

Planning proposal to increase height limits across the Local Government Area and include a portion of 16 Lyons Street, Strathfield, on the Land Reservation Acquisition Map

Proposal Title : Planning proposal to increase height limits across the Local Government Area and include a portion of 16 Lyons Street, Strathfield, on the Land Reservation Acquisition Map

Proposal Summary : Planning proposal seeks to increase height limits from 8.2 metres to 8.5 metres across the Local Government Area and include 16 Lyons Street, Strathfield, on the Land Reservation Acquisition Map.

The planning proposal is of low impact to the Burwood LGA.

PP Number : PP_2016_BURWO_002_00 **Dop File No :** 16/08315

Proposal Details

Date Planning Proposal Received : 27-Jun-2016 **LGA covered :** Burwood

Region : Metro(CBD) **RPA :** Burwood Council

State Electorate : STRATHFIELD **Section of the Act :** 55 - Planning Proposal

LEP Type : Policy

Location Details

Street : 16 Lyons Street

Suburb : Strathfield **City :** Strathfield **Postcode :** 2135

Land Parcel :

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :		Consistent with Strategy :	
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with :	Yes		
If No, comment :			
Have there been meetings or communications with registered lobbyists? :	No		
If Yes, comment :	The Department of Planning and Environment's Code of Practice in relation to communication and meetings with lobbyists has been complied with. The Sydney Region East office has not met any lobbyists in relation to this proposal, nor has the Director been advised of any meetings between other Departmental officers and lobbyists concerning this proposal.		

Supporting notes

Internal Supporting Notes :

Council has submitted a planning proposal seeking to acquire a 2.2 metre portion of 16 Lyons Street for local road widening and increase the maximum height of buildings control from 8.2 metres to 8.5 metres across the LGA. This will affect the following zones: R2 Low Density Residential zone; some portions of R1 General Residential zone and four parcels zoned B6 Enterprise Corridor (see Tab Map). Council is required to amend the planning proposal prior to public exhibition and include the current Land Zoning Maps, Height of Building Maps, Site Identification Maps and Land Reservation Acquisition Maps. Including this will ensure consistency between the proposed and current maps.

Increasing the height control from 8.2 metres to 8.5 metres in low density residential zones (see Tab Map) is likely to have a low impact in the local government area. The proposal aims to align the height of building controls with the 8.5 metres maximum height of a Secondary Dwelling identified in SEPP (Affordable Rental Housing) 2009 and SEPP (Exempt and Complying Development Codes) 2009. This amendment unlikely to have an adverse impact in the local government area because the height increase is minor.

In the mapping legend, Council is to remove reference to 'I1' and 'I2' and replace the reference with 'I'. I1 is no longer relevant as the minimum height of buildings in the local government area is now 8.5 metres.

The proposed land acquisition of 2.2 metres on 16 Lyons Street, Strathfield, facilitates the road widening of Bells Lane, which formed part of a Voluntary Planning Agreement (VPA) for 23-31 Morwick Street, Strathfield. This land will enable future widening at Bells Lane from a single to a dual carriageway.

Acquiring a 2.2 metre strip from 16 Lyons Street could have an adverse impact on the

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External Supporting Notes :

current landowners. The entire plot at 16 Lyons Street is approximately 9.6 metres. Acquiring the 2.2 metre strip from the property will take a significant portion of the site, require part of the building to be demolished and have an adverse economic impact on the landowners.

The Department contacted Council regarding the consultation to date with the land owners of 16 Lyons Street. In speaking with Council it is unclear if the current land owners have been notified of Council's intent to add a portion of their property to the land acquisition map.

Council will be required to directly consult with the owners as a part of the consultation process to give consideration to the impacts on the property if it is not purchased in full.

The planning proposal was submitted on 27 June 2016 to amend controls under the Burwood Local Environment Plan 2012.

Council supports this planning proposal because:

- Increasing the maximum control from 8.2 metres to 8.5 metres in low density residential zones (see Tab Map) will allow more flexibility for building design without significantly impacting surrounding properties; and
- Land acquisition will enable Council to widen Bells Lane from a single to a dual lane carriageway. Widening Bells Lane is necessary to accommodate the additional capacity from the proposed and approved developments adjoining the laneway.

Application of Height of Buildings and Land Reservation Acquisition controls can be found in Tab Map.

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : The planning proposal seeks to facilitate an increase in the maximum permissible height of building controls from 8.2 metres to 8.5 metres across the LGA to provide more flexibility in the design of buildings.

The planning proposal requests to include a 2.2 metres section of 16 Lyons Street, Strathfield, on the Land Reservation Acquisition Map to widen Bells Lane from a single to a dual carriageway.

The Department considers the statement of objective to be clear and adequate.

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

Is an explanation of provisions provided? **Yes**

Comment : The proposal seeks to amend the Burwood LEP 2012 to:
 - Increase HOB controls; and
 - Amend the LRS Map to include a 2.2 metre strip along the western boundary of 16 Lyons Street.

The planning proposal provides an adequate explanation of provisions for each amendment.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

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6.1 Approval and Referral Requirements

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified?

SEPP No 70—Affordable Housing (Revised Schemes)

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Infrastructure) 2007

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

The following strategic planning documents have been considered in respect of this planning proposal:

- A Plan for Growing Sydney;**
- Burwood Community Strategic Plan;**
- State Environment Planning Policies; and**
- Section 117 Directions.**

A PLAN FOR GROWING SYDNEY

This planning proposal is of low impact and is generally consistent with A Plan for Growing Sydney.

BURWOOD COMMUNITY STRATEGY

This planning proposal is of low impact and will not affect the implementation of Burwood Community Strategic Plan.

STATE ENVIRONMENTAL PLANNING POLICIES

SEPP (Infrastructure) 2007 was identified in the planning proposal but is not applicable

The planning proposal is consistent with all other SEPPs.

SECTION 117 DIRECTIONS

3.1 Residential Zones

The Direction aims to encourage a variety and choice of housing types, make efficient use of existing infrastructure and minimise the impact of residential development on the environment. The Direction apply to proposals affecting existing residential zone.

The proposal is consistent with this direction. The slight increase of 300 mm in the height of building control for low density residential zones provides flexibility in design for a variety of houses. The increase in height is minor and adequately justified by Council.

3.4 Integrating Land Use and Transport

This Direction aims to ensure access to transport infrastructure is improved in the city and an array of transport options are made available.

The planning proposal is consistent with this Direction. Upgrading Bells Lane to create a dual carriage way will improve the road network around new development sites. The widening will help link the sites with the town centre, especially the nearby bus interchange and railway station.

4.3 Flood Prone Land

This Direction aims to ensure developments and flood hazard and impacts are mitigated. The planning proposal is consistent with the Direction as further flood impacts and approvals will be reviewed at the development application stage.

6.1 Approval and Referral Requirements

The Direction aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development through appropriate referrals. The Land Reservation Acquisition requires Council to consult with Transport for NSW and RMS. While inconsistent with this Direction, it is appropriate that transport agencies are consulted. Therefore, inconsistencies are minor and justified.

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Council is to refer the planning proposal to the following organisations for consultation and comment in regards to the widening of Bells Lane:

- RMS
- Transport for NSW

The proposal is consistent with all other Section 117 Directions.

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

If No, explain : The planning proposal is consistent with the relevant s.117 directions, strategic plans or SEPPs.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The planning proposal includes maps showing the proposed:
- Site Identification Map;
- Height of Buildings Map; and
- Land Reservation Map.

Council needs to provide the current Site Identification Map, Height of Buildings Map, Land Reservation Map and Land Zoning Map. Including this will ensure consistency between the proposed and current maps.

In the mapping legend, Council is to remove reference to 'I1' and 'I2' and replace the reference with 'I'. I1 is no longer relevant as the minimum height of buildings in the local government area is now 8.5 metres.

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment : The proposal has not suggested a community consultation period. An exhibition period of 28 days is supported.

Adding a portion of 16 Lyons Street to the Land Acquisition Map could adversely impact the property owners. In speaking with Council it is unclear if the current land owners have been notified of Council's intent to add a portion of their property to the land acquisition map. Council will be required to directly consult with the owners as a part of the consultation process.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons : There are no additional Secretary's Requirements (formerly Director General's Requirements).

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : The proposal is considered adequate.

Proposal Assessment

Principal LEP:

Due Date : **November 2012**

Comments in relation to Principal LEP : The principal Burwood Local Environmental Plan 2012 was notified on 9 November 2012.

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Assessment Criteria

Need for planning proposal :

The planning proposal is a result of a strategic study and report.

Council's Strategic Planning Team's study of the height of buildings in low density precincts (see Tab Map). The proposed 300 mm height increase will align the Burwood LEP 2012 controls with the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and State Environmental Planning Policy (Affordable Housing) 2009, which stipulates the maximum height of a dwelling house is 8.5 metres above existing ground level.

Council also reviewed a report which indicated the need to widen Bells Lane from a single to a dual lane carriageway in order to better manage the increased traffic from the proposed developments adjoining the site.

A planning proposal is the appropriate mechanism to amend the Burwood LEP 2012 and incorporate proposed changes.

Consistency with strategic planning framework :

The planning proposal demonstrates consistency with relevant strategic planning frameworks.

The planning proposal is of low impact and generally consistent with A Plan for Growing Sydney.

As the proposed changes are minor in nature, the planning proposal will not hinder the application of strategic plans relevant to the area.

Environmental social economic impacts :

ENVIRONMENTAL:

There are no known critical habitats or threatened species, populations or ecological communities, or their habitats affected by the planning proposal.

The planning proposal is unlikely to have any adverse environmental effects. The proposed widening of Bells Lane will have a positive impact on the function of the local road network and local amenity.

SOCIAL AND ECONOMIC:

The proposal will not have any significant adverse social or economic impacts. Upgrading infrastructure and heights of buildings will likely result in economic and social benefits to the community.

Using the 2.2 metre strip of 16 Lyons Street for road widening will require demolition of part of the building. As the lot is approximately 9.6 metres wide, Council would be acquiring a quarter of the site. The acquisition has the potential to significantly decrease the future development opportunities consistent with the zoning. Reserving part of 16 Lyons Street for land acquisition could have an adverse economic impact on the current land owners.

Council will be required to directly consult with the owners as a part of the consultation process. The issues raised by landowners need to be adequately addressed.

To mitigate the economic impacts to land owners Council is required to adhere to Land Acquisition (Just Terms Compensation) Act 1991 which provides for compensation above market value for the portion of the property being acquired. Council notes they will consider acquiring the entire plot of land at such time Council seeks to widen Bells Lane in order to mitigate the economic impact on the land owners.

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Assessment Process

Proposal type : **Consistent** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Transport for NSW
Transport for NSW
Transport for NSW - Roads and Maritime Services**

Is Public Hearing by the PAC required? **No**

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

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :
No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Revised Planning Proposal - Burwood LEP 2012 pdf.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones
3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.3 Flood Prone Land
6.1 Approval and Referral Requirements
7.1 Implementation of A Plan for Growing Sydney**

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

- 1. Prior to public exhibition, the planning proposal is to be updated to:**
 - a. include a plain English explanation of the intended effect of the proposed provision;**
 - b. include a copy of the current Land Zoning Maps, Height of Building Maps, Site Identification Maps and Land Reservation Acquisition Maps;**
 - c. remove the reference to I1 and I2 from map legend and replace with I.**

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2. Council is to consult directly with the landowner of 16 Lyons Street, Strathfield regarding the Land Reservation Acquisition proposal, as part of the public exhibition of this proposal.

3. The planning proposal is to be publicly exhibited for 28 days.

4. Consultation is required with the following public authorities:

- Roads and Maritime Services
- Transport for NSW

5. A public hearing is not required to be held.

6. The timeframe for completing the LEP is to be 9 months.

Supporting Reasons :

The planning proposal seeks to amended restrictive height controls in low density residential areas and acquire land to expand an existing laneway. The changes will assist the effective delivery of Burwood LEP 2012 and ensure Bells Lane has the capacity to handle additional traffic from developments on the adjoining sites.

The planning proposal is SUPPORTED.

The proposal is recommended for approval if the gateway conditions are met by council.

The planning proposal is considered appropriate for delegation to Council.

Signature:



Printed Name:

KAREN ARMSTRONG

Date:

11/7/16