

(ITEM 26/18) PLANNING PROPOSAL FOR 1-1A CHELTENHAM ROAD CROYDON - REZONING FROM R3 MEDIUM DENSITY RESIDENTIAL TO B6 ENTERPRISE CORRIDOR

File No: 18/13124

REPORT BY ACTING DIRECTOR PLANNING AND ENVIRONMENT

Summary

The Planning Proposal would add the site to the B6 Enterprise Corridor that applies to the adjoining land fronting Parramatta Road. This is supported in principle with the main issue being potential adverse solar access impacts on the adjoining site to the south. Assessment confirms that the proposed development standards, which are less than in the B6 zone but greater than in the R3 zone, provide an appropriate transition and should enable acceptable outcomes through the normal development assessment process. It is recommended that the Planning Proposal be forwarded to the Department of Planning & Environment for a Gateway Determination.

Background

The Planning Proposal (PP) was received on 8 September 2017, seeking rezoning of the single lot site fronting Cheltenham Road to B6 Enterprise Corridor under the Burwood Local Environmental Plan (BLEP) 2012 with the main development standards of 15 metres maximum building height and maximum Floor Space Ratio (FSR) of 1.75:1. An indicative building concept design was provided.

The PP site is in the R3 Medium Density Residential zone now with development standards of 8.5 metres maximum building height and maximum 0.55:1 FSR. These development standards apply to the large R3 zone in this locality bounded by Cheltenham Street, Princess Street, Lucas Road and the B6 zone.

Council's reply to the applicant on 16 October 2017 raised concerns with the PP and sought additional information. Issues included potential impacts on the adjoining site in the R3 zone at No. 3-3A Cheltenham Road containing a dwelling house. Council's letter also referred to the recent rezoning in BLEP Amendment No. 2 of other nearby lots from R2 to B6 with a maximum height limit of 8.2 metres and a maximum FSR 0.55:1. This was considered to set a sound precedent.

On 22 December 2017 revised plans and details were lodged including reduced proposed development standards of 12.5 metres maximum building height and 1.5:1 maximum FSR. A new development concept and assessment of impacts was also provided, including shadow diagrams.

Council's response on 29 January 2018 advised that the amended PP did not provide adequate justification for the rezoning. In particular it lacked an assessment of the impacts of the development of the site based on utilisation of the maximum capacity within the requested development standards. Also the PP should assess impacts on the adjoining No. 3-3A Cheltenham Road with both its current dwelling house and possible future medium density development form. Again the recent rezoning in the vicinity was emphasised as a precedent.

The PP as further revised and lodged on 22 March 2018 is the subject of this report.

Proposal

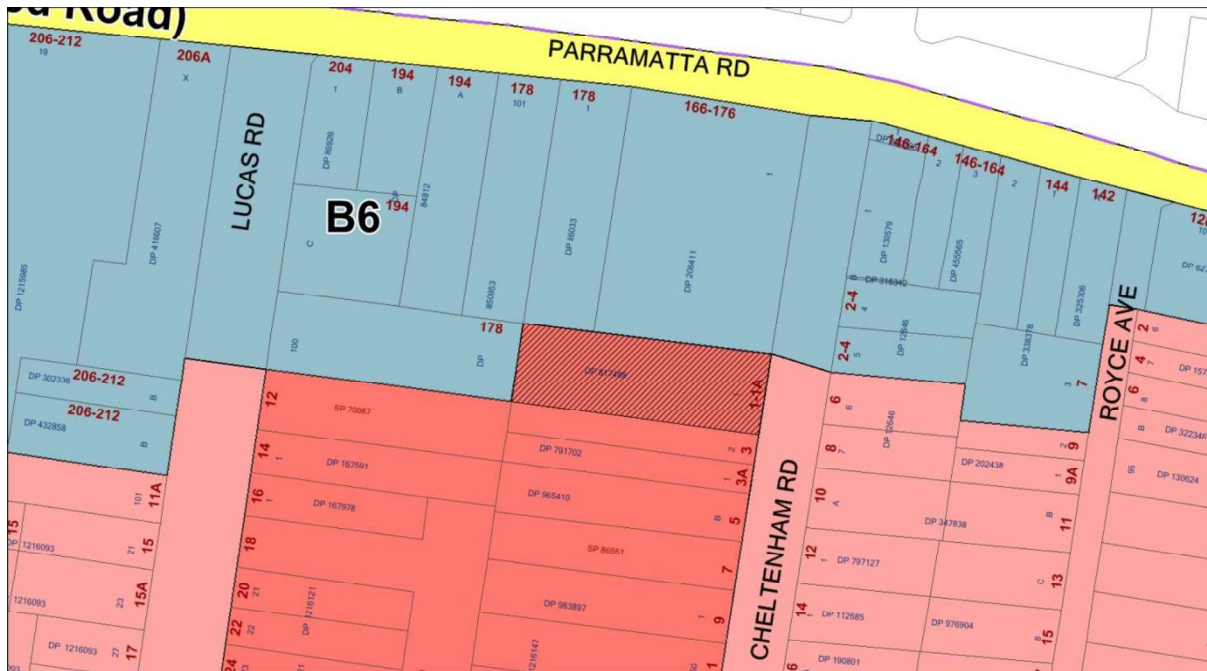
The PP Site

The PP site is shown on the maps below. It has an area of 1287.7 square metres and a street frontage of 20.39 metres. The slope of the land rises about two metres from west to east.

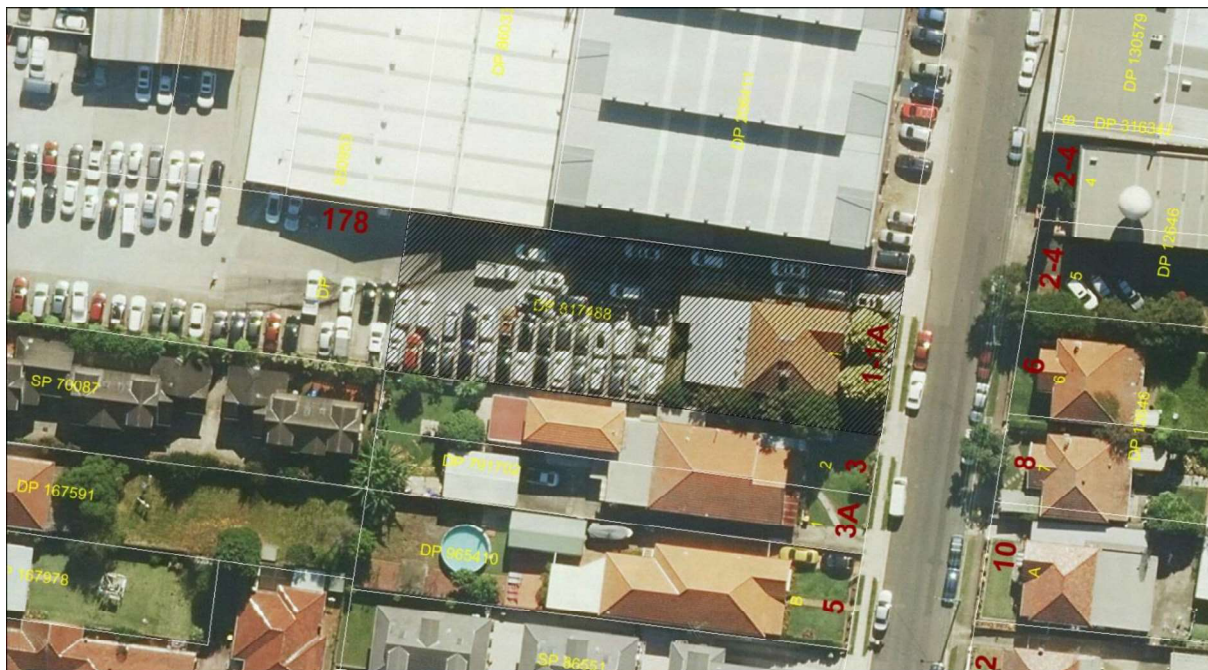
It contains a single-storey dwelling house and a large car parking area at the rear that is used for car storage in conjunction with and ancillary to the existing adjoining car dealership to the west and north-west. The current use of the site for vehicle storage is not permitted under the R3 zoning.

The two lots immediately to the south contain one single storey dwelling house. Land further to the south is a mix of low density and medium density residential development.

Land to the north in the B6 zone at the corner of Parramatta Road contains a large warehouse. Land to the north-west fronting Parramatta Road and Lucas Street contains a large car dealership development. To the north-east, warehouse and retail premises front Parramatta Road and Cheltenham Road. Across the road from the site there are several single storey dwelling houses.



Zoning Map



Aerial Photo

Under the BLEP 2012, the site does not contain a heritage item and there are none in the vicinity. It is not proposed for acquisition for any purpose and is not subject to any active street frontage control. It is in a level 5 Area under the BLEP Acid Sulfate Soils provision with no Level 4 land in the vicinity. Flooding is not known to be an issue for the site.

Details of Planning Proposal

The revised PP of 22 March 2018 maintains its request for application of the BLEP B6 zone with development standards of 12.5 metres maximum building height and 1.5:1 maximum FSR.

From the start the applicant has been advised that a building height plane (BHP) would apply to the rezoned site. This is from the Burwood Development Control Plan (BDCP) 2013 and applies to all lots in the B6 zone that have a common boundary with a residential zone. The BHP commences 1.8 metres above the boundary and is projected at an angle of 45 degrees over the B6-zoned land.

The new concept design (the applicant's preferred concept) for development of the land is based on a three storey car showroom over a basement car parking level. At the road frontage of the site the ground floor is a sub-basement level. Street access is provided from level 1 which is indicated as showroom and sales staff office area with level two also as sales office space. The applicant's preferred concept provides for a setback from the southern boundary of six metres at ground level that would be used as the access driveway. No access between the site and the car dealership land to the north-west is indicated.

Both the 22 December 2017 and 22 March 2018 concept designs have the same compliant or greater relationship to the building height plane.

It is relevant that any concept design cannot be tied to the site's future development. Once rezoned any development of the site is permitted with consent provided it complies with the applicable development standards. Relevant BDCP guidelines in particular the BHP would also apply.

Planning or Policy Implications

Strategic Planning

The B6 Enterprise Corridor primarily is comprised of lots that have direct frontage to Parramatta Road and a few lots only have frontage to a side street. Such lots were included on the B6 zone on the basis of the previous zoning under the Burwood Planning Scheme Ordinance (BPSO).

Adding the PP site (which has frontage only to Cheltenham Road) to the B6 zone would further extend the zone to the south down that street. This is not objectionable in principle and as mentioned above there is a precedent for this in BLEP Amendment No. 2.

Close to the PP site, the Amendment rezoned two lots fronting Lucas Avenue, one lot fronting Cheltenham Road (almost opposite the PP site) and one lot fronting Royce Avenue to B6. All lots were adjacent to existing B6-zoned land and contained long-standing uses consistent with the B6 zone. However development standards lower than in the B6 zone were applied to provide a "transition" and moderate potential impacts on dwelling houses in the adjacent land that is zoned R2 Low Density Residential zone. The standards applied were 8.5 metres maximum height and 0.55:1 maximum FSR, the same as in the R2 and R3 zones.

Strategic Planning for the Parramatta Road Corridor is not considered to provide a constraint. The PP site is not within designated corridor land but it does immediately adjoin. The development standards proposed for the site are also lower than envisaged for the corridor land in this vicinity. As such they are not considered to threaten the integrity of the future Corridor.

Specific Impacts

The key issues for assessment of the PP are therefore potential impacts on the local area.

The Manager Traffic and Transport has advised that additional traffic generation from development of the rezoned site could be accommodated within the existing road system and that other traffic matters can be dealt during the Development Application process and by consent conditions.

As the existing lots to the west and north are already zoned B6, and Cheltenham Road separates the site from the R2 zoned lots to the east, the main impacts to be assessed are those on the lot(s) immediately to the south in terms of solar access. Acoustic and visual privacy and building separation matters are normally dealt with at DA stage.

Solar Access Analysis

To support the assessment the applicant has provided analysis in shadow and view-from-the sun diagrams and other details concerning solar impacts:

1. For the existing dwelling house on No. 3-3A Cheltenham Road (called here the 3-3A site):
 - a. The solar impacts of the applicant's preferred concept design located on the PP site
 - b. The solar impacts of a maximum envelope for a building on the PP site that would use the full space capacity provided by the maximum building height and the BHP
2. For an indicative envelope for a medium density building on the 3-3A site, the solar impacts of the above two development options i.e.
 - a. the applicant's preferred concept
 - b. the maximum envelope

In respect of 1.a), the applicant concludes that the applicant's preferred concept would have acceptable shadow/solar access impacts on the existing semi-detached dwelling house on the 3-3A site, providing solar access to room habitable windows, open space in the street setback and in the rear open space area for at least two hours in mid-winter. This conclusion is endorsed. It is noted that a two storey dwelling house or town houses erected on the PP site would not be constrained by the BHP.

In respect of 1.b), the maximum envelope on the PP site, the applicant concludes that all of the northern elevation of the existing semi-detached dwelling house would be overshadowed in the middle of the year. However the applicant has also provided solar impact diagrams for the March equinox, which indicate a much improved outcome with no impacts of shadowing on the semi-detached dwelling house.

In respect of 2.a) the analysis shows that the applicant's preferred concept would allow solar access to living rooms in the indicative medium density building that would satisfy the relevant objective of the Apartment Design Guide (ADG). Private open space on the northern side of the medium density building would be compromised, however, the applicant points out that this is already the current situation with shadows caused by the existing buildings to the north of the PP site.

In respect of 2.b) the maximum envelope on the PP site would have greater impacts and probably overshadow ground floor living rooms in the indicative medium density building all day, although the 2nd floor would receive solar access all day.

In the context of this analysis, the applicant makes the following points:

- A future DA cannot expect to utilise the maximum envelope as of right because all DAs are subject to merit assessment including matters such as building separation setbacks and solar impacts that would aim to achieve optimum outcomes for both the PP site and the 3-3A site

- The ADG advises in Section 2B that a building envelope should normally be 25-30% greater than the theoretical achievable floor area based on the FSR control

Relying on the maximum envelope alone for assessment of likely solar access impacts is not realistic. The DA process can be expected to lead to more acceptable outcomes. The assessment of any future DA for this site will require the strict imposition of the building height plane to ensure that overshadowing to the properties to the south is minimised.

Comment

It is considered that the PP should be supported with the development standards requested by the applicant (12.5 metres maximum building height and 1.5:1 maximum FSR) for the following reasons:

- The PP site presently is being used primarily for car storage and not in accordance with its residential zoning, most likely because it is not a desirable dwelling location
- The site is negatively impacted by the existing warehouse on the land to the north (effectively two storeys in height), and is likely to be further impacted by future development on the lot to the west (part of the car dealership development). These lands are already in the B6 zone
- As such the PP site is unlikely to revert solely to a single dwelling house use. Also it faces significant constraints for a future medium density development in accordance with its R3 zoning. The building to the north is located on the joint boundary with no BHP compliance
- Including the site in the B6 zone will “tidy up” the B6-R3 zones interface by providing a straight dividing line extending between Lucas Road and Cheltenham Road
- The proposed development standards for the rezoned site are less than those in the B6 zone and provide a suitable transition to the R3 zone to the south and its development standards
- While this differs from the approach taken in respect of the four lots in the vicinity rezoned in BLEP Amendment No. 2 (where R2 zone development standards for FSR and building height were imposed under the B6 zone), this is justified because the PP site will adjoin R3 zoned land. Although the same development standards apply in the R2 and R3 zones the latter inherently provides for more intensive use and a larger population density
- While the four lots were rezoned B6 with lower development standards their capability for redevelopment has not been tested. Currently they are used as car parks
- If the PP site remained in the R3 zone and was developed with medium density dwellings, that is likely still to cause some shadowing impacts on the site to the south. Such impacts are normally accepted as part of medium density development on adjoining sites
- As outlined above a maximum building envelope set by development standards does not provide a right to fully develop with that envelope
- Also as above the development application provides the appropriate process for achievement of an acceptable relationship and for managing adverse impacts between future development of the PP site when rezoned and the 3-3A site
- There are no strategic planning reasons (such as inconsistency with the Parramatta Corridor Strategy) for not including the site in the B6 zone. In addition the rezoning would not cause significantly increased adverse impacts on the land to the south along Cheltenham Road which will retain its low and medium density residential character

Financial Implications

No financial implications.

Consultation

No consultation with or notification of adjacent landholders has been undertaken. Community and State agency consultation would follow a Gateway Determination, should the PP proceed.

Conclusion

There are sufficient environmental planning grounds to support rezoning of Nos. 1-1A Cheltenham Road to B6 Enterprise Corridor and application of the requested development standards of 12.5 metres maximum building height and maximum FSR of 1.5:1.

Recommendation(s)

1. That the Planning Proposal be submitted to the Department of Planning & Environment for a Gateway Determination.
2. That the Applicant be advised of Council's resolution.

Attachments

There are no attachments for this report.