

16 October 2019

Ms Charlene Nelson
Senior Planner
Department of Planning, Infrastructure and Environment
320 Pitt Street
Sydney NSW 2000

Dear Charlene,

1-1A CHELTENHAM ROAD, CROYDON: RESPONSE TO PUBLIC SUBMISSIONS FOR REZONING – PP_2018_BURWO_002_00

This letter has been prepared on behalf of Star Auto Properties Pty Ltd (**the Proponent**) in response to public submissions received during the exhibition of Planning Proposal PP_2018_BURWO_002_00, regarding the property known as 1-1A Cheltenham Road, Croydon (**the site**).

1. RESPONSE TO PUBLIC SUBMISSIONS

The Sydney Eastern City Planning Panel (**Planning Panel**) are the appointed planning proposal authority for the abovementioned Planning Proposal. The Planning Panel placed the Planning Proposal on public exhibition from Tuesday 6 August 2019 until Tuesday 3 September 2019.

During the public exhibition period, the Planning Panel received five (5) submissions to the above Planning Proposal. For simplicity of response, the submissions have been reviewed and six (6) key themes raised by the community have been identified and addressed below in no particular order.

1.1 Merit of the proposed rezoning

The Planning Proposal has provided information demonstrating the proposed rezoning of the site from R3 – Medium Density Residential to B6 – Enterprise Corridor zone and changes to the maximum Height of Building (HOB) and Floor Space Ratio (FSR) controls have strategic and site-specific merit.

In summary, the proposed changes to the LEP will rationalise the existing B6 zoning boundary to create a logical and regular shaped interface with the adjoining R3 zoned land and facilitate commercial development on site. As a result, this will create a clearer defined transition between the existing commercial uses fronting Parramatta Road and the residential uses to the south.

The proposed amendments to the zoning have strategic merit in that it is consistent with the existing commercial uses fronting Parramatta Road and presents an opportunity to consolidate complementary land uses associated with the site at 200 Parramatta Road for increased efficiency in an accessible location. This will increase employment opportunities adjacent to the Parramatta Road Corridor, which strategic planning by the State Government (*the Parramatta Road Corridor Urban Transformation Strategy*) indicates will be retained as a business zoning (proposed for B4 Mixed Use) into the future.

The strategic merit of this proposal is supported by the site-specific merit of amalgamating the site previously used as a car park associated with the previous car dealership to the adjoining business zone. The long use of the site as a car park is a reflection of the significantly constrained nature of the site and its undesirability to be used for medium density residential – its highest and best use. The site

is significantly impacted by overshadowing and visual impacts primarily from the Salvation Army warehouse immediately abutting the site's northern boundary and the recently approved Mercedes Benz Dealership to the north west. As such, this proposal is seeking to formalise the site's former land use associated with a car dealership and overcome the constrained nature of the existing residential dwelling on the site.

As addressed within the Planning Proposal, the site is no longer suited to be zoned as R3 – Medium Density Residential. Alternative land uses to dwellings which are permitted with consent in the R3 zone – such as childcare centres, shop top housing and the like – are considered to be unfeasible options for the site and would likely bring similar environmental impacts for consideration, including traffic and parking, noise and overshadowing.

In light of the above merits which have also been established by the Sydney Eastern City Planning Panel in their consideration of the Rezoning Review on the 9 August 2018, the proposed rezoning is considered acceptable. The existing land use, current land ownership and the site's strategic location creates a unique scenario considered on its own merits and does not set precedence or merit for expansion into land adjacent to the site beyond the proposed.

1.2 Built Form and Overshadowing

An increase in built form and overshadowing was raised as a concern by one (1) submission. The current development standards constrain the development opportunities of the site and will likely result in the poor outcome of the site becoming sterilised in the future. The proposed change to the Height of Building (HOB) and Floor Space Ratio (FSR) development standards are required to ensure redevelopment of the site is feasible and will provide a high-quality outcome.

The proposed Height of Building standard of 12.5 metres and FSR of 1.5:1 have been carefully designed to facilitate a stepped built form transition between the commercial land use to the north and the residential to the south. The proposed built form controls are consistent with the requirements of the Burwood Development Control Plan (BDCP) control for the Parramatta Road Enterprise Corridor, which uses a principle of a 45-degree height plane for rear setbacks (applicable to this preferred scheme).

Section 6.5.3 of the Planning Proposal addresses the potential overshadowing impacts of the preferred scheme. The assessment demonstrates the proposed controls would not unduly impact any surrounding dwelling or compromise its ability to achieve acceptable hours of sunlight during the winter solstice (worst case scenario).

An alternative scenario of a two-storey townhouse on the site which is permitted with consent under the existing controls was assessed. It was identified that residential developments are permitted to have reduced side and rear setbacks to adjoining properties. As such, permissible townhouses would create considerably greater overshadowing on the dwelling to the south than the proposed commercial scheme.

It is therefore maintained that the proposed commercial scheme is a superior built form outcome in terms of minimising shadow impacts compared to what could be achieved under the existing R3 zoning and development standards and the proposed amendments to the development standards should be supported.

1.3 Traffic and Parking

Submissions have made reference to the Traffic and Parking assessment report and its findings regarding traffic generation modelling. The Traffic and Parking report has been prepared by qualified traffic engineers in accordance with industry standards and the context of the site was considered, including but not limited to; surrounding landmarks and land uses; likely travel modes; and the impact of weather during the traffic survey.

The projected traffic generation of the preferred scheme was calculated using RMS guidelines. A precautionary principle was also applied to the assessment by projecting a worst-case scenario of a land use that would generate a higher level of traffic than the type of development proposed and therefore is unlikely to eventuate. Despite the increased potential traffic generation of a worst-case scenario, the report concluded that the proposed rezoning would have minimal impact on the overall operation of the intersection of Parramatta Road, Walker Street and Cheltenham Road. The report also assessed parking requirements for the site and identified the capacity for on-site parking is generally consistent with the requirements within the Burwood DCP.

Overall, the Traffic and Parking report demonstrates the rezoning would not create unacceptable environmental impacts or reason to refuse the rezoning application. Notwithstanding the findings of this report, further detailed assessment will be required to accompany any future development application.

1.4 Environmentally Sustainable Development (ESD)

Environmentally sustainable development was identified as a concern by a community member.

The preferred scheme submitted as part of the rezoning application is a concept to demonstrate how the site could be developed as an efficient use of land in accordance with the proposed LEP amendments. Details such as environmentally sustainable development design features will be considered as part of a detailed design process during preparation of a development application.

1.5 Geotechnical Assessment

One (1) submission referenced the Geotechnical Report identifying potential for damage to adjacent buildings during excavation works. This point is acknowledged as a highlighted risk consistent with excavation works and will require mitigation measures to be proposed within a Construction Management Plan accompanying any future development application for the site.

The potential risk should be mitigated but should not outweigh the strategic and site-specific merits of the proposed rezoning application.

1.6 Local Amenity

The importance of the local amenity and concerns regarding potential environmental effects on surrounding properties from the development were identified by two (2) submissions. This included concerns of any substantial increase to height including high-rise apartments and impacts caused by the construction of WestConnex.

Section 6.5.3 of the Planning Proposal provided an assessment of any potential environmental effects on the local amenity. Consideration was given to operational impacts of the proposed commercial use. The site was previously used as car storage associated with the adjoining former Nissan Dealership. The proposed scheme seeks to formalise the existing commercial use on site, with the preferred scheme identifying an option for the site to be developed as a boutique car showroom which will result in similar operational impacts to the existing situation. Any additional operational impacts will be further considered and appropriately mitigated through design measures and will be detailed at development application stage.

Built form and overshadowing has been addressed in Point 1.2 of this letter. Regarding the proposed scheme increasing built form within the area, it is noted the proposed changes to the development standards for the site effectively enables only one (1) additional storey above the current permitted built form on the site and does not set precedence for significant height increase in the area, or the provision of high-rise apartments.

The proposed built form has been positioned to the northern side of the lot to maximise the distance between the proposed built form and the adjacent residential dwelling to the south. The proposed

height of building development standard also ensures a future scheme will have a smaller scale than the existing commercial buildings to the north, providing a stepped transition to the south. This minimises overshadowing on properties to the south and allows the proposal to fit comfortably within the existing streetscape without significantly changing the transitional character of the northern end of Cheltenham Road.

2. CONCLUSION

In summary, the Proponent thanks the Planning Panel and the Department of Planning, Industry and Environment for the opportunity to respond to the submissions received in relation to PP_2018_BURWO_002_00. We consider the submissions do not raise any new matters which have not been adequately addressed within the application or that provides reason for the rezoning application to be refused.

We would be happy to discuss the contents of this letter in greater detail if necessary and look forward to the application proceeding to finalisation.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "RB", with a long horizontal stroke extending to the right.

Richard Barry
Senior Consultant