoning/reclassification or at a later time).	No agreements have been made, although Council has been approached by the developer who has acquired other property within the Key Site.
Any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy).	No. The subject site is currently zoned R4 – High Density Residential and is identified within Key Site No 86 (Nos 1, 3 & 5 Loftus Crescent) under Strathfield LEP 2012. The proposed reclassification does not propose to change the current zoning on the site, nor any of the development standards currently applying to the site.
How Council may or will benefit financially, and	It is Council's intention to acquire an

Reclassification of No. 1 Loftus Crescent, Homebush (Cont'd)

Matters for Consideration	Comment
how these funds will be used.	increased number of units for affordable housing/community housing in place of the current four units.
How Council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal.	
Preliminary comments by a relevant government agency, including an agency that dedicated the land to Council, if applicable.	No comments lodged with Council to date. Comments will be sought during the formal exhibition of the planning proposal from relevant government agencies.

NEXT STEPS

If Council is supportive of the proposed reclassification then a Planning Proposal will need to be prepared and forwarded to **the delegate of the Greater Sydney Commission** for a Gateway Determination in accordance with the requirements of the Environmental Planning & Assessment Act.

Should Council receive a positive Gateway Determination to proceed with the Planning Proposal, the Gateway Determination will outline the specific actions Council will need to undertake, including public exhibition periods and public hearing. The Gateway Determination is likely to require the Planning Proposal to be publicly exhibited for a minimum of 28 days.

PUBLIC HEARING

As the land is to be reclassified from Community Land to Operational Land in accordance with Section 30 of the LG Act, a Public Hearing must be held in accordance with Section 29 of the LG Act and Schedule 1, Clause 4 of the EP&A Act. The Gateway Determination will also provide a requirement/s for the Public Hearing.

The Public Hearing must be undertaken by an independent 3rd party and the report on Public Hearing is to be provided to Council by the independent 3rd party, who chaired the Public Hearing.

CONCLUSION

Although the subject site was originally intended to be used as future open space, the current existing use of the land is a residential flat building.

In order to enable Council to consider future options for No 1 Loftus Crescent, the Site must be reclassified from 'community land' to 'operational land' in accordance with Section 30 of the LG Act, which requires an amendment to Strathfield LEP 2012.

The following steps now need to occur:

- Council resolves to prepare a Planning Proposal to reclassify No 1 Loftus Crescent, Homebush from community to operational land for forwarding to DEP for Gateway Determination
- Public Exhibition and Consultation with other Public Authorities (if required)
- Public Hearing and report prepared on public hearing by a 3rd party
- Council considers report on Public Exhibition and Public Hearing and resolves whether to continue or not continue with Planning Proposal

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FINANCIAL IMPLICATONS

There are no financial implications.

ATTACHMENTS

There are no attachments for this report.