

APPENDIX A
Council report dated 12 October 2010



Burwood Council

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COUNCIL MEETING

The meeting of the Council of Burwood will be held in the Council Chamber, Suite 1, Level 2, 1-17 Elsie Street, Burwood on Tuesday, 12 October 2010 at 6:00pm

Bernard Smith
ACTING GENERAL MANAGER

Our Mission

**Burwood Council will create a quality lifestyle for its citizens
by promoting harmony and excellence in the delivery of its services**

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(ITEM 130/10) DRAFT BURWOOD COMPREHENSIVE LOCAL ENVIRONMENTAL PLAN

File No: F08/140411

REPORT BY ACTING DIRECTOR COMMUNITY PLANNING

Summary

Preparation of the draft Comprehensive Local Environmental Plan (LEP) is based on established principles that protect Burwood's high quality residential areas and use a like-for-like approach in the selection of new zones and development standards to replace those in the existing Burwood Planning Scheme Ordinance 1979. There is provision for housing and employment growth mainly through the take up of existing capacity, an expansion of the Strathfield Town Centre, an Enterprise Corridor zone along Parramatta Road, and a new Local Centre zone along Liverpool Road, Enfield. State Government directions on local planning and matters raised by State agencies and other councils in the initial consultation largely can be adequately addressed. It is recommended that Council endorse the draft Comprehensive LEP's key directions and continued consultation with the Department of Planning (DOP), before preparing a submission to the DOP for public exhibition.

Background

At its meeting of 26 May 2009, Council resolved to prepare a draft Comprehensive LEP under Section 54 of the Environmental Planning and Assessment (EP&A) Act to replace the Burwood Planning Scheme Ordinance (BPSO) 1979. With the Burwood Town Centre LEP 2010 having commenced on 10 May 2010, this is now Council's priority strategic planning project.

The Department of Planning (DOP) by letter to Council of 21 July 2009 confirmed that the project should continue under the previous LEP making process and that no environmental study is required. It also indicated that:

- The Burwood Town Centre LEP will need to be incorporated in the draft Comprehensive LEP.
- The progress already made in the Burwood Town Centre LEP towards meeting residential and employment targets is acknowledged.
- In seeking certification for exhibition of the draft Comprehensive LEP, Council must show how the State Government's (s.117) Directions on local plan making are met.
- The draft Comprehensive LEP should help deliver the objectives of the Metropolitan Strategy documents, including their housing and employment targets, and heritage protection.
- Council owned land should be reviewed so that any changes to classification can be dealt with in the draft Comprehensive LEP.
- Formal discussions with the DOP are mandatory before Council makes its submission seeking certification for exhibition of the draft Comprehensive LEP.

Official consultation with public agencies (under former s.62 of the EP&A Act) was undertaken in November 2009 – February 2010 and this report responds to issues raised in the submissions received.

Internal and Other Consultation

Workshops were held for Councillors in July and September 2009 and June 2010 to outline and obtain input on key directions for the draft Comprehensive LEP.

The Strategic Planning team have met with and sought input from all divisions of Council. On going consultation will be undertaken throughout the plan preparation process.

The Strategic Planning team have had discussions with staff of the adjoining councils, who are also working on Comprehensive LEPs for their council areas. The discussions have been productive, and will continue during the development of Burwood's Comprehensive LEP.

Proposal

This report presents:

- The principles that have guided formulation of the draft Comprehensive LEP;
- The constraints and opportunities provided by the Standard Instrument Template that must be used for the draft Comprehensive LEP;
- The main aspects of the draft Comprehensive LEP including choice of zones, development standards, LEP maps and the LEP written document;
- The intended paths for development of a new Contributions Plan and Comprehensive Development Control Plan (DCP) to accompany implementation of the Comprehensive LEP; and
- The next steps of the draft Comprehensive LEP process.

The report seeks Council's endorsement of the key direction of the draft Comprehensive LEP for progression to the next steps.

Principles

The principles that have guided the preparation of the draft Comprehensive LEP are:

- Council's 2004 Vision Document provides the main framework, with commitments to:
 - Protect Burwood's high quality residential areas and streetscapes;
 - Create an overall compact urban structure with greater housing choice;
 - Foster business and jobs growth in localities with good public transport availability;
 - Protect the natural environment and open space, recreational and cultural assets; and
 - Replace the BPSO with a contemporary Comprehensive LEP.
- The draft Comprehensive LEP is therefore mainly a changeover from the existing BPSO to the new plan, and the selection of zones and development standards to replace those in the BPSO has used a like-for-like approach wherever possible.
- Given the growth facilitated by the Burwood Town Centre LEP, the draft Comprehensive LEP as a medium term plan does not have to show how the long term housing and employment targets in the State Government's Metropolitan and Sub-regional Strategies will be met in full.
- However in recognition of the need to help achieve metropolitan strategic objectives, there is provision for modest additional housing and employment growth through take-up of under-used capacity in existing zones, together with limited capacity expansion in other specific locations.
- The draft Comprehensive LEP aims to improve the design and quality of the built environment by using appropriate development standards to facilitate good urban design.
- Development standards also aim to allow and encourage the economic development of land.
- The draft Comprehensive LEP aims to be simpler and easier to use, consistent with the objectives of the State Government's Standard LEP.

The Standard Instrument

Council is obliged to use the template provided by the State Government's Standard Instrument (SI) in preparing the draft Comprehensive LEP, as it did for the Burwood Town Centre LEP 2010. It involves a range of constraints, including:

- The SI has a more limited choice of standard zones.
- The SI land use table includes mandatory permitted uses within most zones.
- Many clauses and provisions in the SI are mandatory and cannot be altered.
- Definitions in the SI are more detailed, and use group terms that cover several other land uses.
- Conversion of height controls from storeys to metres introduces some minor differences.
- The State Government retains and uses powers to make State Environmental Planning Policies (SEPPs) that over-ride LEPs.

In this context the main choices available to Council in formulating the draft Comprehensive LEP are:

- The standard zones to apply to land.
- Many of the developments to be permitted and prohibited in each zone.
- The inclusion of special local clauses, being either pre-approved Model Local Clauses or others used in the Burwood Town Centre LEP or recent Comprehensive LEPs from other councils.
- Schedule 1 which allows additional permitted uses contrary to the zoning of the land.

Zoning of land

The following table shows the 10 zones proposed in the draft Comprehensive LEP, and the 20 + zones and reservations in the BPSO that will be replaced.

ZONES	DRAFT COMPREHENSIVE LEP	REPLACES IN BPSO
Residential	2 zones: • R2 Low Density Residential • R3 Medium Density Residential	5 existing zones: • Replaces the low density zone 2(a), and the 2 storey town house zone 2(b1). • Replaces the other medium density zones (2(b2), 2(c1) and 2(c2)).
Business	4 zones: • B1 Neighbourhood Centre • B2 Local Centre • B4 Mixed Use • B6 Enterprise Corridor	6 existing zones: • Replaces the Business Neighbourhood zone 3(d). • Replaces some Business General (3(a) and several Business Special zones (3(b) and 3(c3)). • Replaces the Business General zone in Strathfield Town Centre 3(a), and the Business Special zone north of Burwood Town Centre 3(c3). • Replaces the Business Special zone 3(b) along Parramatta Road.
Industrial	1 zone: • IN2 Light Industrial	1 existing zone: • Replaces the Industrial Light zone 4(d).
Open space	2 zones: • RE1 Public Recreation • RE2 Private Recreation	2 different zones and 2 different reservations: • Replaces the Recreation Existing zone 6(a), and the Open Space (Recreation) and County Open Space Reservations (1(a) and 1(b)). • Replaces the Recreation Private zone 6(b).

Special use	1 zone: • SP2 Infrastructure covering major infrastructure (railways and classified roads).	2 existing zones and 2 existing reservations: • Replaces the Special Uses zone 5(a) applying to Schools, Parking, Sydney Water etc and the Special Uses Railway zone.
TOTAL	10 zones	20 + zones and reservations

The following additional comments on the use and allocation of zones should be noted:

- The main proposed change in zoning would apply to the area east of Strathfield Town Centre, between Morwick and Parnell Streets (see Diagram 1 below). Currently zoned Residential 2(c1) and Special Uses 5(a) "Parking", this area would become B4 Mixed Use. It would form an extension to the Strathfield Town Centre where the B4 zone would also apply. The Strathfield Recreation Club's site has not been included at this stage, as it is currently in a Private Recreation zone and it would be desirable to maintain the existing green open character. However the Club recently has held meetings with Council staff about potential redevelopment of its site. It is anticipated that the Club will make a formal submission to Council once the draft Comprehensive LEP is placed on public exhibition. If a submission is received, it will be assessed on its merits and reported to Council as part of the LEP process.

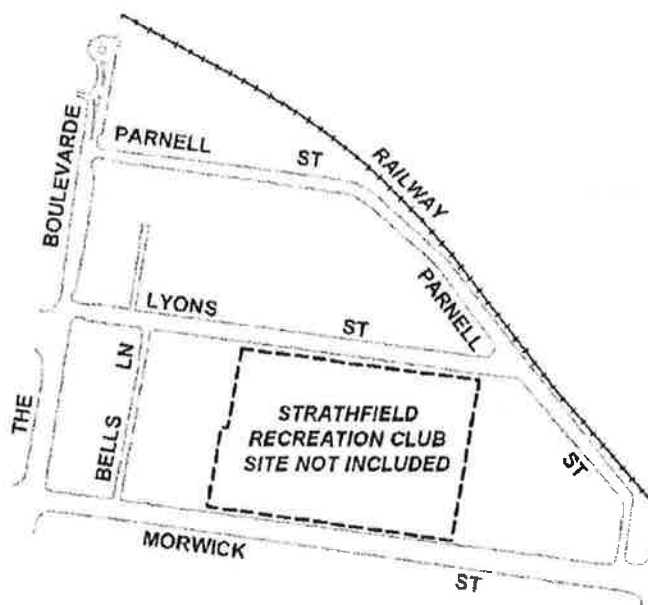


Diagram 1

- Development of town houses, villas and the like in areas zoned specifically for these purposes has general community acceptance. Currently this is proposed to be carried over by the delineation of these town house and villa areas within the R2 Low Density zone via Schedule 1 of the draft Comprehensive LEP.
- A new area fronting Byer Street and Plymouth Street Enfield, currently zoned 2(a) under the BPSO, is proposed to be zoned for R3 Medium Density Residential, to be consistent with the zoning of other land fronting Byer Street.
- A small area in Clarence Street Burwood zoned 2(b1) in the BPSO is proposed to be excluded from the delineated multi dwelling housing area as it contains a number of heritage items including a State heritage item and has not been redeveloped. For similar reasons a small number of properties at the corner of Rowley Street and Park Road zoned 2(b1) in the BPSO are also proposed to be excluded.

- The B6 Enterprise Corridor zone permitting a wide range of support land uses is proposed to apply along Parramatta Road in place of the BPSO's Special Business zone.
- The several business zones along Liverpool Road and Coronation Parade Enfield (East and West) are to be replaced by a single B2 Local Centre zone. Added to this zone would be new land on the northern side of Liverpool Road between Burwood Road and Quandong Avenue, currently zoned medium density residential 2(c1) in the BPSO.
- The SP2 Infrastructure zone is to apply only to the rail corridor and classified (main) roads. Other BPSO Special Uses zoned land including school sites, together with County Road, local road and County Open Space reservations are to be incorporated into appropriate adjoining zones. This is in keeping with DOP guidelines and recent advice.
- All roads are now zoned, generally the same as adjoining land, also in keeping with DOP guidelines. In the BPSO, most roads were unzoned.

Development standards

Within the simplified zoning structure in the draft Comprehensive LEP, development standards will be applied to manage the scale of development and help achieve urban form and design outcomes. Development standards also provide the key differences within the main business and residential zones, in place of the multiplicity of zones that have existed in the BPSO.

It is proposed to use those development standards available in the SI, together with two others that have proved useful and been accepted in the Burwood Town Centre LEP, as follows:

Minimum subdivision lot size

Under the draft Comprehensive LEP, there will not be minimum site area provisions but minimum subdivision lot size provisions. It is proposed to extend the 500 sq m minimum subdivision lot size that applies to land in the Burwood Town Centre LEP to all land zoned B4 Mixed Use in the draft Comprehensive LEP. This applies to the Strathfield Town Centre and its proposed expanded area to the east, and the land on both sides of Burwood Road between the Town Centre and Parramatta Road.

All other land in the LGA apart from open space land zoned RE1 Public Recreation would have a 450 sq m minimum subdivision lot size. This development standard is consistent with the most common allotment size in the LGA.

Currently the BPSO has minimum site area control for dwelling houses (560 sq m for an allotment that is not hatchet shaped and 660 sq m for a hatchet shaped allotment) in all residential zones and minimum subdivision size control for the Residential 2(a) zone. These controls will be replaced with a single minimum subdivision lot size control, to allow existing small sites to be developed while preventing further proliferation of undersized and isolated lots.

Height of buildings

This development standard establishes maximum height limits where necessary to help focus dense development in key areas, achieve preferred urban forms and control adverse impacts on adjoining areas.

The maximum height limits in the Burwood Town Centre would apply as per the recently notified LEP. It is proposed to apply height limits also on other land zoned for business purposes (B1, B2 and B6 zones) and for higher density residential purposes (the R3 zone and that part of the R2 zone where multi dwelling housing (town houses, villas etc) is permitted).

Consistent with the like-for-like approach, building height limits in the draft Comprehensive LEP will be the same or similar to those now applying under the BPSO. The three exceptions proposed, explained further under Planning and Policy Implications below, are:

- A height increase to 20m in the B2 Local Centre zone proposed along Liverpool Road and Coronation Parade Enfield East and West. In the BPSO height limits of 4 or 5 storeys (equivalent to 15m – 18m) apply to parts of this area zoned for business and 3 storeys (equivalent to 12m) to the residential zoned area at the corner of Burwood Road.
- A height increase to 30m in the B4 Mixed Use zone in the Strathfield Town Centre and its proposed extension to the east (see Diagram 1 on previous page). In the BPSO a height limit of 4 storeys (equivalent to 15m) applies to the Strathfield Town Centre and a 3 storey limit (equivalent to 12 m) applies to the 2(c1) zone.
- In the Medium Density Residential zone bounded by Nicholson Street, Conder Street, Hornsey Street and Wentworth Road Burwood (see Diagram 2 below), the application of lower height limits of 8m (south of Woodside Street) and 15m (north of Woodside Street and south of Hornsey Street). In the BPSO an 8 storey (equivalent to 26m) limit applies.

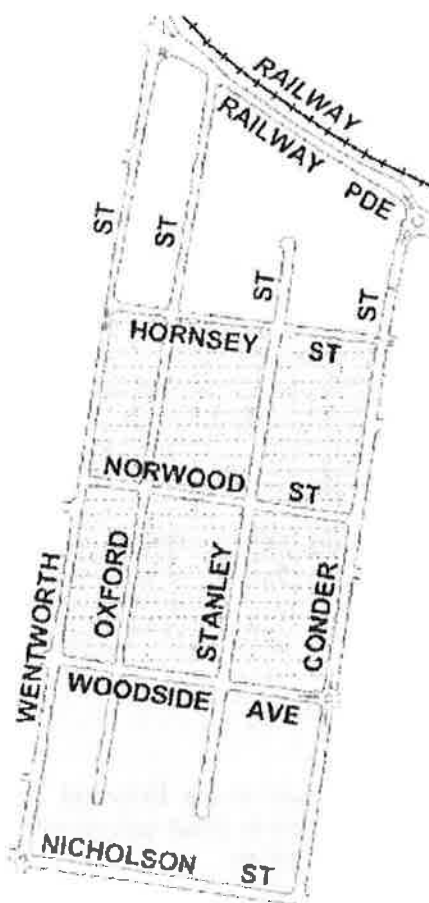


Diagram 2

- Application of an 8m limit in the Private Recreation zone. The BPSO imposes no limit.
- Application of an 8m height limit throughout the R2 Low Density Residential zone. No limit is imposed in the BPSO Residential 2(a) zone. Council has relied historically on DCP controls of building height in the 2(a) zone, but this will not be possible under the Comprehensive LEP.

Floor space ratio (FSR)

This development standard helps focus more dense development in key areas, achieve preferred urban forms, implement an appropriate relationship between building height and building footprint, and provide for transitions between different development scales.

The maximum FSR controls in the Burwood Town Centre would apply as per the recently notified Burwood Town Centre LEP. It is proposed to apply maximum FSR controls also to other land zoned for business purposes (B1, B2 and B6 zones) and for higher density residential purposes (the R3 zone and that part of the R2 zone where multi dwelling housing is permitted (town houses, villas etc)).

Consistent with the like-for-like approach, maximum FSR controls in the draft Comprehensive LEP will be the same or similar to those now applying under the BPSO. The exceptions, explained further under Planning and Policy Implications below, are:

- An increase to 2.25:1 in the Local Centre zone proposed along Liverpool Road and Coronation Parade Enfield East and West. Under the BPSO, development in business zones is subject to a maximum FSR of 1.5:1 at this location.
- An increase to 3:1 in the Mixed Use zone in Strathfield Town Centre and its proposed extension to the east. In the BPSO, development in the existing Strathfield Town Centre is subject to a 1.5:1 maximum FSR while a 0.75:1 FSR (for development other than residential or non conforming uses) applies in the area of the proposed extension to the east.
- An increase to 1.75:1 on the Parramatta Road Corridor. Under the BPSO, development is subject to a maximum FSR of 1.5:1 at this location.
- In the medium density residential zone bounded by Nicholson Street, Conder Street, Hornsey Street and Wentworth Road Burwood (Diagram 2 on previous page), the application to all development of lower FSRs of 0.55:1 (south of Woodside Street) and 1.4:1 (north of Woodside Street and south of Hornsey Street) (See further explanation below). Under the BPSO, medium density residential development is subject to density controls in terms of minimum area per dwelling and minimum landscaped area per dwelling.
- Application of a maximum FSR in the R2 Low Density Residential zone of 0.55:1 for dwelling houses on allotments of less than 500 sq m in area and for multi-dwelling housing, and of 0.52:1 for dwelling houses on allotments of 500 sq m or more. Currently, Council relies on DCP controls on dwellings in the BPSO 2(a) zone, but this will not be possible under the Comprehensive LEP.

Building height plane (BHP)

This development standard has been used in the Burwood Town Centre LEP 2010 to protect amenity and facilitate adequate solar access in areas adjoining high development and help provide transition between different development scales.

Outside the Town Centre, it would be applied only as necessary where there is land zoned Low Density Residential to the south, to achieve these outcomes where other controls (such as the Residential Flat Design Code) cannot achieve an adequate result. The same controls as in the Burwood Town Centre would be used as these have already been developed.

It is proposed to apply new BHPs as follows:

- On the southern side of the proposed Parramatta Road Enterprise Corridor zone; and
- On the southern side of proposed Liverpool Road Local Centre zone.

In all cases the BHPs would be consistent with that on the southern boundary of the Burwood Town Centre.

Maximum residential floor space ratio

As in the Burwood Town Centre, it may be necessary in some Comprehensive LEP business zones to apply a maximum residential FSR control to ensure an appropriate balance between residential and non-residential development. The control would also facilitate active street frontages at ground level in these zones.

The details of the maximum residential floor space control for each case are subject to further investigation. It is envisaged that the control would be applied in the following locations:

- The B4 Mixed Use zone in the Strathfield Town Centre and its extension to the east, to ensure that development close to the rail station is mainly reserved for commercial and business activities that generate high travel demand.
- The B6 Enterprise Corridor zone along Parramatta Road, to ensure that shop top housing (the only proposed permitted residential development) is a minor and support development.
- Local Centres in Liverpool Road and Georges River Road, to ensure a balance of commercial, business activities and residential development.

Testing and Comparison

As necessary, the development standards have been subject to site testing to ensure that they work in practice, and that they allow the economic development of land.

The table in **Attachment 1** provides a consolidated presentation of the development standards proposed in the draft Comprehensive LEP compared to the developments standards in the BPSO. It also indicates where DCP controls would be used to support LEP development standards. Some controls are best placed in the DCP and already work adequately in this manner.

LEP maps

The draft Comprehensive LEP will include a series of maps to establish the area to which the draft Comprehensive LEP applies, and to specify the application of development standards or delineate land for certain purposes.

Land zoning map

This will be the main map in the draft Comprehensive LEP. All land in the Burwood LGA including roads will receive the selected standard zone and colour from the SI.

Development standards maps

These maps will indicate where and which of the main development standards apply to land. There will be maps for Maximum Floor Space Ratio, Maximum Building Height, Minimum Subdivision Lot Size, and the application of Building Height Planes. Maximum residential floor space ratio controls will be included in the Maximum Floor Space Ratio Map.

Multi dwelling housing map

This map will delineate where multi dwelling housing (town houses, villas etc) will be permissible subject to consent.

Land Reservation Acquisition Map

This map will delineate all land that is intended to be acquired for public purposes by Council or by State agencies.

The LEP document

The draft Comprehensive LEP document will have the following main components.

Land Use Table

The land use table will specify the objectives of each zone, and the status of development in each zone in three categories, being: (1) development that may be carried out without consent, (2) development that may be carried out only with consent, and (3) development that is prohibited. In keeping with DOP guidelines, all of the zones specify all of the types of development that fall into each of the three categories. It is intended that the R2 Low Density Residential zone be retained as an exception – it will specify the without-consent and with-consent development, all other development being prohibited.

The land use table will also use definitions of development that are group terms in that they will include a number of other development definitions. The DOP guidelines require the use of group terms wherever possible in the land use table.

Principal development standards

Part 4 of the draft Comprehensive LEP will provide more detail on the objectives of the development standards, the links to the appropriate LEP maps, where necessary the calculation and application of development standards, and the cases of exceptions.

Optional and additional clauses

Many optional clauses that have been accepted in the Burwood Town Centre LEP 2010 are proposed to be carried over to the draft Comprehensive LEP. These will be mainly standard and technical matters such as continuing with existing applications, suspensions of covenants etc, demolition requiring consent, temporary use of land, development of land intended to be acquired for public purposes, and savings and transitional provisions.

A number of additional local clauses are proposed to be included in Part 6 of the draft Comprehensive LEP. These are:

- Restrictions on consent for sex services premises. This development is proposed to be permitted in the Parramatta Road Enterprise Corridor zone, in response to a requirement of the DOP that the Comprehensive LEP must allow this type of development somewhere in the LGA. If this proceeds, it should be accompanied by a local clause that controls the location of sex services premises and their potential impacts on residential and other sensitive land uses. It is proposed to apply a clause with detailed controls as well as incorporate development standards on brothels in the draft Comprehensive DCP. In this regard, provisions in the draft Burwood DCP for brothels as adopted by Council previously will be reviewed and updated before transferring to the draft Comprehensive DCP.
- Provision of active street frontages in business zones. It is proposed to use a DOP Model Local Clause that will require some part of the ground floor of a building facing the street in a business zone to be used for the purposes of business premises or retail premises. This encourages activity on the street consistent with its business zoning, which in turn promotes amenity, personal security and business activity. An additional LEP map to delineate the streets where the active street frontage clause applies will have to be prepared. Streets expected to be mainly

residential e.g. in the Perimeter and Transition Areas of the Burwood Town Centre would be excluded.

The Schedules

Schedule 1 will list development that is permitted on specified land, notwithstanding that it is prohibited by the applicable zoning. It will include cases of development that were permitted by spot LEPs, and non-conforming uses to which it is not appropriate to accord existing use rights. Schedule 1 can also include additional development that Council wants to permit on certain land.

Schedule 2 will specify Exempt Development, which may be carried out without development consent. The Schedule includes development that must be included from the SI, as well as additions that Council wants to include. In Schedule 3, development listed as Complying Development may be carried out only with a complying development certificate, if certain criteria are met. Both schedules 2 and 3 deal with matters other than those covered by State Environmental Planning Policies (SEPPs), in particular the Exempt and Complying Development Codes SEPP.

Schedule 4 will concern the classification or reclassification of land for operation or community purposes.

Schedule 5 will list matters of environmental heritage in the Burwood LGA. Currently listed heritage items in the BPSO will be transferred to the Schedule 5 to ensure their on-going protection. Any anomalies within the existing list, such as the correction of spelling mistakes or misdescriptions, and the deletion of items which have been demolished with consent, will be corrected. However Schedule 5 of the draft Comprehensive LEP will not propose addition of any new items to the heritage list, or the de-listing of existing heritage items.

At its meeting on 25 May 2010 Council resolved to establish a procedure for the making of Interim Heritage Orders to ensure that a property which is not currently on the heritage list may be protected if it is under threat of demolition.

The Dictionary

Compared to the BPSO, the draft Comprehensive LEP includes a much more detailed Dictionary of land uses and associated terms, mainly taken from the Standard Instrument. The use of group terms encompassing other land uses is a critical aspect of the Dictionary.

S.62 Consultation

As Council is preparing the draft Comprehensive LEP under the former plan-making process, the (former) Section 62 of the EP&A Act requires consultation at the start of the process with public authorities or bodies and with adjoining councils that may be affected by the draft LEP. This consultation was initiated by letter to agencies and councils in November 2009 with submissions due by 26 February 2010. At the Section 62 stage no details are provided about the draft Comprehensive LEP, however the RTA was asked to consider the status of the BPSO's County Road reservations.

Council received 12 submissions in response to the consultation. The salient issues raised in the submissions and a comment on each are provided in the following table. **Attachment 2** provides more detailed summaries of submissions and comments in response.

Issue	Comment
Sydney Water (SW) requested the draft Comprehensive LEP: - Zone all of its critical infrastructure and land SP2 Infrastructure; - Include water efficiency directives additional to	SW facilities in Burwood are of a minor nature; inclusion in adjoining zones and not the SP2 zone is consistent

Issue	Comment
BASIX to help implement ESD principles.	with DOP guidelines; • Not part of SI; SW should raise the matter with DOP as a potential SI amendment; can be addressed in draft Comprehensive DCP. • The DOP has advised that Council cannot require more restrictive provisions than BASIX for residential development.
Sydney Buses requested: • more emphasis on public transport, walking and cycling and integration with land use planning; • inclusion of requirement for large developments to submit Travel Management Plans; • Council to ensure provision of facilities for bus users • any change of zoning of STA land at corner on Shaftesbury and Parramatta Roads not to impact on functional operations; • Development controls to ensure public transport corridors and operations are maintained.	• These requests are dealt with by the draft LEP; the accompanying draft Comprehensive DCP will provide further support; • Appropriate for inclusion in the draft Comprehensive DCP (as done already for the Burwood Town Centre DCP); • To be addressed in Contributions Plan that accompanies the LEP; • Inclusion in B6 enterprise Corridor zone with "transport depots" permissible will protect current use; • Draft Comprehensive LEP will not impair public transport operations and DCP will provide supporting controls.
Department of Environment, Climate Change and Water (DECCW): • Provided Guidelines for consideration of environmental conservation, natural and water resource management, climate change, aboriginal heritage, air quality and noise, and urban salinity, acid sulphate soils and soil landscape capability in draft Comprehensive LEP.	• These matters are being taken into account; special LEP clauses not warranted for Burwood LGA; can be addressed in the draft Comprehensive DCP. DECCW should consider raising these matters with the DOP for possible inclusion in the SI.
NSW Office of Water requested: • Inclusion of protection of waterways, riparian land and groundwater-dependent ecosystems.	• Burwood LGA's circumstances may not warrant inclusion of special LEP clauses; subject to further investigation within Council; can be considered further in Comprehensive DCP; • Area along Cooks River currently zoned Special Uses (WS&D) in BPSO appropriate for RE1 Public Recreation zone in the draft Comprehensive LEP.
Heritage Branch of DOP requested: • Carry over of BPSO heritage items and addition of any new or draft items; • Assessment of area's heritage assets if possible; • Survey of significant landscapes, vistas and views; • Survey of Aboriginal-significance sites and places.	• BPSO heritage provisions will be carried over to Schedule 5 of the draft Comprehensive LEP, with amendments to correct spelling mistakes or misdescriptions, and the deletion of items which have been demolished with consent; • Schedule 5 will not include any further additions to or deletions from the BPSO heritage list. • There are no known Aboriginal places

Issue	Comment
	within the LGA. Notwithstanding, the public exhibition of draft Comprehensive LEP will include consultation with Aboriginal groups.
Strathfield Council: Indicated interest in potential impacts on commercial areas in Enfield and Strathfield Town Centre.	Potential impacts on Strathfield Town Centre recognised and will be the subject of further inter-council consultation.
Department of Ageing, Disability and Home Care (ADHC) requested: - Inclusion of provisions for people with disabilities and aged persons; - Appropriate permissibility for social housing forms and secondary dwellings; - That exemptions from Infrastructure and Housing for Seniors SEPPs, and SEPP 9 not be sought; - Secondary dwellings should be permitted; - Zoning of 5 ADHC properties to permit housing for aged and disabled people.	- There is limited scope for inclusion of special local clauses; - Aims and other provisions support housing affordability and diversity; - These exemptions are not being sought; - Secondary dwellings to be permitted with consent in the residential zones; - Housing for aged and disabled people to remain permitted on subject land.
NSW Transport and Infrastructure requested: - Consistency with Integrating Land Use and Transport Direction under s.117; - Support for achieving State transport objectives and implementation of Metro Transport Plan.	Draft Comprehensive LEP consistent with all relevant s.117 Directions and will support achievement of transport objectives of State Government plans.
Housing NSW requested: - Support for housing affordability, housing diversity and appropriate zoning/development potential of Housing NSW assets in Burwood; - Implementation of Metro Strategy documents' housing objectives; - Specific measures to promote housing affordability; - Inclusion of boarding houses permissibility in all residential zones.	- Draft Comprehensive LEP will include aims and provisions that promote housing diversity and affordability; - It will also help achieve strategic housing objectives; - Specific housing affordability measures are matters for the State Government; - Under the SI boarding houses are permissible with consent in the low and medium density residential zones.
The Roads and Traffic Authority (RTA) requested: - Zoning SP2 Infrastructure "Classified Road" of specific land that has been or is proposed to be acquired by the RTA for roads purposes; "Roads" to be permitted with consent in all zones; - Inclusion of a clause prohibiting consent for child care centres that have direct access or frontage to a Classified Road; - LEP provisions to prohibit direct access from developments to Classified Roads where alternative access is available; - Consideration of road noise mitigation assessments and requirements on development; - Promotion of sustainable travel; - Provision for developments to contribute to regional transport improvement.	- Agreed, however RTA has been further requested to provide more accurate information on affected land; - Included in draft Comprehensive LEP; - Not agreed; this general matter should be directed to the DOP for consideration of amendment of the SI; - As above. Infrastructure SEPP may already be adequate for this purpose; - The DOP has published interim Guidelines concerning road noise in relation to development; this matter is more appropriately addressed in the Comprehensive DCP, not the LEP; - Sustainable travel will be addressed in the Comprehensive LEP and DCP; - This is not an LEP matter. Local

Issue	Comment
	contributions will be dealt with in Contributions Plan. Regional transport infrastructure will be more appropriate for consideration as part of major development assessments.

Planning or Policy Implications

This section of the report assesses the main planning and policy implications of the draft Comprehensive LEP.

Strathfield Town Centre

The proposal to apply the B4 Mixed Use zone to the Strathfield Town Centre and an extension to the east between Morwick and Parnell Streets and the rail line would include a revised building height limit of 30m and a maximum FSR of 3:1. This is consistent with the Perimeter area of the Burwood Town Centre. As mentioned earlier in this report, at this stage the Strathfield Recreation Club's site has not been included, and would retain a Private Recreation zone, with an 8m height limit and maximum FSR of 1:1.

The 2004 Vision Document highlighted the potential to increase the development capacity of the subject area, given its proximity to the main Strathfield Town Centre and the major rail/bus hub at Strathfield Station. The very close proximity of the Burwood and Strathfield Town Centres and their public transport hubs also suggest a natural growth corridor between the two, with access to a wide range of retail, service and education facilities.

The more detailed Centres Travelling Together study (prepared by the DOP with Council input in 2001 and cited in the Vision Document) envisaged mixed commercial and residential development in the subject area, with increases in building height and floor space ratio. These proposals focused on the area of the Boulevard-Morwick-Parnell triangle closest to Strathfield Town Centre. The BPSO 2(c1) zone's 3 storey height limit and density control have not encouraged much redevelopment recently that exploits the area's excellent location and accessibility.

A significant challenge in rezoning and increasing the development capability of the Boulevard-Morwick-Parnell triangle will be traffic management and parking policy. Existing constraints on access to the area from The Boulevard and Morwick Street are likely to require further investigation, taking into account input from major stakeholders during the exhibition process. The proximity of the area to Strathfield Station's transport hub and its suitability to increased development however justifies taking the concept to the next step of public consultation.

Local and Neighbourhood Centres

The application of the B2 Local Centres zone to all BPSO business zones along Liverpool Road and Coronation Parade Enfield East and West, together with the area fronting Liverpool Road between Burwood Road and Quandong Avenue (a medium density residential zone in the BPSO), is the draft Comprehensive LEP's main proposal in Burwood's local centres.

The proposed new Local Centre zone in this location has a broadly consistent character and function of providing some local retailing together with service activities such as restaurants and pubs that have a larger catchment, as well as housing on top of street-front businesses. The proposals in the Vision Document to increase the maximum height and density of development in this precinct would be implemented in the draft Comprehensive LEP with development standards of a 20m height limit and 2.25:1 maximum FSR. The application of a Building Height Plane to manage impacts of building height on adjoining low density residential areas to the south will be necessary.

These changes will increase the housing and employment capacity of the area and improve its redevelopment potential, while maintaining its role as a complement to the Burwood Town Centre. It will support and blend with the medium density residential zone located along most of the other Liverpool Road frontage in this vicinity. This medium density zone will have a 12m height limit.

The Local Centre on Georges River Road, Croydon Park is well developed already, serving local retail and service needs and some broader-catchment activities. It is proposed to retain its existing character with a 15m height limit (equivalent to the current 4 storeys in the BPSO for non-residential development), but with a maximum FSR increased to 1.75:1 from 1.5:1 to work better with the height limit.

The Neighbourhood Centre at Croydon Station has a very consistent built form and heritage character. Any new development will be expected to maintain that character. The draft Comprehensive LEP will apply planning controls that are as similar as possible to the existing. The maximum height limit (measured to the highest point) will be set at 10m to allow new buildings to achieve the same scale as existing development.

Parramatta Road

The Parramatta Road corridor has been the subject of studies in the last decade that investigated increasing its development capacity to exploit its accessibility. Council was involved in these processes and in 2005 adopted a structure plan for Burwood's section of Parramatta Road that involved substantial redevelopment opportunities, subject to the completion of the M4 East Project. The full corridor redevelopment concept however was not taken further at State Government level.

The character of the corridor as a whole continues to change from one dominated by industries, car yards and marginal old shopping strips, to include bulky goods retailing and other uses that take advantage of the accessibility, as well as some new residential development. The draft Comprehensive LEP proposes to maintain this momentum of change along Burwood's section of Parramatta Road, and apply the Enterprise Corridor zone to replace the BPSO Business Special zone.

This is consistent with DOP advice on planning for the Parramatta Road corridor, which is classified as an Enterprise Corridor in the draft Inner West Subregional Strategy. The following planning principles should be observed:

- A wide range of functions should be permitted that take advantage of the main road frontage.
- Retail activities should be restricted to those requiring large floor areas and out-of-centre locations with good transport accessibility; shops that compete with or detract from the viability of Major Centres such as Burwood should not be allowed.
- Given the environmental constraints of noise and air pollution arising from the heavy traffic use, residential development should be restricted in the zone to a minor support function, and where permitted, subject to a specific setback from the main traffic thoroughfare.
- The zone would allow sex services premises with consent and subject to control of local impacts. The DOP requires that this development must be allowed somewhere in the Burwood LGA, and the Parramatta Road corridor is considered to be the most acceptable location.

With regard to development capacity, the draft Comprehensive LEP proposes to apply a height limit of 15m (similar to the 4 to 5 storeys height limit for mixed development applying under the BPSO). A maximum FSR of 1.75:1 is proposed, compared to the 1.5:1 limit for non-residential development under the BPSO. Neighbourhood shops would be permitted and shop top housing (which can be located above business premises as well), however a maximum residential FSR would also be applied to maintain housing as a minor support use in the corridor. The application of a Building Height Plane to manage impacts of building height on adjoining low density residential areas to the south will probably be necessary. More detailed planning controls in the draft

Comprehensive DCP will be needed to manage the location of housing and access to development within the zone.

Town house areas

The draft Comprehensive LEP proposes to maintain separate areas where up to 2 storey town houses, villas etc are permitted (but not residential flat buildings) in the R2 Low Density Residential zone. There is some affinity between the town house/villa form of development and the single dwelling houses that predominate in the R2 zone. It is intended to include the land zoned Residential 2(b1) in the BPSO in the R2 Low Density Residential zone, and use Schedule 1 to permit multi dwelling housing (the applicable SI definition) as an additional use. Development standards of an 8m height limit (equivalent to 2 storeys) and maximum FSR of 0.55:1 would be applied to multi dwelling housing in the R2 zone.

The DOP has raised a number of technical issues with this approach, however an alternative to achieve a similar outcome would require creation of a new High Density Residential zone. This would not be consistent with the medium density residential flat buildings that would predominate in such a zone. These technical issues are subject to further consultation with the DOP.

Area bounded by Nicholson, Conder and Hornsey Streets and Wentworth Road, Burwood

This area is zoned Residential 2(c2) in the BPSO, which permits residential flat buildings up to 8 storeys high with a corresponding density control. Compared to other 2(c2) zoned land in the LGA this area has received little new development in recent years. To remain in the Medium Density zone, it needs LEP controls that will facilitate redevelopment while having due regard to the existing predominant character within the area.

It is proposed in the draft Comprehensive LEP that the land south of Woodside Avenue that has a more consistent low density character, is subject to an 8m height limit for all development (effectively 2 storeys for residential flat buildings), and a maximum FSR of 0.55:1. Between Woodside Avenue and Hornsey Street, where there is already some new medium density development, it is proposed to apply a 15m height limit (equivalent to 4 storeys) and a maximum FSR of 1.4:1 to encourage more redevelopment. It will be necessary to formulate supportive additional controls in the draft Comprehensive DCP to ensure that the development capability within these parameters can be realised.

While these new development standards will reduce the (theoretical) development capacity of the subject land, this would be replaced by the increased development capacity proposed for other land in the draft Comprehensive LEP, including the Liverpool Road Local Centre zone and the Mixed Use zone east of The Boulevard, Strathfield.

Burwood Town Centre LEP 2010

The new Burwood Town Centre LEP will be incorporated largely as is, with some changes necessitated by conformity with the draft Comprehensive LEP. These include minor amendments in the LEP objectives, its zones and its development standards, to reflect their broader use in other parts of the LGA. The land use table for the B4 Mixed Use zone also will include some revisions to reflect current requirements such as mandatory uses. The rail corridor will be zoned SP2 Infrastructure consistent with the current approach to zoning major infrastructure.

The Burwood Town Centre Planning Panel, in its decision on 2 June 2009, recognised that the Transition Areas in the Burwood Town Centre LEP, having been created in context of the existing development and controls surrounding the Town Centre, may be revisited in the Comprehensive LEP to assess the continued appropriateness of such controls. However there is considered to be no need to alter development standards applying within the Town Centre as mostly there are no changes in zonings or development standards contemplated for land immediately adjoining the Burwood Town Centre.

Extension of Burwood Town Centre

The draft Comprehensive LEP includes an extension of the Town Centre north along both sides of Burwood Road over land zoned Business Special 3(c3) in the BPSO. The area would be zoned B4 Mixed Use and the same development standards for the Town Centre's Perimeter Area would be applied (30m height limit and 3:1 FSR). The area already includes mixed residential, commercial and retail development of similar character to Burwood Town Centre and it makes a natural link to the Parramatta Road Enterprise Corridor.

Neich Parade, Burwood

Neich Parade is a wide street, containing substantial low density housing with no medium density or commercial/retail development at the present.

An option is to rezone the land in Neich Parade to R3 Medium Density Residential, same as the zoning in Grantham Street. Reasons for this option are that Neich Parade is wide, is separate from Burwood Road properties by a lane, provides a transition from Burwood Road to the low density housing in the narrow Britannia Avenue and Park Road, and the street could be developed to have a similar character to Grantham Street. Reasons against are that the properties in Neich Parade are less in length than Grantham Street, may be difficult for medium density development and the character of the street will change.

Another option is to rezone the eastern side of Neich Parade to B4 Mixed Use with the same FSR and height controls as that in Burwood Road to the east. Reasons for including is that it has the same locational advantage as the Burwood Road which is to be included for the Town Centre extension, that Neich Parade is wide, any development on the eastern side of the street would not have severe impact on the western side of the street. However, with this option, the character of the street will change even more than the option above. Currently there is no mixed commercial and retail development in Neich Parade. There will also be impact on the western side of the street.

It is recommended that the R2 Low Density Residential zone apply to land in Neich Parade to maintain the existing character.

School sites

The DOP has indicated that schools should be zoned consistent with the main adjoining zone, as this avoids the necessity for rezoning of expanding school sites or the location of schools across two zones. The SP2 Infrastructure zone may only be applied to school sites if adequately justified by councils. At this stage, it is intended to comply with the DOP's advice.

Metropolitan Strategies, and Housing and Employment Targets

The relevant elements of the State Government's Metropolitan Strategy documents (the 2005 *City of Cities: A Plan for Sydney's Future*; the 2008 *Draft Inner West Subregional Strategy*, and the 2010 *Metropolitan Strategy Review: Sydney Towards 2036*) are:

- Continue population growth in the Sydney Region, with existing urban areas to absorb a proportion of growth.
- The Inner West Region to accommodate 35% of the Region's growth from 2008-2036, equating to 37,300 extra dwellings and 25,100 extra jobs.
- Burwood LGA currently has targets of 7,700 extra dwellings and 4,000 additional jobs (in the draft Inner West Subregional Strategy). Higher targets for Burwood however are inherent in the larger Regional growth estimates contained in the 2010 Metropolitan Strategy Review.

- Growth would be focused in Major Centres and urban renewal precincts with good public transport availability.

As recognised in the DOP's letter of 21 July 2009, the Burwood Town Centre LEP 2010 makes substantial progress towards meeting residential and employment targets for the Burwood LGA. It assumes growth of 2400 dwellings and 70,000 sq m commercial floor area (about 3,500 jobs) out to 2032.

Burwood's draft Comprehensive LEP project has proceeded on the basis that it is a medium-term plan with the main focus of changing over the BPSO to a contemporary SI-based LEP. It is not regarded as a major growth plan.

However assessments undertaken for the DOP in 2007 indicated that there was theoretical spare capacity in the BPSO's business and residential zones (outside the Burwood Town Centre) approaching the DOP's target for long term growth in Burwood's housing capacity. This assessment excluded any increased densities in Burwood's high quality low density residential areas. Spare employment capacity was assessed at around 3,000 additional jobs outside the Town Centre.

The draft Comprehensive LEP is intended to include some rezonings and higher yield development standards that will make further limited increases in the LGA's total housing and employment capacity. The assessed capacity for residential and employment growth in and around existing local and town centres is generally well located on major public transport routes. Many of the existing medium density residential areas where there is spare capacity are also close to public transport services.

As the draft Comprehensive LEP will transfer the existing heritage schedule from the BPSO with few material changes and no new listings, heritage protection will not adversely impact on achievement of the housing targets.

Overall, it is considered that the draft Comprehensive LEP provides adequate support at this stage for the delivery of the main objectives of the Metropolitan Strategy documents, including housing and employment targets.

Land acquisition

Identification of land to be included in the Land Reservation Acquisition Map for acquisition by Council for public purposes, i.e. minor road widening, will be identified as LEP maps are developed. This will include a review of land identified presently in the BPSO.

State Government authorities are also potentially affected by land acquisition obligations, for example the BPSO reserves land for County Road purposes. The treatment of these reservations is being determined through consultation with the RTA.

Consultation with the DOP

The State Government's implementation of the SI is an evolving project. The SI itself is frequently amended, and various formal guidelines and informal advice are issued to councils from time to time on the content and structure of SI-based LEPs, and on the preparation of documentation to support LEP submissions. The draft Burwood Comprehensive LEP has been formulated to the best extent possible within this framework.

All of the requirements of the DOP's letter of 21 July 2009 have been met. **Attachment 3** indicates an assessment at this stage of the draft LEP's compliance with the relevant Ministerial (s.117) Directions for preparing LEPs.

To date there have been two informal consultation sessions with the DOP, in October 2009 and in August 2010. The next step will be to further develop the draft LEP documents and prepare the

material for a section 64 submission seeking certification for exhibition of the draft Comprehensive LEP. A further report to Council will be made on the section 64 submission, and the report will also address any issues arising from the DOP's more detailed input. The report would be preceded by another Councillor workshop.

Comprehensive DCP

The draft Comprehensive LEP will need to be supported by a new draft Comprehensive Development Control Plan (DCP). Revision and updating of much of the content of the existing Consolidated Burwood Development Control Plan (outside the Burwood Town Centre) will be required. This is a major project and work has been initiated. It will proceed in parallel with the draft Comprehensive LEP when the latter receives a level of endorsement from the DOP.

Contributions plan

A new Contributions Plan will also be necessary to support the draft Comprehensive LEP, and it most likely will have to be finalised under new legislative requirements for Contributions Plans enacted in 2008 but not yet commenced.

There are two options: an indirect Contributions Plan of the type implemented in the Burwood Town Centre. A standard levy of 1% of development cost would apply to such a Plan. The alternative is a direct Plan based on calculation of, and apportionment of, demand for new infrastructure and services generated by development under the draft Comprehensive LEP. This is the type of Plan already applying to some development outside the Town Centre.

An analysis of the options at this stage indicates that the direct Plan would enable more infrastructure to be funded from development contributions. However it will require more resources to produce and unlike the indirect levy, consent conditions imposing direct contribution payments on development are appealable to the Land and Environment Court.

Work has commenced on assembling all of the information necessary to develop a new Plan. This project will also need to proceed in parallel with the Comprehensive LEP as it progresses. The new Contributions Plan will be the subject of a separate report to Council at the appropriate time.

Financial Implications

The ongoing work to refine and finalise the draft Comprehensive LEP, together with the draft Comprehensive DCP, will necessitate resource commitments within Council over an extended period. Formulation of a Contributions Plan will require substantial resource inputs. The Statement of Council's Interests that must accompany exhibition of the draft Comprehensive LEP will also require resources for preparation and may have financial implications.

Options

It is an option not to prepare a draft Comprehensive LEP. This is not recommended as Council has already resolved to proceed with the project, it is a requirement of the State Government, and the BPSO needs replacement with a contemporary local plan.

Conclusions

The key directions outlined in this report involve a draft Comprehensive LEP for the Burwood LGA that will largely replace the BPSO on a like-for-like basis with some modest provision for growth. Endorsement by Council at this stage will facilitate further development of the draft Comprehensive LEP. The next step will be the preparation and lodgement of a section 64 submission seeking a certificate for exhibition of the draft Comprehensive LEP.

Recommendation(s)

1. That Council endorse the key directions for the draft Burwood Comprehensive LEP presented in this report.
2. That Council note the submissions made by State Government agencies and other councils in response to the s.62 consultation.
3. That Council endorse continued consultation with the DOP on the draft Comprehensive LEP documents.
4. That taking into account advice received from the DOP a further report (preceded by a Councillor workshop) be prepared for Council seeking approval to the lodgement of a section 64 submission seeking a certificate for exhibition of the draft Comprehensive LEP.

Attachments

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|---|---|----------|
| 1 | Comparison of main development standards under BPSO and draft comprehensive LEP | 1 Pages |
| 2 | Section 62 submissions and comments | 12 Pages |
| 3 | Assessment of compliance with section 117 Directions | 3 Pages |

ATTACHMENT 1

ITEM 130/10 Draft Burwood Comprehensive Local Environmental Plan Comparison of main development standards under BPSO and draft comprehensive LEP

SUMMARY COMPARISON OF MAIN DEVELOPMENT STANDARDS UNDER BPSO AND PROPOSED COMPREHENSIVE LEP

Comprehensive LEP Zone	BPSO Zone	Maximum Building Height			Maximum Floor Space Ratio		
		BPSO	Comp LEP	DCP ¹	BPSO ²	Comp LEP	DCP ¹
Residential							
R2 Low Density	Res. 2(a)	Nil	8m	1	Nil	0.55:1 (dwg hss < 500 sq m site & multi dwg hsg); 0.52:1 (dwg hss on 500 sq m +)	1
	Res. 2(b1) Town house area	2 storeys	8m	1	0.4:1 (not to housing)		1
R3 Medium Density	Res. 2(b2)	2 storeys	8m (equivalent)	1	0.55:1 (not to housing)	0.55:1 (all develop't)	1
	Res. 2(c1)	3 storeys	11m (equivalent)	1	0.75:1 (not to housing)	0.9:1 (all develop't)	1
	Res. 2(c2) ³	8 storeys	26m (equivalent)	1	1:1 (not to housing)	3:1 (all develop't)	1
	Res. 2(c2) ⁴	8 storeys	14m (equiv. 4 storeys)	1	1:1 (not to housing)	1.4:1 (all develop't)	1
	Res. 2(c2) ⁵	8 storeys	8m (equiv. 2 storeys)	1	1:1 (not to housing)	0.55:1 (all develop't)	1
Business							
B1 Neighbourhood Centre	Neighbourhood Business 3(d)	Nil	10m (equiv. 2 storeys)	1	1:1 (any building)	1:1 (all develop't)	1
B2 Local Centre	Georges River Rd Bus. 3(a)	4 storeys	15m (equiv. 4 storeys)		1.5:1 (any building)	1.75:1 (all develop't)	1
	Liverpool Rd and Coronation Pde Enfield East and West						
	Business 3(a)	4 storeys	20m (equiv. 6 storeys)	1	1.5:1 (any building)	2.25:1 (all develop't)	1
	Business 3(b)	4/5 storeys (mixed dev)	20m (equiv. 6 storeys)	1	1.5:1 (any building)	2.25:1 (all develop't)	1
	Business 3(c3)	Nil	20m (equiv. 6 storeys)	1	1.5:1 (any building)	2.25:1 (all develop't)	1
	Residential 2(c1) cnr Burwood Rd	3 storeys	20m (equiv. 6 storeys)	1	0.75:1 (not to housing)	2.25:1 (all develop't)	1
B4 Mixed Use	Burwood Town Centre	As per Burwood Town Centre LEP 2010					
	Strathfield TC Business 3(a)	4 storeys	30m (BTC Perimeter)	1	1.5:1 (any building)	3:1 (all develop't)	1
	Strathfield TC addition to east - Res 2(c1)	3 storeys	30m (BTC Perimeter)	1	0.75:1 (not to housing)	3:1 (all develop't)	1
	Burwood Rd ⁶ Business 3(c3)	Nil	30m (BTC Perimeter)	1	1.5:1 (any building)	3:1 (all develop't)	1
B6 Enterprise Corridor	Parramatta Road Business 3(b)	4/5 storeys (mixed dev)	15m (equiv. 4 storeys)	1	1.5:1 (any building)	1.75:1 (all develop't)	1
Industrial							
IN2 Light Industrial	Light Industrial 4(b)	Nil	10m (equiv. 2 storeys)	1	1:1 (any building)	1:1 (all develop't)	1
Recreation							

¹ Where appropriate the Comprehensive DCP will include more detailed controls to support LEP provisions

² A density control based on minimum site area and landscaped area per dwelling does apply to RFBs

³ Area north of Hornsey St, East of Wentworth Rd, south of Gladstone St east of Carilla St

⁴ Area bounded by Conder St, Hornsey St, Wentworth Rd and Woodside St

⁵ Area bounded by Conder St, Wentworth Rd, Woodside St and Nicholson St

⁶ On both sides of Burwood Road between Burwood Town Centre and Parramatta Road

ATTACHMENT 1

ITEM 130/10 Draft Burwood Comprehensive Local Environmental Plan Comparison of main development standards under BPSO and draft comprehensive LEP

RE2 Private Recreation	Private Recreation 6(b)	Nil	8m (equiv. 2 storeys)	1	Nil	1:1 (all develop't)	1
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ATTACHMENT 2

**ITEM 130/10 Draft Burwood Comprehensive Local Environmental Plan
Section 62 submissions and comments**

Item No.	Date received	Agency	Issues Raised	Council's response
1.	30.11.09	Telstra Network	Request that a statement be included in draft LEP seeking early communication with the service provider in the efficient delivery of their product. NO OBJECTION RAISED	It is unlikely inclusion of an additional clause to this effect in the draft Comprehensive LEP would be approved. Telstra should raise the need for such a clause with the DOP for possible inclusion in the SI. This request will be considered for incorporation into the draft Comprehensive Development Control Plan (DCP).
2.	08.12.09	Jemena Asset Management P/I Land Services Department	Request notation of a change of address. NO OBJECTION RAISED	Noted.
3.	15.01.10	Sydney Metro Authority	N/A	The Sydney Metro Authority has been disbanded and its transport projects are not proceeding. The submission is no longer relevant.
4.	20.01.10	Sydney Water	- Request that critical water, wastewater and stormwater infrastructure be zoned SP2 Infrastructure under LEP so as to ensure their assets are protected. - Request that Sydney Water land is zoned SP2 Infrastructure to ensure that present and future land owners do not receive an unrealistic development expectation of zoning. - Notwithstanding existing State Government BASIX legislation which contains minimum water efficiency requirements for new homes and	- Sydney Water sites in Burwood are for minor infrastructure or drainage. The Infrastructure State Environmental Planning Policy (SEPP) 2007 enables Sydney Water to operate and maintain its assets under any land use zoning. As advised by the DOP in PN 08-002, the sites should be zoned in line with the most suitable adjoining zone. - As above. The very limited extent of Sydney Water sites in Burwood severely restricts future development potential. Sydney Water should take up its concern directly with the DOP.

ATTACHMENT 2

ITEM 130/10 Draft Burwood Comprehensive Local Environmental Plan Section 62 submissions and comments

Item No.	Date received	Agency	Issues Raised	Council's response
			renovations, Sydney Water request the inclusion of minimum water efficiency requirements to ensure principles of ESD are maintained. - Request that Council continue to require proponents of certain development to obtain a Section 73 Compliance Certificate for assessment. - Advised that a new e-planning email communication system for planning authorities to submit statutory planning documents has been developed. NO OBJECTION RAISED	- Inclusion of water efficiency requirements in draft Comprehensive LEPs should be taken up with the DOP as an SI matter. The request will be considered for inclusion in the draft Comprehensive DCP. - Council will continue to comply with the requirements of Section 78 of the Sydney Water Act requiring consent authorities to notify Sydney Water of development applications (DAs) that can affect the delivery of its services. - Sydney Water's new e-planning mechanism regarding statutory planning communications with Council is noted.
5.	25.01.10	Sydney Buses (STA)	- Support the need to create a new LEP for Burwood. - Disappointed in the past with Council's level of consideration to public transport in the creation of the Burwood Town Centre (BTC) LEP and supporting DCP. Believes that previously there was limited vision and planning undertaken to improve transport services. - The relationship between growth and access to reliable transport needs to be addressed in Comprehensive LEP. - Reliable and effective transport needs to be addressed and the role of bus circulation needs to be acknowledged. - Draft LEP should emphasise role of walking, cycling and public transport and less reliance on	- Noted. - Development of the BTC LEP & DCP took place under the direction of the Burwood Town Centre Planning Panel and Administrator who were appointed by the Minister for Planning. These documents adequately considered public transport matters and promote the use of public transport, walking and cycling. - Preparation of the draft Comprehensive LEP is intended to appropriately include aims to encourage public transport use, walking and cycling. Further provisions will be considered for inclusion in the draft Comprehensive DCP. - As above. - As above. - Noted.

ATTACHMENT 2

**ITEM 130/10 Draft Burwood Comprehensive Local Environmental Plan
Section 62 submissions and comments**

Item No.	Date received	Agency	Issues Raised	Council's response
			car. • Recommend inclusion of the following matters in the draft LEP; - Aims and objectives of LEP should reflect integration of land use and transport planning through promoting sustainable forms of travel. - Ensure planning protection of existing and potential transport corridors. - Adequate provisions enabling Council to install bus shelters, street furniture and other facilities to support use of public transport. - Large scale development should submit Travel Management Plans or green travel plans which outline alternative forms of transport for users. - DA's of certain scale, that impact bus routes should undertake a detailed study of the impact of the development may have on bus operations. - Ensure proposed zoning changes to the land owned by the State Transit regarding their bus depot site on the corner of Shaftesbury Road and Parramatta Road ensures that current operations are maintained. - Draft LEP should include provisions controlling the impact of development on the efficient and safe operation of road based public transport including detailed development standards. - Inclusion of provisions to protect, manage	- The draft Comprehensive LEP and some zones as appropriate include aims to promote public transport use, walking and cycling. - The draft Comprehensive LEP does not include provisions that would reduce the effectiveness of existing transport corridors. - The Contributions Plan that accompanies the draft Comprehensive LEP is expected to include provision of facilities for use by bus patrons where necessary. The State Government has a substantial role to play in provision of major bus infrastructure. - Travel Management Planning will be considered for inclusion in the draft Comprehensive DCP. The BTC DCP Part 36 includes such provisions. - Inclusion of requirements in the draft Comprehensive DCP to ensure that impacts of major developments on bus operations will be considered. - The draft Comprehensive LEP proposes that subject land will be included in the B6 Enterprise Corridor zone to apply along most of Parramatta Road. This zone will allow Transport depots as permissible with consent. There will be no impact on the current use or its operations. - Detailed development requirements related to bus operations are matters for the draft Comprehensive DCP and will be

ATTACHMENT 2

ITEM 130/10 Draft Burwood Comprehensive Local Environmental Plan Section 62 submissions and comments

Item No.	Date received	Agency	Issues Raised	Council's response
			and enhance public transport on speciality corridors in the Burwood LGA e.g. upgrade bus stop infrastructure. Request further opportunity to comment on draft LEP. NO OBJECTION RAISED	considered as part of preparation of that document. - Requests for inclusion of provisions that would apply generally to the LEPs of metropolitan councils should be taken up with DOP as possible amendments to the SI. - Sydney Buses will be further consulted in accordance with legislative requirements during preparation of the draft Comprehensive LEP and DCP.
6.	22.02.10	Department of Environment, Climate Change and Water (DECCW)	- Provide a copy of 'General Guidelines for Strategic Planning – Metropolitan Sydney' to be of assistance to Council which state/recommend the following: - The role the DECCW in the implementation and preparation of Environmental Planning Instruments (EPI), particularly Comprehensive LEPs. - Consideration be given to environmental conservation when preparing EPIs. - Take into consideration climate change and natural resource management (NRM). - Aboriginal heritage consideration be undertaken. - Promote water resource management and water sensitive urban design (WSUD). - Make provisions regarding air quality improvement and noise, odour and dust minimisation. - Address urban salinity, acid sulphate soils	- The supplied material is noted and where necessary the listed matters are being taken into account. Given the nature of the environment in Burwood LGA, many of the matters are unlikely to warrant special LEP clauses, and may be more appropriate for inclusion in the draft Comprehensive DCP to accompany the draft LEP. The DECCW should also consider raising these matters with the DOP for possible inclusion in the SI as they have broad application across the metropolitan region. - There are no known places of Aboriginal heritage significance in the Burwood LGA. Council will liaise with relevant local Aboriginal communities as part of public exhibition of draft LEP.

ATTACHMENT 2

**ITEM 130/10 Draft Burwood Comprehensive Local Environmental Plan
Section 62 submissions and comments**

Item No.	Date received	Agency	Issues Raised	Council's response
			and soil landscapes capability. NO OBJECTION RAISED	
7.	22.02.10	NSW Office of Water (NOW)	- Recommend that draft LEP include provisions to protect and enhance waterways/riparian land and provisions to protect groundwater dependent ecosystems. - Provide specific clauses that can be included in the draft LEP that takes into consideration the protection and enhancement of riparian land. - Recommend inclusion of a specific objective under relevant land use zones to enhance waterways, riparian land, protect environmental assets of groundwater resources and groundwater dependent ecosystems. - Recommend that development located within proximity of riparian land not qualify as exempt or complying development under the LEP. - Suggest that the draft LEP includes provisions to protect groundwater resources from inappropriate development. NO OBJECTION RAISED	- At this stage it is not considered that the limited waterways/riparian land and groundwater resources in Burwood LGA warrant inclusion of a special LEP clause. - The matters raised by NOW are subject to further investigation within Council and can be discussed further with the DOP. - The land with Cooks River frontage zoned Special Uses WS&D in the Burwood Planning Scheme Ordinance (BPSO) is proposed to be added to the RE1 Public Recreation zone in the draft Comprehensive LEP. This accords with DOP guidelines on the treatment of Special Use zones (PN 08-002). The W1 Natural Waterways zone is not considered appropriate for land fronting the Cooks River in this location for reasons including the non-applicability of one of the zone's mandatory objectives. - These matters will also be considered for inclusion in the draft Comprehensive DCP that will accompany the draft LEP.
8.	26.02.10	Heritage Branch; Department of Planning	- The draft LEP should be prepared in accordance with Standard Instrument (SI) including compulsory heritage provisions. - All existing heritage items and Heritage	- Noted and draft LEP is compliant. - All existing heritage items and HCAs will be transferred to schedule 5 of the draft Comprehensive LEP, with some amendments

ATTACHMENT 2

**ITEM 130/10 Draft Burwood Comprehensive Local Environmental Plan
Section 62 submissions and comments**

Item No.	Date received	Agency	Issues Raised	Council's response
			Conservation Areas (HCA) currently listed in the Burwood Planning Scheme Ordinance (BPSO) should be transferred into the draft LEP including any recommendations of recent heritage studies or draft heritage items. - Recommend, where time and budget permits the following studies be undertaken: - Assessment of heritage assets throughout the study area. - Include heritage items identified during a heritage study or review and properties listed on other registers. - Field survey comprising statement of significance of non-Aboriginal heritage items including buildings, relics, gardens, landscapes in line with NSW Heritage Manual. - Survey of sites and places of Aboriginal significance to Aboriginal community in line with DECCW guidelines. - Survey of significant existing or potential cultural landscapes and conservation areas, views and vistas supplemented by appropriate boundary definition and identification. - Regard is to be given to existing heritage items as part of land rezoning process in order ensure that permissible land uses allow for the continued/adaptable use of heritage item. - Request further opportunity to comment on draft LEP.	to deal with demolished items and to correct anomalies. The outcome of the Shaftesbury East heritage study is being undertaken by way of Planning Proposal known as the extension of Wallace & Brady Streets HCA. As necessary when this matter is finalised it will be incorporated into draft Comprehensive LEP. - BPSO heritage provisions will be carried over to Schedule 5 of the draft Comprehensive LEP, with amendments to correct spelling mistakes or misdescriptions, and the deletion of items which have been demolished with consent. However no further additions to or deletions from the BPSO heritage list will be made as this would necessitate completion of a Heritage Review, and Council has resolved to defer the matter of a Heritage Review at this stage; - Specific heritage consideration matters such as adaptable reuse of heritage properties will be considered for inclusion in the draft Comprehensive DCP similar to BTC DCP (section 2.1.8) - Heritage Branch will be further consulted in accordance with legislative requirements during preparation of draft Comprehensive LEP & DCP.

ATTACHMENT 2

**ITEM 130/10 Draft Burwood Comprehensive Local Environmental Plan
Section 62 submissions and comments**

Item No.	Date received	Agency	Issues Raised	Council's response
			NO OBJECTION RAISED	
9.	01.03.10	Strathfield Council	How will the draft LEP impact on the Strathfield LGA including but not limited to the commercial area at Enfield on the corner of Coronation Parade & the Boulevard, as well as the Strathfield Town Centre particularly regarding the previously publicly exhibited Strathfield Town Centre Draft Concept Masterplan. NO OBJECTION RAISED	- The Enfield West centre is proposed to be zoned B2 Local Centre zone, in keeping with the centres hierarchy and DOP guidelines. This zoning is largely consistent with the existing Business 3(a) BPSO zoning now applying to the Enfield West centre. Development standards proposed for this land in the draft Comprehensive LEP will allow limited increases in its development capability. There are unlikely to be any adverse impacts on land in Strathfield LGA. - The section of the Strathfield Town Centre in Burwood LGA zoned General Business 3(a) in the BPSO is proposed to be zoned B4 Mixed Use and revised development standards will increase its development capacity. The draft Comprehensive LEP also proposes to extend the B4 zone to the area east of the Strathfield Town Centre, bounded by Morwick and Parnell Streets (excluding the Strathfield Recreation Club land). This area is zoned for medium density residential in the BPSO, and its development capability will also be increased by application of the B4 Mixed Use zone. - While the subject area has many location and access advantages for additional development, traffic management has been identified as a substantial issue to be addressed in the

ATTACHMENT 2

ITEM 130/10 Draft Burwood Comprehensive Local Environmental Plan Section 62 submissions and comments

Item No.	Date received	Agency	Issues Raised	Council's response
				progression of this proposal. • Further consultation between the two councils on cross-border matters will be carried out when work on the respective draft Comprehensive LEPs are further advanced.
10.	05.03.10	Department of Human Services: Ageing, Disability & Home Care (ADHC)	• Request that draft LEP include provisions for people with a disability and aged persons. • Submission comprises 2 parts: Part 1 being the description of ADHC population projections relevant to Burwood. • Part 2 of submission requests the following: - Request inclusion of a social housing objective in draft LEP. - Advise on anomalies regarding BPSO definitions and request their amendment; further, request that Group Homes and Seniors Housing be permissible in all Burwood residential zones. - The SI definition of Group Home should be broadened to incorporate carer's accommodation. - Permit Seniors [living] Housing in R2 zone of draft LEP it is not permitted under SI LEP. - Request that Council does not seek exemptions from the SEPP (Infrastructure) 2007 & SEPP (Housing for Seniors or People with a Disability) 2004 on the basis of public interest. - Following Clause 1.9(2) of BTC LEP which excludes applicability of SEPP 9 – Group	• Council is required to develop the draft Comprehensive LEP in accordance with the SI Template which provides limited scope for introducing additional clauses. • Part 1: Population projections, noted. • Part 2: Response to items are as follows - An affordable housing objective has been included in the aims of the draft LEP however a social housing objective is not considered necessary as social housing is generally progressed by the State Government through SEPPs. - The draft Comprehensive LEP uses the SI definitions for Group Homes (permanent and transitional) and Seniors Housing. These land uses are proposed to be permissible in the 2 residential zones (R2 & R3) in line with SI mandated permissible uses and SEPP (Affordable Rental Housing) 2009. - Any change to SI definitions such as Group Homes should be taken up with DOP as a SI matter. - Seniors Living is not a mandatory permissible use under R2 Zone however it is proposed to be included as a use that is

ATTACHMENT 2

**ITEM 130/10 Draft Burwood Comprehensive Local Environmental Plan
Section 62 submissions and comments**

Item No.	Date received	Agency	Issues Raised	Council's response
			Homes, ADHC request that Council not seek a similar exemption from SEPP 9 Group Homes or SEPP (Affordable Rental Housing) 2009 as part of draft LEP. - Following Clause 5.4(9) of BTC LEP which restricted permissibility of secondary dwellings in BTC, ADHC request that secondary dwellings become a permissible use as they provide valuable sustainable additional accommodation. - Seek support for the 5 ADHC owned properties in Burwood to remain zoned appropriately to permit the construction of aged and disabled housing. NO OBJECTION RAISED	permissible with consent. - It is not proposed to seek exemptions from the Infrastructure SEPP or the Housing for Seniors or People with a Disability SEPP 2007 in Clause 1.9 of draft Comprehensive LEP. - Clause 1.9(2) of the notified BTC LEP does not list SEPP 9 as a SEPP not applying to the land. Further, it is not intended to list SEPP 9 or SEPP (Affordable Rental Housing) 2009 in Clause 1.9(2) of the draft Comprehensive LEP. - Clause 5.4(9) of the notified BTC LEP restricted secondary dwellings due to it being an incompatible land use with B4 Mixed Use zone and Major Centre status. It is intended to permit secondary dwellings in the residential zones in the draft Comprehensive LEP. - The 5 ADHC properties are all located on residential land, thus enabling the continued construction of housing for the aged and for persons with disabilities.
11.	09.03.10	NSW Transport & Infrastructure (NSWTI)	• NSWTI is keen to realise the following outcomes: - The draft LEP should be consistent with Section.117 Direction 3.4 – Integrating Land Use and Transport (ILUT) particularly the 5 main objectives. - Achieving mode shift under the NSW State Plan being:	• The draft Comprehensive LEP is consistent with this s.117 Direction and includes a general aim and aims for key zones concerning increasing public transport use, walking and cycling. • The pattern of urban development and the available network of public transport means that all areas where residential and

ATTACHMENT 2

ITEM 130/10 Draft Burwood Comprehensive Local Environmental Plan Section 62 submissions and comments

Item No.	Date received	Agency	Issues Raised	Council's response
			○ Increase share journey to work trips on a safe and reliable public transport system; ○ Improve road network efficiency; ○ Maintain road infrastructure; ○ Improve road safety; and ○ Increase walking and cycling. • Wish to discuss how the Metropolitan Transport Plan will be addressed in the draft LEP. • New NSW Bike Plan will be released in 2010 providing guidance on improving cycle access and use over time. • Advised that Burwood LGA is located in bus contract Region 6. The Integrated Network Plan (INP) for Region 6 will be introduced on 21 March 2010 and the draft LEP should give regard to the INP process. NO OBJECTION RAISED	employment growth are likely to occur under the draft Comprehensive LEP are well located and accessible for public transport, walking and cycling. • Further advice from NSWTI on how the Metropolitan Transport Plan will impact on and assist Burwood LGA will be welcomed. • Noted. • Implementation of the INP in Region 6 is welcomed and will be taken into account to the appropriate extent in the draft Comprehensive LEP.
12.	09.04.10	Housing NSW (HNSW)	• Seeks to maintain or enhance the development potential of assets and to promote housing affordability in general. Attachment 1 contains HNSW review of housing assets in LGA. • Seeks an increase in housing diversity and supply of affordable housing; believes there is an overwhelming predominance of larger bedroom dwelling stock in Burwood. • Refers Council to SEPP (Affordable Rental	• Residential zones in the draft Comprehensive LEP have been allocated on a like-for-like basis relative to BPSO zonings and development take up. The development potential of HNSW assets is intended to be maintained. The draft LEP is not intended to include an R4 zone. • The draft Comprehensive LEP includes aims of promoting housing diversity and affordability.

ATTACHMENT 2

ITEM 130/10 Draft Burwood Comprehensive Local Environmental Plan Section 62 submissions and comments

Item No.	Date received	Agency	Issues Raised	Council's response
			Housing) 2009. - Request that Council implement the requirements of Sydney Metropolitan Strategy and draft Inner West Subregional Strategy regarding the provision of affordable housing. - Attachment 2: the Burwood Housing Market study makes recommendations including the need to increase supply of affordable rental housing; increase the number of studio & 1-bedrooms in boarding houses; increase the number of self-contained accommodation in boarding houses; increase accessible dwellings & granny flats; the lack of affordable housing to purchase and rent makes housing in Burwood unaffordable for key worker groups. - Seek development of a mechanism for provision of affordable housing via planning incentives, planning agreements and joint ventures with private developers as per Attachment 3. - Seeks support to include housing mix provisions & to include percentage requirement of adaptable housing of development. - Advises that as some HNSW properties are zoned Res 2(a) yet comprise 3-4 storey RFB's and request that Council apply the appropriate zoning to their density. - Advises that Boarding Houses are prohibited in Residential 2(c1) & 2(c2) zones; requests that draft LEP comply with provisions of the SEPP 2009 which permits Boarding Houses in all	The land use table includes provisions permitting housing diversity and certain forms of affordable housing. Increased capability for medium density development in certain locations is also proposed to be included. There is no clause in the SI concerning affordable housing apart from the definition of the term and the s.117 Directions do not require new LEPs to include affordable housing. The Affordable Housing SEPP provides the planning framework for promoting this matter. As such, the State Government has assumed much of the responsibility for implementing planning policy in regard to affordable housing in place of local councils. - The draft Comprehensive LEP is being prepared to assist in meeting metropolitan strategic objectives for housing supply. - Provision of secondary dwellings and granny flats will be in line with State Government planning requirements. Consideration will be given to the incorporation of housing mix measures in the draft Comprehensive DCP. Influencing the number of bedrooms in medium density housing is a matter for consideration in the draft Comprehensive DCP. - The SI requires that boarding houses are permissible in all residential and business zones in the draft Comprehensive LEP. Dwelling mix and size, and adaptable housing matters can be addressed in the draft

ATTACHMENT 2

ITEM 130/10 Draft Burwood Comprehensive Local Environmental Plan Section 62 submissions and comments

Item No.	Date received	Agency	Issues Raised	Council's response
			residential zones. Request further opportunity to comment on draft LEP. NO OBJECTION RAISED	Comprehensive DCP. - No. 74 Wentworth Road & Nos. 6 and 36 Russell St comprising 3-4 storey RFBs are actually zoned Residential 2(c2) and 2(c1) respectively under BPSO so building density is appropriate. Further, only properties zoned Residential 2(a) being No. 23 Livingstone Street is a 2 storey residential dwelling while Nos. 13-15 Dawson Street comprises a 2-storey RFB which is permissible in Residential 2(a) zone if building does not exceed 2 storey and is used for aged persons. - The draft Comprehensive LEP proposes that boarding houses are mandatory permissible with consent in all residential zones & nearly all business zones, in line with SI. - HNSW will be further consulted in accordance with legislative requirements during preparation of draft LEP and DCP.
13	22.06.10	Roads and Traffic Authority (RTA)	- Five parcels of land specified for inclusion in SP2 Infrastructure "Classified Road" zone; "Roads" to be made permitted with consent in all zones; Council's attention drawn to Clause 94(1) of Infrastructure SEPP that permits road or road infrastructure development by or on behalf of a public authority without consent on any land; - Premiers Council on Active Living (PCAL) planning design guidelines promoted for consideration in draft Comprehensive LEP;	- Agreed, however RTA information is unclear (about whether nominated land already acquired) and incomplete (BPSO road reservations not fully addressed); further request made for accurate information on affected land; - Included in draft Comprehensive LEP; - Advice regarding PCAL noted; - Request regarding child care centres noted but not agreed; as this is a broad planning matter. RTA should direct request to DOP for

ATTACHMENT 2

**ITEM 130/10 Draft Burwood Comprehensive Local Environmental Plan
Section 62 submissions and comments**

Item No.	Date received	Agency	Issues Raised	Council's response
			• RTA requires Council for safety reasons to prohibit child car centres that have direct frontage to a classified road; request additional subclause in Clause 5(4) to this effect; • Suggests inclusion of additional LEP provision to prohibit direct vehicular access from development fronting classified roads, where access can be gained from a non-classified road, to protect safety and efficiency; attention drawn to Clause 101 of Infrastructure SEPP that has same effect; • Any planning controls to achieve acoustic privacy should use setbacks, design treatments etc but not noise walls; promotes adoption acoustic design principles for development adjacent to or on steep or elevated land within 100m of arterial, sub-arterial or collector roads; essential to achieve comfort and cost outcomes. • Should aim to minimise vehicle kilometres travelled by providing high density and mixed use development around public transport nodes. • The LEP should make provision for developer contributions towards regional transport infrastructure generated by additional development in the LGA. NO OBJECTION RAISED	amendment of SI; • This is also a broad planning matter that should be addressed in SI unless dealt with already in Infrastructure SEPP; • The DOP has issued interim guidelines on road noise impacts. Acoustic standards are appropriate for the DCP rather than the LEP. The RTA could also raise the matter for resolution through the SI; • Travel demand management and sustainable travel will be addressed through the LEP and DCP; • This is not an LEP matter. Local contributions will be dealt with in new Contributions Plan to accompany LEP. Regional transport infrastructure more appropriate for consideration as part of major development assessments.

ATTACHMENT 3

ITEM 130/10 Draft Burwood Comprehensive Local Environmental Plan Assessment of compliance with section 117 Directions

Assessment of Consistency of Draft Burwood Comprehensive LEP with Section 117 Directions at time of report to Council

The following are the Directions under section 117 of the Environmental Planning and Assessment (EP&A) Act 1979 that are applicable to the draft Burwood Comprehensive LEP at the time of this report to Council. Section 117 Directions not listed below are not applicable.

	Direction	Comment on consistency
1.1	Business and Industrial zones. This direction is relevant because the draft Burwood Comprehensive LEP makes changes to the business and industrial zones in the Burwood LGA.	The Draft Burwood Comprehensive LEP is consistent with objectives of this direction by: • Encouraging employment growth in suitable locations • Protecting employment land in business zones; • Supporting the viability of an identified strategic centre. The Draft Burwood Comprehensive LEP: • Gives effect to the above objectives; • Expands land within and imposes development standards within certain business zones; • Imposes development standards within industrial-zoned land; • Does not reduce the potential floor space for employment uses and related public services (except to the extent of imposing necessary development standards for height and floor space ratios where none presently exist under the Burwood Planning Scheme Ordinance); • Does not reduce the total potential floor space area for industrial uses in industrial zones (except to the extent of imposing necessary development standards for height and floor space ratios where none presently exist under the Burwood Planning Scheme Ordinance); • Is in accordance with the Metropolitan Strategy which designates Burwood as a Major Centre, with the expectation of increased employment growth and residential development.
2.3	Heritage Conservation. This direction is relevant because there are heritage items in the Burwood LGA warranting conservation.	Draft Burwood Comprehensive LEP is consistent with objectives of this direction by: • Conserving items, areas, objects and places of environmental heritage significance. The Draft Burwood Comprehensive LEP • Gives effect to the above objective; • Includes provisions that facilitate the conservation of identified items, places and buildings of environmental heritage significance; • These provisions are in Clause 5.10 Heritage Conservation, the Heritage Map, and Schedule 5 which lists items of local environmental heritage.
3.1	Residential Zones	The Draft Burwood Comprehensive LEP is consistent with objectives of this direction by:

ATTACHMENT 3

ITEM 130/10 Draft Burwood Comprehensive Local Environmental Plan Assessment of compliance with section 117 Directions

	Direction	Comment on consistency
	This direction is relevant because it affects land within residential zones and zones with significant residential development capability.	• Encouraging a variety and choice of housing types to provide for existing and future housing needs • Making efficient use of existing infrastructure and services and ensuring that new housing has appropriate access to infrastructure and services • Minimising the impact of residential development on the environment and resource lands. The Draft Burwood Comprehensive LEP: • Gives effect to the objectives • Includes provisions that encourage the provisions of housing that will broaden the choice of building types and locations available, make more efficient use of existing infrastructure and services and reduce the consumption of land for housing and associated urban development. • Assists in achievement of objectives for housing in the Metropolitan Strategy and the Inner West Subregional Strategy.
3.3	Home Occupations. This direction applies to all draft LEPs.	The Draft Burwood Comprehensive LEP is consistent with objectives of this direction by: • Encouraging the carrying out of low-impact small businesses in dwellings. The Draft Burwood Comprehensive LEP: • Gives effect to the above objective; • Makes "home occupations" permissible without consent in the all Residential and Business zones.
3.4	Integrating Land Use and Transport. This direction is relevant because the draft Comprehensive LEP alters a zone relating to urban land.	The Draft Burwood Comprehensive LEP is consistent with objectives of this direction by: • Ensuring that the Burwood LGA's urban structure, building forms, development designs and land use locations help achieve: ▪ Improved access to housing, jobs and services by walking, cycling and public transport; ▪ Increased choice of available transport and reduced dependence on cars; ▪ Reduced travel demand including trip generation and distance travelled, especially by cars; ▪ Efficient and viable operation of public transport services; ▪ Efficient movement of freight. The Draft Burwood Comprehensive LEP

ATTACHMENT 3

ITEM 130/10 Draft Burwood Comprehensive Local Environmental Plan Assessment of compliance with section 117 Directions

	Direction	Comment on consistency
		• Gives effect to the above objectives; • In its preparation, has had regard to the publications <i>Improving Transport Choice Guidelines</i> and <i>The Right Place for Business and Services</i>; • In particular the draft Burwood Comprehensive LEP provides for increased housing, employment and services development in locations in the Burwood LGA that have excellent public transport services.
4.3	Flood Prone Land This direction applies when a council prepares a draft LEP that creates, removes or alters a zone or a provision that affects flood prone land.	The matter of flood prone land in Burwood LGA in the vicinity of the Cooks River is being reviewed currently. The relationship of the Draft Burwood Comprehensive LEP to this Direction will be determined when this review is completed.
6.1	Approval and Referral Requirements. This direction applies when a council prepares a draft LEP.	The Draft Burwood Comprehensive LEP is consistent with objectives of this direction by: • Encouraging the efficient and appropriate assessment of development. The Draft Burwood Comprehensive LEP: • Does not include any provisions requiring a referral, consultation or concurrence from a Minister or a public authority, apart from the mandatory clauses from the Standard LEP Template; • Does not identify any development as designated development.
6.2	Reserving Land for Public Purposes This direction applies when a council prepares a draft LEP.	The Draft Burwood Comprehensive LEP is consistent with objectives of this direction by: • Facilitating the provision of public land and facilities by reserving land for public purposes. The Draft Burwood Comprehensive LEP: • Gives effect to the above objective; • Applies the SP2 Infrastructure zone to railway land previously zoned Special Uses "B" Railway in the Burwood Planning Scheme Ordinance, having regard to the State Environmental Planning Policy (Infrastructure) 2007; • Reserves land for public purposes (Local Roads for acquisition by Council) with the approval of the Department of Planning through certification of the Draft LEP for exhibition.

APPENDIX B
Summary of Consistency with SEPPs

Schedule of Consistency
State Environmental Planning Policies (including relevant Deemed SEPPs)

SEPP	Not Relevant	Justifiably Inconsistent	Consistent
SEPP No. 1 - Development Standards			√
SEPP No. 2 - Minimum Standards for Residential Flat Development	√ - repealed		
SEPP No. 4 - Development without Consent and Miscellaneous Complying Development			√
SEPP No. 5 - Housing for Older People or People with Disability	√ - repealed		
SEPP No. 6 - Number of Storeys in a Building			√
SEPP No. 7 - Port Kembla Coal Loader	√ - repealed Refer ISEPP		
SEPP No. 8 - Surplus Public Land	√ - repealed Refer ISEPP		
SEPP No. 9 - Group Homes	√ - repealed Refer ISEPP		
SEPP No. 10 - Retention of Low-Cost Rental Accommodation			√
SEPP No. 11 - Traffic Generating Developments	√ - repealed Refer ISEPP		
SEPP No. 12 - Public Housing (Dwelling Houses)	√ - repealed		
SEPP No. 13 - Sydney Heliport	√ - repealed		
SEPP No. 14 - Coastal Wetlands			√
SEPP No. 15 - Rural Land Sharing Communities			√
SEPP No. 16 - Tertiary Institutions	√ - repealed Refer ISEPP		
SEPP No. 17 - Design of Building in Certain Business Centres	√ - did not proceed		
SEPP No. 18 - Public Housing	√ - did not proceed		
SEPP No. 19 - Bushland in Urban Areas			√
SEPP No. 20 - Minimum Standards for Residential Flat Development	√ - repealed		
SEPP No. 21 - Caravan Parks (formerly Movable Dwellings)			√
SEPP No. 22 - Shops and Commercial Premises			√
SEPP No. 23	Not allocated		
SEPP No. 24 - State Roads	√ - did not proceed		√
SEPP No. 25 - Residential Allotment Sizes	√ - repealed		
SEPP No. 26 - Littoral Rainforests			√
SEPP No. 27 - Prison Sites	√ - repealed Refer ISEPP		
SEPP No. 28 - Town Houses and Villa Houses	√ - repealed		
SEPP No. 29 - Western Sydney Recreation Area	√		
SEPP No. 30 - Intensive Agriculture			√
SEPP No. 31 - Sydney (Kingsford Smith) Airport	√ - repealed Refer ISEPP		
SEPP No. 32 - Urban Consolidation (Redevelopment of Urban Land)	√		
SEPP No. 33 - Hazardous and Offensive Development			√
SEPP No. 34 - Major Employment Generating Industrial Development	√ - repealed		
SEPP No. 35 - Maintenance Dredging of	√ - repealed		

Schedule of Consistency
State Environmental Planning Policies (including relevant Deemed SEPPs)

SEPP	Not Relevant	Justifiably Inconsistent	Consistent
Tidal Waterways	Refer ISEPP		
SEPP No. 36 - Manufactured Home Estates			√
SEPP No. 37 - Continued Mines and Extractive Industries	√ - repealed		
SEPP No. 38 - Olympic Games and Related Development	√ - repealed		
SEPP No. 39 - Spit Island Bird Habitat	√		
SEPP No. 40 - Sewerage Works	√ - did not proceed		
SEPP No. 41 - Casino/Entertainment Complex	√		
SEPP No. 42 - Multiple Occupancy and Rural Land (Repeal)	√ - repealed		
SEPP No. 43 - New Southern Railway	√ - repealed Refer ISEPP		
SEPP No. 44 - Koala Habitat Protection			√
SEPP No. 45 - Permissibility of Mining	√ - repealed		
SEPP No. 46 - Protection and Management of Native Vegetation	√ - repealed		
SEPP No. 47 - Moore Park Showground	√		
SEPP No. 48 - Major Putrescible Land fill Sites	√ - repealed Refer ISEPP		
SEPP No. 49 - Tourism Accommodation in Private Homes	Draft only		
SEPP No. 50 - Canal Estates	√		
SEPP No. 51 - Eastern Distributor	√ - repealed Refer ISEPP		
SEPP No. 52 - Farm Dams and Other Works in Land and Water Management Plan Areas	√		
SEPP No. 53 - Metropolitan Residential Development	√		
SEPP No. 54 - Northside Storage Tunnel	√ - repealed Refer ISEPP		
SEPP No. 55 - Remediation of Land			√
SEPP No. 56 - Sydney Harbour Foreshores and Tributaries	√		
SEPP No. 57	Not allocated		
SEPP No. 58 - Protecting Sydney's Water Supply	√ - repealed		
SEPP No. 59 - Central Western Sydney Economic and Employment Area	√		
SEPP No. 60 - Exempt and Complying Development			√
SEPP No. 61 - Exempt and Complying Development for White Bay and Glebe Island Ports	√		
SEPP No. 62 - Sustainable Aquaculture	√		
SEPP No. 63 - Major Transport Projects	√ - repealed		
SEPP No. 64 - Advertising and Signage			√
SEPP No. 65 - Design Quality of Residential Flat Development			√
SEPP No. 67 - Macquarie Generation Industrial Development Strategy	√ - repealed Refer ISEPP		
SEPP No. 69 - Major Electricity Supply Projects	√ - repealed Refer ISEPP		
SEPP 70 - Affordable Housing (Revised Schemes)	√		
SEPP No. 71 - Coastal Protection	√		
SEPP No. 72 - Linear Telecommunications	√ - repealed		

Schedule of Consistency
State Environmental Planning Policies (including relevant Deemed SEPPs)

SEPP	Not Relevant	Justifiably Inconsistent	Consistent
Development – Broadband	Refer ISEPP		
SEPP No 73 – Kosciuszko Ski Resorts	√ - repealed		
SEPP No. 74 - Newcastle Port and Employment Lands	√ - repealed		
SEPP (Seniors Living) 2004			√
SEPP (Building Sustainability Index: BASIX) 2004			√
SEPP (ARTC Rail Infrastructure) 2004	√		
SEPP (Sydney Metropolitan Water Supply) 2004	√		
SEPP (Development on Kurnell Peninsula) 2005	√		
SEPP (Major Development) 2005			√
SEPP (Sydney Region Growth Centres) 2006	√		
SEPP (Mining, Petroleum Production & Extractive Industries) 2007			√
SEPP (Temporary Structures & Places of Public Entertainment) 2007			√
SEPP (Infrastructure) 2007			√
SEPP (Rural Lands) 2008			√
SEPP (Exempt and Complying Development Codes) 2008			√
SEPP (Western Sydney Parklands) 2009	√		

APPENDIX C

Consideration of S117 Directions

Schedule of Consistency S117 Ministerial Directions

<i>NR: Not Relevant</i> <i>C: Consistent</i> <i>JI: Justifiably Inconsistent</i>				
No.	S.117 (2) Directions	NR	C	JI
1.	Employment & Resources			
1.1	Business and Industrial Zones		√	
1.2	Rural Zones		√	
1.3	Mining, Petroleum Production and Extractive Industries	√		
1.4	Oyster Aquaculture	√		
2	Environment & Heritage			
2.1	Environmental Protection Zones	√		
2.2	Coastal Protection	√		
2.3	Heritage Conservation	√		
2.4	Recreation Vehicle Areas	√		
3	Housing, Infrastructure and Urban Development			
3.1	Residential Zones			√
3.2	Caravan Parks and Manufactured Home Estates	√		
3.3	Home Occupations	√		
3.4	Integrating Land Use and Transport		√	
3.5	Development Near Licensed Aerodromes	√		
4	Hazard and Risk			
4.1	Acid Sulfate Soils	√		
4.2	Mine Subsidence and Unstable Land	√		

Schedule of Consistency S117 Ministerial Directions

No.	S.117 (2) Directions	NR	C	JI
4.3	Flood Prone Land	√		
4.4	Planning for Bushfire Protection	√		
5	Regional Planning			
5.1	Implementation of Regional Strategies		√	
5.2	Sydney Drinking Water Catchments	√		
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	√		
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	√		
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	√		
5.6	Sydney to Canberra Corridor	√		
5.7	Central Coast	√		
5.8	Second Sydney Airport: Badgerys Creek	√		
6	Local Plan Making			
6.1	Approval and Referral Requirements		√	
6.2	Reserving Land for Public Purposes		√	
6.3	Site Specific Provisions		√	
7	Metropolitan Planning			
7.1	Implementation of the Metropolitan Strategy			√

APPENDIX D

Consideration of Draft Centres Policy

REVIEW AGAINST DRAFT CENTRES POLICY

The following information is provided to Wyong Shire Council to assist with the assessment of net community benefit. The information is based on the Evaluation Criteria (p25) provided in the NSW Department of Planning *Draft Centres Policy, Planning for Retail and Commercial Development*.

1. Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800m of a transport node)?

Yes – an LEP is compatible with the Regional Strategy. Also, Council has already taken a decision to vary the Centre Strategy Review to enable additional retail floor space in Wadalba in October 2008 up to 4,000m².

2. Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?

Yes.

3. Is the LEP likely to create a precedent or change expectations of the landowner or other landholders?

No.

4. Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?

The cumulative effects of all other spot rezoning proposals in this locality have been considered. This proposal is in response to recent housing growth in Wadalba and acknowledging Council decision to enable additional retail floor space in Wadalba. It is envisaged that the scale of the Wadalba centre will be sufficient to serve the Wadalba area and provide the appropriate level of competition. This proposal is of a unique scale and nature which ensures that it is not impacted by any of the other spot rezoning proposals in the wider Wyong area.

5. Will the LEP facilitate permanent employment generating activity or result in a loss of employment lands?

The planning proposal will facilitate permanent employment generating activity and will not result in any loss of employment lands. This planning proposal will achieve an immediate economic stimulus and overall benefit to the community as it will provide much needed shopping and parking facilities in the area as well as generating employment opportunities for local residents.

The size of the Wadalba centre will be adequate to meet the local shopping needs of the residents of Wadalba with provision of a new 2,000m² supermarket and specialty shops of 500m², to support the existing 1,500m² supermarket.

This planning proposal will enable a retail development to be located on the site which, when operational, will generate 228 jobs. In addition, some 55 direct jobs and 88 indirect jobs will be generated during the construction phase. The proposed retail development has a construction cost estimate of greater than \$14 million dollars as calculated by Rider Levett Bucknell.

The employment generating capacity of the development has been specifically considered in an economic impact assessment prepared by Duane Location IQ. This is provided at Appendix D to the planning proposal.

6. Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?

No - the site has been set aside by the Wadlaba Master Plan for the purposes of a motel since the early 2000s and will not have any impact on the supply of residential land, housing supply or affordability.

7. Is the existing public infrastructure (roads, rail, utilities) capable of serving the proposed site? Is there good pedestrian and cycling access?

Is public transport available or is there infrastructure capacity to support future public transport?

Existing public infrastructure is capable of serving the proposed site. There is good pedestrian and cycling access for which the proposed development will support.

Public transport is available (note existing bus stop at frontage of site to Pacific Highway) and there is existing infrastructure to support public transport.

8. Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?

The proposal will not result in changes to the car distances travelled by customers. The site is served by a road system (including a highway) that also serves nearby commercial precincts. As such, the site integrates with existing transport routes.

9. Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so what is the expected impact.

There are no significant Government investments of infrastructure or services in the area whose patronage will be affected by this proposal.

10. Will the proposal impact on land that the Government has identified a need to protect (eg land with high biodiversity values) or have other environmental impacts? Is the land constrained by factors such as flooding?

The proposal will not impact on land that the Government has identified a need to protect. The land is not constrained by flooding or other factors.

11. Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?

The development will enable provision of:

- parking facilities to meet the demand of the retail development;
- new and accessible public amenities/toilet facilities; and
- vibrant streetscape presentations to each street frontage (Figtree Boulevard and Orchid Way), with design elements addressing the major focal point being the pedestrian plaza at the central forecourt of the development to mark the entry from the west and south into the proposed centre.

The LEP will be compatible with surrounding land uses, it will have a positive impact on the community and there will be dramatic improvements to the public domain.

12. Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?

Yes.

13. If a stand alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?

Yes - it is intended that the proposal will develop as part of the Wadalba centre to adequately meet the local shopping needs of the residents of Wadalba. The centre will have provision of two supermarkets of 1,500m² (existing Coles) and 2,000m² (proposed Woolworths) and specialty shops of 500m².

14. What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?

The planning proposal will lead to a positive net community benefit. This includes the following benefits:

- The site's central location in Wadalba with ready access to the Pacific Highway will ensure that the proposed centre will service the needs of the growing Wadalba residential population, while not threatening the primacy of the Wyong or other planned centre's in the Wyong LGA.
- This planning proposal will enable a retail centre to be located on the site which, when operational, will generate 228 jobs. In addition, some 55 direct jobs and 88 indirect jobs will be generated during the construction phase.
- The proposed centre has a construction cost estimate of in excess of \$14 million dollars (as per QS by Rider Levett Bucknell). The employment generating capacity of the development has been specifically considered in an economic impact assessment prepared by Duane Location IQ. This is provided as Appendix D to this planning proposal.
- The size of the proposed centre will be adequate to meet the local shopping needs of the residents of Wadalba with provision of an additional supermarket of 2,000m² and specialty shops of 500m².
- The site is adjacent to existing and proposed community facilities such as the Wadalba Community School and DADHC Group Home. This enables a clustering of services and provides convenient access to a wide range of services.
- The site in Wadalba is located adjacent to the existing shopping facility and hence encourages multi-purpose trips for the local community.

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