

42-50 and 52-60 Railway Parade, Burwood

Proposal Title : **42-50 and 52-60 Railway Parade, Burwood**

Proposal Summary : **The proposal seeks to increase the maximum building height and floor space ratio for 42-50 and 52-60 Railway Parade, Burwood to facilitate a mixed use development.**

PP Number : **PP_2016_BURWO_005_00**

Dop File No : **16/16142**

Proposal Details

Date Planning : **16-Jan-2017**

LGA covered : **Burwood**

Proposal Received :

Region : **Metro(CBD)**

RPA : **Burwood Council**

State Electorate : **STRATHFIELD**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **42-50 Railway Parade**

Suburb : **Burwood**

City : **Sydney**

Postcode : **2134**

Land Parcel : **Lot 1 DP 588368**

Street : **52-60 Railway Parade**

Suburb : **Burwood**

City : **Sydney**

Postcode : **2134**

Land Parcel : **Lot 16 DP 832440**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :		Consistent with Strategy :	
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	1,050
Gross Floor Area :	0	No of Jobs Created :	1,950

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

If No, comment : **The Department of Planning and Environment's Code of Practice in relation to communication and meetings with lobbyists has been complied with. Sydney Region East has not met any lobbyists in relation to this proposal, nor has the Director been advised of any meetings between other Department officers and lobbyists concerning this proposal.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

THE SITE AND CONTEXT

The site is currently zoned B4 Mixed Use. The approximately 14,387 square metre site comprises two Lots:

- Lot 1 DP 588368, 42-50 Railway Parade; approximately 7,755 square metres, has a current maximum building height of 70 metres and FSR of 6:1; and
- Lot 16 DP 832440, 52-60 Railway Parade; approximately 6,632 square metres has a current maximum building height of 60 metres and FSR of 4.5:1.

The site is located within the area designated as the Commercial Core Area and the Middle Ring Area of the Burwood Town Centre as described in the Burwood LEP 2012.

The site is currently occupied by Burwood Plaza (42 Railway Parade) which is an indoor retail shopping mall that covers the entire eastern portion of the site and includes above ground car parking.

The site also contains a commercial building (58 Railway Parade) and an above ground car park on the western portion of the site.

The area located immediately north of the site is occupied by Burwood railway station and an existing mixed use development. The area to the east of the site along Burwood Road, contains existing two storey shop-top housing and ground floor retail.

The land to the west of the site is occupied by Burwood Primary School, Burwood Library and ground level Council car park.

Other development adjacent to the site:

- 180-186 Burwood Road and 7-9 Burleigh Street - This site is west of the subject site. A development is under assessment for the construction of a mixed use development comprising ground floor retail podium with an 18 storey commercial tower.

- Burwood Central (121-133 Burwood Rd & 38-40 Railway Parade Burwood) - This site is immediately east of the subject site. A development has been approved for a 20 storey tower (68 residential apartments, 56 serviced apartments, 4 storey retail & commercial podium).

- B1 Square (27-31 Belmore Street) - This site is immediately south of the site. A development has been approved, comprising three 14 storey towers containing 222 residential apartments.

- Burwood Grand (39-47 Belmore Street, 11-19 Wynne Ave, 6-14 Conder Street) - This site is immediately south of the subject site. A development is under construction comprising three towers, part 11, 22 and 19 storeys with 490 residential apartments and 4036 square metres of commercial floor space.

ORIGINAL PROPOSAL

In May 2016, Burwood Council considered the original proposal which sought to increase the building height from 60 and 70 metres to 163 metres and increase the FSR from 4:1 and 6:1 to 10.5:1. Council commissioned an external assessment which found the proposal had insufficient justification for the scale of development proposed, would overshadow properties to the south and potentially impact on the development potential of other sites in the Burwood Town Centre. Detailed traffic modelling was also outstanding.

Council resolved to support the proposal if it was amended to reduce the overall FSR and the building height to comply with Council's building height plane, and further investigation of impacts on neighbouring heritage items and a comprehensive traffic assessment was undertaken.

In December 2016, a revised proposal and studies were lodged with Council and then submitted to the Department for assessment at the Gateway.

The Department of Planning and Environment reviewed the proposal and requested further information in regards to supporting documentation provided, prior to officially accepting the proposal. An email was returned by Burwood Council, dated 16 January 2017, outlining this requested information and the proposal was officially accepted on this date.

MIXED USE

These proposed controls would allow for a mixed use development comprised of a podium with four towers;

- Tower A: 42 Storeys
- Tower B: 38 Storeys
- Tower C: 30 Storeys
- Tower D: 20 Storeys

The proposed controls would provide for approx. 48,410 square metres of non-residential floor space and approx. 93,972 square metres of residential floor space.

The site's existing buildings provide approximately 28,256 square metres of non-residential floor space, including 12,363 square metres of lettable retail floor space and 15,893 square metres of commercial floor space.

Council is not seeking delegation to carry out the Minister's plan-making functions under section 59 of the Environmental Planning and Assessment Act 1979 (the EP&A Act). Delegation is not considered appropriate for this matter.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment :

The objectives of the proposal seek to achieve the following:

- encouraging a mix of different and compatible land uses such as residential, retail and commercial, in a strategic and appropriate location;
- demonstrating consistency with the sustainable principles of a Transit Oriented Development;
- creating a vibrant precinct by promoting and encouraging ground level active street frontages;
- incorporating two large parcels of land into the development site, to enable a cohesive master planned development of an appropriate size with suitable provisions for easy access;
- creating a landmark development for the Centre, incorporating the principles of design excellence;
- providing opportunities to improve and introduce attractive, engaging and creative public domain spaces;
- providing numerous direct and tangible benefits to the public, which will improve access, transport, the local streetscape and the amenity of the locality;
- providing and dedicating (subject to further discussions with Council) affordable housing in a high demand area, which will ensure adequate long term rental accommodation is reserved for key workers;
- protecting and enhancing the existing surrounding environment by proposing a building envelope and form that will result in minimal to no adverse impacts, and will display world-class architectural design; and
- stimulating growth of the local economy and offering opportunities for enhanced prosperity.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment :

The proposal seeks the following modifications to the provisions of the Burwood LEP 2012:

- amend the building height from 60 metres and 70 metres to 107 metres and 144 metres;
- amend the floor space ratio from 4.5:1 and 6:1 to 9.9:1;
- amend the maximum residential floor space from 2:1 and 3:1 to 6.53:1; and
- introduce a savings provision for the site to allow for a Development Application to be assessed concurrently with the proposal.

The proposal suggests these should be provided through a local provision for the site. In this instance, the building height and FSR maps will be amended to show 'Block 1' and 'Block 2', with reference to the proposed 'Part 6 - Additional local provision' 6.7 Development on land at 42-60 Railway Parade Burwood. The planning proposal reflects the inclusion of the height map outlining the local provision for the site, however will need to be updated to include an updated FSR map which also reflects the proposal.

The proposal includes a provision to facilitate a subsequent lodgement of a development application. However, given the changes that can be applied during legal drafting, the

Department deems it more appropriate for the intent of the clause to be outlined in a plain English explanation that outlines the intent of the local provision.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? No

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

3.5 Development Near Licensed Aerodromes

4.1 Acid Sulfate Soils

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required?

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

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP No 65—Design Quality of Residential Flat Development

SEPP No 70—Affordable Housing (Revised Schemes)

SEPP (Affordable Rental Housing) 2009

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

Have inconsistencies with items a), b) and d) being adequately justified? Yes

If No, explain : The proposal is considered to be consistent with all SEPPs and section 117 Directions.

Mapping Provided - s55(2)(d)

Is mapping provided? No

Comment : Indicative mapping has been provided with the proposal. Mapping prepared in accordance with DPE technical guidelines will be required for submission at s59 stage.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment : Public consultation will be undertaken in accordance with the Gateway determination. The proposal suggests an exhibition period of 28 days, which is appropriate.

PROJECT TIMELINE

The proposal has provided an indicative project timeline with no completion. The Department considers a 12 month project timeline for completion is adequate.

Additional Director General's requirements

Are there any additional Director General's requirements?

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria?

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : November 2012

Comments in relation to Principal LEP : The Burwood LEP 2012 was notified in November 2012.

Assessment Criteria

Need for planning proposal : A planning proposal is the best way to amend the current height controls and achieve the redevelopment objectives for the site.

Consistency with strategic planning framework : The proposal is consistent with A Plan for Growing Sydney including the objectives to Grow a more internationally competitive Sydney, growing strategic centres through jobs closer to home, delivering social infrastructure, improving housing choice and revitalise existing suburbs.

The proposal will need to be updated to demonstrate consistency with the draft Central District Plan released on 21 November 2016. The draft District Plan identified Burwood as a District Centre due to the role the centre plays in providing between 5,000 to 10,000 jobs within the Central District.

The proposal is also consistent with several goals of Council's Burwood 2030 Community Plan.

Environmental social economic impacts :

ENVIRONMENTAL IMPACTS

The subject site is located in an urban area and does not contain any known critical habitat or threatened species, populations or ecological communities or habitats.

The following environmental factors have been considered by the proposal:

Aeronautical

At the location of the site, the Sydney Outer Horizontal Surface Layer (OHS) is 156 metres above ground level and the Bankstown OHS is 160 metres. The Sydney PANS-OPS is 184.7 metres above ground level. The site lies outside of the Bankstown PANS-OPS surface layer.

The original proposal (163 metres above ground level) was referred to the Sydney Airport Corporation Limited (SACL), Civil Aviation Safety Authority (CASA) and Airservices Australia (AsA). Both CASA and AsA did not support the original proposal.

The revised proposal at 144m (163.5m AHD) has not been referred to SACL, CASA or AsA. The Aeronautical Impact Assessment (AIA) outlines the proposal will penetrate the Sydney OHS permanently by 7.5 metres and the Bankstown OHS permanently by 3.5 metres. Cranes used during construction would temporarily penetrate the Sydney and Bankstown OHS by 25.5 and 21.5 metres respectively.

As outlined in the AIA, the penetration of the Sydney OHS will require approval. Therefore, consultation with AsA, CASA and SACL, should be a condition of the Gateway, to clarify if the height proposed is acceptable for safe aircraft operations or if it should be reduced.

Contamination

The proposal is supported by a preliminary contamination study that concludes based on historical information regarding previous land uses that the site is likely to contain imported fill, grease traps and the likely presence of hazardous building materials. It is considered that the site can be made suitable for the proposed development subject to appropriate decommission and disposal of existing grease traps and detailed intrusive investigation (including waste classification) following building demolition.

Traffic and Transport

The proposal is accompanied by 3 transport studies:

- Traffic Impact Assessment by Road Delay Solutions
- Traffic and Transport Opportunities and Constraints by AECOM
- Transport aspects of a planning proposal by Colston Budd Rogers and Kafes Pty Ltd

Traffic Impact Assessment

The original proposal was not supported by a Traffic Impact Assessment (TIA), thus Council requested a TIA be undertaken in order to assess the traffic impacts associated and to recommend infrastructure upgrades in support of the proposed development.

The TIA concludes that impacts on the Burwood town centre are manageable if all proposed infrastructure outlined in Council's Section 94 Contributions Plan has been implemented and additional infrastructure is provided including widening of foot crossings, partial street closures and the introduction of traffic signals at 4 intersections.

Burwood Council has identified a series of road and transport works to accommodate future development in Burwood, including on the subject site. However, should the development proceed on the subject site, additional road works will be required to reduce its impact on the town centre.

Traffic and Transport Opportunities and Constraints

AECOM was also commissioned to undertake a strategic review of traffic and transport implications for the wider Burwood town centre. This study identifies numerous opportunities and constraints for the Burwood Town Centre road network, public transport and pedestrian perspectives. In a broad sense, Burwood is in close proximity or connected to major arterials, including Parramatta Road, the M4 and the future WestConnex. There are already high volumes of traffic on Parramatta Road and the M4 and their connectors. However, the Traffic and Transport Opportunities and Constraints outlines that the future development of Westconnex presents an opportunity to reduce this traffic and improve access to Parramatta, Sydney CBD and other centres, in line with the Parramatta Road Urban Transformation Strategy which comprises land along Parramatta Road to the north of the site.

As the proposal outlines significant increase in density on the site, it is appropriate for the Traffic Impact Assessment to be updated in consultation with RMS prior to public exhibition, to assess any impacts of the development and provide recommendations to mitigate these impacts. This has been included as a condition of the Gateway.

Public Transport

Burwood has strong connections to rail and bus services, which are subject to ongoing improvement programs. But its also acknowledged that the current rail services are currently operating at or over capacity.

Given the scale of the proposal and the complex traffic impacts associated with a mixed use development, consultation is required with Transport for NSW and Roads and Maritime Services to determine if all assumptions and associated impacts have been adequately considered.

Heritage

The site does not contain any heritage items. However, heritage listed items including the Burwood Council office (I47), and former School of Arts (I48) are immediately west of the site and the Masonic Temple (I8) to the south of the site.

The supporting heritage impact statement concludes the proposed development is an acceptable development. Although the tower buildings will have a visual impact on views to and from the adjacent heritage listed items, this impact is mitigated by the scale and bulk of the podium levels and other adjacent multi-level development. Consultation with

the Office of Environment and Heritage is recommended.

Local Infrastructure

Due to the significant uplift being sought on the site, the proposal is supported by a preliminary civil engineering investigations report. The study considers water, stormwater, sewerage, electricity, gas and telecommunications infrastructure and potential argumentation. The study concludes implementing standard engineering requirements, the concept design for the site appears feasible from an engineering perspective.

Visual Impact

Given the significant increase in building height being sought by the proposal, a comprehensive view analysis was prepared by Architectus to support the proposal. This visual assessment method addressed views from 36 public domain and private properties ranging from regional to local to immediate locations. Each view is rated by importance and impact. The majority of view impacts were rated as Low, 8 sites with moderate impacts and 1 with a high impact in the immediate vicinity of the site. No mitigation has been proposed to reduce this impact.

Overshadowing

The proposal does not include a comprehensive shadow analysis. The proposal states the location and orientation of the proposed towers maximises views, minimises overshadowing and maximises separation with the neighbouring tall building to the south of the site. Considering the significant building heights being sought by the proposal, almost double the current allowable building heights in the Burwood Town Centre for the Commercial Core and the Middle Ring, an overshadowing analysis of impacts on neighbouring sites is expected and has been included as a condition of Gateway.

ECONOMIC IMPACTS

Retail and employment

The proposal seeks to provide jobs close to homes and public transport by supplying approximately 48,410 square metres of retail and commercial floor space (approximately 3,150 jobs). This will allow a variety of different businesses to establish in the local area, providing a range of different employment opportunities for the local and surrounding community. However, the Economic Impact Assessment prepared as supplementary study to the planning proposal outlines the analysis "does not consider the potential for either the transfer of activity from existing Burwood LGA centres into the redeveloped site or the transfer of existing activity to alternative centres within the Burwood LGA as a result of the redevelopment". Given the size of the proposal, and the large amount of retail and commercial floor space proposed, it is considered appropriate that an Economic Impact Assessment be prepared to justify the proposed increase and demand for the proposal, address the effect of the development on the Burwood Town Centre and nearby centres, and demonstrate how this uplift will support the District Centre status of Burwood.

Housing

Approximately 1,050 apartments will be provided of a range of different sizes and layouts in a high demand and centrally located area of Sydney, in close proximity to public transportation and services. There are also opportunities for affordable housing, to be dedicated to Council or a local housing provider.

SOCIAL IMPACTS

Streetscape

The proposal will include additional open space, public plazas and pedestrian connections within and around the site.

Community Infrastructure

The proposal suggests it will provide a 'community heart' for the Centre of Burwood. The proposal lists public benefits including:

- Community Centre/ Child Care/ Learning Centre;
- Option for Council Chambers and offices to be part of the new office

- building or podium adjacent to Council land; and
- Performing arts venue with a capacity of up to 500 seats to be dedicated to Council.

Further, the Planning Proposal outlines the Proponent is willing to commit to the provision of public benefits through a Voluntary Planning Agreement (VPA) to ensure the delivery of community infrastructure needs arising as a result of the proposal. The Department notes any VPA needs to be negotiated between Council and the Proponent.

Assessment Process

Proposal type : Community Consultation
Period :

Timeframe to make LEP : 0 months
Delegation :

Public Authority : Department of Education and Communities
Consultation - 56(2)(d) : Office of Environment and Heritage
Energy Australia
Transport for NSW
Department of Health
Transport for NSW - Sydney Trains
Transport for NSW - Roads and Maritime Services
Sydney Water
Other

Is Public Hearing by the PAC required? No

(2)(a) Should the matter proceed ? Yes

If no, provide reasons :

Resubmission - s56(2)(b) : No

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? No

If Yes, reasons : The proposal will significantly increase the density of the site. Existing infrastructure servicing the site may not have the capacity to accommodate future development. It is expected that these services would be upgraded by the developer, where required, to support the proposed development. Utilities should be consulted as part of the Gateway determination.

Documents

Document File Name	DocumentType Name	Is Public
Council Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal - Burwood Place.pdf	Proposal	Yes
Architectural Plans.pdf	Study	Yes
Assessment of Traffic and Transport Opportunities and Constraints.pdf	Study	Yes

Economic Impact Assessment.pdf	Study	Yes
Heritage Assessment & Heritage Impact Statement.pdf	Study	Yes
Preliminary Civil Investigations.pdf	Study	Yes
Preliminary Contamination Investigation.pdf	Study	Yes
Retail Masterplan.pdf	Study	Yes
Revised Aeronautical Impact Assessment.pdf	Study	Yes
Survey Plans 1of2.pdf	Study	Yes
Survey Plans 2of2.pdf	Study	Yes
Traffic Impact Assessment.pdf	Study	Yes
Transport Aspects of planning proposal.pdf	Study	Yes
Visual Impact Assessment.pdf	Study	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 3.5 Development Near Licensed Aerodromes
- 4.1 Acid Sulfate Soils
- 7.1 Implementation of A Plan for Growing Sydney

Additional Information : It is recommended that the planning proposal proceed, subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be amended as follows;

(a) refer the proposal to Sydney Airport Corporation Limited (SACL), Bankstown Airport Limited (BAL), Civil Aviation Safety Authority (CASA) and Airservices Australia (AsA) for approval of the proposed height or advice for any required reduction in height to comply with airspace safety regulations;

(b) review the maximum height and FSR in relation to:

i. feedback received from SACL, BAL, CASA, and AsA;

ii. preparation of a supporting Urban Design Analysis, which assesses the impact of the development on neighbouring sites, in particular overshadowing on Burwood Public School, surrounding heritage items and open/public spaces;

(c) update the transport study in consultation with Roads and Maritime Services (RMS) to address any impacts the proposal may have on the local and wider road network, and outline measures to mitigate these impacts. RMS is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal;

(d) update the Economic Impact Assessment to justify the proposed increase and demand for the proposal, address the effect of the development on the Burwood Town Centre and nearby centres, and demonstrate how this uplift will support the District Centre status of Burwood, as outlined in the draft Central District Plan;

(e) remove the draft local clause and replace with a plain English explanation of the proposal's provisions;

(f) demonstrate consistency with the draft Central District Plan, released on 21 November 2016; and

(g) include an updated Floor Space Ratio map, reflecting the proposed local provision.

2. The planning proposal should be amended to reflect the above requirements and submitted to the Director, Sydney Region East for consideration, prior to community consultation under section 56(2)(c) and 57 of the Act being undertaken.

3. A site specific Development Control Plan should be prepared in consultation with Burwood Council officers. The Development Control Plan is to be exhibited concurrently with the planning proposal.

4. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

(a) the planning proposal must be made publicly available for a minimum of 28 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2016).

5. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:

- Office of Environment and Heritage
- Roads and Maritime Services
- Transport for NSW
- Sydney Trains
- Sydney Water
- Energy Australia
- Ministry for Health
- Department of Education

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

7. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.

Supporting Reasons :

Signature:



Printed Name:

KAREN ARMSTRONG

Date:

20/2/17

