

DEPARTMENT OF PLANNING AND INFRASTRUCTURE – SYDNEY REGION EAST

PLANNING TEAM REPORT

Proposal Title:

Planning Proposal – Matters following from the Public Exhibition of Draft Burwood Local Environmental Plan 2012

PP Number:

PP Number: PP_2012_BURWO_002_00 DP&I File No: 12/11575

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Proposal Summary:

The Planning Proposal seeks 9 separate amendments to the Burwood draft Principal LEP 2012 in response to matters raised during its public exhibition (identified in **Tag C**), including:

1. Road widening of a section of Wentworth Road, Burwood,
2. Splay corner at 35 Luke Avenue, Burwood,
3. Rezoning of 19-21 and 23-25 Everton Road from R1 to B4, applying development controls in alignment with the adjacent B4-zoned properties,
4. Increase in development standards applying to certain R1-zoned land north of the railway line at Strathfield,
5. Reduction of development standards applying to the Royal Sheaf Hotel site and adjoining properties between Burwood Road and Quandong Avenue, Burwood,
6. Rezoning of 5 properties in the vicinity of St John of God Hospital, Burwood, from R2 to R1,
7. Increase in FSR control applying to entire R3 zone,
8. Increase in FSR control for land bounded by Wentworth Road, Conder Street, Woodside Avenue and Hornsey Street, Burwood, and
9. Rezoning of properties at 206-212 Parramatta Road, Burwood, 2-4 Cheltenham Road, Croydon and 7 Royce Avenue, Croydon, from R2 to B6.

Proposal Details:

Date Planning Proposal Received:	29 June 2012	LGA covered:	Burwood
Region:	Sydney Region East	RPA:	Burwood Council
State Electorate:	Strathfield, Canterbury	Section of the Act:	55 – Planning Proposal
LEP Type:	Precinct / Various amendments		

Location Details:

Multiple parcels in Burwood LGA, described in the attached Site Identification Map (**Tag C**)

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Land Release Data:

Growth Centre:	N/A	Release Area Name:	
Regional / Subregional Strategy:	Metro Inner North subregion	Consistent with Strategy:	Yes
MDP Number:	N/A	Date of Release:	N/A
Area of Release:	38 Hectares (estimate)	Type of Release:	
Number of lots:	Not available	Number of Dwellings:	2,390 (estimate)
Gross Floor Area:	374,000 (estimate)	Number of Jobs Created:	40 (estimate)

Meetings with Lobbyists:

The NSW Government Lobbyists Code of Conduct has been complied with: Yes

Have there been meetings or communications with registered lobbyists: No

Supporting Notes:

Internal Supporting Notes: The land subject to this Planning Proposal comprises an area of approximately 38 Hectares.

The proposed controls would provide a total developable gross floor area (GFA) of approximately 374,000 sqm on the subject land.

Under the Planning Proposal, the new developable GFA would provide for an estimated 2,390 additional dwellings on the subject land (at an average dwelling size of 100 sqm). This excludes land already developed to full potential, but does not exclude land subject to environmental, heritage and title constraints.

The Planning Proposal would provide additional commercial floor area for approximately 40 new jobs (at an average job density of 50 sqm per job). This includes 113 new jobs under Item 3 and 24 new jobs under Item 9, while Item 5 would result in a loss of 97 potential new jobs.

Adequacy Assessment:

Is a statement of the objectives provided (s55(2)(a):

Yes.

The Planning Proposal seeks a series of amendments to the draft Principal LEP following on from issues raised during the public exhibition of the draft Plan. The inclusion of these 9 individual items will enable the items to be considered in greater detail and with community input, whilst avoiding re-exhibition of the entire draft Principal LEP.

Is an explanation of provisions provided (s55(2)(b):

Yes.

The Planning Proposal comprises 9 individual items:

Item 1 – Road widening of a section of Wentworth Road, Burwood

Identify a 3 metre wide section of local road widening on the Land Reservation Acquisition Map, on the western side of Wentworth Road, Strathfield, between the rail line and the Gladstone Street intersection. Council will be the relevant acquisition authority, pursuant to Clause 5.1 of the draft Principal LEP.

Item 2 – Splay corner at 35 Luke Avenue, Burwood

Identify a section of local road widening of 1 metre x 1 metre on the Land Reservation Acquisition Map, at 35 Luke Avenue, Burwood, to the rear of the property at the intersection of Bennett Street and a private right of way. Council will be the relevant acquisition authority, pursuant to Clause 5.1 of the draft Principal LEP.

Item 3 – Rezoning of 19-21 and 23-25 Everton Road from R1 to B4, applying development controls in alignment with the adjacent B4-zoned properties

Rezone properties at 19-21 and 23-25 Everton Road, Strathfield from R1 General Residential to B4 Mixed Use and amend development controls for these sites by increasing the building height control on the Height of Building (HOB) Map from 11 metres to 30 metres, increasing the Floor Space Ratio (FSR) control on the FSR Map from 1.2:1 to 3:1 and including a maximum residential FSR control of 2.3:1, pursuant to Clause 4.4(4) of the draft Principal LEP.

Item 4 – Increase in development standards applying to certain R1-zoned land north of the railway line at Strathfield

Amend development controls for certain land in Strathfield, currently zoned R1 and located north of the railway line, west of Wentworth Road and south of Cowdery Lane, but also including land bounded by Cooper Lane, Cooper Street, Mosely Street and Cowdery Lane, by increasing the building height control on the HOB Map from 11 metres to 14 metres and increasing the FSR control on the FSR Map from 1.2:1 to 2:1.

Item 5 – Reduction of development standards applying to the Royal Sheaf Hotel site and adjoining properties between Burwood Road and Quandong Avenue, Burwood

Amend development controls for 5 properties fronting Liverpool Road, Burwood, between Burwood Road and Quandong Avenue, by reducing the building height control on the HOB Map from 20 metres to 11 metres, reducing the FSR control on the FSR Map from 2.5:1 to 1.5:1 and removing the maximum residential FSR control, currently applicable under Clause 4.4(4) of the draft Principal LEP.

Item 6 – Rezoning of 5 properties in the vicinity of St John of God Hospital, Burwood, from R2 to R1

Rezone 5 properties at 18 and 20 White Street and 13, 15 and 16 Moore Street, Burwood, from R2 Low Density Residential to R1 General Residential.

Item 7 – Increase in maximum FSR applying to R3 Zone

Amend development controls for all land zoned R3 Medium Density Residential, by increasing the FSR control on the FSR Map from 0.55:1 to 0.6:1.

Item 8 – Increase of maximum FSR for land bounded by Wentworth Road, Conder Street, Woodside Avenue and Hornsey Street, Burwood

Amend development controls for R1-zoned land bounded by Wentworth Road, Conder Street, Woodside Avenue and Hornsey Street, Burwood, by increasing the FSR control on the FSR Map from 1.5:1 to 2:1.

Item 9 – Inclusion of Properties in the B6 Enterprise Corridor Zone

Rezone properties at 206-212 Parramatta Road, Burwood, 2-4 Cheltenham Road, Croydon and 7 Royce Avenue, Croydon, from R2 to B6.

Justification (s55(2)(c):

a) Has Council's strategy been agreed to be the Director General:

No

b) Section 117 Directions identified by RPA and is the Director General's agreement required:

1.1 Business and Industrial Zones
2.3 Heritage Conservation
3.1 Residential Zones
3.4 Integrating Land Use and Transport
6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes
7.1 Implementation of the Metropolitan Plan for Sydney 2036

c) Consistent with Standard Instrument (LEPs) Order 2006:

Yes

d) Which SEPPs have the RPA identified:

No SEPPs are identified

e) List any other matters that need to be considered:

The draft Inner West Subregional Strategy 2031 specifies an employment target of 4,000 new jobs and a housing target of 7,700 new dwellings in Burwood LGA by 2031. Gross capacity was demonstrated for business and industrial floor space under the *Burwood Local Environmental Plan (Burwood Town Centre) 2010* and draft Principal LEP to achieve Burwood's employment target. However, Council has not adequately demonstrated that it can achieve its housing target under current or proposed controls, based on a feasibility analysis including take-up rates.

Have the inconsistencies with items a), b), c) and d) been adequately justified:

Direction 1.1 Business and Industrial Zones

Item 5 proposes to reduce the total floor space area for employment uses and related public services on Business-zoned land at Liverpool Road, Burwood, between Burwood Road and Quandong Avenue (see figure below). While the land is currently zoned as Residential 2(c1), it is zoned as B2 Local Centre under the exhibited draft Principal LEP. As a result, the proposed amendment is inconsistent with Subclause (4)(c) of Direction 1.1. Furthermore, Item 5 is not supported by any strategy or study and is not consistent with any direction or action under the draft Subregional Strategy 2031.

The subject land under Item 5 has an area of approximately 4,830 sqm. The proposed decrease in the maximum permissible FSR reduces the site's employment capacity from 241 to 144 potential new jobs. This results in a loss of 97 potential new jobs on the subject land. The removal of the maximum residential FSR control could further exacerbate this potential loss in employment capacity, as this control provides an incentive for redevelopment of in-centre land for employment-generating purposes. Given the site's incorporation into the adjacent Enfield Local Centre, its location alongside two major roads in Liverpool and Burwood Roads and its close proximity to Burwood Major Centre, the Department considers that Item 5's inconsistency with Direction 1.1 is not justified.

Are there any additional Director General's requirements:

Yes. Under Subclause (4) of Section 117 Direction 6.2, the Director General is required to approve the proposed reservations under Items 1 and 2, for local road widening. Council is the relevant acquisition authority and, as the relevant planning authority, has approved both proposed reservations.

Does the proposal meet the adequacy criteria:

All Items, with the exception of Item 5, meet the adequacy criteria.

Principal LEP:

Due Date:

November 2012

Comments in relation to Principal LEP:

Council lodged its section 68 submission for the draft Principal LEP on 1 June 2012. The LEP is anticipated to be made at the end of 2012.

The Planning Proposal would amend the draft Principal LEP at or shortly after its notification.

Assessment criteria:

Need for planning proposal:

Item 1 – Road widening of a section of Wentworth Road, Burwood

Council has identified a 3 metre wide section of local road widening on the western side of Wentworth Road between the rail line and the Gladstone Street intersection. This new road widening follows the completion of an earlier local road widening of 3.05 metres on a stretch of Wentworth Road to the north, between Everton and Gladstone Roads. Council's Traffic and Transport team support the additional road widening section. Council is relevant acquisition authority and proposes to consult with Department of Education and Communities, landowners of the adjoining OTEN/TAFE site.

Item 2 – Splay corner at 35 Luke Avenue, Burwood

Council has identified a section of local road widening at 35 Luke Avenue, to the rear of the property at the intersection of Bennett Street and a private right of way for the purpose of a splay corner (1 metre x 1 metre). Council's Traffic and Transport team have identified the need for the splay corner in order to provide safer movement to and from Bennett Street, given recent intensification in the locality.

Item 3 – Rezoning of 19-21 and 23-25 Everton Road from R1 to B4, applying development controls in alignment with the adjacent B4-zoned properties

The proposed zoning and controls are consistent with adjacent properties to the west. Council asserts that the proposal will increase development potential for both residential and business purposes, opposite Strathfield Railway Station. The alignment of controls with neighbouring lots will enable consistency in built form in the locality.

One submission was received during the draft Principal LEP's exhibition, on behalf of the property owner, advocating the changes as a means of contributing to the orderly revitalisation of the Station precinct.

Item 4 – Increase in development standards applying to certain R1-zoned land north of the railway line at Strathfield

Council considers the proposed changes appropriate due to the existence of several residential flat buildings (RFBs) in this precinct, ranging from 3 to 8 storeys. It is considered that the controls exhibited under the draft Principal LEP were did not appropriately represent the scale of these existing development. Therefore, a moderate increase in building height and FSR controls is proposed.

Several submissions were received during the public exhibition period, advocating greater building height and/or FSR provisions, predominantly on the basis of existing building heights and character.

Item 5 – Reduction of development standards applying to the Royal Sheaf Hotel site and adjoining properties between Burwood Road and Quandong Avenue,

Burwood

The area is currently zoned residential under the Burwood Planning Scheme Ordinance (BPSO), with a 3-storey building height control. Under the draft Principal LEP, the land adopts the zoning and controls of the adjacent B2 Local Centre on Liverpool Road, Enfield. The Royal Sheaf Hotel site is located within the Burwood Road Heritage Conservation Area, which extends further north and east of the subject land.

Submissions received during the draft Principal LEP's exhibition raised concern that the proposed alignment of controls with the Enfield Local Centre would place undue redevelopment pressure on the Royal Sheaf Hotel site and would be incompatible with the Burwood Road Heritage Conservation Area. In response to this, Council proposes to retain the B2 Local Centre zoning as exhibited under the draft Principal LEP, but revert to current controls under the BPSO, which reflect the scale of existing development.

Item 6 – Rezoning of 5 properties in the vicinity of St John of God Hospital, Burwood, from R2 to R1

All properties, with the exception 15 Moore Street, are owned by St John of God Hospital. During the exhibition of the draft Principal LEP, Council received a submission on behalf of the Hospital which requested that the Hospital-owned residential properties be zoned as R1, in accordance with the majority of the adjacent Hospital site. It was argued that applying an R2 zoning to these properties would inhibit the orderly and efficient development of future Hospital buildings on the site and potentially prohibit some uses ancillary to the Hospital's primary functions.

In considering this submission, Council proposes to include these properties in the R1 Zone, but retain the existing building height and FSR controls that apply to the neighbouring R2 Zone. This would allow a broader range of uses but at a scale that is compatible with the surrounding low-density residential land. Council has also nominated the privately-owned 15 Moore Street for rezoning, in order to maintain orderly zone boundaries. The landowner did not provide feedback during the previous exhibition period but would have the opportunity to comment during any future community consultation process.

Item 7 – Increase in maximum FSR applying to R3 Zone

Council asserts that a higher FSR control is required to allow development of 'multi-dwelling housing'. This change would be consistent with the intent of the R3 Zone and would support a greater housing mix in the LGA.

Item 8 – Increase of maximum FSR for land bounded by Wentworth Road, Conder Street, Woodside Avenue and Hornsey Street, Burwood

After further review of the proposed controls exhibited under the draft Principal LEP for this area, Council has determined that a higher FSR control will provide a more appropriate design outcome in conjunction with the proposed building height control of 14 metres.

Item 9 – Inclusion of Properties in the B6 Enterprise Corridor Zone

The properties at Parramatta Road, Burwood are currently zoned residential under the BPSO, while the properties at Cheltenham Road and Royce Avenue, Croydon are zoned Special Uses (Private Parking and Landscaping). Under the exhibited draft Principal LEP, all properties are zoned R2, with a building height control of 8.2 metres and a FSR control of 0.55:1. The properties are currently used for business purposes or for purposes ancillary to adjoining business premises. After further review, Council considers that these properties are better suited to the neighbouring B6 Zone, which extends along the Parramatta Road corridor. However, Council proposes to retain the existing building height and FSR controls under the draft Principal LEP, to enable development at a scale that is compatible with the adjoining low-density residential land.

Consistency with strategic planning framework:

The Department supports Council's efforts to improve housing choice through Items 3, 4, 6, 7 and 8 of the Planning Proposal. These Items, which aim to increase the maximum residential FSR controls or broaden the range of permissible types of housing on the subject land, are consistent with Action

IWC2.3.2 of the draft Inner West Subregional Strategy 2031, which directs Inner West councils to “provide for an appropriate range of residential zonings to cater for changing housing needs”.

Given that Council has not adequately demonstrated that it can achieve its housing target under the draft Subregional Strategy 2031 and that the aforementioned inconsistencies with Ministerial Directions are not supported by any strategy or study, Item 5 of the Planning Proposal is not considered to be broadly consistent with the Department's strategic planning framework.

Environmental, social and economic impacts:

There are no known environmentally sensitive areas occurring on the subject land under this Planning Proposal.

Item 7 proposes to allow an intensification of residential development on Class 4 Acid Sulfate Soil land. Given the modest increase in maximum FSR proposed, to allow for development of ‘multi-dwelling housing’, the proposal is not considered to be incompatible with this Acid Sulfate Soil category.

Item 5 proposes to reduce the potential commercial and residential capacities for land incorporated into the Enfield Local Centre. This could cause social and economic impacts in terms of reducing the potential supply of jobs and housing within the walking catchment of local services and infrastructures and in close proximity to the Burwood Major Centre and a variety of public transport services.

Assessment Process:

Proposal Type:	Routine	Community Consultation Period:	28 days
Timeframe to make LEP:	9 months	Delegation:	RPA
Public Authority Consultation (s56(2)(d)):	Department of Education and Communities Transport for NSW – Roads and Maritime Services		

Is Public hearing by the PAC required?	No
(2)(a) Should the matter proceed:	Yes

Planning Team Recommendation:

Preparation of the Planning Proposal supported at this stage:	Recommended with Conditions
Section 117 Directions:	1.1 Business and Industrial Zones 2.3 Heritage Conservation 3.1 Residential Zones 3.4 Integrating Land Use and Transport 6.1 Approval and Referral Requirements 6.2 Reserving Land for Public Purposes 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information:

The Planning Proposal should proceed subject to the following conditions:

1. Item 5 of the Planning Proposal is removed,
2. The Planning Proposal be placed on public exhibition for 28 days, and
3. The Department of Education and Communities and the Roads and Maritime Services be consulted as part of this LEP process.

Supporting Reasons:

The Planning Proposal is generally consistent with SEPPs, Ministerial Directions and strategic planning frameworks including the Metropolitan Plan for 2036 and draft Inner West Subregional Strategy 2031, with the exception of Item 5, which is unjustifiably inconsistent with Directions 1.1 and 3.1.

Proceeding with Item 5 of the Planning proposal will appease community concerns in respect of the impacts of the proposed building height and density on local heritage significance and character. Public exhibition of the draft Principal LEP resulted in 2 submissions received in relation to the proposed controls in the vicinity of Royal Sheaf Hotel, requesting a reduction in building height and FSR controls. Council's Heritage Advisor has supported this proposal.

However, given that this proposed reduction in capacity has not been supported by a strategy or study, the Department considers that its inconsistencies with Directions 1.1 and 3.1 are not justified.

Should Council wish to pursue a separate Planning Proposal in respect of the subject land at Liverpool Road, Burwood, between Burwood Road and Quandong Avenue, it must ensure that these inconsistencies are justified by a study demonstrating the need for a reduction in building height and FSR controls.

Recommendation:

1. It is RECOMMENDED that the report be endorsed.

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Endorsed:

Endorsed:

Team Leader, Sydney Region East

Regional Director, Sydney Region East

Grant
23/7/12

