



TOWN PLANNING
AND URBAN DESIGN

PLANNING PROPOSAL

Spot Rezoning – Site Specific Additional Permitted Use

302-314 Parramatta Road, Burwood

for Fabcot Pty Ltd

August 2011

PROJECT NO: 211.060 RPTv2



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1 PREAMBLE

1.1 OBJECTIVES OR INTENDED OUTCOMES

This report constitutes a Planning Proposal (PP) accompanying an application to amend the *Burwood Planning Scheme Ordinance 1979* (BPSO) to allow for a spot rezoning to enable a site specific additional permitted use at 302-314 Parramatta Road, Burwood prepared on behalf of Fabcot Pty Ltd by The Planning Group NSW Pty Ltd (TPG NSW). This PP is submitted to Burwood Council for assessment and determination under Part 3 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act).

The PP has been prepared and submitted to Council to seek an amendment to the BPSO to include an "additional permitted use" under Clause 78D of the BPSO for the 3(b) Business Special zoning, being the use of the land located at 302-314 Parramatta Road, Burwood for a "liquor store, associated car parking and loading facilities". It is proposed that this definition be added to Column IV of the "Existing Buildings, Existing Works and Existing Uses of Land" table pertaining to the 3(b) Business Special zone. This proposal is intended to accompany a future application for a modification of Development Consent No. 2009.006 under Section 96 of the EP&A Act for the subject land to eliminate the necessity for a residential component of the approved "mixed development" for the subject site.

The objectives of this Planning Proposal report include:

- To describe the subject site, the locality in which it is situated, current zoning and explain the current planning control limitations;
- To request the amendment of the 3(b) Business Special zoning of the BPSO to include an "additional permitted use" under Clause 78D of the BPSO to allow the use of the land for a "liquor store, associated car parking and loading facilities" as a use permissible with the consent;
- To describe the future development intent of the site at 302-314 Parramatta Road, Burwood, which is to request the use of the existing Dan Murphy's retail component of the approved mixed development without necessitating a residential component via a separate Section 96 Modification of development consent application;
- To address the "Gateway" assessment criteria under Part 3 of the *Environmental Planning and Assessment Act, 1979*; and
- To provide justifications for the amendments to the BPSO and demonstrate the Net Community Benefits which will follow from this PP.

1.2 THE SITE

1.2.1 Local and Regional Context

The site is located at 302-314 Parramatta Road, Burwood. The site includes an approved and constructed Dan Murphy's and associated at-grade parking area, which is located approximately 50m from the intersection of Shaftesbury Road and Parramatta Road, some 150 metres from the intersection of Burwood Road and the beginning of the Burwood Town Centre.

1.2.2 Site and Legal Description

The property description is Lot 2 in Deposited Plan No. 735711.

The total site area is some 4,979 square metres. The subject site enjoys a 40.125m wide frontage to Parramatta Road with vehicular access/egress currently available via a slip lane from Parramatta Road.

Figure 1 provides an aerial view of the subject site in its context along Parramatta Road, as follows:



Figure 1: Aerial Location Context (Site defined by red outline) NTS
Source: Google Maps

1.3 EXISTING DEVELOPMENT

The subject site has been developed as follows:

1. A Dan Murphy's liquor store building and fit-out with an area of approximately 1,452 square metres;
2. An at-grade car parking area with 60 spaces with vehicular access/egress both fronting Parramatta Road;
3. A loading dock on the western side of the building.



Figure 2: Aerial Location Relative to Parramatta Road

Not To Scale

Source: Near Maps (subject site shown in red)

1.3.1 The Local Area

The site is surrounded by a mix of building types that vary in height and usage. Some buildings have been developed for the purposes of dwellings, some have been developed for commercial and retail purposes and others have been developed for car showroom purposes.

Photographs 5 to 8 demonstrate the existing development styles, heights of buildings and uses of buildings on properties immediately surrounding the subject site.



Photograph 1: View of Mobile Service Station at corner of Parramatta Road and Shaftsbury Road.



Photograph 2: View of residential properties fronting Shaftsbury Road, whose rear yards share the eastern side boundary of the site.



Photograph 3: View of relationship of the residential property at 1 Shaftsbury Road with the service station to the immediate north.



Photograph 4: View of slip lane access along the frontage of subject site allowing access into the property from Parramatta Road.

The land immediately to the north of the site fronting Parramatta Road has been developed for the purposes of the Waratah Rugby Park and Stadium which are two large open seated structures with playing field in between.

The properties at 1 to 4 Milton Street (immediately to the south along the rear boundary of the subject site) have been developed for the purposes of detached dwelling houses and are of one and two storey construction. It is noted on the survey that some of these dwellings have single storey garages erected at their rear boundaries.

The properties to the west of the subject site at 316 to 334 Parramatta Road have been developed for a variety of showroom, retail, car sales and car repair businesses. These buildings vary in height and location, which is noted on the survey along the western side boundary and the aerial photograph at Figure 2.

Further to the west of the site towards Burwood Road, are a number of commercial and bulky goods retail uses, including car sales yards.

The properties to the east of the site have been developed for the purposes of residential dwellings and a Mobile petrol station with frontage to Shaftsbury Road. The State Transit Bus Depot is located on the eastern side of Shaftsbury Road.

Buildings to the east and west are illustrated in Photographs 5 and 6.



Photograph 5: View of Parramatta Road heading east and opposite the site towards Waratah Park



Photograph 6: View of Parramatta Road heading west.

1.3.2 Character

The site is located in a well-established urban area characterised by predominantly car repairers, car sales, retail and commercial development fronting Parramatta Road. Residential developments to the south and west characterise the street block bounded by Parramatta Road, Shaftsbury Road, Milton Street and Esher Street.

The site is located approximately 10 kilometres from the Sydney CBD. The subject site is located approximately 400m to the north of the Burwood town centre, a major suburban centre with retailing and a wide range of services. A number of specialty stores, historical properties, restaurants and community services are located along Burwood Road, centred at the railway station.

Parramatta Road has been developed as the main east-west link from the Sydney CBD to the Blue Mountains via Parramatta CBD. This portion of the Parramatta Road strip has strong links to car related services and retailing.

1.3.3 General Topography

The site is located some 150m to the east of the intersection of Burwood Road and Parramatta Road. These road systems follow natural ridge lines and the intersection defines the entry point to the Town Centre at its northern point.

1.3.4 Accessibility and Transport

Accessibility to the road network and bus transport is excellent. Parramatta Road is a major arterial road linking the site to the east and west. Parramatta Road is Metropolitan Road 4 which provides access to the east to Sydney CBD, west to Metropolitan Road 3 at Homebush Bay Drive and King Georges Road, and to the west via the M4 to Parramatta and beyond to the foot of the Blue Mountains.

The nearest railway station is Burwood Station, which is located approximately 450 metres to the south along Burwood Road. An alternate train station of similar distance is Croydon Station accessed along Shaftsbury Road. These stations are located on the Central Railway Line and provide regular services to Central Station and the CBD in the east and Strathfield and beyond in the west.

1.3.5 Heritage

The subject site is not located in the vicinity of any listed heritage items, is not a heritage item and is not in a conservation area.

1.4 EXPLANATION OF PROVISIONS

1.4.1 Burwood Planning Scheme Ordinance

The main environmental planning instrument which affects the proposed development is the *Burwood Planning Scheme Ordinance (BPSO)*.

On 24 April 2009, Council granted approval via Development Consent No. 6/2009 for proposed development "Mixed development comprising Dan Murphy's Liquor Store and two residential units", subject to conditions under the BPSO.

1.4.2 Zoning

Under the provisions of the BPSO and the associated map, the subject site is zoned 3(b) Business Special, as shown in Figure 3, as follows:

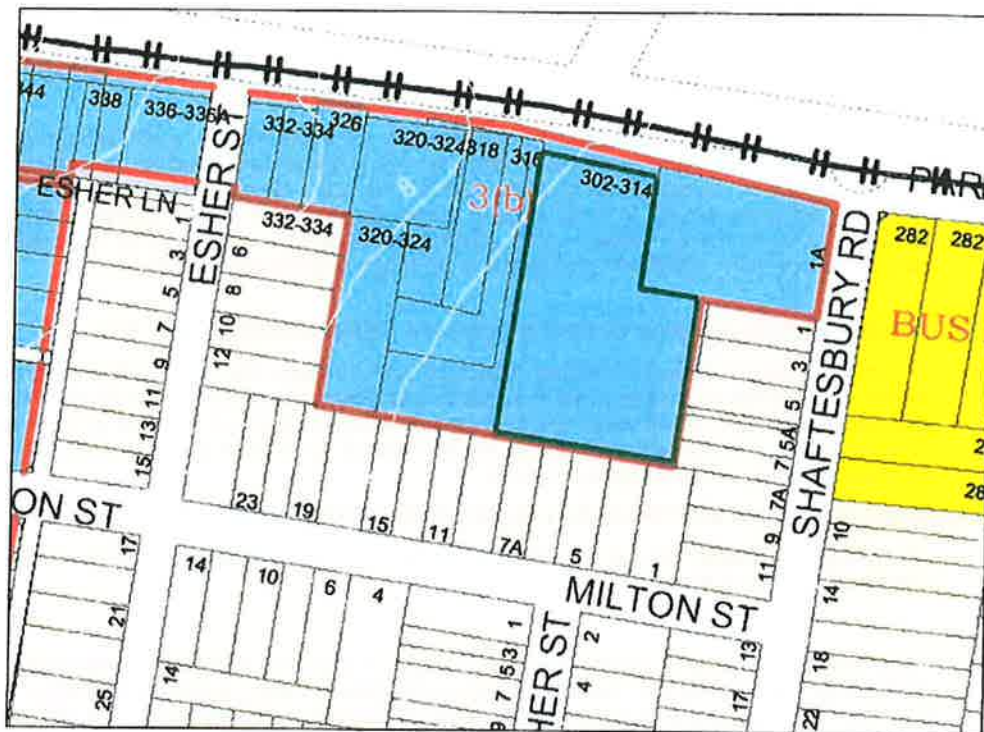


Figure 3: Extract from BPSO Map

NTS

Source: Burwood Council (site outlined in green)

1.4.3 Permissibility

Under the provisions of Clause 22 of the BPSO the following is noted with respect to the zoning:

Column I	Column II	Column III	Column IV	Column V
Zone and colour or indication on scheme map	Purposes for which buildings or works may be erected, carried out or used without the consent of the responsible authority	Purposes for which buildings or works may be erected or carried out or used subject to such conditions as may be imposed by the responsible authority	Purposes for which buildings or works may be erected, carried out or used only with the consent of the responsible authority	Purposes for which buildings or works may not be erected, carried out or used
(b) Business Special Light blue with red edging and lettered B (b)			Advertising structures; boarding houses; bulk stores; car repair stations; child care centres; clubs; commercial premises (other than those used for rag ed, edging and dealing); commercial signs; dwelling houses or residential flat buildings attached to and used in conjunction with commercial premises; industries referred to in Schedule 4; mixed development; motor, motor, caravan or boat showrooms; motor vehicle smash repair stations; open space; parking; public buildings; roads; service stations; utility installations (other than gas holders or generating works).	Any purpose other than that referred to in Column IV

Figure 4: Extract from BPSO Table

NTS

Source: Burwood Council

The approved development fell into Column IV and as such was a form of development which required development consent.

Column IV - Purposes for which buildings or works may be erected, carried out or used only with the consent of the responsible authority:

Advertising structures; boarding houses; bulk stores; car repair stations; child care centres; clubs; commercial premises (other than those used for rag collecting and dealing); commercial signs; dwelling-houses or residential flat buildings attached to and used in conjunction with commercial premises; industries referred to in Schedule 4; **mixed development**; motels; motor, caravan or boat showrooms; motor vehicle smash repair stations; open space; parking; public buildings; roads; service stations; utility installations (other than gas holders or generating works).

The Burwood Planning Scheme Ordinance defines "mixed development" as:

*"mixed development" means a dwelling, dwelling house or **residential flat building attached to or on the same parcel of land as a building used or intended to be used for the purposes of a shop or commercial premises**, or any other use permitted by zoning of the land, whether or not a dwelling, dwelling house or residential flat building will be used in conjunction with any shop, commercial premises or other permitted uses on the land.*

The following definitions are relevant as highlighted in bold above:

"residential flat building" means 1 or more buildings on a single allotment of land each of which contains 2 or more dwellings.

and

"shop" means a building or place used for the purposes of selling, exposing or offering for sale by retail goods, merchandise or materials, but does not include a building or place elsewhere specifically defined in this clause, a building or place used for a purpose elsewhere specifically defined in this clause or a roadside stall.

Therefore, as a consequence, the approved form of development was specifically designed to include a residential flat building component on the same parcel of land as a building intended to be used for the purposes of a shop being the Dan Murphy's liquor store. The residential flat building was designed to accommodate two units on the same allotment of land as the Dan Murphy's liquor store.

As such, the approved development was permissible with consent under the BPSO, however the residential component of the mixed development is located within 50m of Parramatta Road which is considered to not provide for a suitable level of residential amenity for future users and this in turn has impacted on the feasibility of this component of the approved development to such an extent that the owners of the land wish to revisit the suitability of the first 55m to support residential development given the width and extent of at-grade parking.

This PP seeks an amendment to the 3(b) Business Special zone to include the use of the subject land for a "liquor store, associated car parking and loading facilities" as an "additional permitted use" of the land under Column IV. This approach can be undertaken under Clause 78D of the BPSO, which states:

Development for certain additional purposes

78D Nothing in this ordinance prevents a person with the consent of the Council, from carrying out development on land referred to in Schedule 8 for a purpose specified in relation to that land in that Schedule, subject to such conditions, if any, as are so specified.

This approach seeks to recognise the use by the Dan Murphy's as a retail development, without necessitating a residential component as required by the Development Consent for the subject site. This PP is accompanied by a Section 96 application to modify



Development Consent No..2009.006 to convert the "mixed development" into the "liquor store, associated car parking and loading facilities" as proposed in this PP. This approach is justified below by demonstrating how key strategic planning directions point to having residential development within the Parramatta Road corridor as a minor and supporting development being a form of retail development.

1.4.4 Metropolitan Plan for Sydney 2036

On December 16, 2010, the NSW Government launched the Metropolitan Plan for Sydney 2036 to shape the future growth of Australia's major global city.

The Metropolitan Plan incorporates the fully funded \$50.2 billion Metropolitan Transport Plan. It will make Sydney a more connected, sustainable city as the population grows over the next 25 years.

The publication of the Metropolitan Plan for Sydney 2036 follows a scheduled five-year update of the 2005 Metropolitan Strategy. The Metropolitan Plan advises:

By 2036, Sydney will be more compact, networked city with improved accessibility, capable of supporting more jobs, homes and lifestyle opportunities within the existing urban footprint.

The Plan seeks to address the challenges facing Sydney through an integrated, long-term planning framework based on a number of key directions and key policy settings, including:

1. The Plan advises in relation to "strengthening a city of cities":

This Metropolitan Plan recognises the contribution of the entire 'Global Sydney Region' including all its centres, employment lands and resources in building the productivity and status of the city region. It aims to strengthen Sydney's city of cities structure by:

- *Promoting the regional cities to underpin sustainable growth across Sydney*
- *Achieving a compact, connected, multi-centred and increasingly networked city structure*
- *Containing the urban footprint and achieving a balance between greenfields growth and renewal in existing urban areas*
- *Supporting, protecting and enhancing nationally and internationally significant infrastructure in the metropolitan area*
- *Identifying and planning for infrastructure to support Global Sydney*
- *Constantly strengthening Sydney's capacity to attract and retain global businesses and investment*
- *Strengthening Sydney's role as a hub for NSW, Australia and South East Asia through better communications and transport connections*
- *Strengthening Sydney's position as a contemporary global tourism destination*
- *Ensuring Sydney continues to support major events in iconic locations and remains competitive in the global event and convention market*
- *Planning and coordinating delivery of infrastructure to meet metropolitan housing and employment growth targets*

2. The Plan advises in relation to centres:

The Metropolitan Plan aims to grow and renew Sydney's network of centres by:

- *Locating at least 80 per cent of all new housing within the walking catchments of existing and planned centres of all sizes with good public transport*
- *Focusing activity in accessible centres and limiting out-of-centre commercial development*
- *Planning for centres to grow and change over time*
- *Planning for new centres in existing urban areas and greenfield release areas*
- *Planning for urban renewal in identified centres where public transport capacity exists or is being expanded*
- *Identifying urban renewal opportunities on State and Commonwealth Government land*
- *Maximising urban renewal opportunities in social housing areas by including other Government services in renewal programs*
- *Using urban renewal of social housing to better meet the needs of Aboriginal people*
- *Providing for the protection and adaptive reuse of heritage items in centres undergoing urban renewal*
- *Investigating the economic case for targeted State investment in urban renewal in more challenging localities*
- *Providing sufficient capacity for the clustering of businesses and knowledge-based activities in Major and Specialised Centres*
- *Promoting identified future directions for Major and Specialised Centres through subregional and local planning, infrastructure planning and location of services*

3. The Plan advises in relation to "transport for a connected city:

This Plan will build on Sydney's transport network by:

- *integrating transport and land use planning and decision-making to increase public transport use*
- *implementing the \$50.2 billion package of measures in the NSW Government's Metropolitan Transport Plan, including major rail expansion projects and road upgrades to increase capacity across the transport system*
- *focusing urban renewal opportunities around existing and planned transport capacity*
- *identifying key corridors for future expansion of the transport network and identifying corridors with long-term transformative potential for future investigation*
- *working with the Federal Government to deliver further transport infrastructure and improvements*
- *developing a 25 year freight strategy to support the growing freight task and a productive economy, focusing on initiatives to get more freight onto rail*
- *investigating further measures to encourage a shift to public transport and active transport including a metropolitan parking policy, modal strategies for rail, bus and roads, workplace travel plans, NSW BikePlan and State Walking Strategy*
- *implementing the bus priority program and other measures across key bus corridors to improve reliability and travel times*
- *continuing to roll out the 1,000 new buses focusing on growth corridors linking to employment areas*

- delivering an electronic integrated ticketing system for the metropolitan public transport network by 2014
- ensuring coordinated timetabling across rail, bus and ferry services and implement the Mode Interchange Program to improve the customer experience

It is noted that the Plan seeks to identify key corridors of which Parramatta Road is one as shown in the following Figure 5:

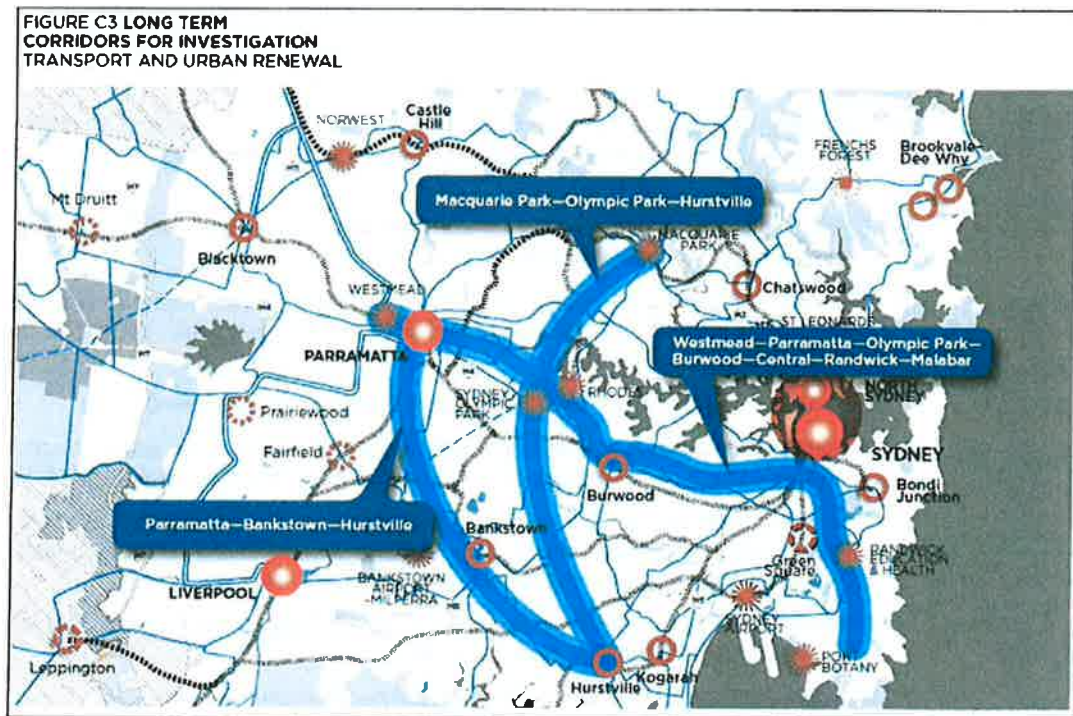


Figure 5: Metropolitan Plan for Sydney 2036 – Extract Figure C3

4. The Plan advises in relation to housing Sydney's population:

The Metropolitan Plan will help meet Sydney's future housing needs by:

- Locating at least 70 per cent of new housing within existing urban areas and up to 30 per cent in new release areas
- Locating at least 80 per cent of new homes within the walking catchments of existing and planned centres of all sizes with good public transport
- Setting new housing targets in Subregional Strategies and Local Environmental Plans
- Ensuring local planning controls include more low rise medium density housing in and around smaller local centres
- Examining ways to achieve the Federal targets for disability-friendly housing
- Improving housing affordability by exploring incentives to deliver moderately priced rental and purchase housing across all subregions
- Setting affordable housing targets for State urban renewal projects on a case by case basis
- Improving the quality of new housing development and urban renewal by strengthening the Government's role in ensuring good design outcomes

- *Appointing SEPP 65 Design Review Panels for areas of high growth, including the Strategic Centres*
- *New urban renewal mechanisms including the Sydney Metropolitan Development Authority*

5. The Plan advises in relation to growing Sydney's economy:

The Metropolitan Plan will help maintain Sydney's strong and dynamic economy by:

- *Ensuring adequate land for economic activity, investment and jobs in the right locations using new subregional employment capacity targets*
- *Promoting employment in Western Sydney by facilitating growth in strategic centres and developing greenfield employment lands with detailed land use and infrastructure plans*
- *Establishing a new Employment Lands Task Force to promote and ensure the orderly development of employment lands*
- *Ensuring an adequate supply of retail, office space and business parks focusing Sydney's economic growth and renewal, employment and education in highly accessible strategic centres*
- *Delivering spatial components of the NSW Business Sector Growth Plan*
- *Strengthening clusters of activity in Specialised Centres, particularly those for high growth and high value sectors, and supporting the emergence of new clusters*
- *Promoting development of education, research and development clusters around TAFEs, universities and health infrastructure in accessible centres to foster skills development, capacity for innovation and lifelong community learning*
- *Preparing and implementing measures to assist development of low cost space for creative industries and business start-ups*
- *Strengthening existing and emerging freight and industry clusters*
- *Exploring options to increase the diversity and accessibility of higher education options in Western Sydney*
- *Working with the Commonwealth to support Sydney's nationally significant economic gateways, including meeting future aviation infrastructure needs and building capacity in and around Sydney Airport and Port Botany*
- *Planning for long-term capacity improvements for Port Kembla and Port of Newcastle, as part of the NSW Freight Strategy*
- *Building the capacity of Sydney's rail freight network*

6. The Plan advises in relation to tackling climate change and protecting Sydney's natural environment:

This Metropolitan Plan will address climate change and protect Sydney's environment by:

- *Developing a climate change adaptation strategy for Sydney in collaboration with Councils*
- *Incorporating climate change adaptation into centre renewal*
- *Examining a minimum sustainability benchmark for new commercial buildings*
- *Capitalising on one-off abatement opportunities from major projects*
- *Reducing industrial emissions by encouraging sharing of energy and by-products*
- *Continuing to promote the uptake of low emissions and renewable energy technology*

- *Establishing a program for updating BASIX to expand its scope and improve its stringency*
- *Promoting street tree planting and other green cover opportunities in grants programs, especially in Western Sydney*
- *Developing and adopting Sustainability Guidelines to guide major project assessment*
- *Integrating environmental targets into infrastructure and land use planning*
- *Achieving water quality outcomes by embedding water sensitive urban design and principles and stormwater targets in local plans*
- *Implementing the Metropolitan Water Plan to ensure water supply for the next 25 years*
- *Ensuring integrated water cycle management for new release and urban renewal areas*
- *Implementing the NSW Biodiversity Strategy to protect identified priority conservation areas and guide land use planning*
- *Planning appropriately for development adjacent to very busy roads*
- *Avoiding noise-based land use conflict through strategic planning and the development assessment processes*

7. The Plan advises in relation to achieving equity, liveability and social inclusion:

The Metropolitan Plan aims to deliver a more equitable, liveable and inclusive city by:

- *Ensuring equity, liveability and social inclusion are integrated into plan making and planning decision-making*
- *Preparing criteria to identify major developments that require formal social impact assessment*
- *Setting equity, liveability and social inclusion targets for major urban renewal proposals*
- *Ensuring the special needs of particular groups are considered in plan making and planning decision-making*
- *Ensuring Aboriginal Community Action Plans developed under the Partnership Community Program align with Subregional Strategies*
- *Implementing the NSW Homelessness Action Plan and Regional Homelessness Action Plans*
- *Ensuring appropriate social infrastructure and services are located near transport, jobs and housing*
- *Delivering parks, playing fields and public spaces that suit new multiple uses*
- *Developing Western Sydney Parklands as a major asset for Western Sydney*
- *Encouraging regional Aboriginal cultural heritage assessments and develop new tools and protocols for inclusion in LEPs and other planning instruments*
- *Ensuring Western Sydney's cultural and artistic life is strengthened and encouraged to support future urban growth*
- *Strengthening cultural and related activities through identification and protection of appropriate venues, places and clusters*

8. The Plan advises in relation to balancing land uses on the city fringe:

This Metropolitan Plan will achieve sustainable outcomes on the city's fringe by:

- *Focusing most Greenfield land release and urban development in the North West and South West Growth Centres*
- *Planning for at least 70 per cent of Sydney's new homes to be in existing urban areas*
- *Simplifying the land release process to ensure sufficient land is in the pipeline to meet housing requirements and avoid price pressures*
- *Delivering an Agriculture Policy for Sydney to help maintain viable local food production*
- *Mapping areas to inform future strategic policy making with respect to agricultural activities and resource lands*
- *Promoting agricultural activities positively in Sydney to reduce land use conflict*
- *Preparing and releasing guidance on planning for agricultural activities*
- *Planning for the sustainable management of construction materials*
- *Finalising and implementing the NSW Soils Policy*

9. The Plan advises on delivering the plan:

The Metropolitan Plan provides the vision and spatial context for whole of Government decisions which ensure Government investment priorities are focused on the Plan's outcomes. The Plan will maximise the affect of Government involvement in the transformation of Strategic Centres and sites, especially urban renewal and Greenfield release areas and ensure strategic directions are reflected in local plans.

Clear pathways for decision-making and practical means of implementation are essential to deliver the Plan's vision and strategic directions, with specific implementation approaches accompanying the objectives and actions in each chapter. This Plan will ensure delivery of its objectives by:

Focused investment:

- *integrating decision-making across government agencies*
- *developing strongly integrated land use and infrastructure planning processes*
- *prioritising nationally significant infrastructure*
- *implementing organisational arrangements to ensure well integrated land use and infrastructure planning*
- *strengthening strategic infrastructure planning processes through a centralised infrastructure planning capability*
- *enhancing processes for strategic infrastructure project assessment and selection*

State involvement in strategic places, urban renewal and land release:

- *introducing new mechanisms to achieve urban renewal: the Sydney Metropolitan Development Authority and the Urban Renewal State Environmental Planning Policy*
- *streamlining and delivering a more transparent annual land release process*
- *establishing a Land and Housing Supply Taskforce and an Employment Lands Taskforce*
- *reviewing the precinct planning sequence in Sydney's Growth Centres*

Implementation through local plans:

- *driving implementation through Subregional Strategies*
- *aligning subregional planning with the strategic directions of the Metropolitan Plan*

- preparing revised Subregional Strategies in partnership with local government and State agencies
- ensuring LEPs deliver the intent and yield anticipated under the Metropolitan Plan

Monitoring and review:

- establishing a representative group to oversee and publicly report to Government annually on the progress of the Metropolitan Plan
- undertaking a comprehensive review of the Plan every five years to draw on new Census data
- adjusting the Metropolitan Plan to enable adaptation to any major challenges in line with COAG criteria to identify critical review trigger points
- engaging the public in the Metropolitan Plan five yearly review

1.4.5 Draft Inner West Subregional Strategy

The Draft Inner West Subregional Strategy (Draft IWSRS) was on public exhibition from 3 July until 5 September 2008. The NSW Government is yet to finalise this document and may make changes as a result of the public exhibition and any submissions received.

The draft strategy states that its role is to:

"...act as a broad framework for the long term development of the area, guiding government investment and linking local and state planning issues. They also provide the detail required to guide the preparation of Principle Local Environmental Plans (LEPs), which is the key legislation that links local councils and NSW Government in land use planning for each local government." (p.4)

It is understood Burwood Council has commenced work on the preparation of a comprehensive local environmental plan in accordance with the standard instrument. All future strategic planning undertaken by Burwood Council must be consistent with the Draft IWSRS. The Draft IWSRS does not hold any statutory weight under the provisions of Section 79C of the *Environmental Planning and Assessment Act, 1979*, however it should be considered in terms of its principles in the preparation of a Planning Proposal to demonstrate consistency with any desired future character of a site.

The Draft Strategy includes 4 key directions. Of particular relevance to the proposed development is the key direction to **"promote Parramatta Road as an enterprise corridor"**, as stated:

3 Promote Parramatta Road as an Enterprise Corridor

Parramatta Road is a defining feature of the inner west subregion and is one of Sydney's oldest and most strategically important roads. It connects Western Sydney to Sydney CBD and in particular is the main Sydney CBD to Parramatta road link, as well as major growth nodes such as Sydney Olympic Park. The metropolitan strategy identifies Parramatta Road as an Enterprise Corridor in recognition of its unique business environment with a mix of small offices, niche retail markets and significant clusters of car yards and bulky good outlets. In 2001, around 25,000 people worked in enterprises along the road from Sydney University to Parramatta.

The NSW Government and councils, including those from the inner west subregion, have undertaken strategic planning work to revitalise Parramatta Road and its surrounding corridor. Opportunities to revitalise land uses along the road and supporting centres, as well as improve local and regional transport will be further considered as part of any planning of an extension of the M4 motorway to reduce congestion on Parramatta road and strengthen connections between Western Sydney and Sydney CBD and Port Botany.

The NSW Government will release its proposal to extend the M4 motorway for public comment in early 2008. The M4 extension will provide significant transport benefits for the movement of people and freight within and through the subregion. The NSW Government identifies the need to extend the M4 motorway in the state infrastructure strategy. (p.9)

An enterprise corridor is nominated as including:

Areas which provide low cost accommodation for a range of local and regional services, including start-up offices, light industrial, showrooms, building supplies and retail, which benefit from high levels of passing traffic (over 50,000 vehicles per day). They provide a valuable buffer between residential development and the road. (p.47)

As such, given the nature of the approved development is for a niche retail market and is considered to be consistent with the Draft Strategy's intention for development of land along Parramatta Road (which is nominated as an "Enterprise Corridor"), the requested amendment to the 3(b) Business Special zoning under the BPSO to include the "additional permitted use" as outlined in this report will help achieve this key direction as it will eliminate the necessity for the approved residential component of the current development consent for the subject site, therefore maintaining the "valuable buffer between residential development to the rear of the site and and Parramatta Road" as mentioned above.

Finally, the Draft Strategy identifies three categories of employment lands. Category 2 – land with potential to allow a wider range of employment uses enables:

The second categorisation of Employment Lands is those which may have potential to accommodate a wider range of employment uses or more intensive scale of employment activity than currently permitted under an existing industrial zone. For example, they could be rezoned in part to allow for a higher percentage of office use, or even stand alone commercial development where criteria related to centres can be met, and could support a higher job density or intensity of activity.

Where a wider range of employment uses or intensity of activity is considered this must be able to illustrate that it will not negatively impact on any surrounding specialised or commercial centres, but rather can contribute towards further economic growth of these centres.

Such areas are likely to be in areas well serviced by public transport and where industrial activities are not functioning well due to surrounding land uses or site constraints. In some circumstances an element of residential or other non-employment uses may be shown to not impact on the primary employment function of the area or will be affected by other land use planning considerations, such as busy roads, rail lines or environmental constraints. However, unlike Category 3 lands, in these cases non-employment uses would only be a relatively minor element of development.

Examples of Category 2 lands may include employment locations along road and rail corridors well serviced by public transport, such as Enterprise Corridors, or on the edge of existing Strategic Centres which can contribute to their growth. (p.29)

The inclusion of the residential flat building was a minor element of the development and did not impact on the employment generating capacity of the land.

The SMS sub-regional strategies seek to provide:

- A vision for the future role of the sub-region;
- Clarity on the future roles of centres;
- Staging and prioritisation of renewal;
- A framework for potential agreements between local governments concerning:
 - Coordinating planning
 - Funding and development contributions
 - Local transport
 - Open space networks
 - Biodiversity
- A framework for prioritisation of State infrastructure;
- Housing targets (amount, distribution, and mix); and

- *Employment capacity targets for local planning (amount, distribution, and mix).*

Burwood has been identified as a major centre under the SMS. The SMS has specified an employment target of 13,000 jobs by 2031 for a growth target of 36.5%.

With specific reference to the groupings of Council's for the 2031 planning targets, the Burwood Town Centre is located within the local government area of Burwood and thus falls into the Inner West subregion with housing targets of some 29,215 dwelling of which 10,995 are to be located near transit nodes, where a transit node is defined as "an area within 800m of a rail station or 400m of high frequency bus services in the morning peak".

As the site is located within 400m of the Burwood Railway Station, it is considered that the requested amendment to the BPSO and "additional permitted use" to the current zoning will not inhibit the subject site's ability to significantly contribute to the number of dwellings and jobs within Burwood, and therefore to the targets identified in the SMS.

1.4.6 Draft Burwood Comprehensive Local Environmental Plan

Burwood Council considered a report at its meeting held on 12 October 2010 regarding the preparation of the Draft Burwood Comprehensive Local Environmental Plan) refer to **Appendix A**). This report advised in the summary on page 1:

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.

This report advised specifically in relation to land along Parramatta Road as follows:

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.

Figure 6 is an extract from this Council report which summarises likely controls in the B6 Enterprise Corridor draft zone.

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
B6 Enterprise Corridor	Parramatta Road Business 3(b)	4/5 storeys (mixed dev)	15m (equiv. 4 storeys)	1	1.6:1 (any building)	1.75:1 (all develop)	1

Figure 6: Extract from Council Report – B6 Corridor likely controls

It is noted that it was indicated that more work would be needed to manage the location of housing within the draft zone. This is true of the subject site and the approved residential component.

1.4.7 Development Near Rail Corridors and Busy Road – Interim Guideline

The "Development Near Rail Corridors and Busy Roads – Interim Guideline" was published in December 2008 by the Department of Planning based on:

The Guideline assists in the planning, design and assessment of development in, or adjacent to, rail corridors and busy roads. It supports specific rail and road provisions of the State Environmental Planning Policy Infrastructure 2007.

A "Busy Road" under the guideline is defined as:

Busy road: defined as

Roads specified in Clause 102 of the Infrastructure SEPP: a freeway, tollway or a transitway or any other road with an average annual traffic (AADT) volume of more than 40,000 vehicles (based on the traffic volume data provided on the website of the RTA).

Any other road – with an average annual daily traffic (AADT) volume of more than 20,000 vehicles (based on the traffic volume data published on the website of the RTA).

Any other road – with a high level of truck movements or bus traffic.

The frontage of the site to Parramatta Road fits within this guideline as Parramatta Road carries more than 40,000 vehicles.

Part B: Strategic planning context of the guideline indicates that the suitability of land for residential usage in relation to a "busy road" should be considered as part of its strategic context and therefore the zoning of land at the strategic planning stage:

As part of taking a strategic planning approach, noise and air quality issues should be considered at the strategic level to avoid or minimise the need to address them at the site specific stage. For example, site selection and consideration of site layout and urban form can assist in reducing adverse health impacts from motor vehicle emissions. Similarly considering traffic noise issues upfront at the site selection and design stage is essential for residential, hospitals, childcare centres, schools, places of worship and other sensitive development.



It is considered that eliminating the necessity for a residential component for the subject site by adding the "additional permitted use" of a "liquor store, associated car parking and loading facilities" to the 3(b) Business Special zoning of the BPSO will allow for any future residential development to occur when it is strategically and economically viable along the Parramatta Road corridor. Future adequate demand will enable a vast improvement in residential amenity with the site still enabling development which involves residential and non-residential components. The guideline further states at 2.2 Transport Corridors in the Urban Context:

Residential development often occurs along busy roads. In some cases, it is historical, the houses were there when the road was a minor road, things changed and now the road is a major arterial road servicing the area or region. In other cases, it may have been developed there because of the demand for housing close to a centre, services or public transport. In other cases, it may have been the low land costs which attracted the development. In all cases, the quality of life of the residents can be adversely affected unless appropriate site layout, design or other mitigation measures to minimise noise and air quality impacts have been integrated into the development.

There are a number of other planning considerations relevant to development along busy roads that also need to be considered such as:

- *overall visual amenity and*
- *the design of parking, including the use of slip roads, rear lanes and shared access ways to car parks.*

Shops, warehouses and showrooms can often provide a valuable buffer between the busy road and adjacent residential and other noise and air sensitive uses. As a result, it is preferable if residential uses are not carried out along a busy road unless it is part of a development which includes adequate noise and air quality mitigation.

Finally, under the heading 2.4.1 Housing – the guideline states:

Strategic planning should ensure that residential and other sensitive developments are sited so that the direct impacts of rail corridors and busy roads can be avoided or appropriately managed.

Therefore, it is requested that the amendment to the BPSO stipulated above is implemented for the current zoning. This is to manage the impact of Parramatta Road on future residents of the subject site as well as future retail development on land zoned 3(b) Business Special for the purposes of a liquor store. It will also ensure the future strategic and economic viability of any residential development to be proposed within the "busy road" Parramatta Road corridor as stated in the "Development Near Rail Corridors and Busy Roads – Interim Guideline" as prepared by the Department of Planning.

2. JUSTIFICATION

The following section of this report addresses the requirements under the NSW Department of Planning and Infrastructure's publication "A guide to preparing planning proposals" - Part 3 Justification

2.1 SECTION A - NEED FOR THE PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

Yes - this planning proposal is the result of a report prepared by Council (refer to section 1.6 of the preamble to this PP) with respect to the preparation of the Draft Burwood Comprehensive Local Environmental Plan which indicates that it would need to restrict the location of residential use in relation to the B6 – Enterprise Corridor proposed for Parramatta Road.

Council at its meeting held on 12 October considered this report and resolved:

257/10 RESOLVED (Carried Unanimously)

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 Councilor 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.
5. That additional information be provided regarding increases to population under the Draft Comprehensive LEP and potential impact on infrastructure.

Council at its meeting held on 24 May 2011 considered a further report on the draft Burwood Comprehensive Local Environmental Plan in response to resolution 4 above, in which it advised:

Maximum Residential FSRs in the B2, B4 and B6 Business Zones

The objective of a maximum residential FSR provision is to ensure that in mixed developments a reasonable proportion of floor space is reserved for commercial (business, retail and office) purposes and that new development is not entirely residential. This encourages activated streets that a safer and more interesting, and promotes location of employment and business-generating activities closer to public transport nodes. This type of control already applies to the inner parts of the Burwood Town Centre.

Maximum residential FSRs are proposed to apply in the draft Comprehensive LEP to:

- The proposed extension of the Burwood Town Centre north along Burwood Road towards Parramatta Road;



- The existing Strathfield Town Centre and its proposed eastwards extension;
- The B2 Local Centre zone along Liverpool Road-Coronation Parade in Enfield East and Enfield West, and at Georges River Road Croydon Park;
- The B6 Enterprise Corridor zone along Parramatta Road.

In addition, while these reports to Council did not specify a minimum setback for residential development in the B6 Enterprise Corridor, the "Development Near Rail Corridors and Busy Roads – Interim Guideline" indicates that where a road carries more than 40,000 vehicles per day the amenity of residential development will need to be carefully considered. In this case, given subject site's wide frontage to Parramatta Road which carries significantly greater than 40,000 vehicles per day including numerous large trucks and buses, the site would warrant an amendment to its current zoning controls so as to eliminate the necessity for the residential component of the current mixed development consent for the subject site. An "additional permitted use" under Clause 78D of the BPSO of a "liquor store, associated car parking and loading facilities" to the 3(b) Business Special zoning as mentioned in this report, would be justified in light of resolution 4 from the Council's meeting on 24 May 2011.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

It is expected that dealing with the planning proposal as a spot rezoning to amend the BPSO is the best means of achieving the objectives and intended outcomes.

Is there a net community benefit?

It is considered that the amendment to the current 3(b) Business Special zoning of the BPSO in conjunction with the accompanying Section 96 application for the subject site would constitute a net community benefit due to the site's uniqueness. Given its overall area, width of frontage to Parramatta Road, the approved development and that the future controls in the B6 Enterprise Corridor zone have flagged the use of a minimum setback to protect amenity, the proposed amendment to the zoning would be in keeping with the objectives of the corridor.

It is envisaged that this planning proposal will result in an overall net community benefit, in that future residents of the locality and region would still be provided with a wide range of housing options which may be capable of development on the site as the change would not prohibit residential development in the B6 Enterprise Corridor but merely implement the Interim Guideline considerations as previously discussed.

The site has already delivered substantial positive economic impacts to more than offset the impact of a portion of the site not being developed for residential purposes.



2.2 SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

3. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

The Sydney Metropolitan Strategy (SMS) *City of Cities – A Plan for Sydney's Future* was released by the NSW Government in December 2005. The SMS provided the overall guiding vision for the future strategic planning of Sydney over the next 25 year period. The SMS is a broad framework to promote and manage sustainable growth. The Plan set the platform for more detailed planning in ten sub-regions. The SMS was superseded by the *Metropolitan Plan for Sydney* in December 2010. The planning proposal is considered to be consistent with the SMS and Metropolitan Plan as it will still enable a B6 Enterprise Corridor draft zone to be implemented along Parramatta Road

The planning proposal is considered to be consistent with the *Draft Inner West Subregional Strategy* (Draft IWSRS) and this was considered in the preamble to this report. Of particular relevance to the proposed development is the key direction to "promote Parramatta Road as an enterprise corridor", as stated:

3 Promote Parramatta Road as an Enterprise Corridor

Parramatta Road is a defining feature of the inner west subregion and is one of Sydney's oldest and most strategically important roads. It connects Western Sydney to Sydney CBD and in particular is the main Sydney CBD to Parramatta road link, as well as major growth nodes such as Sydney Olympic Park. The metropolitan strategy identifies Parramatta Road as an Enterprise Corridor in recognition of its unique business environment with a mix of small offices, niche retail markets and significant clusters of car yards and bulky good outlets. In 2001, around 25,000 people worked in enterprises along the road from Sydney University to Parramatta.

The NSW Government and councils, including those from the inner west subregion, have undertaken strategic planning work to revitalise Parramatta Road and its surrounding corridor. Opportunities to revitalise land uses along the road and supporting centres, as well as improve local and regional transport will be further considered as part of any planning of an extension of the M4 motorway to reduce congestion on Parramatta road and strengthen connections between Western Sydney and Sydney CBD and Port Botany.

The NSW Government will release its proposal to extend the M4 motorway for public comment in early 2008. The M4 extension will provide significant transport benefits for the movement of people and freight within and through the subregion. The NSW Government identifies the need to extend the M4 motorway in the state infrastructure strategy. (p.9)

An enterprise corridor is nominated as including:

Areas which provide low cost accommodation for a range of local and regional services, including start-up offices, light industrial, showrooms, building supplies and retail, which benefit from high levels of passing traffic (over 50,000 vehicles per day). They provide a valuable buffer between residential development and the road. (p.47)

As such, given the nature of the approved development is for a niche retail market and is considered to be consistent with the Draft Strategy's intention for development of land along Parramatta Road (which is nominated as an "Enterprise Corridor"), the requested amendment to the current 3(b) Business Special zoning of the BPSO will help achieve this key direction.

4. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Council has been undertaking consultation as part of the preparation of the Draft Burwood Comprehensive Local Environmental Plan and recently considered a report at its meeting held on 24 May 2011, which advised at pages 36 and 37:

As per item 3 of the resolution Council staff have continued to consult with the DOP as follows:

- The DOP provided informal comments on the draft Comprehensive LEP documentation in late October 2010, identifying mainly technical and procedural matters. No major or "show-stopping" issues or problems with the draft Plan's strategic direction and progress of were indicated.
- The draft LEP documentation was revised and further submitted to the DOP. Comments were received on 3 March 2011, and Council staff met with the DOP on 23 March 2011 to review the key matters. Again the comments and discussion at the meeting highlighted mainly technical matters to be resolved.

It is also relevant that:

- The State Government made a substantial number of changes to the Standard Instrument (that provides the template for all Comprehensive LEPs across NSW) on 25 February 2011. These affect Burwood's draft Comprehensive LEP but there are no major adverse impacts.
- Council staff applied for funding under several State Government funding programs to help progress the draft Burwood Comprehensive LEP. In March 2011 the DOP advised that it had approved a grant under the LEP Acceleration Fund. The funding agreement has been accepted and it is conditional on an agreed timetable and milestones being met for Council to complete its steps in the LEP process, involving public exhibition in November and December 2011 and the section 68 submission (to the DOP to make the LEP) by mid 2012.

The report further advises:

Consultation

Internal consultation on the draft Comprehensive LEP documents has continued with Building and Development Branch. Externally, apart from ongoing liaison with the DOP as indicated above, there has been no further consultation with the public or State Government agencies at this stage. The next formal consultation will occur with the exhibition of the draft LEP. That consultation will include the general public, Burwood ratepayers and residents, State Government agencies and other infrastructure providers. A further major report will be made to Council after the exhibition period.

It was resolved that Council would complete the required documents under Section 74 to enable a Section 65 Certificate to be issued and therefore the draft Burwood

Comprehensive Local Environmental Plan to undertake its formal consultation phase, as follows:

1. That Council note the progress made on development of the draft Comprehensive LEP and the actions proposed to resolve remaining matters indicated in this report.
2. That Council endorse continued consultation with the DOP, including the mandatory pre-section 64 submission meeting, to finalise the draft Comprehensive LEP documents for the section 64 submission.
3. That Council approve the lodgement of a section 64 submission seeking a certificate for exhibition of the draft Comprehensive LEP.
4. That a further report be brought to Council on completion of the public exhibition of the draft Comprehensive LEP.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

There are no existing State Environmental Planning Policies (SEPPs) or known draft policies that would prohibit or restrict the planning proposal. An assessment against relevant SEPPs is provided below:

The proposal is consistent with the relevant State Environmental Planning Policies (SEPPs) as follows:

SEPP (Infrastructure) 2007

The amendment resulting from the inclusion of an "additional permitted use" to the current 3(b) Business Special zoning of the BPSO is not considered likely to be 'traffic generating' as per this SEPP, as such consultation already undertaken as part of the development Application for the site development which was approved on 24 April 2009 is considered to have been sufficient to manage matters by the NSW Roads and Traffic Authority to manage any relevant issues.

SEPP 55 (Remediation of Land)

An assessment of site contamination issues was considered with the development application approved by Council on 24 April 2009 as being satisfactory.

Appendix B provides a summary of consistency with all SEPPs.

Draft Centres Policy

The Draft Centres Policy provides that sound planning outcomes should promote development in 'a network of centres' in order to accommodate 'the broad future pattern of future growth in each region and Council area'.

The view of the Draft Centres Policy is that the commercial make-up and functions of each centre will vary according to their scale and nature and the catchment they serve; whilst a large town centre area may provide a wide range of shopping and commercial activities

commensurate with its role in the city/town, a group of local shops/takeaway stores may provide convenience services to a small section of the community in which it is based.

The Draft Centres Policy recommends that:

- the planning system should be flexible enough to enable centres to grow and new centres to form
- the planning system should ensure that the supply of available floor space always accommodates the market demand, to help facilitate new entrants into the market and promote competition and
- retail and commercial development should be well designed to ensure it contributes to the amenity, accessibility, urban context and sustainability of centres.

This proposal can be considered consistent with the Draft Centres Policy as it facilitates the addition of further retail floor space to meet the growing market demand while at the same time accommodating potential mixed development which locates a residential component appropriately on the site in relation to Parramatta Road.

6. *Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?*

The proposal is consistent with all applicable Ministerial Directions. An assessment against the relevant Ministerial Directions under Section 117 of the *Environmental Planning and Assessment Act, 1979* is as follows.

1.1 *Business and Industrial Zones*

The proposal is consistent with this direction as:

- The approved development encouraged employment growth in the Parramatta Road enterprise corridor; and
- Will not reduce employment related floor space.

3.4 *Integrating Land Use and Transport*

The proposal is consistent with this direction as:

- It increases supermarket and retail choice in Burwood within close proximity to residential areas, therefore encouraging pedestrian transport;
- Two bus stops are located adjacent to the site on the Falcon Street and Alexander Street frontages, which are identified as a strategic bus corridors; and
- Consolidates the number of vehicle trips needed as it incorporates a variety of retail uses and choices.



6.3 Site Specific Provisions

The proposal is consistent with this direction as it proposes to rezone the site to apply a site restrictive requirement in relation to any residential component within a future B6 Enterprise Corridor zone as envisaged under the Comprehensive Draft Burwood Local Environmental plan which indicates a setback restriction is likely to apply in this zone in relation to Parramatta Road.

Appendix C provides a summary of consistency with all Section 117 Directions.

2.3 SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

There are no critical habitat or threatened species, populations or ecological communities or their habitats on the site. There does not appear to be a need for a Local Environmental Study.

It is considered unlikely that the site will contain critical habitat as it has been cleared of vegetation as part of urbanisation of Burwood many years ago.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No other likely environmental effects are envisaged as a result of the planning proposal.

This planning proposal is not located on land that is affected by any land use planning constraints or subject to natural hazards. The land is not identified as Bushfire Prone Land, nor is it affected by potential Flood inundation or subject to potential landslip.

9. How has the planning proposal adequately addressed any social and economic effects?

The planning proposal will lead to positive social and economic effects.

This planning proposal has already achieved an 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, while at the same time providing for choice and competition in the local market. The proposed amendment to the current 3(b) Business Special zoning of the BPSO will not diminish these benefits.

There are no known items or places of European or aboriginal cultural heritage. Therefore, it is not envisaged that this planning proposal will have any adverse impacts on such items.

The Draft Centres Policy relevant principles are discussed below demonstrating this.



- **Principle 1** – Retail and commercial activity should be located in centres to ensure the most efficient use of transport and other infrastructure, proximity to labour markets, and to improve the amenity and liveability of those centres.

The site specific clause is consistent with this Principle.

- **Principle 2** – the planning system should be flexible enough to enable all centres to grow, and new centres to form.

A provision, such as an amendment to the current 3(b) Business Special zoning of the BPSO as is proposed will still enable the site to support residential development in the future and is therefore not considered to be contrary to this principle.

- **Principle 4** - The planning system should ensure that the supply of available floor space always accommodates the market demand, to help facilitate new entrants into the market and promote competition.

Competition between businesses is the most effective means of delivering efficient, customer focused goods and services. Greater competition, with more operators in a market, creates incentives for business to seek the most efficient methods of production and produce goods and services that customers want. This should result in greater choice and higher quality and cheaper goods and services for consumers.

A provision such as that proposed is not contrary to this principle.

- **Principle 5** – The planning system should support a wide range of retail and commercial premises in all centres and should contribute to ensuring a competitive retail and commercial market.

A provision, such as an amendment to the current 3(b) Business Special zoning of the BPSO as is proposed will still enable the site to support residential development in the future and is therefore not considered to be contrary to this principle.

Refer to **Appendix D** for assessment against Evaluation Criteria provided in NSW Department of Planning Draft Centres Policy, Planning for Retail and Commercial Development.

2.4 SECTION D - STATE AND COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the planning proposal?

Adequate public infrastructure is provided for the planning proposal:

- The site has a central location in Burwood with ready access to the Parramatta Road;
- The site is adjacent to existing non-residential activities along Parramatta Road, with residential uses adjacent to the rear boundary. This enables a clustering of services and provides convenient access to a wide range of services;
- The site includes the provision of parking facilities to meet the demand of the approved retail facility; and
- Additional demand on community services can be addressed through Council's Section 94 Contribution Plan.



11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

State and Commonwealth public authorities will be consulted following the outcomes of the gateway determination. Consultation can be carried out in accordance with the *EP&A Act*.



3 CONCLUSION

This Planning Proposal has been prepared to request Council amend the planning controls contained within the BPSO by inclusion via Clause 78D under Schedule 8 as an additional permitted use being a "liquor store, associated car parking and loading facilities" for the land at 302-314 Parramatta Road, Burwood.

It is concluded that this planning proposal is:

- prepared to ensure all matters required to be addressed under the requirements for a planning proposal have been adequately addressed;
- consistent with State Government policies;
- consistent with all Ministerial Directions;
- consistent with a decision already made by council in relation to local planning;
- suitable for the site and will not adversely impact any existing or future centres in Burwood; and
- appropriate, as it will bring about a number of net community benefits.

As such, it is requested that Council support the planning proposal.