

PLANNING PROPOSAL

MERCEDES BENZ, CROYDON

MAY 2019
PREPARED FOR STAR AUTO PROPERTIES PTY LTD

URBIS

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1. INTRODUCTION

1.1. OVERVIEW

This Planning Proposal request has been prepared by Urbis on behalf of Star Auto Properties Pty Ltd (“the applicant”) to initiate the preparation of a Local Environmental Plan (LEP) to amend the statutory planning controls applying to the land at 1-1A Cheltenham Road, Croydon (“the subject site”).

The proposal seeks to enable a commercial development on the site that is consistent with the zoning to the immediate north and west of the site and introduce development controls that enable a ‘scaling down’ transition to be maintained between the commercial and residential zones. This is proposed to be achieved through the following amendments:

- Introduce a B6 Enterprise Corridor zoning for the site;
- Establish a maximum height control of 12.5 metres; and
- Establish a maximum floor space ratio (FSR) control of 1.5:1.

Under the *Burwood Local Environmental Plan 2012* (Burwood LEP 2012), the subject site is zoned R3 Medium Density Residential, with an 8.5m maximum building height control and a maximum FSR control of 0.55:1. The site directly adjoins a B6 Enterprise Corridor Zone which includes a 15m maximum height of building control and 1.75:1 maximum FSR control.

The site is significantly constrained 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. The site was, until September 2017 and for many years, used as car storage associated with the Nissan Dealership that fronted Parramatta Road. This use of the site reflected its significantly constrained nature and lack of desirability for redevelopment for higher density residential purposes as permitted by the R3 Medium Density Zone.

The Parramatta Corridor, comprising the development lots to the immediate north and west of the site, is entering a new period of further growth and expansion as envisioned by the Parramatta Road Urban Transformation Strategy. This Strategy recommends that these sites are rezoned to B4 Mixed Use, with increased built form development standards of 21m and 1.8:1.

The subject site sits just outside of the Parramatta Road corridor and thus was not included in the strategy study area. The site however acts as a transition zone between the commercial development concentrated along Parramatta Road as well as the desired future mixed-use character and the medium density residential area to the south.

The intended outcome of the Planning Proposal is therefore to amend the Burwood LEP 2012 to formalise the use of the site for commercial premises and introduce a height and FSR control that enables the ‘stepping down’ built form transition to be maintained. This will reflect the existing and potential future built form controls of the surrounding context as well as allow for a reasonably scaled theoretical future development, while encouraging and supporting future redevelopment to occur on the neighbouring sites to the south.

The key objectives of the Planning Proposal are to demonstrate the strategic and site-specific planning merit of amending the planning provisions, specifically zoning, height and FSR, of the site and to assess the relevant environmental, social and economic impacts of the proposal.

1.2. STRUCTURE OF REPORT

The Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) and the relevant guidelines prepared by the NSW Department of Planning and Environment including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*. It includes the following:

- **Section 2** - Description of the subject site and its surrounding context.
- **Section 3** – Overview of the applicable local statutory planning framework.
- **Section 4** – Summary of the planning proposal history.
- **Section 5** – Overview of proposed indicative concept design showing sufficient detail to indicate the effect of the proposal.
- **Section 6** – Assessment of the proposal against the relevant guidelines, namely “*A Guide to Preparing Planning Proposals*” issued by the Department of Planning (December 2018).
- **Section 7** - Summary of the justification of the proposal.

1.3. SUPPORTING DOCUMENTATION

The Planning Proposal is supported by the following documentation:

- Survey Plan prepared by Linker Surveying and submitted at **Appendix A**;
- Indicative Concept Design prepared by Turner and submitted at **Appendix B**;
- Shadow Diagrams prepared by Turner and submitted at **Appendix C**;
- Traffic and Parking Assessment prepared by Parking and Traffic Consultants and submitted at **Appendix D**; and
- Geotechnical Report prepared by Pells Sullivan Meynink and submitted at **Appendix E**.

2. SITE DESCRIPTION

2.1. THE SITE

The subject site is located at 1-1A Cheltenham Road, Croydon. The site is legally described as Lot 1 in Deposited Plan 817488 and has an approximate area of 1287.7m² including a frontage of 20.40m to Cheltenham Road and a depth of up to 63.54m (refer to Survey Plan submitted at **Appendix A**).

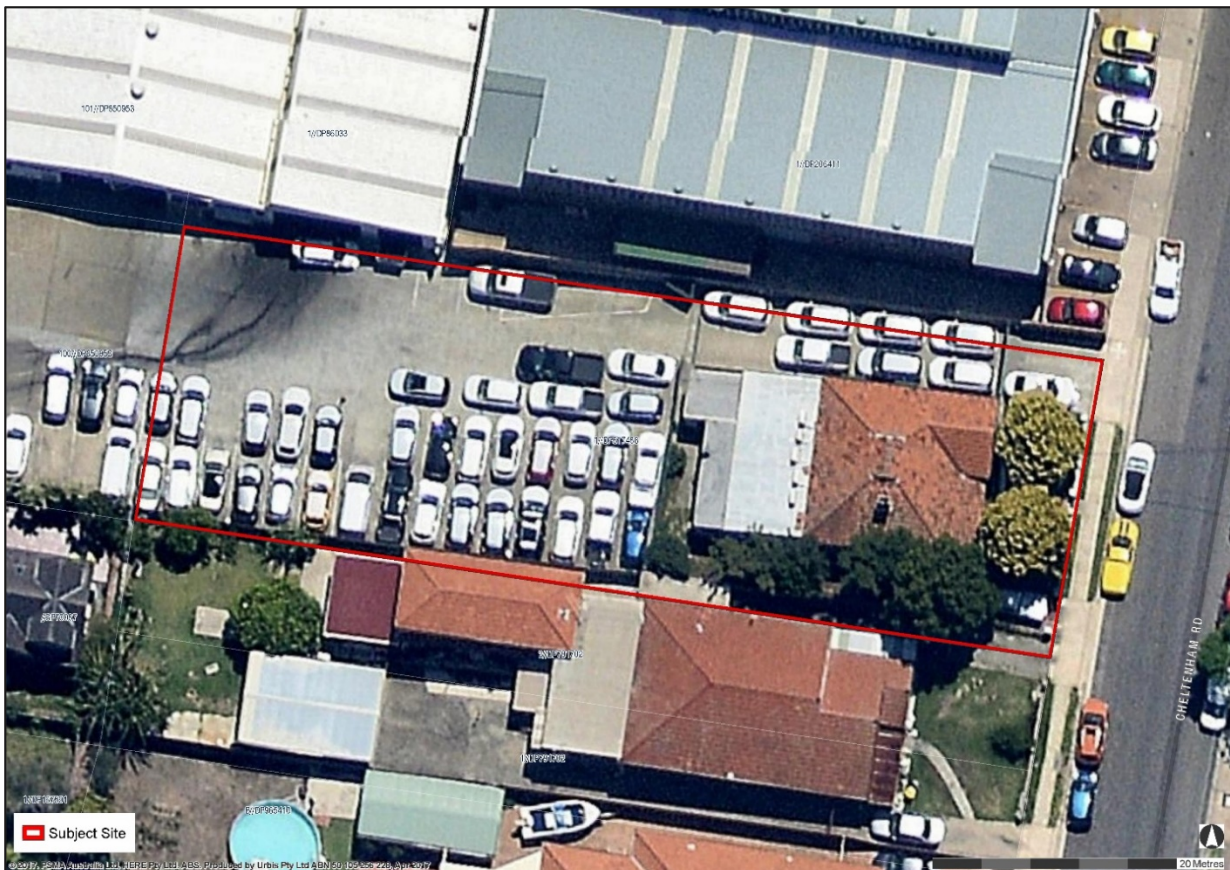
The site features a fall to the western rear boundary and existing vegetation scattered around the site.

The site comprises a single-storey dwelling house, a driveway along the northern boundary and a completely covered concrete surface to the rear. Prior to September 2017, the site was used for ancillary commercial premises to the adjoining Nissan car dealership comprising at-grade car parking/ storage along the northern boundary and to the western rear. The subject site and the adjoining Nissan Dealership were held in the same ownership and formed part of a single car dealership operation.

The adjoining Nissan car dealership to the north-west ceased operation in September 2017 following the sale of the site and subsequent granting of Development Consent for the redevelopment of the site for a 4-storey Mercedes Benz vehicular dealership and workshop (DA reference: DA:88/2017 and DA:89/2017).

An aerial photograph of the site is illustrated in the following **Figure 1**.

Figure 1 – Aerial Photograph of the Site



2.2. THE SITE: PLANNING HISTORY

Prior to the sale and demolition of the neighbouring Nissan Car Dealership to the west, the sites hard paved areas were used for car storage ancillary to the Nissan Dealership (refer Figure 1). The use of the site for car storage reflected its significantly constrained nature and lack of desirability for redevelopment for higher density residential purposes as permitted by the R3 Medium Density Zone. In particular, 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.

Following a search of Council's archival files and a subsequent meeting with Council staff on the 17 March 2017, it became apparent that the existing use of the site for car storage is not a lawful use and there is no development consent in place for this use. Therefore, in accordance with Section 4.11 of the *Environmental Planning and Assessment Act 1979*, existing use rights cannot be established.

2.3. SITE CONTEXT

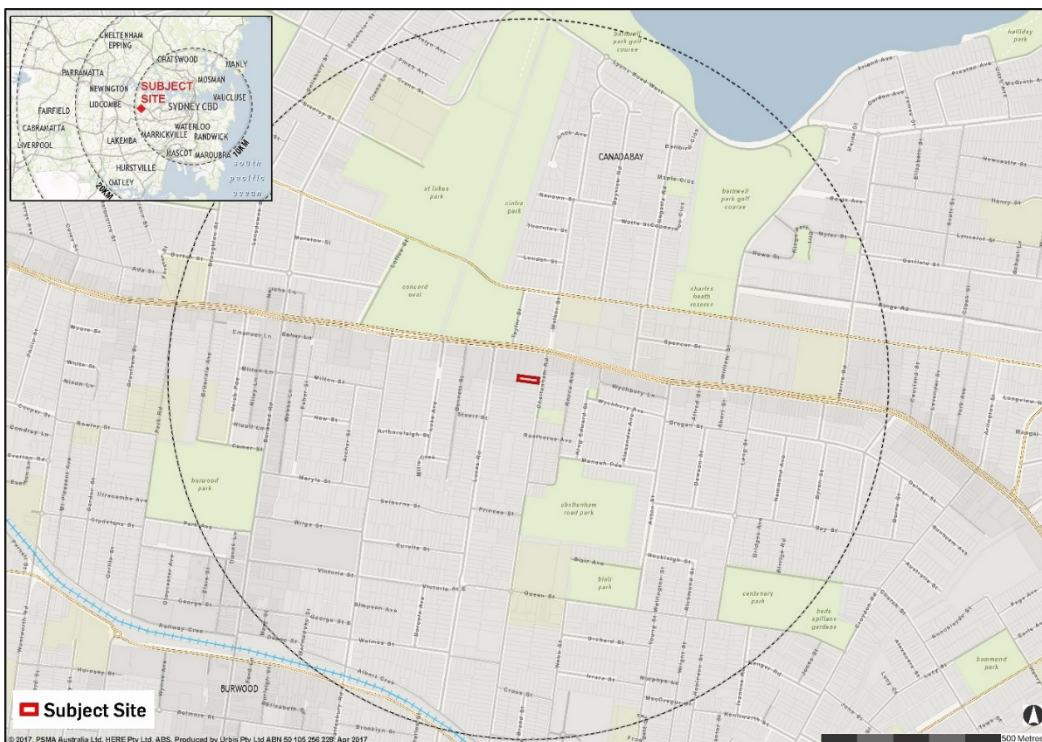
The site is located within the suburb of Croydon in the Burwood Local Government Area (LGA). Croydon is located 10km west of the Sydney CBD within Sydney's Inner West. The suburb is in close proximity and highly accessible to the Burwood and Strathfield Town Centres. Burwood Train Station is located some 1.6km to the south west of the site and Croydon Train Station is located some 1.8km to the south east of the site.

The site is located some 60m south of Parramatta Road, a major east-west artery which connects the Sydney CBD with Parramatta. The site represents the transition from the Parramatta Road enterprise corridor towards the Croydon residential district to the south.

Development along the Parramatta Road corridor is characterised by commercial and light industrial developments on large scale lots. The north and south of the corridor is characterised by predominately residential land uses, with a green network connecting to the Parramatta River.

The location of the site in a regional context is indicated **Figure 2**.

Figure 2 – Site Context



2.4. SURROUNDING DEVELOPMENT

Development within the immediate vicinity of the site comprises:

- **North:** Immediately adjacent to the site on the northern boundary is a two-storey storage warehouse fronting Parramatta Road, part of which is occupied by the Salvation Army. The remaining portion of the building is currently vacant. Further north of the site is the six-lane Paramatta Road, along which is a mix of industrial and large-scale retail/commercial uses.
- **South:** To the south of the site is generally characterised by low-medium density residential uses. Wangal Park including sports fields and associated facilities is located further south along Cheltenham Road.
- **East:** To the immediate east of the site on the opposite side of Cheltenham Road are single storey dwelling houses. To the north-east fronting Parramatta Road is a warehouse commercial building currently occupied by Fantastic Furniture and other commercial tenants.
- **West:** To the western rear boundary of the site is a Nissan car dealership. Restricted access to the dealership is currently provided via a driveway along Cheltenham Road. Further west of the site is warehouse commercial uses.

Photographs of the site and surrounds is illustrated in **Figure 3**.

Figure 3 – Photos of the site and surrounds



Picture 1 – The Subject Site



Picture 2 – The St Vincent de Paul warehouse adjacent to the site



Picture 3 – Fantastic Furniture on Parramatta Road



Picture 4 – Residential development adjacent to the subject site



Picture 5 – Commercial warehouse on Parramatta Road



Picture 6 – Nissan car dealership on Parramatta Road

2.5. PUBLIC TRANSPORT AND SURROUNDING ROAD NETWORK

The subject site fronts Cheltenham Road, which connects with Parramatta Road at a signalised intersection providing convenient access to Sydney's Western Suburbs and Inner City suburbs. Access to Burwood, being the most proximate major centre, is most readily achieved via the local road network serving the site.

According to the NSW administrative road hierarchy, Cheltenham Road is identified as a Local Road and Parramatta Road is a State Road.

Public transport options within easy access of the subject site include:

- Local and regional bus routes operate throughout the area within many within 800m of the site along Parramatta Road, Queen Road and Queens Street.
 - Route 493, 460 & L39 – located along Queens Road, north of Paramatta Road.
 - Route 407, 415 & 461 – located along Paramatta Road on the opposite side of the subject site.
 - Route 490 & 492 – located along Queens Street, south of the subject site.
- Trains at Burwood Railway Station on the Inner West and South Line are located 1.6km from the site and provide regular and frequent service to the Sydney CBD and Parramatta.
- Trains at Croydon Railway Station on the Inner West and South Line are located 1.8km from the site and provide regular and frequent service to the Sydney CBD and Parramatta.
- Pedestrian and cycleway networks are also located within the immediate locality providing connections to key surrounding land uses.

3. STATUTORY PLANNING CONTEXT

The *Burwood Local Environmental Plan 2012* (BLEP 2012) is the principle environmental planning instrument governing development on the site. The following sections sets out the relevant provisions applicable to the subject land.

3.1. ZONING

The site is currently zoned R3 Medium Density Residential under the BLEP 2012 as shown in **Figure 4**.

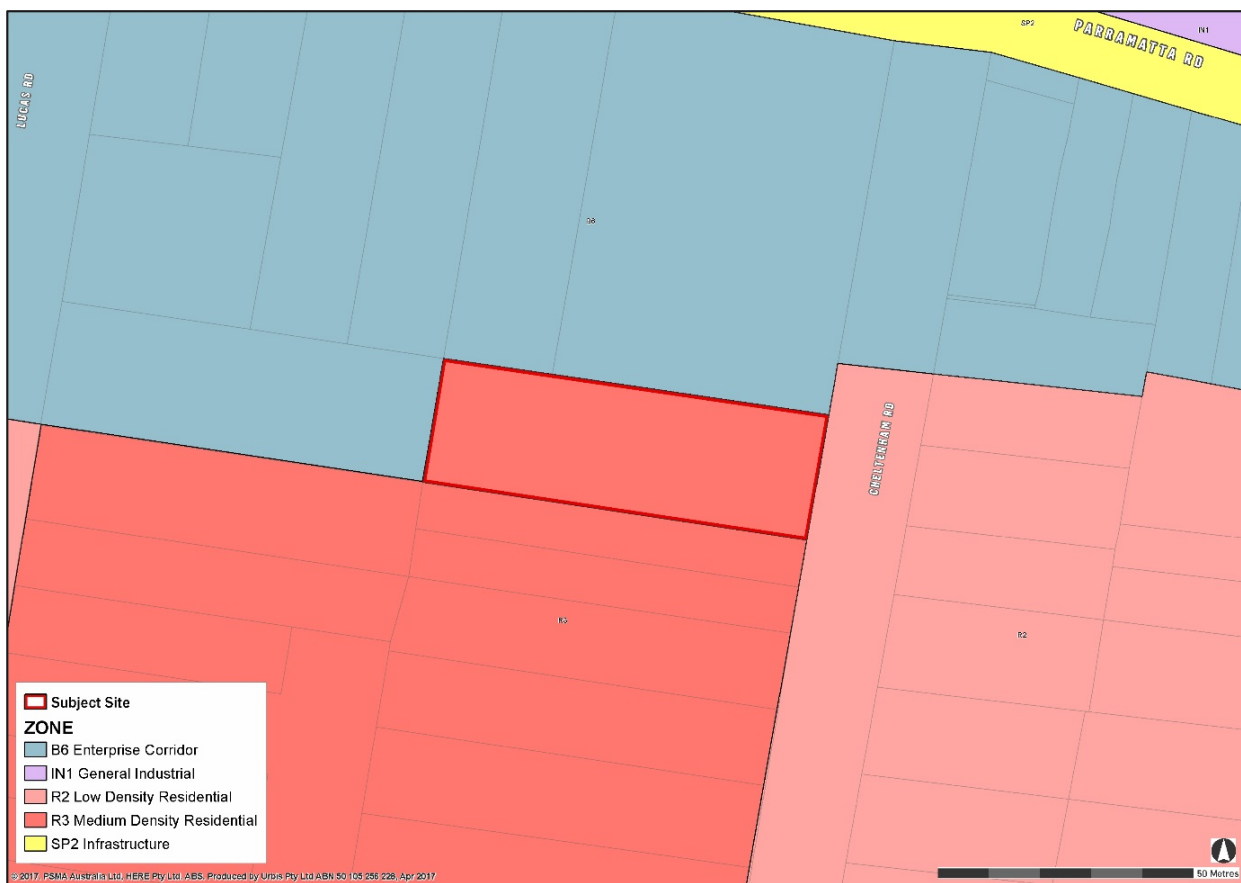
The objectives of the R3 zone are as follows:

To provide for the housing needs of the community within a medium density residential environment.

To provide a variety of housing types within a medium density residential environment.

To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Figure 4 – Existing Land Use Zone (BLEP 2012)



3.2. LAND USE

The range of permitted and prohibited uses within the R3 zone as set out within the BLEP 2012 are as follows (emphasis added):

Permitted without consent

Home occupations; Roads.

Permitted with consent

Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Group homes; Home industries; Multi dwelling housing; Neighbourhood shops; Places of public worship; Respite day care

centres; Semi-detached dwellings; Seniors housing; Shop top housing; Any other development not specified as permitted without consent or prohibited.

Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; **Commercial premises**; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Environmental protection works; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sewage treatment plants; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water storage facilities; Water treatment facilities; Wharf or boating facilities; Wholesale supplies.

'Vehicle sales or hire premises', are a type of 'retail premises' which is defined under the umbrella term as a form of 'commercial premises'. 'Commercial premises' and 'retail premises' are defined as follows and are prohibited in the R3 zone:

commercial premises means any of the following:

(a) business premises,

(b) office premises,

(c) retail premises.

Retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:

(a) bulky goods premises,

(b) cellar door premises,

(c) food and drink premises,

(d) garden centres,

(e) hardware and building supplies,

(f) kiosks,

(g) landscaping material supplies,

(h) markets,

(i) plant nurseries,

(j) roadside stalls,

(k) rural supplies,

(l) shops,

(m) timber yards,

(n) vehicle sales or hire premises.

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

3.3. HEIGHT AND FSR CONTROLS

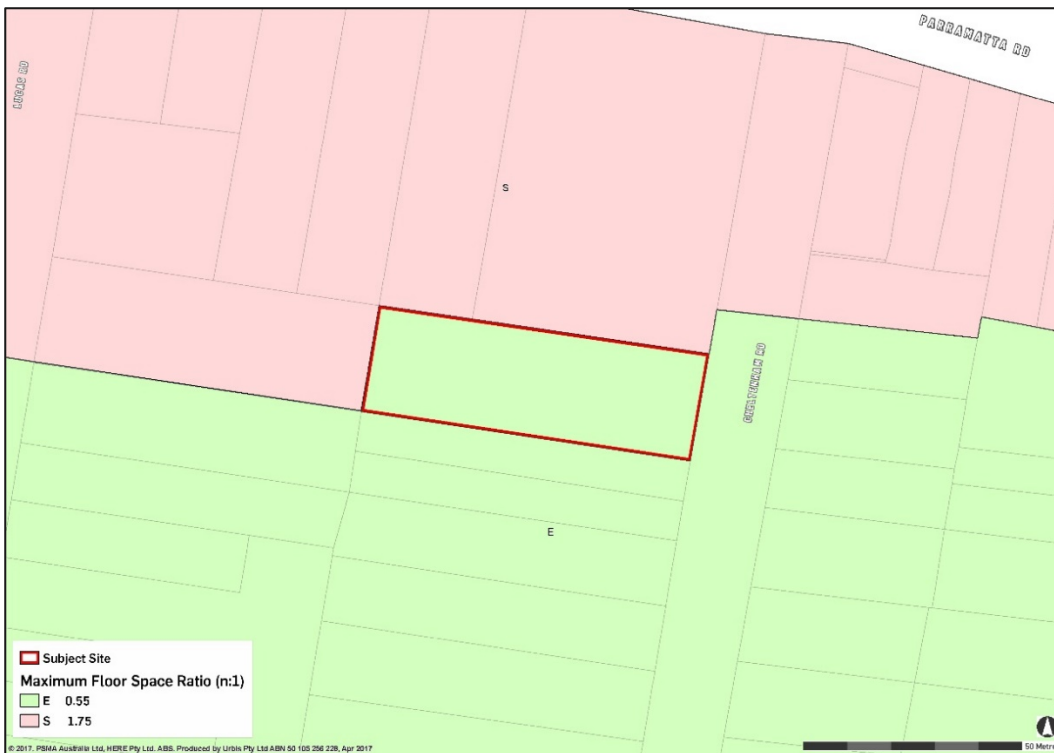
The development standards under the BLEP 2012 that are applicable to the site include:

- Building Height – Maximum building height of 8.5 metres (as shown in **Figure 5**).
- Floor Space Ratio – Maximum floor space ratio of 0.55:1 (as shown in **Figure 6**).

Figure 5 – Height Map



Figure 6 – FSR map



3.4. BURWOOD DEVELOPMENT CONTROL PLAN 2012

The Burwood Development Control Plan (Amendment 4) was adopted by Council on the 26 June 2018 and came into effect on the 1 August 2018.

Any development application that results from this proposal will need to consider the DCP and its relevant sections.

4. PLANNING PROPOSAL HISTORY

4.1. OVERVIEW

On the 8 September 2017, the proponent lodged a site-specific Planning Proposal over land at 1-1A Cheltenham Road, Croydon. The Planning Proposal sought to amend the BLEP 2012 by:

- Rezoning the land from R3 Medium Density Residential to B6 Enterprise Corridor;
- Increase the maximum height from 8.5m to 15m; and
- Increase the maximum FSR from 0.55:1 to 1.75:1.

Following lodgement, Council wrote to the Proponent on the 16 October 2017 raising concerns with the height and FSR controls as they would create additional overshadowing impacts to neighbouring residential properties. On 22 March 2018, a revised planning proposal was lodged with Burwood Council reducing the maximum building height from 15m to 12.5m and the maximum FSR from 1.75 to 1.5:1. This approach significantly reduced shadow impacts to ensure a minimum of 2 hours was received to affected residences and was a design outcome supported by Council.

4.2. COUNCIL RESOLUTION

Council Officers prepared an Assessment Report (dated 24 April 2018) in favour of the Planning Proposal. The Report recommended that the Planning Proposal should be supported with the development standards requested and submitted to the Department of Planning and Environment (DPE) for a Gateway Determination.

At the 24 April 2017 Burwood Council Meeting, Council considered the matter and resolved not to support the Planning Proposal because “as it stands there have not been substantial planning reasons to change the zoning from R3 to B6”.

4.3. PLANNING PANEL DECISION & APPOINTMENT OF PPA

On the 4 June 2018, the Proponent lodged a request for a Rezoning Review (RR_2018_BURWO_002_00) with the Department of Planning and Environment (DPE).

On the 9 August 2018, the Sydney Eastern Planning Panel considered the request and determined that the proposal had demonstrated strategic and site-specific merit. Accordingly, the Panel determined that the Planning Proposal should be submitted for a Gateway determination.

An excerpt taken from the Rezoning Review Record of Decision stated:

*In the Panel's opinion, the planning proposal has **strategic merit**. It adjoins sites already zoned B6 Enterprise Corridor; it also adjoins the Kings Bay Precinct in the Parramatta Road Urban Transformation Strategy; and is located about 50m from Parramatta Road on which several major bus routes run. The rezoning would allow employment uses in a location easily reached by public transport. If amalgamated with the adjoining Mercedes site, it would create a rectangular site suitable for redevelopment.*

*The proposal also has **site-specific merit**. While the site is zoned residential, it has been used for some time as a car park. The proposed density and height, which are less than the controls applying to the Mercedes site, allow for the mitigation of the shadow impact on the residential land immediately to the south. If the planning proposal proceeds, the impact on the adjoining southern residential site would be less than if the site remains in its current zoning, which allows two-storey townhouses close to the common boundary.*

Following the decision, Burwood Council were invited to continue the role of planning proposal authority (PPA) for the proposal. Council declined this role. Therefore, on the 16 September 2018 in accordance with Section 3.32(1) of the EP&A Act 1979, the Planning Panel as delegate of the Greater Sydney Commission considered the matter and determined to appoint itself as the PPA to finalise this matter.

4.4. GATEWAY DETERMINATION

On the 10 January 2019, DPE issued a Gateway Determination providing approval for the Planning Proposal to proceed subject to a series of conditions. A response to the conditions is provided in the following Table.

Table 1 – Gateway Determination Conditions

Condition	Response
Update all documentation to reflect the amended planning proposal referenced in the letter to Council dated 22 March 2018	This Report and the accompanying appendices have been updated to reflect the amended Planning Proposal which was subject to the Gateway review comprising a proposed FSR control of 1.5:1 and building height control of 12.5m.
Provide an updated project timeline outlining the anticipated time frames for the plan-making process;	An updated timeline of anticipated timeframes for the plan-making process has been prepared and is outlined at Section 6.8 of this Report.
Reference and address all relevant priorities and actions outlined in the Greater Sydney Region Plan and Eastern City District Plan.	All relevant priorities and actions in the Greater Sydney Region Plan and Eastern City District Plan have been addressed at Section 6.5.2 of this Report.
Provide an updated concept design that reflects a fully compliant scheme of 12.5m and 1.5: 1 that minimises any overshadowing and amenity impacts to adjoining properties. Any revised concept design must also include updated overshadowing hourly diagrams between 9am and 3pm (21 June) reflecting existing and proposed impacts.	<p>The concept design results in a GFA of 1,952sqm, which equates to an FSR of 1.5:1 which is consistent with the FSR standard being sought. The concept design illustrates a building height of 12.25m which is marginally less than the 12.5m maximum building height control being sought. This is proposed to allow for a small degree of tolerance for future detailed designs, at the DA stage, with specialist services advice which is considered reasonable and an orderly approach to limit potential for the need for clause 4.6 variations in the future.</p> <p>Reference is made to the Gateway Determination Report. The Report suggests that the indicative concept design is non-compliant with the proposed 12.5m building height control making reference to the section drawing. As discussed above, the maximum height of the indicative concept design is 12.25m, being compliant with the proposed 12.5m building height.</p> <p>To assist in clarifying this issue the below 3D images have been prepared showing the Indicative Concept Design relative to the 12.5m height control plane. The diagrams illustrate that at no point does the Indicative Concept Design protrude above the 12.5m building height control.</p>

Condition	Response
	
<p>Provide a geotechnical report to demonstrate the capability of substantial excavation occurring on-site should this be required as part of any updated concept plan.</p>	<p>A Geotechnical Report has been prepared and is submitted at Appendix E. The report concludes that excavation to a depth of up to approximately 4m is required to achieve the development proposed by the Indicative Concept Design. It identifies that based on the geotechnical investigation, excavation will include top soil/fill, residual and shale. It concludes that excavation should be achievable using conventional earth moving equipment.</p>

5. THE DEVELOPMENT CONCEPT

5.1. PROPOSED CONCEPT DESIGN

This Planning Proposal is informed by a concept architectural schematic (Indicative Concept Design), prepared by Turner Architects, which analyses the development opportunities for the site. This development concept will facilitate the redevelopment of the site whilst delivering on metropolitan planning objectives to increase employment in close proximity to the Burwood Strategic Centre and Parramatta Road Enterprise Corridor.

As the Planning Proposal is seeking to amend both the land use and key development standards on the subject site, an indicative design concept has been prepared to inform the potential bulk, scale and massing of built form on the site, and to determine the potential impacts of this amendment on the surrounding context.

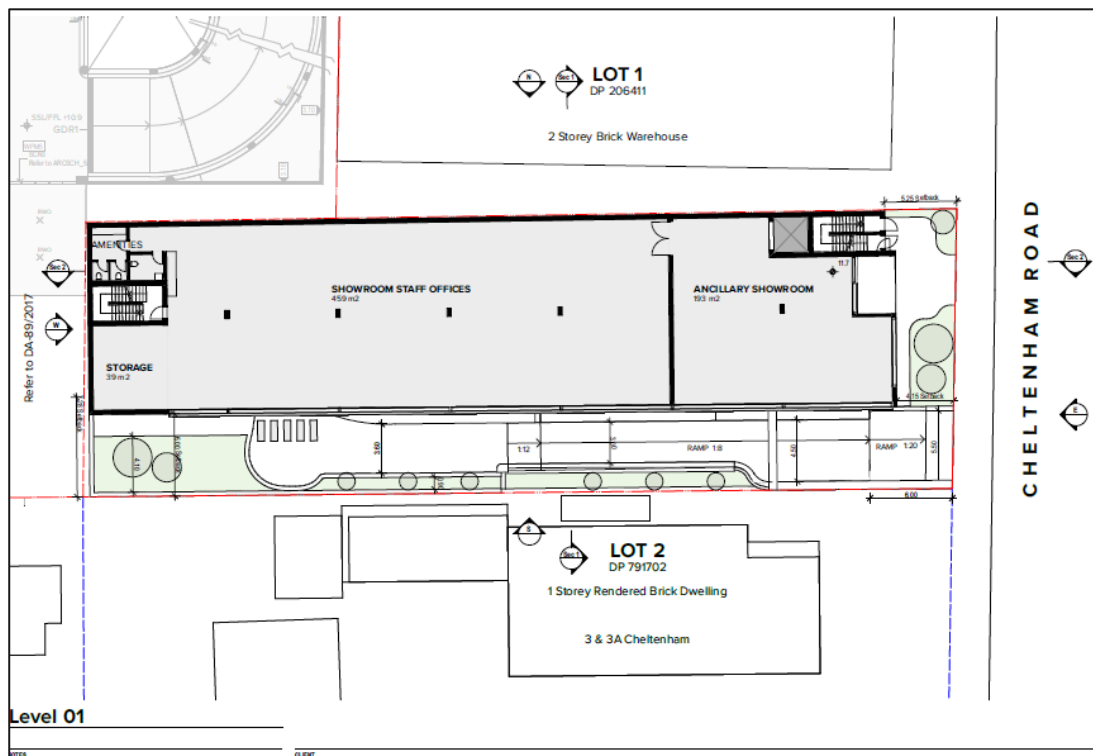
The concept proposal constitutes a tailored approach to the built form controls compared to those that apply to the B6 zoned lands elsewhere under Burwood LEP, in direct response to the site's context and correspondence from Council officers.

In summary, the indicative concept scheme broadly comprises:

- A potential boutique 3-storey car showroom comprising:
 - Basement car park accessible via a driveway along the southern site boundary;
 - Ground level workshop and parts storage;
 - Level 1 and 2 showroom and ancillary offices; and
 - Rooftop plant room.

Figure 7 shows the indicative concept of the proposal (Refer to **Appendix B** for scaled plans). The details are indicative only, and the final design specifications will be finalised at the subsequent Development Application stage.

Figure 7 – Indicative Concept Level 1 Plan



Source: Turner

5.2. NUMERICAL OVERVIEW

The Planning Proposal seeks to amend the Height of Buildings Map to a maximum height of 12.5 metres, and Floor Space Ratio Map to a maximum FSR of 1.5:1. These controls are less than the height and FSR controls applying to B6 zoned land elsewhere in the LGA, but are considered to better reflect the site's transitional zone between the commercial development to the immediate north along Parramatta Road and the medium density residential area to the immediate south.

A numeric overview of the preferred design concept is provided below in **Table 2**.

Table 2 – Summary of Proposed Development Concept

Element	Proposed
Site area	1287.7m ²
Building height	12.25 metres <i>Note: the proposal seeks a rounded LEP Height Control of 12.5m to allow for a small degree of tolerance for future detailed designs with specialist services advice which is considered reasonable and an orderly approach to limit potential for the need for clause 4.6 variations in the future.</i>
Car parking	30 spaces
Gross Floor Area (GFA)	1,952m ²
Floor Space Ratio (FSR)	1.5:1
Built form	3-storey built form; setback from the southern residential boundary interface.
Setbacks	5.25 metres to Cheltenham Road. 6 metres to southern side boundary at Ground Level and Level 1. 12.48 metres to southern side boundary at Level 2. <i>Note: the proposed setbacks demonstrate a greater relationship to the 45-degree height plane applicable under the Burwood DCP 2012 for commercial development adjoining a residential boundary.</i>

5.3. DESIGN DEVELOPMENT

The following factors were influential in developing the proposed concept design for the site:

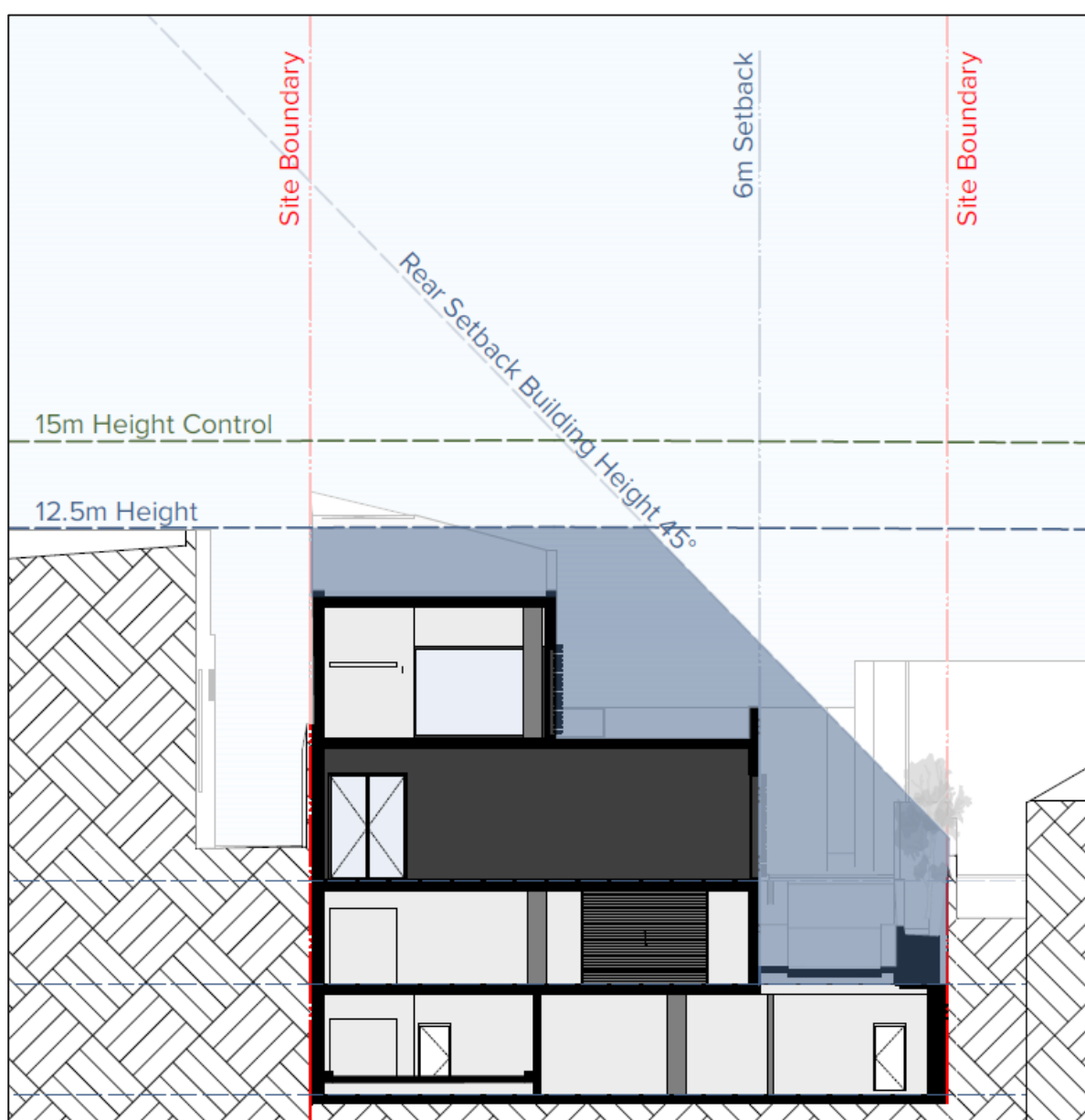
- Burwood Development Control Plan 2012, including the design controls for the Parramatta Road Enterprise Corridor; and
- The approved Mercedes Benz Car Showroom Development at the adjoining Nissan Dealership Site.

5.3.1. Parramatta Road Enterprise Corridor (BDCP)

The proposed scheme has been developed with regard to the Area Based Controls for the Parramatta Road Enterprise Corridor as set out in the Burwood DCP 2012. Specifically, the proposal:

- Includes larger than typical floor to ceiling heights at 3.40 metres- 4.50 metres to encourage activation of the street frontage.
- Includes a 4.15 metre setback to Cheltenham Road to generally align with the existing Salvation Army Building to the north.
- Proposes a nil setback to the adjoining commercial development adjoining the northern site boundary.
- Proposes a nil setback to the adjoining proposed Mercedes Benz Car Showroom adjoining the western site boundary.
- Uses the principle of the 45-degree height plane projected over the site, but setback the building further to the north to result in an improved overshadowing outcome to the adjoining residential area to the south. The additional setbacks are shown in 'translucent blue' in the following **Figure 8**.

Figure 8 – Indicative Concept Western Elevation



Source: Turner

5.3.2. 178 Parramatta Road (Nissan Dealership Site)

In developing the concept for the subject site, it has been necessary to consider the approved development on the adjoining site at 178 Parramatta Road, Croydon.

Development consent was granted by the Sydney Eastern Planning Panel on the 15 March 2018 (DA Reference: D/88/2017) for the following works:

- *Construction of a four storey (reaching a maximum height of 16.5m) car showroom facility comprising ancillary workshop and office uses.*
- *Vehicular access from three cross overs along Lucas Road and on-site car parking for 260 vehicles including 160- maintenance vehicles, 25- customer spaces and 75- staff spaces.*
- *Removal of 12 existing trees along the southern boundary of the site and new landscaping throughout the site including along the Parramatta Road and Lucas Road street frontages.*
- *Installation of four (4) business identification signs and four (4) wayfinding signs.*

This process has determined the most appropriate redevelopment concept for the subject site and demonstrates that the proposal can be accommodated on the subject site while complementing and not impacting upon the approved development.

While the two showrooms will be held under the same ownership structure they are intended to be independent of one another and will operate as separate standalone sites.

6. PLANNING PROPOSAL

6.1. OVERVIEW

This Planning Proposal has been prepared in accordance with Sections 3.33(1) and (2) of the *Environmental Planning and Assessment Act 1979* with consideration of the relevant guidelines, namely “*A Guide to Preparing Planning Proposals*” issued by the Department of Planning (December 2018).

Accordingly, the proposal is discussed in the following parts:

- **Part 1** – A statement of the objectives and intended outcomes.
- **Part 2** – An explanation of the provisions that are to be included in the proposed LEP.
- **Part 3** – The justification for the planning proposal and the process for the implementation.
- **Part 4** – Mapping.
- **Part 5** – Details of community consultation that is to be undertaken for the planning proposal.
- **Part 6** – Project timeline.

Discussion for each of the above parts is outlined in the following sections of this Report.

6.2. PART 1: OBJECTIVES & INTENDED OUTCOMES

The primary objective of the proposed rezoning is to amend the *Burwood Local Environmental Plan 2012* (BLEP 2012) to provide for:

- A commercial development on the site such as a vehicular sales and hire premises; and
- Increased development standards that are less than the height and FSR controls applying to the B6 Enterprise Corridor zoned land along Parramatta Road and greater than the controls applying to R3 Medium Density Residential zone to the south, acknowledging the site’s transitional zone between the commercial development to the immediate north and the medium density residential area to the immediate south.

The proposed concept proposal has been developed to realise a high-quality commercial development on the site that will make a meaningful contribution to the growth and enhanced physical quality of the Parramatta Road Corridor. The proposed built form response seeks to promote a taller building form that allows the stepping down built form approach to be maintained from Parramatta Road to the residential areas to the south.

The proposed amendments to the BLEP 2012 controls have the objective of facilitating development which achieves the following:

- A logical use of the land which formalises the former use and operation of the site being for commercial purposes rather than residential.
- Complements the proposed development at 178 Parramatta Road for a Mercedes Benz Dealership.
- Acknowledges the constraints to the site being used and redeveloped for residential purposes (in accordance with the current controls) due to amenity impacts of the adjoining commercial development along Parramatta Road.
- Realises increased density on the site and contributes to job provision without significantly impacting the adjoining residential precinct to the south.
- Has the ability of enabling an appropriately scaled built form, that together with the setbacks, results in reduced overshadowing impacts to the residential areas to the south compared to what could be achieved when applying the LEP and DCP controls that currently apply to the R3 Medium Density Zone.
- Maintains the ‘stepping down’ built form transition from Parramatta Road to the residential area to the south.

- Supports the urban renewal of the Parramatta Road Corridor which directly abuts the northern boundary of the site.
- Leverages the site's strategic location proximate to the Burwood Strategic Centre and rail and bus networks by providing high levels of accessibility for workers close to home.

6.3. PART 2: EXPLANATION OF PROVISIONS

The purpose of the Planning Proposal is to amend the *Burwood Local Environmental Plan 2012* in the following manner:

- Amend the *BLEP 2012 Land Zoning Map* to provide for a B6 Enterprise Corridor Zoning (as shown in **Figure 9**);
- Amend the *BLEP 2012 Height of Buildings Map* to provide for a maximum building height of 12.5m on the subject site (see **Figure 10**);
- Amend the *BLEP 2012 Floor Space Ratio Map* to provide for a maximum floor space ratio of 1.5:1 on the subject site (see **Figure 11**);

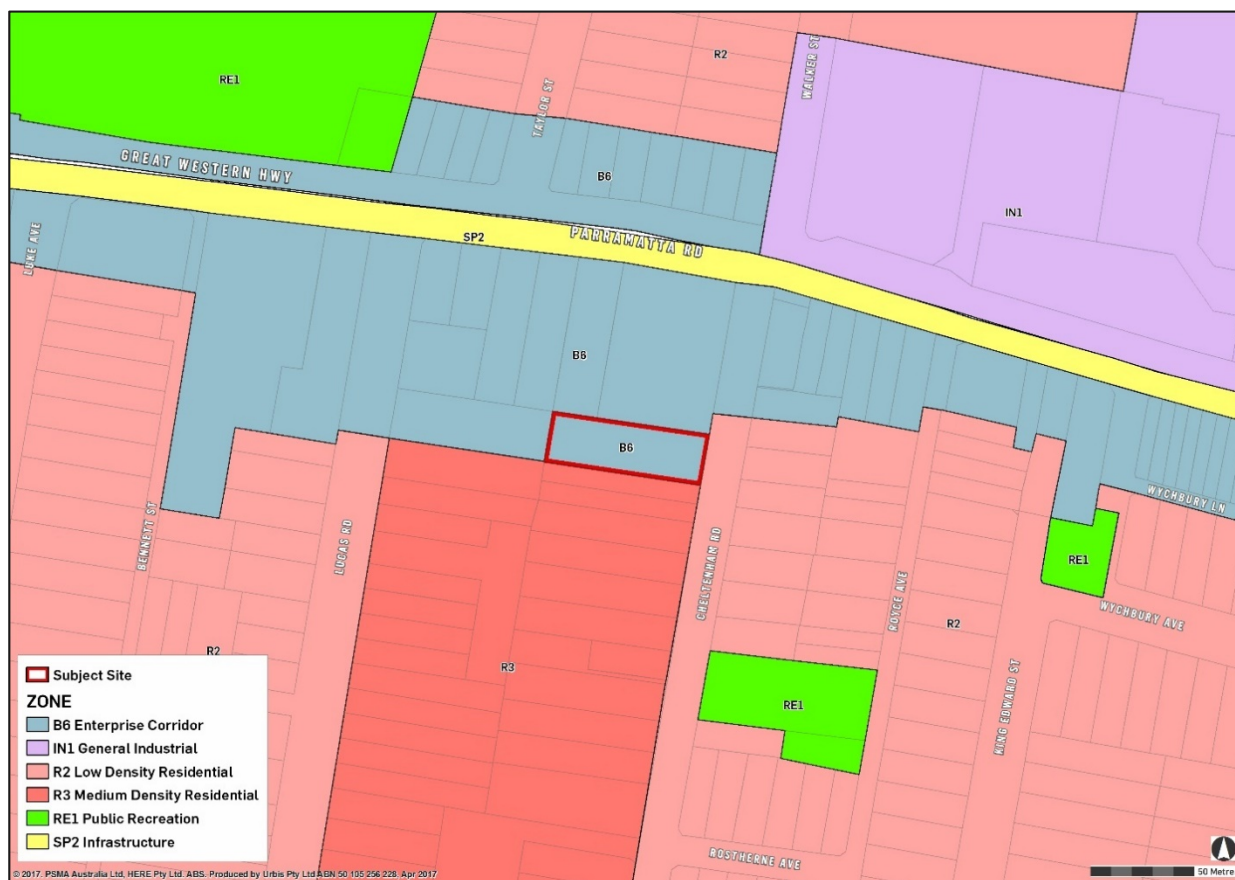
6.4. PROPOSED LEP AMENDMENTS

6.4.1. Zoning and Land Use

It is proposed to zone the land B6 Enterprise Corridor. This will enable development on the site for a range of commercial purposes including a 'vehicle sales and hire premises'.

The proposed outcome will be achieved by amending the existing Land Use Zoning Map Sheet LZN_001 of the Burwood LEP 2012 to reflect this B6 zoning, as shown in **Figure 9**.

Figure 9 – Proposed Land Zoning Map Sheet LZN_001



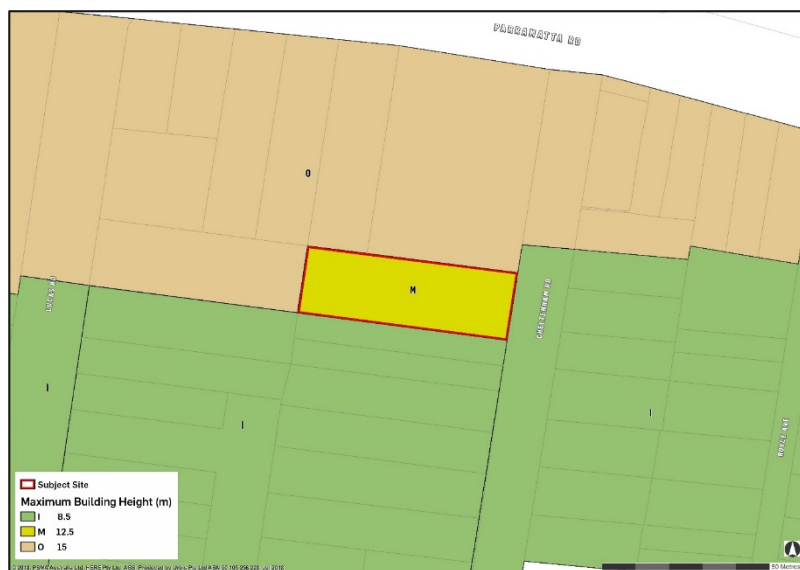
Source: BLEP 2012, as amended by Urbis

6.4.2. Building Height

It is proposed that a 12.5-metre maximum height control applies to the site. The Indicative Concept Design demonstrates an upper height of 12.25 metres with a reduced height that steps down toward the southern side boundary consistent with the notion of the 45-degree height plane setback control in the Burwood DCP 2012. While, the Indicative Concept Design results in a height marginally less than 12.5m the proposal seeks a rounded LEP height control of 12.5m to allow for a small degree of tolerance for future detailed designs with specialist services advice, at the future DA stage, which is considered reasonable and an orderly approach to limit potential for the need for clause 4.6 variations in the future.

The proposed outcome will be achieved by amending the existing *Height of Buildings Map Sheet HOB_001* of the Burwood LEP 2012 to reflect this maximum height, as shown in **Figure 10**.

Figure 10 – Proposed Height of Building Map Sheet HOB_001



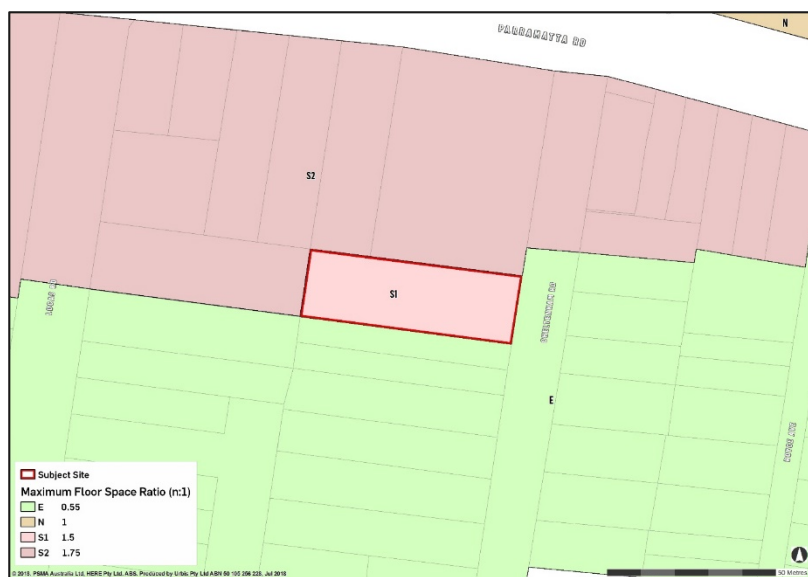
Source: BLEP 2012, as amended by Urbis

6.4.3. Floor Space Ratio

It is proposed that a maximum Floor Space Ratio control of 1.5:1 applies to the site.

The proposed outcome will be achieved by amending the existing *Floor Space Ratio Map Sheet FSR_001* of the Burwood LEP 2012 to reflect this maximum FSR, as shown in **Figure 11**.

Figure 11 – Proposed FSR Map Sheet FSR_001



Source: BLEP 2012, as amended by Urbis

6.5. PART 3: JUSTIFICATION FOR THE PROPOSAL

6.5.1. Section A – Need for the Planning Proposal

Q1. IS THE PLANNING PROPOSAL A RESULT OF AN ENDORSED LOCAL STRATEGIC PLANNING STATEMENT, STRATEGIC STUDY OR REPORT?

The Planning Proposal is not the direct result of any endorsed strategic study or report prepared by Council, but is supported by detail analysis within this planning proposal of the benefits of the rezoning, height and FSR amendment.

The strategic merit of the Planning Proposal when considered against the relevant actions and goals of the Metropolitan and District Plans (discussed below), demonstrates that the proposal is consistent with the strategic policy direction of the district.

Q2. IS THE PLANNING PROPOSAL THE BEST MEANS OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES, OR IS THERE A BETTER WAY?

The Planning Proposal is the best means to achieve the objectives and intended outcomes described in this Report, for the following reasons:

- The residential use of this site is not desirable as it is constrained and extensively overshadowed (for most hours on June 21) by existing buildings to the north. As a result, prior to the decommissioning of the Nissan Dealership, the site was used for many years for car storage and ancillary uses to the adjoining commercial use.
- Prior to lodging this Planning Proposal the Applicant explored the prospect of whether the site benefited from existing use rights in accordance with Section 4.11 of the EP&A 1979. A file search of Council's records was undertaken and the research concluded that there was insufficient evidence and detail to assert the existing use rights case. This prospect was also discussed with senior Council staff and Council agreed that it was not the preferred nor appropriate approach.
- Rezoning the site but retaining the existing height and FSR controls that are currently in place would result in a built form that is reflective of something similar in scale to the existing single storey dwelling house that currently exists on site. In this case, the site would be undevelopable resulting in it likely reverting back to its former residential use. The environmental amenity of the site for residential uses is poor and is contrary to state wide planning objectives of maximising amenity and improving the design quality of residential development. Furthermore, considering the site arguably cannot achieve its highest and best use under its current R3 zoning and controls this is considered to result in the inefficient use of strategically important land and a poor contribution to the area that is mooted for revitalisation.

Consequently, it is considered the Planning Proposal is the best means of achieving the objectives and outcomes stipulated in this report. The proposed approach is the best, most efficient and most effective approach to delivering this outcome.

6.5.2. Section B – Relationship to Strategic Planning Framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The proposal is consistent with the relevant regional and district plans as outlined in the following sections. The proposal makes a contribution to increasing employment land and growing investment and business opportunities in proximity to the Parramatta Road Corridor.

Greater Sydney Region Plan – A Metropolis for Three Cities (2018)

The Greater Sydney Region Plan 'A Metropolis of Three Cities' was published by the Greater Sydney Commission (GSC) in March 2018. The Region Plan outlines how Greater Sydney will manage growth and change and guide infrastructure delivery.

It sets the vision and strategy for Greater Sydney, to be implemented at a local level through District Plans. For the first time, the Plan has been prepared in conjunction with the *NSW Government's Future Transport 2056 Strategy* and informs Infrastructure NSW's State Infrastructure Strategy providing full integration of land use, transport and infrastructure planning.

An assessment of the Planning Proposal against the objectives of the Region Plan is set out in **Table 3**.

Table 3 – Consistency with Greater Sydney Region Plan

GREATER SYDNEY REGION PLAN		
Planning Objective	Description	Comment
Infrastructure and collaboration:		
<i>A city supported by infrastructure</i>		
Objective 4	Infrastructure use is optimised	<p>The site is well-situated approximately 1.6km from Burwood Town Centre and Burwood Railway Station in the south west and approximately 1.8km to Croydon Station in the south east.</p> <p>The site is also serviced by several high frequency bus routes providing access between Burwood and Sydney as well as western, inner western and southern suburbs of Sydney.</p> <p>The provision of an employment generating land use in this location will encourage the use of these accessible transport options.</p>
<i>A collaborative city</i>		
Objective 5	Benefits of growth realised by collaboration of governments, community and business	<p>The site is not located within the study area covered by the Parramatta Urban Transformation Strategy, however the land along Parramatta Road immediately abutting the site's northern and western boundaries is included.</p> <p>The proposed redevelopment of the site will make a meaningful contribution to the growth and enhanced physical quality of the Parramatta Road Corridor, once redeveloped. The proposed increase in height and FSR sought by this Planning Proposal (request of 12.5m and 1.5:1 respectively) is considered an appropriate density for the site reflecting its role as a transition zone between the commercial development along Parramatta Road which currently have built form controls of 15m and 1.75:1 that are proposed to be increased to 21m and 1.8:1 under the Strategy and the medium density residential zone to the south.</p>
Productivity:		
<i>A well-connected city</i>		
Objective 14	A metropolis of three cities – integrated land use and transport creates walkable and 30-minute cities	The proposal facilitates the 30-minute city concept by co-locating with other similar jobs and services along the Parramatta Road Corridor and in proximity to public transport modes with easy access to several strategic centres as well as the Harbour CBD and Greater Parramatta.
<i>Jobs and skills for the city</i>		
Objective 22	Investment and business activity in centres	The proposal provides opportunities for jobs closer to home and within an established cluster of commercial development along the Parramatta Road corridor, which is easily accessible to Strategic and Metropolitan Centres.
Objective 23	Industrial and urban services land is planned, retained and managed	The proposal provides for a logical commercial zoning of land within an established commercial corridor. The Strategy acknowledges that the location and infrastructure

		<p>requirements of urban services land is close to residential and commercial centres that they serve.</p> <p>The site is close to several strategic and Metropolitan Centres, which are accessible via rail and bus services which are in proximity to the site.</p>
Objective 24	Economic sectors are targeted for success	The proposal aligns with the direction for managing competing opportunities and protecting land values for industries that are fundamental to the overall economy. The proposal will provide opportunities for additional jobs in a highly accessible area.
Sustainability:		
<i>A city in its landscape</i>		
Objective 30	Urban tree canopy cover is increased	Future development has the potential for landscaping including at the site's boundary to the residential area to the south. This will positively contribute to urban tree canopy cover in the LGA.
<i>An efficient city</i>		
Objective 34	Energy and water flows are captured, used and re-used	Future development on the site is capable of achieving this objective.
Objective 35	More waste is re-used and recycled to support the development of a circular economy	Future development on the site is capable of achieving this objective.

Eastern City District Plan

The site is situated within the area covered by the Eastern City District Plan, released in March 2018. This District Plan has been developed by the Greater Sydney Commission and outlines the priorities and actions for the District which includes the Burwood Council Local Government Area.

Burwood is identified as a 'Strategic Centre', which is indicated as having a relatively high level of economic activity, proving a range of retail and commercial activities, health care and community services. As the site is in proximity to Burwood Town Centre and existing commercial development along the Parramatta Road corridor, it means that future employees will benefit from these services and facilities which can be readily accessed. The District Plan identifies various priorities for the district area, as well as specific priorities for Burwood. The consistency of the proposal with the District Plan is assessed in **Table 4**.

Table 4 – Consistency with Eastern City District Plan

EASTERN CITY DISTRICT		
Planning Priority	Description	Comment
<i>Infrastructure and collaboration:</i>		
E1	Planning for a city supported by infrastructure	<p>The proposal will leverage existing local transport options. The site is located within walking distance of several high-frequency bus services and is in proximity to rail services at Burwood and Croydon Train Stations.</p> <p>The site is also proximate to local shops and services that exist along the Parramatta Road Corridor and at the Burwood Town Centre.</p>

E2	Working through Collaboration	<p>The proposal supports the Parramatta Road Corridor Urban Transformation Strategy. The site is not located within the study area covered by the Parramatta Urban Transformation Strategy, however the land along Parramatta Road immediately abutting the site's northern and western boundaries is included.</p> <p>The proposed redevelopment of the site will make a meaningful contribution to the growth and enhanced physical quality of the Parramatta Road Corridor, once redeveloped. The proposed increase in height and FSR sought by this Planning Proposal (request of 12.5m and 1.5:1 respectively) is considered an appropriate density for the site reflecting its role as a transition zone between the commercial development along Parramatta Road which currently have built form controls of 15m and 1.75:1 that are proposed to be increased to 21m and 1.8:1 under the Strategy and the medium density residential zone to the south.</p>
<i>Liveability:</i>		
E6	Creating and renewing great places and local centres, and respecting the District's heritage	<p>The existing residential dwelling on site is highly constrained, has been vacant for many years and does not provide a strong relationship with the streetscape.</p> <p>The proposal will provide a positive contribution to improving the public realm through enhancing the interface with the streetscape by providing ground floor activation, landscaping and an attractive built form. It will also positively contribute to the changing character of the immediately surrounding area that is proposed for revitalisation under the Parramatta Road Urban Transformation Strategy.</p>
<i>Productivity:</i>		
E10	Delivering integrated land use and transport planning and a 30-minute city	<p>The proposal provides employment and business opportunities in a location supported by public transport links. The site is located approximately 1.6km from Burwood Town Centre and Burwood Railway Station in the south west and approximately 1.8km to Croydon Station in the south east. In addition, the site is within walking distance of several high frequency bus routes providing access between Burwood and Sydney as well as western, inner western and southern suburbs of Sydney.</p> <p>The proposal for commercial development on the site is therefore consistent with the objective of delivering a 30-minute city through integrated land use and transport planning.</p>
E11	Growing investment, business opportunities and jobs in strategic centres	<p>The planning proposal supports the growth of the Burwood Strategic Centre by providing employment opportunities and commercial services in a targeted location.</p> <p>Based on the Department of Planning and Environment's projected population growth, the Burwood LGA is forecast to increase from 34,200 to 57,500 over the next 25 years, representing an annual growth of 2.1%. The rezoning of the site to a commercial land use contributes toward the Burwood Strategic Centre target of an additional 1,700 jobs by 2036.</p>
E12	Protecting industrial and urban services land	<p>The rezoning protects and supports employment and urban services land as the future intended use of the site involves a commercial development, which will attract a range of employment opportunities.</p> <p>The concentration of commercial activity along an existing hub on the Parramatta Road Corridor will create a competitive market</p>

		and increase the net productivity of both the centre and the overall District.
Sustainability:		
E17	Increasing urban tree canopy cover and delivering Green Grid connections	The Indicative Concept Design identifies opportunities for landscaping to sensitive site edges that has the potential to contribute to the areas tree canopy cover.

The renewal of Parramatta Road is reiterated throughout the District Plan as an important economic opportunity. The Planning Proposal takes advantage of this opportunity outlined in the Plan. Despite being located on the periphery of the Parramatta Road Strategy area, it is clear the proposal directly responds to the priorities outlined in the Plan and will result in a net community benefit.

We also note that the proposal won't undermine district housing objectives. The immediately surrounding area will experience significant housing growth along the Parramatta Corridor as proposed by the Parramatta Road Urban Transformation Strategy and through the planned precinct work. The site if developed to its full extent as a residential development under the existing R3 zoning and built form controls will yield approx. 4 dwellings. Given this and the fact that the site has not been used for residential for many years, the rezoning would not have any detrimental impact for council to meet their housing targets. Furthermore, the amenity impacts and overshadowing of the site means that most dwellings will be extensively overshadowed. Therefore, the residential zoning of the site is not considered to be suitable.

We further note that Council concluded in their assessment that there are no strategic planning reasons, or any inconsistency with a strategic plan, that would preclude the proposed amendments to the zoning, height or FSR of the site under the BLEP 2012.

Strategic Merit

The strengthened strategic merit test criteria contained in 'A Guide to Preparing Planning Proposals' require that a planning proposal demonstrate strategic merit against (at least one of) the three criteria set out in **Table 5**.

Furthermore, the Eastern Planning Panel confirmed in the Rezoning Review Record of Decision, that:

*In the Panel's opinion, the planning proposal has **strategic merit**. It adjoins sites already zoned B6 Enterprise Corridor; it also adjoins the Kings Bay Precinct in the Parramatta Road Urban Transformation Strategy; and is located about 50m from Parramatta Road on which several major bus routes run. The rezoning would allow employment uses in a location easily reached by public transport. If amalgamated with the adjoining Mercedes site, it would create a rectangular site suitable for redevelopment.*

Table 5 – Strategic Merit Assessment

Assessment Criteria	Response
Consistent with: <ul style="list-style-type: none"> Regional Plan outside of Greater Sydney Relevant District Plan in Greater Sydney Corridor or Precinct Plan applying to the site Draft Regional, District or Corridor Plan released for public comment. 	<p>The site is located within Greater Sydney</p> <p>There is no existing or draft corridor or precinct plan relating to the site.</p> <p>The proposal is consistent with the aims of the Eastern City District Plan as discussed in Table 4.</p>

Assessment Criteria	Response
(or)	
Consistent with a relevant local council strategy that has been endorsed by the Department (or)	<p>The relevant local strategic plan for Burwood is the Burwood 2030 Community Strategic Plan. The plan has not been endorsed by the Department.</p> <p>Notwithstanding, the proposal is consistent with the Burwood 2030 Community Strategic Plan as addressed in this Report.</p>
Responding to a change in circumstances, such as investment in new infrastructure or changing demographic trends not recognised by existing planning controls.	<p>The planned future planning control amendments to properties within the Parramatta Road Corridor was informed by a government led process to revitalise the corridor as WestConnex motorway will play a key role in diverting local and district car and truck volumes away from the local area.</p> <p>The Planning Proposal will formalise the former commercial use of the site, which is not recognised under the current planning controls.</p> <p>Council officers noted in their assessment of the Planning Proposal that there is precedence for this approach and rezoning. Under BLEP Amendment No.2, several sites that had side-street frontages to Lucas Road and Cheltenham Road which adjoined the B6 Enterprise Zone and were rezoned to B6. These sites also had long-standing uses consistent with the B6 zone, and constraints to residential development.</p>

Site-Specific Merit

In addition to meeting at least one of the strategic merit criteria, 'A Guide to Preparing Planning Proposals' requires that Planning Proposals demonstrate site-specific merit against the criteria set out in **Table 6**.

Furthermore, the Eastern Planning Panel confirmed in the Rezoning Review Record of Decision, that:

*The proposal also has **site-specific merit**. While the site is zoned residential, it has been used for some time as a car park. The proposed density and height, which are less than the controls applying to the Mercedes site, allow for the mitigation of the shadow impact on the residential land immediately to the south. If the planning proposal proceeds, the impact on the adjoining southern residential site would be less than if the site remains in its current zoning, which allows two-storey townhouses close to the common boundary.*

Table 6 – Site Specific Merit

Assessment Criteria	Response
Does the planning proposal have site specific merit with regard to:	
The natural environment (including any known significant environmental values, resources or hazards); and	<p>The site is fully developed for urban purposes and does not hold any significant environmental values, resources or hazards.</p> <p>There are no known environmental constraints that could not be suitably mitigated through detailed design at DA stage.</p>

Assessment Criteria	Response
<p>The existing uses, approved uses and likely future uses of land in the vicinity of the proposal; and</p>	<p>The Planning Proposal seeks to introduce a B6 Enterprise Corridor zoning that is consistent with the former commercial use of the site and association with the Nissan Dealership.</p> <p>The current zoning allows for medium density residential development. This potential outcome is impractical due to the existing warehouse development to the north and recently approved Mercedes Benz dealership to the north west which extensively overshadows the site. These sites form part of the Parramatta Road Urban Transformation Strategy. Under this strategy it is recommended these sites are rezoned to B4 Mixed Use, with increased built form development standards of 21m and FSR of 1.8:1. This increased density will only exacerbate the environmental impacts on the subject site and its undesirability for residential development.</p> <p>Consequently, a residential dwelling on the site would not be able to achieve adequate residential amenity as anticipated under the current residential zoning, which brings into question the appropriateness of the zone considering the existing and planned future desired character of development to its immediate north.</p> <p>Council officers further noted in their assessment of the Planning Proposal that the site:</p> <p><i>“would be undesirable as a dwelling location” and is “unlikely to revert solely to a single dwelling house...and faces significant constraints for a future medium density development in accordance with its R3 zoning”.</i></p> <p>It is acknowledged that the site represents a ‘transition’ between the commercial buildings to the north along Parramatta Road, and the Croydon residential area to the south. The Planning Proposal originally sought to introduce height and FSR controls consistent with the adjacent B6 Enterprise Zoning, however was revised in December 2017 to seek lower height and FSR controls specific to the site.</p> <p>The reduction from 15 metres to 12.5 metres in height and 1.75:1 FSR to 1.5:1 FSR enables a ‘stepping down’ built form transition between the commercial and residential zones, without comprising the viability of a commercial development on the site. Council supported this approach in their assessment of the Planning Proposal (dated 24 April 2018).</p> <p>The Planning Proposal has duly considered the existing use of the site as an ancillary commercial premise, and its transitional role between the land use zones. The Concept Design prepared by Turner Architects demonstrates that a commercial building envelope can be achieved without compromising residential amenity to the dwellings to the south.</p>

Assessment Criteria	Response
	<p>In particular, the Planning Proposal has demonstrated that the Indicative Concept encompasses the tailored DCP building height plane control for commercial development adjoining residential zoned land. This building height plane together with the height and FSR controls sought results in acceptable overshadowing impact whereby all affected residences are still capable of achieving a minimum of 2 hours of solar access during the winter solstice.</p> <p>Redevelopment of the site under the existing R3 zoning and 8.5m and 0.55:1 standards including application of the Burwood DCP setbacks for residential development would result in a built form erected far closer to the southern boundary and as such would result in far more adverse overshadowing impacts compared to what is being proposed by this Planning Proposal request.</p> <p>All other environmental impacts arising from the proposed change in urban form are capable of being managed and mitigated as part of the detailed design stage and subsequent development application assessment.</p> <p>Therefore, despite the proposed increased development standards, the proposal will result in a better outcome compared to what currently exists as well as what may be developed on the site under the existing R3 Medium Density zoning.</p> <p>In view of the above, the proposed amendments to the BLEP 2012 have considerable site-specific merit.</p>
The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.	<p>The site is serviced by several bus routes, and in close proximity to Burwood and Croydon train stations. A number of infrastructure projects are planned in the area, as well as and upgrades to Parramatta Road as part of the Parramatta Road Urban Transformation Study.</p> <p>The Planning Proposal does not significantly alter the infrastructure requirements that would be required when compared to the existing zoning of the site.</p>

Q4. WILL THE PLANNING PROPOSAL GIVE EFFECT TO A COUNCIL'S ENDORSED LOCAL STRATEGIC PLANNING STATEMENT, OR OTHER ENDORSED LOCAL STRATEGY OR STRATEGIC PLAN?

Burwood 2030 Community Strategic Plan

Burwood Council has prepared a local community strategic plan that reinforces the key local matters relevant to the LGA. Of relevance to this planning proposal is the strategic goal of a vibrant economic community. The theme aims to “*ensure an economically sustainable and prosperous future in Burwood with a strong network of services that support existing businesses and institutions, and attract new and diverse organisations*”. The Planning Proposal is consistent with Burwood 2030 as it will enable a proposal which will provide diversity in business services along the Parramatta Road corridor, and improve the standard of the

commercial precinct along the corridor. The proposed development will have an active street frontage to promote engagement and vibrancy in the public domain.

The Strategy does not identify areas for planned housing growth. However, it does recognise the need to find a balance between demand for residential areas and demand for commercial space. This Planning Proposal has demonstrated the merits of commercial over residential, which is not considered to have a material impact on housing supply given the existing medium density zoning of the site and the significant growth that will be delivered elsewhere in the District such as along the Parramatta Road corridor.

Q5. IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES?

The Planning Proposal's consistency with current State Environmental Planning Policies (SEPPs) is summarised in **Table 7**. The Planning Proposal's consistency with Regional Environmental Plans (REPs) for the Sydney and Greater Metropolitan Regions, which are deemed SEPPs, is summarised in **Table 8**.

Table 7 – Consistency with State Environmental Planning Policies

State Environmental Planning Policy	Comment
SEPP (Educational Establishments and Child Care Facilities) 2017	Not relevant
SEPP Amendment (Child Care) 2017	Not relevant
SEPP (State and Regional Development) 2011	Not relevant
SEPP (Sydney Drinking Water Catchment) 2011	Not relevant
SEPP (Urban Renewal) 2010	Not relevant
SEPP (Affordable Rental Housing) 2009	Not relevant
SEPP (Western Sydney Parklands) 2009	Not relevant
SEPP (Exempt and Complying Development Codes) 2008	The Planning Proposal does not contain provisions that will contradict or hinder the application of the SEPP.
SEPP (Western Sydney Employment Area) 2009	Not relevant
SEPP (Rural Lanes) 2008	Not relevant
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not relevant
SEPP (Infrastructure) 2007	There are no relevant considerations in this SEPP with respect to the Planning Proposal. Consideration of potential traffic impacts by the RMS may be required at a future Development Application stage.
SEPP (Miscellaneous Consent Provisions) 2007	Not relevant
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not relevant
SEPP (Sydney Region Growth Centres) 2006	Not relevant
SEPP (State Significant Precincts) 2005	Not relevant
SEPP (Building Sustainability Index: BASIX) 2004	Not relevant
SEPP (Housing for Seniors or People with a Disability) 2004	Not relevant
SEPP (Penrith Lakes Scheme) 1989	Not relevant
SEPP (Kurnell Peninsula) 1989	Not relevant

State Environmental Planning Policy	Comment
SEPP No. 1 Development Standards	Not relevant
SEPP No. 14 Coastal Wetlands	Not relevant
SEPP No. 19 Bushland in Urban Areas	Not relevant
SEPP No. 21 Caravan Parks	Not relevant
SEPP No. 26 Littoral Rainforests	Not relevant
SEPP No. 30 Intensive Agriculture	Not relevant
SEPP No. 33 Hazardous and Offensive Development	Not relevant
SEPP No. 36 Manufactured Home Estates	Not relevant
SEPP No. 44 Koala Habitat Protection	Not relevant
SEPP No. 47 Moore Park Showgrounds	Not relevant
SEPP No. 50 Canal Estate Development	Not relevant
SEPP No. 52 Farm Dams and Other Works in Land and Water Management Plan Areas	Not relevant
SEPP No. 55 Remediation of Land	<p>A Phase 1 contamination report will be prepared for the DA stage and any necessary remediation will be carried out in accordance with SEPP 55.</p> <p>It is also noted that the rezoning will reduce the number of permitted sensitive land uses such as residential and child care.</p>
SEPP No. 62 Sustainable Aquaculture	Not relevant
SEPP No. 64 Advertising and Signage	Not relevant
SEPP No. 65 Design Quality of Residential Apartment Development	Not relevant
SEPP No. 70 Affordable Housing (Revised Schemes)	Not relevant
SEPP No. 71 Coastal Protection	Not relevant

Table 8 – Consistency with Regional Environmental Plans

Regional Environmental Plan	Comment
Sydney REP No. 8 – Central Coast Plateau Areas	Not relevant
Sydney REP No. 9 – Extractive Industry	Not relevant
SREP No. 16 – Walsh Bay	Not relevant
SREP No. 20 – Hawkesbury-Nepean River	Not relevant
SREP No. 24 – Homebush Bay Area	Not relevant
SREP No. 26 – City West	Not relevant
SREP No. 30 – St Marys	Not relevant

Regional Environmental Plan	Comment
SREP No. 33 – Cooks Cove	Not relevant
Sydney (SREP) (Sydney Harbour Catchment) 2005	Not relevant
Greater Metropolitan REP No. 2 – Georges River Catchment	Not relevant
Willandra Lakes REP No. 1 – World Heritage Property	Not relevant
Murray REP No. 2 – Riverine Land	Not relevant

Q6. IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE MINISTERIAL DIRECTIONS (S.9.1 DIRECTIONS)?

The Planning Proposal's consistency with applicable section 9.1 Ministerial Directions is outlined in **Table 9**.

Table 9 – Section 9.1 Compliance Table

Ministerial Direction	Comment
1. Employment and Resources	
1.1 Business and Industrial Zones	<p>The proposal accords with the objectives of this direction as follows:</p> <ul style="list-style-type: none"> The proposal will permit employment growth on the site and in an area which is near residences, transport and other commercial uses along Parramatta Road. The proposal will support and contribute to the economic viability of the Burwood Strategic Centre and the greater Sydney region.
1.2 Rural Zones	Not applicable
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable
1.4 Oyster Aquaculture	Not applicable
1.5 Rural Lands	Not applicable
2. Environment and Heritage	
2.1 Environmental Protection Zones	Not applicable
2.2 Coastal Management	Not applicable
2.3 Heritage Conservation	Not applicable
2.4 Recreation Vehicle Areas	The site has no identified or known items of European or Aboriginal significance, as such the proposal does not require to include provisions
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
3. Housing, Infrastructure and Urban Development	

Ministerial Direction	Comment
3.1 Residential Zones	<p>The proposal is not entirely consistent with the objectives of this direction as it will rezone the land from residential to enable a commercial use. This inconsistency is considered to be minor having regard to the following:</p> <ul style="list-style-type: none"> • The site was formerly used for commercial uses associated with the adjoining Nissan Car Dealership. • The site will introduce a coherent zoning pattern that is in keeping with the adjacent B6 Enterprise Corridor zoning. • Residential uses in the form of 'shop top housing' is permitted in the B6 zone. • The site is significantly constrained and is not desirable to be redevelopment for its highest and best use in accordance with the existing R3 zoning given the surrounding context. • The surrounding area is planned for substantial housing growth.
3.2 Caravan Parks and Manufactured Home Estates	Not applicable
3.3 Home Occupations	Not applicable
3.4 Integrating Land Use and Transport	<p>The proposal accords with the objectives of this direction as follows:</p> <ul style="list-style-type: none"> • The site supports the principle of integrating employment generating land uses and transport. • The site exhibits good access to Burwood and Croydon Railway Stations as well as several bus services along Parramatta Road. • The proposal will provide additional employment within the Burwood LGA within close proximity to existing services and infrastructure. • Contributes to the strengthening of commercial uses along Parramatta Road, which will provide convenience for people and reduce small trip generation.
3.5 Development Near Regulated Airports and Defence Airfields	Not applicable
3.6 Shooting Ranges	Not applicable
3.7 Reduction in non-hosted short term rental accommodation period	Not applicable
4. Hazard and Risk	
4.1 Acid Sulphate Soils	<p>According to the Burwood LEP 2012, the site is located within a Class 5 Acid Sulfate Soils area. However, the Acid Sulphate Soil Rise Map published by the former Department of Land and Water Conservation indicates there is no known occurrence of acid sulfate soils onsite. Furthermore, the sites elevation and geology are not conducive to acid sulphate soils.</p>

Ministerial Direction	Comment
	This will be further explored and documented as part of the Development Application process.
4.2 Mine Subsidence and Unstable Land	Not applicable
4.3 Flood Prone Lane	Not applicable
4.4 Planning for Bushfire Protection	Not applicable
5. Regional Planning	
5.1 Implementation of Regional Strategies	Not applicable
5.2 Sydney Drinking Water Catchments	Not applicable
5.3 Farm Land of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.9 North West Rail Link Corridor Strategy	Not applicable
5.10 Implementation of Regional Plans	The Planning Proposal is consistent with this direction as discussed within Question 3, Table 3.
5.11 Development of Aboriginal Land Council land	Not applicable
6. Local Plan Making	
6.1 Approval and Referral Requirements	This is an administrative requirement for the PPA
6.2 Reserving Land for Public Purposes	Not applicable
6.3 Site Specific Provisions	Not applicable
7. Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	The Planning Proposal gives effect to the Greater Sydney Region Plan and the Eastern City District Plan. The Planning Proposal is consistent with the planning principles, directions and priorities for subregions, strategic centres and transport gateways contained in the Greater Sydney Region Plan. This is further discussed in Table 3.

Ministerial Direction	Comment
7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable
7.3 Parramatta Road Corridor Urban Transformation Strategy	<p>The site is not located within the Parramatta Road Urban Transformation Strategy corridor; however, the Strategy applies to land adjoining the site to the north and west. Notwithstanding, the planning proposal accords with the objectives of this direction as follows:</p> <ul style="list-style-type: none"> • Enables the development of commercial uses along the Parramatta Road Corridor and a higher density built form than currently exists on the site, that will complement the adjoining and surrounding land uses and built form. • Provides opportunities for jobs in an accessible location close to houses and transport. <p>Considering the subject site falls outside of the Strategy area, there is no requirement for this planning proposal to consider or be consistent with the staging and other identified thresholds for land use change identified in the <i>Parramatta Road Corridor Implementation Plan 2016 – 2023</i>.</p>
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
7.6 Implementation of Wilton Priority Growth Area Interim Land use and Infrastructure Implementation Plan	Not applicable
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	Not applicable
7.9 Implementation of Bayside West Precincts 2036 Plan	Not applicable
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable

6.5.3. Section C – Environmental, Social and Economic Impact

Q7. 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?

The site is fully developed and comprises little vegetation. There are no known critical habitats; threatened species or ecological communities located on the site and therefore the likelihood of any negative impacts are minimal.

Q8. ARE THERE ANY OTHER LIKELY ENVIRONMENTAL EFFECTS AS A RESULT OF THE PLANNING PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED?

There are not likely to be any environmental impacts associated with the future development of the land that cannot suitably be mitigated through detailed design. The following sections address the environmental impacts of the Planning Proposal.

Bulk, Scale and Massing of Indicative Design Concept

The Indicative Concept Design includes a three-storey boutique car showroom/commercial premises across the site, which achieves consistency with the built form controls for the Parramatta Road Enterprise Corridor under the Burwood DCP 2012.

The proposal is built to the northern and western site boundaries and close to the Cheltenham Road street frontage to contribute toward activation. The proposal includes the vehicular driveway along the southern side boundary with the building further setback. Above ground level the proposal uses the principle of the 45-degree height plane, an area specific built form DCP control that applies to commercial development adjoining a residential zone but proposes a greater relationship to the height plane to the southern boundary to ameliorate impacts to the adjoining residential uses. We note that Burwood Council enforces this DCP control during the development application stage strictly and requests further setbacks to assist in mitigating overshadowing impacts. This was requested by the Council during the assessment of the neighbouring Mercedes Benz DA (DA reference: DA:89/2017) and reflected in the Planning Proposal design development.

The proposed height and FSR controls are less than built form controls applying to the adjoining B6 zoned land. A height of 12.5m is proposed instead of 15m and an FSR of 1.5:1 instead of 1.75:1. These site specific controls were deliberately proposed to bring about a superior environmental outcome for the site and surrounding area in terms of overshadowing impact, and provide a suitable 'scaling down' transition from Parramatta Road to the R3 zone to the south.

Amenity impacts on surrounding properties

Potential built form impacts arising from the proposed change in urban form on the neighbouring R3 zone were considered. Such impacts included overshadowing, privacy and amenity impacts. It was concluded that such built form impacts are considered capable of being managed through the detailed design stage and assessed as part of the subsequent development application process.

Operational Impacts

The site was used as car storage associated with the adjoining former Nissan Dealership.

This Planning Proposal seeks to formalise the existing use of the site for commercial purposes. As the Indicative Concept Plans illustrate, the intention is to use this site as a boutique car showroom which will result in similar operational impacts to the existing situation. Alternatively the site could suit a future boutique commercial premises.

Any additional operational impacts will be further considered and appropriately mitigated through design measures at Development Application stage.

Overshadowing

In developing the preferred scheme for the site, consideration has been given to the shadow impacts resulting from the proposed built form. While further refinements will be made at the detailed design stage, the preliminary shadow analysis has shown that properties in the surrounding area will not receive an unreasonable amount of additional overshadowing.

As demonstrated by the Shadow Diagrams (refer to **Appendix C**), the Indicative Concept Design demonstrates that a building envelope (with height and FSR controls sought) would not unduly impact any surrounding dwelling or comprise its ability to achieve 2 hours of sunlight during the winter solstice. During

the winter solstice, the Indicative Concept Design allows the existing dwelling at 3-3A Cheltenham Road to achieve the following solar access provision:

- On balance around 5-hours to habitable windows of the rear extension between 10am-2pm;
- On balance above 2 -hours to habitable windows of the principle dwelling between 12pm and 2pm;
- 4 hours to the private open space fronting Cheltenham Road between 9am- 12pm; and
- Around 2-hours to at least 50% of the rear open space area between 11am and 1pm.

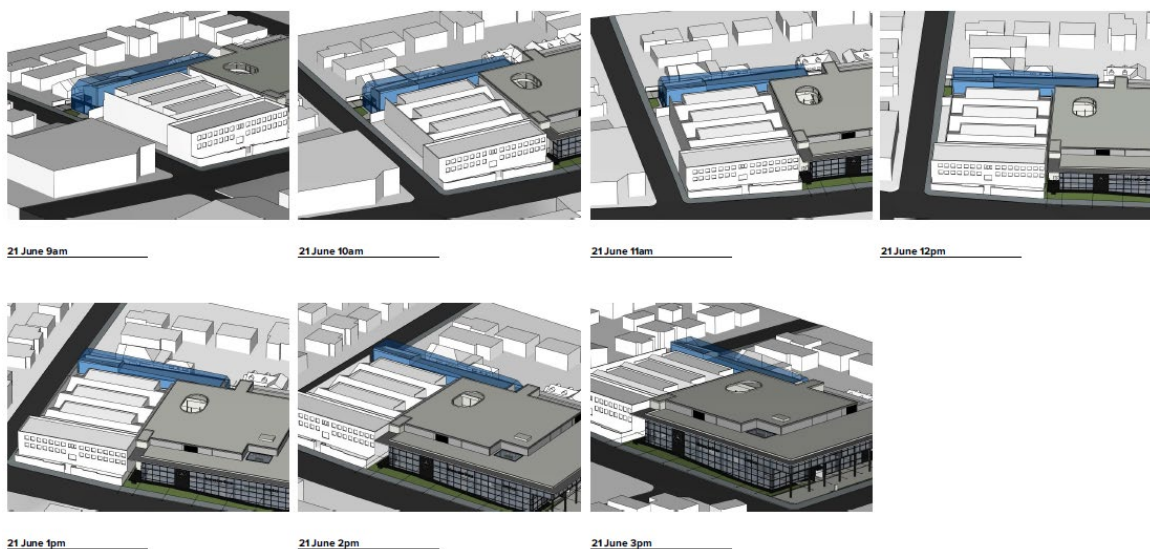
Taking guidance from the ADG (part 3B-2), in the absence of any solar access controls in the Burwood DCP 2012 for medium density residential development, the affected residence to the immediate south at 3-3A Cheltenham Road would still achieve the minimum required solar access to private open space and living areas under the proposed concept.

View from the Sun Diagrams have also been prepared for the March equinox period (March 21). The diagrams illustrate a demonstrably improved outcome. That is, at no point on March 21 does the Indicative Concept or maximum envelope impact the dwelling at 3-3A Cheltenham Road.

Turner Architects also prepared an indicative design of a townhouse development on-site that could be achieved under the current R3 zoning and development standards (refer to **Appendix C**). It is noted that the 45-degree height plane does not apply to residential developments, instead a far reduced side and rear setback of 2-3m applies under the Burwood DCP 2012. The analysis demonstrated that a permissible townhouse built form would in fact create considerably worse overshadowing impacts than that of the proposed commercial concept design to surrounding properties to the south. Council's Assessment Report notes that such overshadowing resulting from a compliant setback is "*normally accepted as part of medium density development on adjoining sites*".

The proposed commercial building envelope is therefore 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.

Figure 12 – Views from the Sun on June 21 (mid-winter)



Source: Turner

The potential redevelopment of the adjoining site at 3-3A Cheltenham Road for its 'highest and best use' under the current R3 zone was explored by Turner Architects, and was determined to be development for the purposes of 'multi-dwelling housing'. In accordance with the requirements for multi dwelling housing under the BDCP 2013, to achieve a two-storey development and comply with the street frontage requirements amalgamation with the adjoining site at 5 Cheltenham Road would be required.

Accordingly, an indicative 2-storey building envelope has been modelled and the shadow impact of the subject proposal on this potential redevelopment is illustrated in **Appendix C**. In summary, the drawings illustrate that the Indicative Concept Design is capable of allowing in excess of 2-hours of solar access provision on June 21 to the living rooms of these dwellings, satisfying Objective 4A-1 of the ADG.

In the event the private open spaces of these dwellings are located in the northern setback, they would be compromised. This is however entirely consistent with the existing situation (refer to existing Shadow Diagrams at **Appendix C**). The subject proposal therefore would not be reducing solar access provision to their private open space on June 21.

Traffic Impacts

A Traffic and Parking Assessment has been prepared by Parking & Traffic Consultants and is submitted at **Appendix D**. The assessment provides a summary of the impact of the potential rezoning on traffic and parking based on the anticipated uses of the site.

Traffic

The Assessment undertook a traffic generation assessment based on a range of permissible land uses within the B6 zone. Based on the proposed FSR of 1.5:1, the trip generation rates suggest that the proposed rezoning has the potential to generate up to 56 trips during the network PM peak if developed as a major hardware store (worst case scenario). However, it is acknowledged that this use is unlikely to eventuate due to the characteristics of the site. When considering the 'vehicular sales and hire premise' land use illustrated in the Indicative Concept Design, the trip generation rates are far less being up to 14 trips during the PM peak.

In order to assess the potential traffic impact associated with the proposed rezoning on the Parramatta Road/Walker Street/Cheltenham Road intersection, a modelling scenario has been developed. The results of the SIDRA modelling found that Parramatta Road/Walker Street/Cheltenham Road intersection as a result of the proposed rezoning will continue to operate at satisfactorily levels, with the average LoS remaining at 'B' which is considered 'good with acceptable delays' according to RMS guidelines. Therefore, the proposal will have minimal impact upon the overall operation of the intersection.

The Assessment acknowledges that the above conclusions are under the worst-case traffic generation scenario which are not anticipated to eventuate.

Access

The Indicative Concept Design includes a single vehicular driveway along the southern boundary.

The Assessment concludes that given the property has only 1 road frontage, and that this is not located on a classified road, nor is it anticipated to impact upon the operation of a classified road, access via Cheltenham Road is considered appropriate.

An assessment of the driveway, circulation and parking areas has been undertaken and was found to comply with the relevant Australian Standards. Swept path diagrams have also been prepared and are appended to the Traffic and Parking Report.

Parking

In accordance with the Traffic Assessment, an assessment of car parking provision has been undertaken based on a range of permissible land uses. The Assessment concludes that based on an FSR of 1.5:1, a car parking requirement of between 20-60 car parking spaces would be required.

The Indicative Concept Design is for a vehicular sale and hire premises. Applying the DCP car parking rates, this use would generate a requirement of 39 spaces. The indicative concept makes provision for 37 car parking.

The parking demands and provisions associated with a future development proposal will be assessed in detail as part of any future Development Application for the site.

The size of the site and scale of commercial activity proposed means it is anticipated that servicing will be primarily undertaken with light commercial vehicles (vans, utes, etc). It was found that the Indicative Concept Design is readily capable of accommodating these vehicles towards the eastern section of the car park.

Geotechnical

A Geotechnical Report has been prepared by Pells Sullivan Meynink (PSM) and is submitted at **Appendix E**. The report has been prepared in response to the Gateway condition requesting a geotechnical report be prepared demonstrating the capability of substantial excavation occurring on-site, as anticipated by the Indicative Concept Design.

The report concludes that excavation to a depth of up to approximately 4m is required to achieve the development proposed by the Indicative Concept Design. It identifies that based on the geotechnical investigation, excavation will include top soil/fill, residual and shale. It concludes that excavation should be achievable using conventional earth moving equipment.

Reference is made to the report for further recommendations in relation to the excavation methodology.

Q9. HAS THE PLANNING PROPOSAL ADEQUATELY ADDRESSED ANY SOCIAL AND ECONOMIC EFFECTS?

The site was previously used predominately for car storage associated with the adjoining Nissan Dealership fronting Parramatta Road. This use is considered to contribute little to the existing and future urban amenity of the streetscape and broader Parramatta Road Corridor. The proposed LEP control changes will facilitate the opportunity to reinvigorate the use of the site promote activation of the streetscape, strengthening the commercial enterprise corridor along Parramatta Road.

The proposal will also contribute toward job provision through the construction and operational phases.

The proposal will generate positive social and economic effects that will be beneficial to Burwood and the broader Sydney metropolitan region.

6.5.4. Section D – State and Commonwealth Interests

Q10. IS THERE ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PLANNING PROPOSAL?

The Planning Proposal does not significantly alter the infrastructure requirements that would be required when compared to the existing zoning of the site. The site is within walking distance several bus routes, and is in proximity to Croydon and Burwood train stations which are located 1.6km and 1.8km respectively from the subject site.

Upgrades to infrastructure arising from the development of the site would be considered and assessed during the development application process.

Q11. WHAT ARE THE VIEWS OF STATE AND COMMONWEALTH PUBLIC AUTHORITIES CONSULTED IN ACCORDANCE WITH THE GATEWAY DETERMINATION?

The Proponent has consulted with the Sydney Eastern City Planning Panel as part of the Rezoning Review, and the Department of Planning and Environment during the Gateway review. Consultation with Roads and Maritime Services and any other relevant State and Commonwealth authorities will be undertaken during the 28-day exhibition period.

6.6. PART 4: MAPPING

The Planning Proposal seeks to amend the following BLEP 2012 Maps:

- Land Zoning Map Sheet LZN_001.
- Height of Buildings Map Sheet HOB_001.
- Floor Space Ratio Map FSR_001.

The proposed changes are shown in **Figure 9**, **Figure 10**, and **Figure 11** of this report.

6.7. PART 5: COMMUNITY CONSULTATION

Schedule 1, Part 1, Division 1 of the *Environmental Planning and Assessment Act 1979* requires the Sydney Eastern City Planning Panel (appointed PPA) to consult with the community in accordance with the gateway determination. It is anticipated that the Planning Proposal will be required to be publicly exhibited for 28 days in accordance with the requirements of the Department of Planning and Infrastructure guidelines “*A Guide to Preparing Local Environmental Plans*.”

It is anticipated that the public exhibition would be notified by way of:

- A public notice in local newspaper(s).
- A notice on Burwood Council website.
- Written correspondence to adjoining and surrounding landowners.

In terms of consultation with Council, the proponent has had several meetings with Council staff prior to lodgement and during the assessment of this Planning Proposal.

6.8. PART 6: PROJECT TIMELINE

It is anticipated that the LEP amendment will be completed within 12 months. An indicative project timeframe is provided at **Table 10** below.

Table 10 – Indicative Project Timeline

Milestone	Date
Submission of revised Planning Proposal to Sydney Eastern City Planning Panel (in accordance with the Gateway conditions).	April 2019
DPE review the amended Planning Proposal against Gateway Conditions, and send to the Sydney Eastern Planning Panel (PPA)	April 2019
Commencement of public exhibition (28- days)	May 2019
Completion of public exhibition	June 2019
DPE review submissions and resolve any issues raised with Applicant	July 2019
DPE prepare a Submissions Report and send to PPA	August 2019
Planning Panel hold determination meeting	September 2019
DPE coordinate with legal team on drafting of legislative amendments	September - November 2019
Planning Proposal Gazetted	November 2019

7. CONCLUSION

The Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) and the relevant guidelines prepared by the NSW Department of Planning including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

The Planning Proposal provides a comprehensive justification of the proposed amendment to the *Burwood Local Environmental Plan 2012*, and is supported on the following grounds:

- The Planning Proposal was subject of a Rezoning Review and was found to have strategic and site-specific merit.
- The proposal is consistent with relevant objectives and actions contained in the Greater Sydney Region Plan – A Metropolis of Three Cities, the Eastern City District Plan and Burwood 2030 Community Strategic Plan. It is also consistent with applicable State Environmental Planning Policies and Section 9.1 Directions.
- The Planning Proposal seeks to formalise the prior use of the site for commercial uses rather than residential.
- The Planning Proposal is a logical use of the land considering its former use and the amenity constraints it faces with being developed for its highest and best use in accordance with the current R3 zoning.
- The proposed building height and FSR development standards are less than the controls applying to the adjoining B6 zoned land to ensure the existing stepping down built form transition to the residential area to the south is maintained, with the greater height and density concentrated along Parramatta Road.
- Analysis of the proposed built form impacts namely overshadowing demonstrates that the proposal does not result in any unreasonable environmental impacts. Further consideration will be given to mitigation measures as part of the detailed design process and submitted as part of a subsequent DA.
- Traffic analysis has demonstrated that the proposal will allow for a land use which has minimal impact on the adjoining properties and the surrounding road and intersection network.

Following an extensive analysis of the site and its surrounding context, and applicable State and local planning policies, we submit there is a clear public benefit of proceeding with this Planning Proposal. The Planning Proposal supports the State government's direction of increasing economic activity in proximity to major centres and providing employment in areas with access to good public transport.

We submit that this Planning Proposal has been updated in accordance with the Department of Planning and Environment's Gateway determination, and it should proceed to public exhibition.

DISCLAIMER

This report is dated May 2019 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd's (Urbis) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Star Auto Properties Pty Ltd (Instructing Party) for the purpose of Town Planning Report (Purpose) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A SURVEY PLAN

APPENDIX B CONCEPT PLANS

APPENDIX C SHADOW AND SUN EYE VIEW DIAGRAMS

APPENDIX D

TRAFFIC AND PARKING ASSESSMENT

APPENDIX E GEOTECHNICAL REPORT