

DATE OF DETERMINATION	Thursday, 12 March 2020
PANEL MEMBERS	Carl Scully (Chair), Jan Murrell, Roberta Ryan
APOLOGIES	None
DECLARATIONS OF INTEREST	Conflicts of interest were declared by the listed members below. These members declared they voted on or considered the matter previously in their roles at Council: John Faker George Mannah Lesley Furneaux-Cook Ernest Chan Raj Dixit Joseph DelDuca Heather Crichton

Public meeting held at Burwood Council, Suite 1, Level 2, 1-17 Elsie Street, Burwood on 12 March 2020, opened at 12.00 pm and closed at 1pm.

The local residents that addressed the Panel expressed concern about the rezoning of the site from residential to B6 because of traffic generation of future uses and vehicles servicing it from the local road with respect to the impacts on the residential area. Other concerns included: the potential flow-on effects to other similar sites in the neighbourhood; and the process for the public meeting as the local paper with the notification is not received by residents of the area.

PLANNING PROPOSAL

PLANNING PROPOSAL AUTHORITY - 2018ECI001 – Burwood - PP_2018_BURWO_002_00 at 1-1A Cheltenham Road, Croydon - (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

The panel considered: the material listed at item 4, and the material presented at meetings and matters observed at site inspections listed at item 5 in Schedule 1.

As the planning proposal authority, the Panel determined to recommend to the Minister that the proposed instrument, as described in Schedule 1, should be amended prior to being made. The Panel adjourned following the public meeting to deliberate.

The Panel resolved to recommend that the zoning of the site should remain R3 with an additional permissible use. This is to amend the Burwood LEP for the subject site to provide an additional permissible use in Schedule 1 to the Plan to read as “retail premises” with a maximum: FSR 1.5:1; height 12.5m; and service vehicle length of 6m.




The decision was Unanimous.

REASONS FOR THE DECISION

- This Panel notes that when the matter was first considered by the then Panel to proceed to gateway, at that time the Planning Proposal was found to have both strategic and site specific merit given its relationship with the large adjoining site to the rear and north on Parramatta Rd and “its suitability for inclusion to create a rectangular site suitable for an integrated redevelopment”.
- This Panel in considering whether or not to recommend the rezoning notes that construction has commenced on the adjoining site and this makes the amalgamation problematic at best and unachievable at worst. The Panel accordingly came to the view that this change in circumstances from the gateway review to this assessment of the final rezoning means the strategic merit of this site with an area of 1,287.7 sq m and 20.4m frontage is diminished. At the same time there is merit in considering the site to provide a stepping down and transition from the Enterprise Corridor of Parramatta Road to the residential neighbourhood and the R3 zone to the south.
- The panel notes that ‘commercial premises’ are prohibited in the ‘Enterprise Corridor’ B6 zone. However, ‘retail premises’ is one of the uses permissible in that zone that can appropriately be applied to this transitional site while maintaining the R3 zone. ‘Retail premises’, are described in the definitions to the LEP.
- On questioning at the public meeting it became apparent that if the site is developed independently, which now appears likely given the change in level with the site at the rear, the site constraints mean it could not be serviced by vehicles larger than 6m and many of the permissible uses in the B6 zone would not be suitable for the subject site. The traffic report accompanying the planning proposal stated that “given the size of the site, the scale of commercial activity will be restricted. It is anticipated that servicing will be primarily undertaken with light commercial vehicle (vans, utes, etc) based on a B99 model as per AS2890.1. The Panel notes Transport for NSW raised concerns for an appropriate assessment of service vehicle types accessing the site. The Panel has also considered the Department’s recommendation for the applicant to address the appropriate assessment of service vehicle types accessing the site prior to the making of an LEP, which could include a site specific DCP. In this regard the Panel is of the opinion that a limitation of a 6m vehicle be imposed to service any future retail use.
- With the redevelopment commenced on the adjoining north-western site that show plans that do not provide access to the subject site the Panel, therefore, is of the opinion the site should be considered in its immediate context of facilitating a development to transition between the Salvation Army Depot to the north on the corner to the R3 zone to the south. As such the objectives of the B6 zone are no longer relevant (in particular: “to promote businesses along main roads...”).
- The Panel considers the zoning of the site should remain R3 with the additional permissible use of ‘retail premises’ with consent, serviced by vehicles with a maximum length of 6m and an FSR of 1.5:1 and height of 12.5 m. The uses in the R3 zone would continue to be permissible and include boarding houses; neighbourhood shops; and shop top housing. Furthermore, the objectives of the R3 zone are generally relevant with the additional use

of 'retail premises'. Given the location and constraints of the site this would still provide a transition from the built form on the corner to the north while more appropriately recognizing the residential area to the south zoned R3.

- By allowing the additional use as described above the Panel considers matters relating to traffic can be managed for the future redevelopment of the site.

PANEL MEMBERS	
 Carl Scully (Chair)	 Roberta Ryan
 Jan Murrell	

SCHEDULE 1		
1	PANEL REF – LGA – PLANNING PROPOSAL NO. - ADDRESS	PLANNING PROPOSAL AUTHORITY - 2018ECI001 – Burwood - PP_2018_BURWO_002_00 at 1-1A Cheltenham Road, Croydon
2	LEP TO BE AMENDED	Burwood Local Environmental Plan 2012
3	PROPOSED INSTRUMENT	The planning proposal seeks to amend the Burwood Local Environment Plan 2012 by rezoning land and amending the maximum permissible floor space ratio and building height controls applying to 1-1A Cheltenham Road, Croydon.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Submissions report: 18 February 2020 • Written submissions during public exhibition: 5 • Verbal submissions at the public panel meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – Julie Crocker, Ellen McEwen, Helen Storey ○ On behalf of the applicant – Stephen White, Jessica Ford, Stephen Cox, Andrew Morse
5	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection – 12 March 2020 • Final briefing – 12 March 2020