



Burwood Council

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Planning Proposal

Increase height limits from 8.2 metres to 8.5 metres and the inclusion of 16 Lyons Street Strathfield on the Land Reservation Acquisition Map

June 2016

A Planning Proposal is the first step in proposing amendments to Council's principle environmental planning instrument, known as the Burwood Local Environmental Plan (BLEP) 2012. A Planning Proposal explains the intended effect of the proposed amendment and also sets out the justification for making the change. The Planning Proposal is submitted to the NSW Department of Planning and Environment (DP&E) for its consideration, referred to as the Gateway Determination, and is also made available to the public as part of the community consultation process.

Part 1 – Objectives or Intended Outcomes

The Planning Proposal (PP) seeks to facilitate an increase in the maximum permissible height of buildings from 8.2 metres to 8.5 metres.

The PP also proposes to include a section of 16 Lyons Street Strathfield on the Land Reservation Acquisition Map of the BLEP 2012 for local road widening.

The PP addresses matters which were the subject of Council Resolutions.

Part 2 – Explanation of the Provisions

The objective or intended outcome of the PP would be achieved through amending the Height of Buildings (HOB) Map and the Land Reservation Acquisition (LRA) Map of the BLEP 2012.

Height of Buildings

The HOB Map of the BLEP 2012 would be amended by replacing all areas that currently provide a building height of 8.2 metres to a building height of 8.5 metres instead.

16 Lyons Street Strathfield

The LRA Map would be amended to reserve a portion of the property at 16 Lyons Street for acquisition for local road widening.

Part 3 – Justification

Section A – Need for the Planning Proposal

1. *Is the planning proposal part of any strategic study or report?*

Yes.

Height of Buildings

A Mayoral Minute was tabled on 28 September 2015 where Council discussed the difficulty being faced by residents who want to erect a first floor addition, as well as circumstances where floor levels have to be raised to comply with flooding requirements.

Council resolved as follows:

1. (a) *That Council endorses the maximum height of 8.5 metres in all Low Density Residential zones and the preparation of a Planning Proposal. Thus the maximum height of any building can be 8.5 metres.*

(b) *.....*
2. *That Council submit the Planning Proposal to NSW Planning & Environment for a Gateway Determination.*
3. *That subject to the Gateway Determination, the Planning Proposal be publicly exhibited and consultation with any relevant public authority be undertaken.*
4. *That the results of the public exhibition and consultation be reported back to Council.*

While the Council resolution refers to the R2 Low Density Residential zone, an investigation by Council's Strategic Planning Team identified that there were small precincts across the Burwood area that have an 8.5 metre building height, but fall within a zone other than the R2 zone. Refer Figure 1. The subject areas are predominately in the R1 General Residential zone (where Residential Flat Buildings are permitted). A further four parcels are zoned B6 Enterprise Corridor (providing a transition from Parramatta Road properties to adjoining residential areas), and two small precincts are in the RE2 Private Recreation zone (where the range of permissible uses is limited).

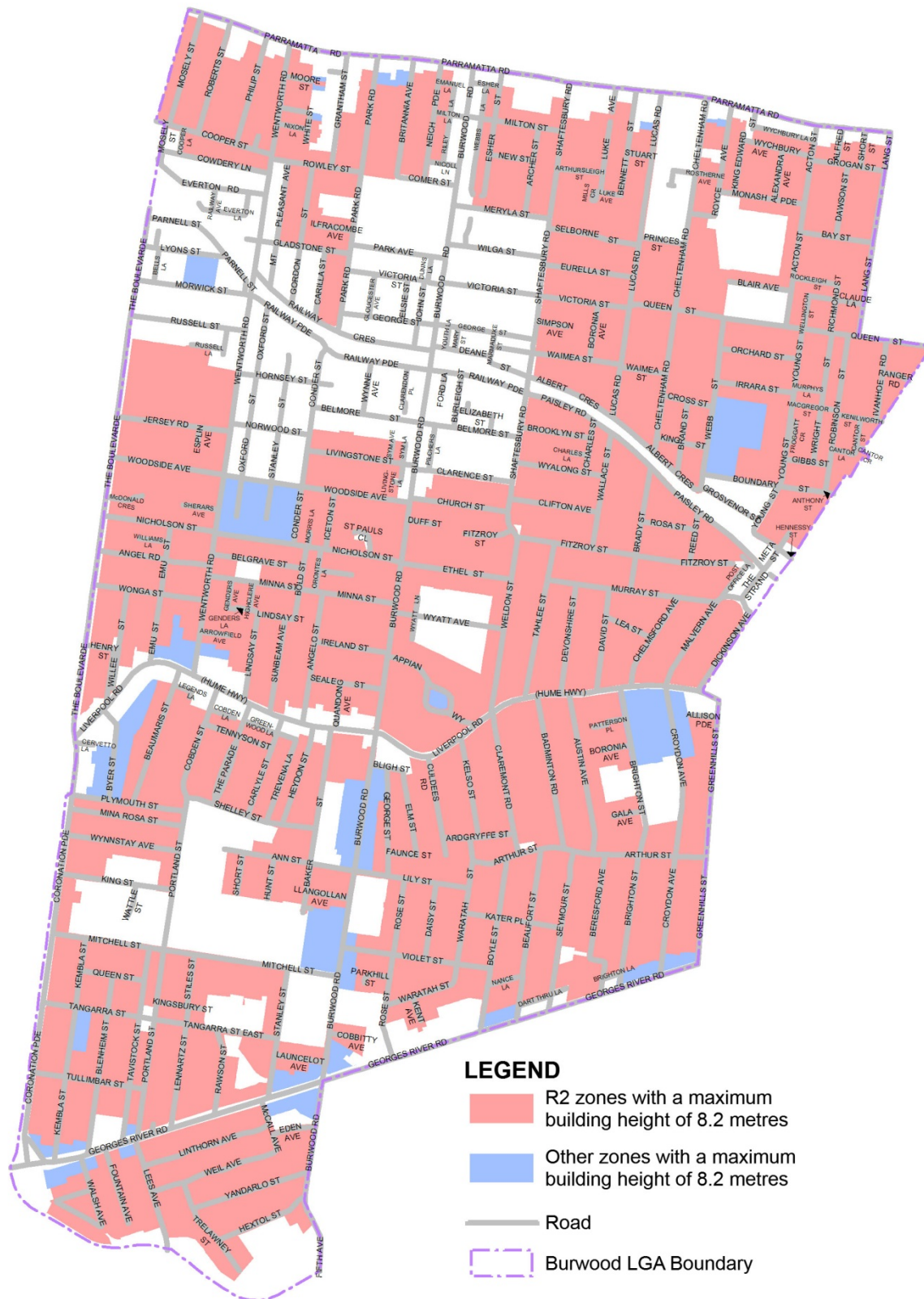


Figure 1: Map showing land where the current maximum height of buildings is 8.2 metres.

It was considered prudent to increase the height of all 8.2 metre areas in order to avoid having a small number of anomalous precincts with more restrictive building heights. Indeed, it would not make sense to apply a lower building height to a Residential Flat Building, than the height being applied to a Dwelling House in an adjacent zone. The proposed increase of 300mm is considered a minor increase in the permissible height of buildings, and the amendment would provide more flexibility in the design of buildings.

The PP also seeks to align with the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 which stipulates that the maximum height of a Dwelling House is 8.5 metres above existing ground level. The PP seeks to address the current situation in Residential zones where a Dwelling House approved under Complying Development provisions would be permitted to be 8.5 metres in height, while a Dwelling House approved under Council's controls would only be permitted to be 8.2 metres in height.

16 Lyons Street Strathfield

Council at its meeting on 27 July 2015 resolved:

1. *That Council investigate the adding of 16 Lyons Street, Strathfield on Council's compulsory acquisition map – to further widen the lane and rename it as a street.*

At this same meeting, Council considered a report regarding entering into a Voluntary Planning Agreement (VPA) for a development at 23–31 Morwick Street Strathfield. The VPA (which was executed in January 2016) provides for the developer to dedicate land to Council for the purposes of widening Bells Lane from a single lane to a dual lane carriageway, but only for the length of Bells Lane that runs alongside the development site. The VPA also procures a series of works associated with the road upgrade, including the undergrounding of power lines, and installation of a parking metre and CCTV camera. The VPA is associated with approval of a 12 storey residential development on the corner of Morwick Street and Bells Lane.

The development at 23–31 Morwick Street is located immediately south of 16 Lyons Street. Both properties have a frontage to Bells Lane. A portion of 16 Lyons Street is required to complete the widening of Bells Lane. Refer Figure 2.

In January 2016, a Development Application was lodged for a mixed development at 8-14 Lyons Street, adjoining 6 Lyons Street. The property at 6 Lyons Street is likely to be isolated, with limited future development potential. Although only a 2.2 metre wide strip of land is required for road widening purposes, Council may seek to purchase the entirety of 16 Lyons Street in order to widen the remainder of Bells Lane. Refer Figure 3.

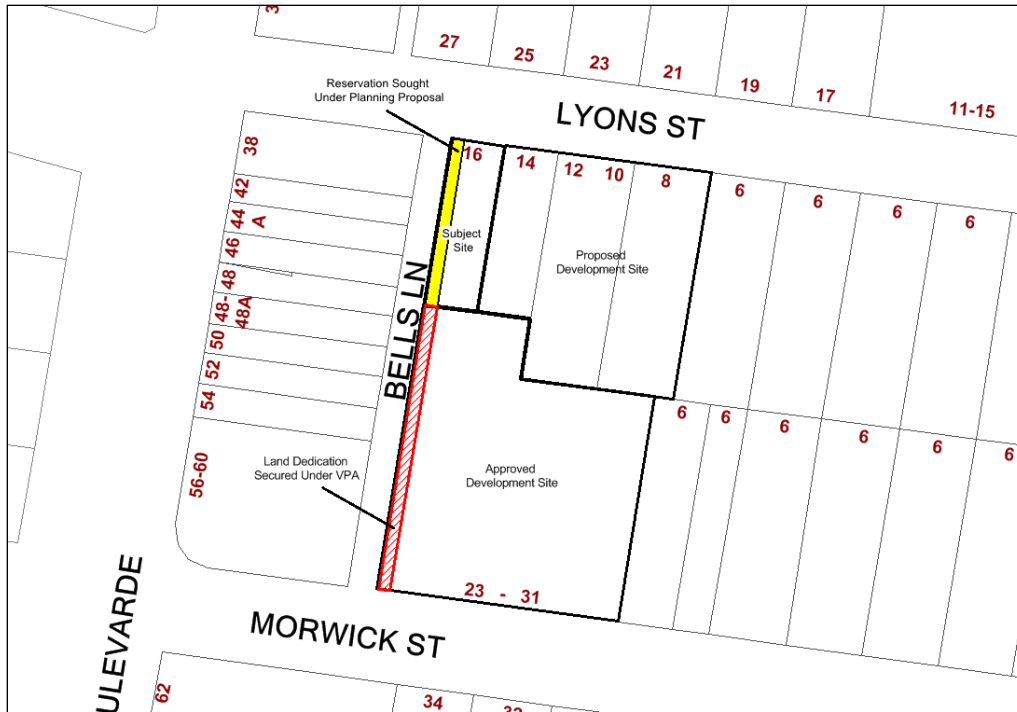


Figure 2: Relationship of 16 Lyons Street to adjoining development. The 2.2 metre strip required for widening of Bells Lane is shown.



Figure 3: A 3D Model Image of the development proposed for 8-14 Lyons Street (view looking south-east). Bells Lane and the premises at 16 Lyons Street (brown roof) are shown bottom-right. The development at 23-31 Morwick Street is shown top-right.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Height of Buildings

Amending the HOB Map is the best means of implementing a moderate increase to the permissible height of buildings. Although Clause 4.6 could be used to apply flexibility in the assessment of Development Applications, an increased building height applied “across the board” would provide certainty and consistency without the need for applicants to lodge requests to vary development standards.

16 Lyons Street Strathfield

Amending the LRA Map is the best means of identifying land for acquisition and the subsequent road widening. Identification on a LEP map would ensure there is a legislative purpose and process for acquisition. It would also ensure that the affectation is identified on a Section 149 Planning Certificate, thereby ensuring owners and prospective purchasers are informed of the land reservation.

Section B – Relationship to Strategic Planning Framework

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional and sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

Yes. The PP is consistent with the NSW State Government’s *A Plan for Growing Sydney*, the applicable metropolitan strategy.

Direction 1.11 of the strategy seeks to *deliver infrastructure*. While the Strategy does not specifically mention road widening, the proposed amendment would facilitate a better road network by converting an existing lane into a dual carriage link road.

Direction 2.1 *Accelerate housing supply across Sydney* encourages councils to put in place flexible planning controls which facilitate housing in locations that are feasible for development. The proposed increase in the height of buildings to 8.5 metres would allow greater flexibility in the design of housing.

Direction 3.1 *Revitalise existing suburbs* recognises that opportunities for revitalisation should be encouraged in existing areas. The proposed increase in the height of buildings may support homeowners to build first floor additions, rebuild, or otherwise capitalise on their homes, thereby encouraging renewal of existing suburbs.

Direction 4.2 relates to building *resilience to natural hazards*. The proposed increase in building height stems from the requirement for higher floor levels in the case of flood affected properties. The amendment would help new buildings to be built to withstand floods.

The Inner West Draft Subregional Strategy identifies the dwelling and job targets set out for Burwood. The PP is consistent with the priorities of the subregion as it supports higher buildings (albeit, a moderate increase), proposes less restrictive height controls, and facilitates road widening to establish a link road in the Strathfield Town Centre. The PP would not jeopardise the subregion meeting its housing or job targets by 2031.

4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Yes. The Burwood 2030 Community Strategic Plan generally identifies the following goals:

- A Sense of Community
- Leadership through Innovation
- A Sustainable Natural Environment
- Accessible Services and Facilities
- A Vibrant Economic Community

Strategic Goal 4.1.2 of the Community Strategic Plan is to '*investigate options for effective traffic management and increased public parking*'. This goal would be facilitated by the PP through reserving a portion of 16 Lyons Street for acquisition and future widening of Bells Lane to help manage traffic in the local area. The Community Strategic Plan states that:

Transport plays a major role in keeping our community physically connected to work, recreational spaces and services. Being able to move around easily plays a key role in the livability and sustainability of our area. Our community should be able to travel safely, comfortably, economically and efficiently within, leaving and entering Burwood.

The Community Strategic Plan also recognises the '*need to find a balance between increasing housing density*' with lifestyles and amenity. The community expressed a wish for '*the facilities in older housing to be upgraded*' particularly as these relate to accessibility, and generations of one family sharing the same Dwelling House. The PP may assist the upgrading of existing housing by allowing greater flexibility in building height.

Council does not have any other current local planning strategy in place.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. There are no State Environmental Planning Policies (SEPPs) which would be contravened by the amendments proposed in the PP.

All SEPPs applicable to the Burwood local government area are set out in the table below, together with a comment regarding the PPs consistency:

SEPP	Comment
SEPP No. 1 – Development Standards	Not relevant. BLEP 2012 contains a clause which replaces this SEPP in relation to variations to development standards.
SEPP No. 19 – Bushland in Urban Areas	Not relevant
SEPP No. 21 – Caravan Parks	Not relevant
SEPP No. 30 – Intensive Agriculture	Not relevant
SEPP No. 32 – Urban Consolidation (Redevelopment of Urban Land)	Not relevant. SEPP being repealed 5 August 2016.
SEPP No. 33 – Hazardous and Offensive Development	Not relevant
SEPP No. 50 – Canal Estate	Not relevant

Development	
SEPP No. 55 – Remediation of Land	Not relevant. Previous uses at 16 Lyons Street Strathfield (being dwelling house and restaurant) do not trigger site remediation requirements.
SEPP No. 64 – Advertising and Signage	Not relevant
SEPP No. 65 – Design Quality of Residential Apartment Development	Not relevant. Applicable to development of three storeys or more, so not expected to apply to any land where the height limit is 8.5 metres (two storeys).
SEPP No. 70 – Affordable Housing (Revised Schemes)	Not relevant
SEPP (Building Sustainability Index: BASIX) 2004	Not relevant
SEPP (Housing for Seniors or People with a Disability) 2004	Not relevant
SEPP (Major Developments) 2005	Not relevant
SEPP (Infrastructure) 2007	While not specifically relevant, future infrastructure works associated with the road widening may not require development consent in accordance with this SEPP.
SEPP (Miscellaneous Consent Provisions) 2007	Not relevant
SEPP (Mining, Petroleum and Extractive Industries) 2007	Not relevant
SEPP (Repeal of Concurrence and Referral Provisions) 2008	Not relevant
SEPP (Exempt and Complying Development Codes) 2008	The PP seeks to align with the SEPP which provides that the maximum height of a Dwelling House (or alterations and additions to same) is 8.5 metres above existing ground level.
SEPP (Affordable Rental Housing) 2009	The PP seeks to align with the SEPP which provides that the maximum height of a Granny Flat (Secondary Dwelling) is 8.5 metres above existing ground level.

6. *Is the planning proposal consistent with applicable Ministerial Directions (s. 117 directions)?*

Yes. Consistency with the list of Directions (under section 117(2) of the Environmental Planning and Assessment Act 1979 issued by the Minister for Planning) is assessed below.

Direction	Issue Date / Date Effective	Comment
1. Employment and Resources	1 July 2009	
1.1 Business and Industrial Zones	The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres.	Consistent. 16 Lyons Street is located in a Business zone and forms part of the Strathfield Town Centre. The PP would facilitate the road widening and upgrading of Bells Lane to create a dual carriage link road. Improving the road network supports the viability of the Strathfield Town Centre. As described earlier in this PP, the subject site is likely to be isolated by adjacent development and

		development potential is limited. The PP therefore does not adversely impact upon employment land to generate jobs growth. The proposal to increase height of buildings would apply to four small parcels of B6 zone land (ie. PP mostly affects residential zones). The PP is consistent with the objectives of the direction, as the increase in height from 8.2 metres to 8.5 metres would be less restrictive and support the viability of employment lands.
1.2 Rural Zones		Not relevant
1.3 Mining, Petroleum Production and Extractive Industries		Not relevant
1.4 Oyster Aquaculture		Not relevant
1.5 Rural Lands		Not relevant
2. Environment and Heritage	1 July 2009	
2.1 Environment Protection Zones		Not relevant
2.2 Coastal Protection		Not relevant
2.3 Heritage Conservation		Not relevant
2.4 Recreation Vehicle Areas		Not relevant
3. Housing, Infrastructure and Urban Development	1 July 2009 (Except for new Direction 3.6 – effective 16 February 2011)	
3.1 Residential Zones	The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands.	Consistent. The proposal to increase height of buildings would apply to residential zones, namely R1 and R2 zones (but also some B6 and RE2 zones). The PP is consistent with the objectives of the direction, as the increase in height from 8.2 metres to 8.5 metres would allow for flexibility in design, and support variety in housing forms. The moderate increase of 300mm would not be expected to have an impact on the environment or resource lands.
3.2 Caravan Parks and Manufactured Home Estates		Not relevant
3.3 Home Occupations		Not relevant

3.4 Integrating Land Use and Transport	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight	Consistent. The PP would facilitate the road widening and upgrading of Bells Lane to create a dual carriage link road. Improving the road network supports the viability of the Strathfield Town Centre and surrounding land uses, especially given the Strathfield Rail Station and bus interchange are approx. 170 metres away. The PP proposal to increase the height of buildings would have no implications for transport integration.
3.5 Development Near Licensed Aerodromes		Not relevant
3.6 Shooting Ranges		Not relevant
4. Hazard and Risk	1 July 2009	
4.1 Acid Sulfate Soils		Not relevant
4.2 Mine Subsidence and Unstable Land		Not relevant
4.3 Flood Prone Land	The objectives of this direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i>, and (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land	Consistent. The proposed increase in building height would help to ensure that higher floor levels can be provided in case of flood affected properties. This would help mitigate flood impacts on both the subject properties and adjoining land. 16 Lyons Street has been identified as a probable flood affected property in a draft study. The proposal for future road widening would ensure upgrading of Bells Lane and may assist with the provision of adequate drainage during significant rain events.
4.4 Planning for Bushfire		Not relevant

Protection		
5. Regional Planning	1 July 2009 (Except for new Direction 5.4 effective 29 Nov 2009 & Direction 5.2 effective 3 Mar 2011 & Direction 5.9 effective 30 Sep 2013)	
5.1 Implementation of Regional Strategies		Not relevant
5.2 Sydney Drinking Water Catchments		Not relevant
5.3 Farmland of State and Regional Significance on the NSW Far North Coast		Not relevant
5.4 Commercial and Retail Development along the Pacific Highway, North Coast		Not relevant
5.5 (Revoked 18 June 2010)		Not relevant
5.6 (Revoked 10 July 2008)		Not relevant
5.7 (Revoked 10 July 2008)		Not relevant
5.8 Second Sydney Airport: Badgerys Creek		Not relevant
5.9 North west Rail Link Corridor Strategy		Not relevant
6. Local Plan Making	1 July 2009	
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Consistent. The NSW Road & Maritime Service (RMS) would be consulted in relation to reserving part of 16 Lyons Street for the widening of Bells Lane. However, it should be noted that Bells Lane is a local road and the acquisition would be the responsibility of Council.
6.2 Reserving Land for Public Purposes		Not relevant
6.3 Site Specific Provisions		Not relevant
7. Metropolitan Planning	1 February 2010	
7.1 Implementation of a Plan for Growing Sydney	The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.	Consistent. The PP is not inconsistent with the overall intent of the Plan, and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions. Section B, 3 of this PP describes its consistency with A Plan for Growing Sydney.

Section C – Environmental, Social and Economic Impact

7. *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?*

No. There is no known critical habitat or threatened species, populations or ecological communities, or their habitats affected by the Planning Proposal.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No. There are no anticipated environmental effects as a result of the Planning Proposal. The proposed 300mm increase to the height of buildings would be expected to have minimal environmental impact. The widening and upgrading of Bells Lane is expected to have a positive impact on the appearance and function of the built environment.

9. *How has the planning proposal adequately addressed any social and economic effects?*

The PP is not expected to have any significant adverse social or economic effects. There would be social and economic benefits for the community through the provision of upgraded infrastructure, and greater flexibility in the height of buildings.

The reservation for road widening may have economic implications for the property owner of 16 Lyons Street, particularly relating to potential land value, sale prospects and development potential. However, the development potential of the existing site is already constrained by its size, limited space from parking, likely isolation by surrounding development, and potential flood affectation. The premises currently operate as a restaurant and could be expected to continue operating in this manner with the land reservation in place. At such time as the owner wishes to sell or Council seeks to acquire the land, Council may determine with the owner whether the acquisition should relate to the entirety of the property or the portion reserved.

Section D – State and Commonwealth Interests

10. *Is there adequate public infrastructure for the planning proposal?*

The PP would facilitate the upgrading of Bells Lane through land acquisition. Public infrastructure is set to be improved in this regard.

The proposed 300mm increase to building height would not be expected to create any additional demand for public infrastructure, particularly as current density controls would remain in place.

The existing public infrastructure is considered adequate to accommodate the amendments proposed under this PP.

11. *What are the views of State and Commonwealth authorities consulted in accordance with the gateway determination?*

No State or Commonwealth public authorities have been consulted in the preparation of the PP document. It is expected that RMS would be consulted to ascertain its views in respect to the Bells Lane widening after the Gateway Determination.

The Gateway Determination will confirm any consultation required with State and Commonwealth authorities.

Part 4 – Mapping

Height of Buildings

The HOB Map of the BLEP 2012 would be amended by replacing all areas that currently provide a building height of 8.2 metres to a building height of 8.5 metres instead.

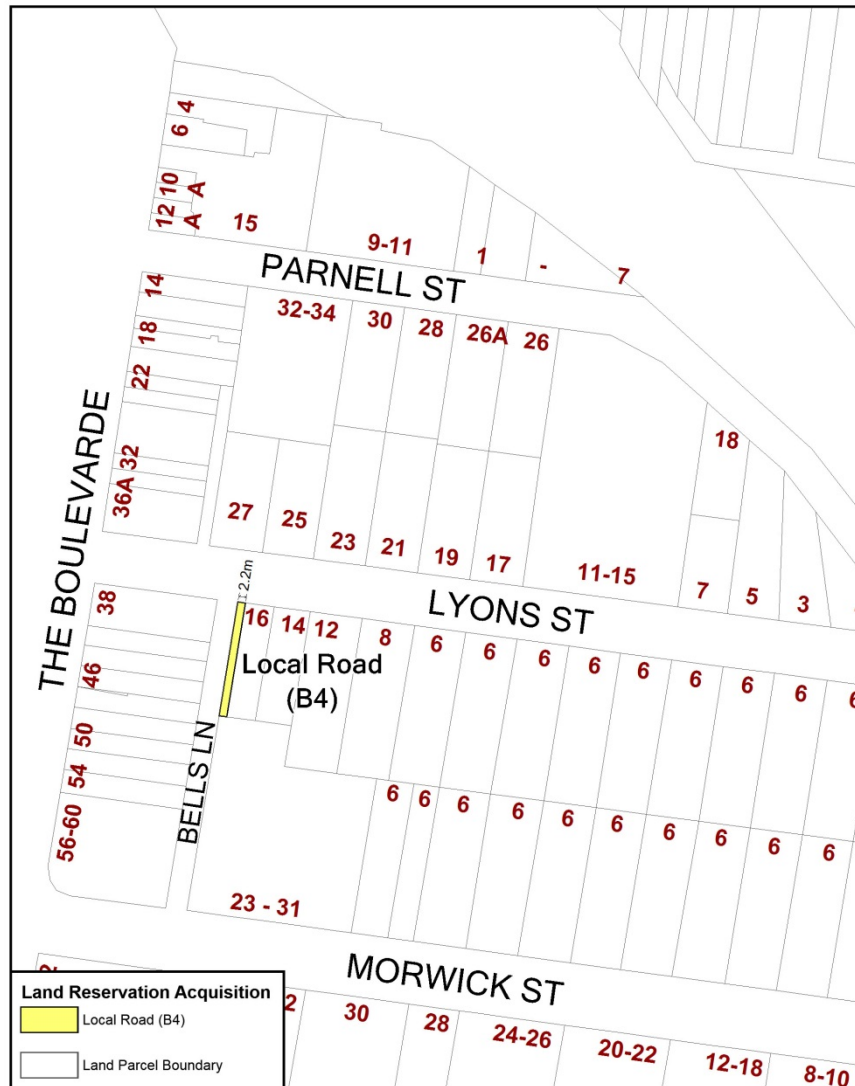
The Proposed Amendment to the HOB Map (in two parts) is included at Appendix One.

16 Lyons Street Strathfield

The LRA Map would be amended to reserve a portion of the property at 16 Lyons Street for acquisition for local road widening.

The Proposed Amendment to the LRA Map is included at Appendix One.

An enlarged section of the proposed change (with dimension) is indicated below:



Part 5 – Community Consultation

The Gateway Determination will confirm and specify the community consultation that must be undertaken on the Planning Proposal.

Part 6 – Project Timeline

Anticipated date of Gateway Determination	July 2016
Anticipated timeframe for the completion of required technical information	End of August 2016
Timeframe for government agency consultation	September 2016
Commencement and completion dates for the public exhibition period	September 2016
Dates for public hearing	Not applicable
Timeframe for consideration of submissions	October 2016
Timeframe for the consideration of a proposal post exhibition	November 2016
Anticipated date RPA will make the plan (if delegated)	November 2016
Anticipated date RPA will forward to the department for notification (if delegated)	Ahead of Christmas Holidays 2016

Appendix One

Maps of the Proposed Amendment

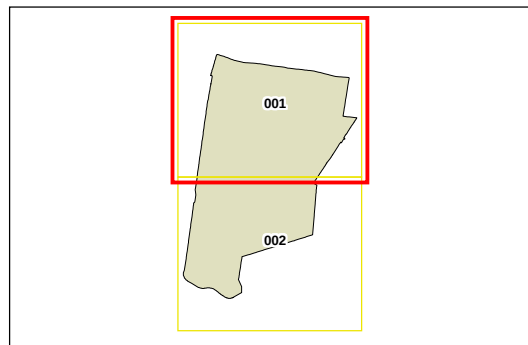


**Proposed Amendment
to the Burwood Local
Environmental Plan 2012**

**Site Identification Map
- Sheet SIM_001**

-  Subject Land
-  Cadastre 14/06/2016 © Burwood Council

Note: This proposal does not reflect changes
proposed by LEP amendment No. 9.

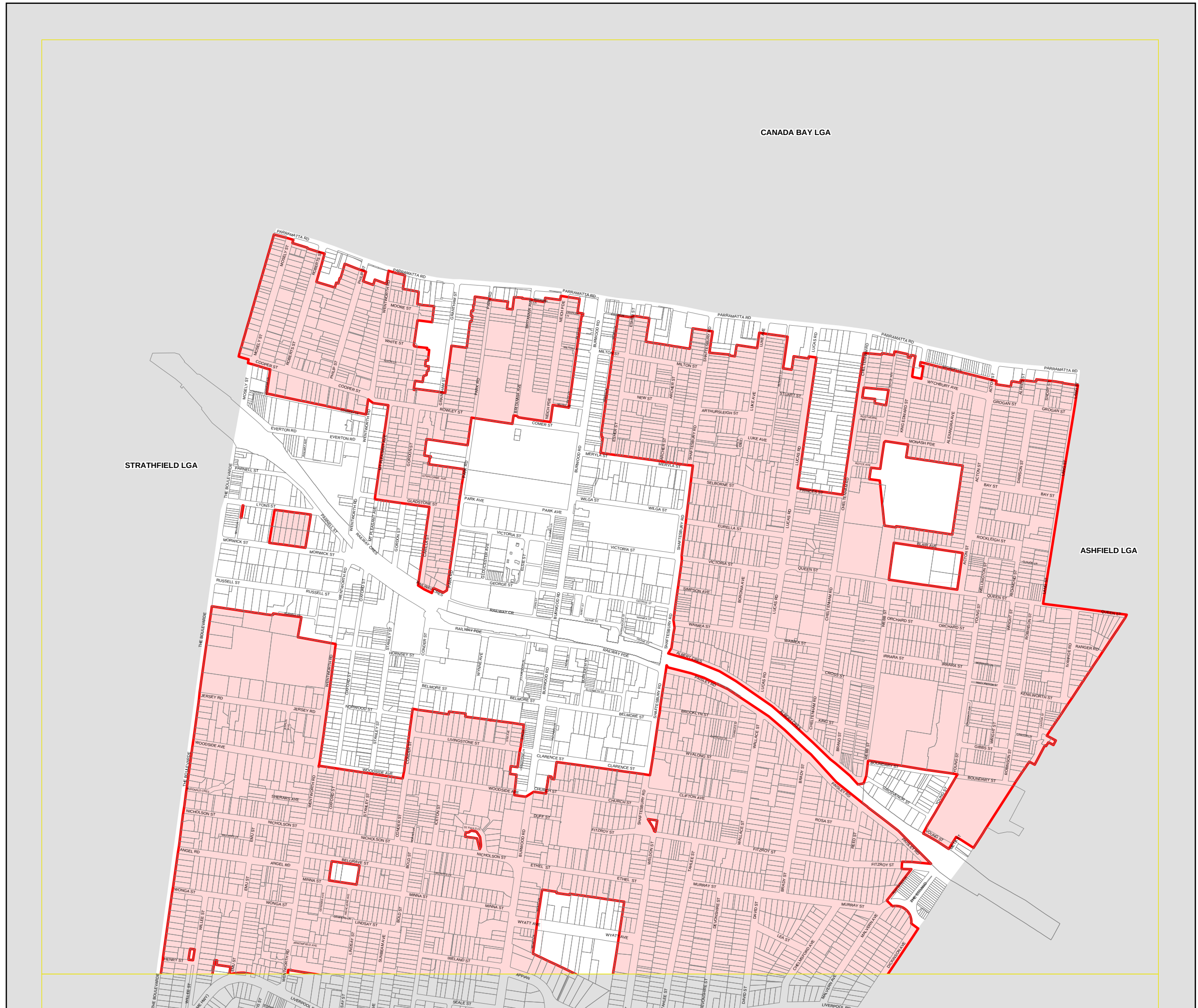


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Projection GDA 1994
Zone 56

Map Identification Number:
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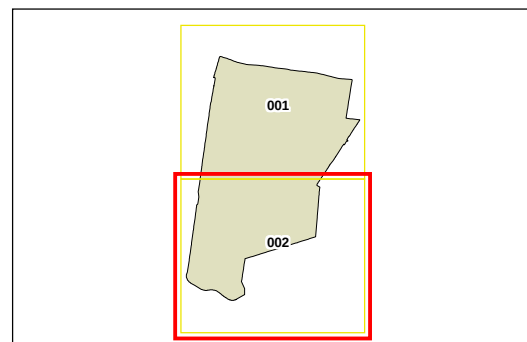
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Proposed Amendment to the Burwood Local Environmental Plan 2012

Site Identification Map - Sheet SIM_002

-  Subject Land
-  Cadastre 14/06/2016 © Burwood Council

Note: This proposal does not reflect changes
proposed by LEP amendment No. 9.

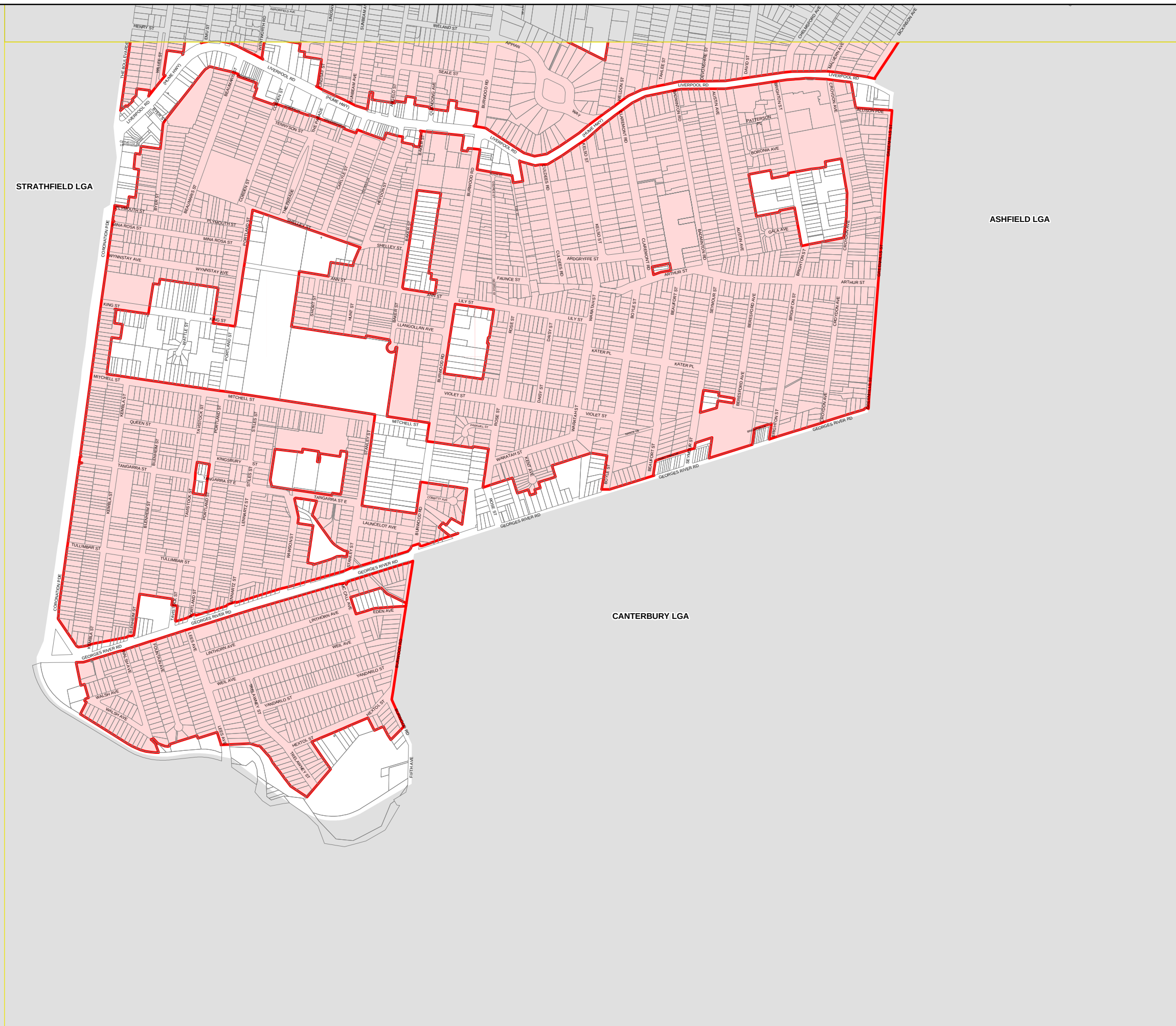


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Projection GDA 1994
Zone 56

Map Identification Number:
1300_COM_SIM_002_010_20160614





**Proposed Amendment
to the Burwood Local
Environmental Plan 2012**

**Height of Buildings Map
- Sheet HOB_001**

Maximum Building Height (m)

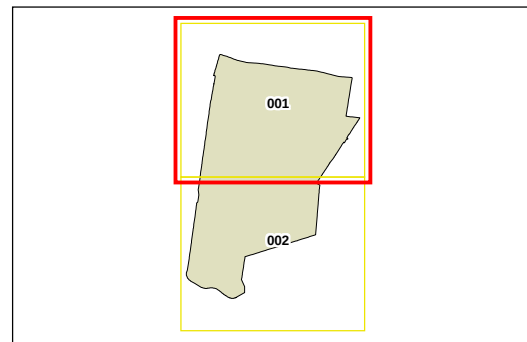
I2	8.5
K	10
L	11
N	14
O	15
Q	20
T	26
U	30
AA1	60
AA2	70

Refer to Clause 4.3A

Cadastre

Cadastre 14/06/2016 © Burwood Council

Note: This proposal does not reflect changes
proposed by LEP amendment No. 9.

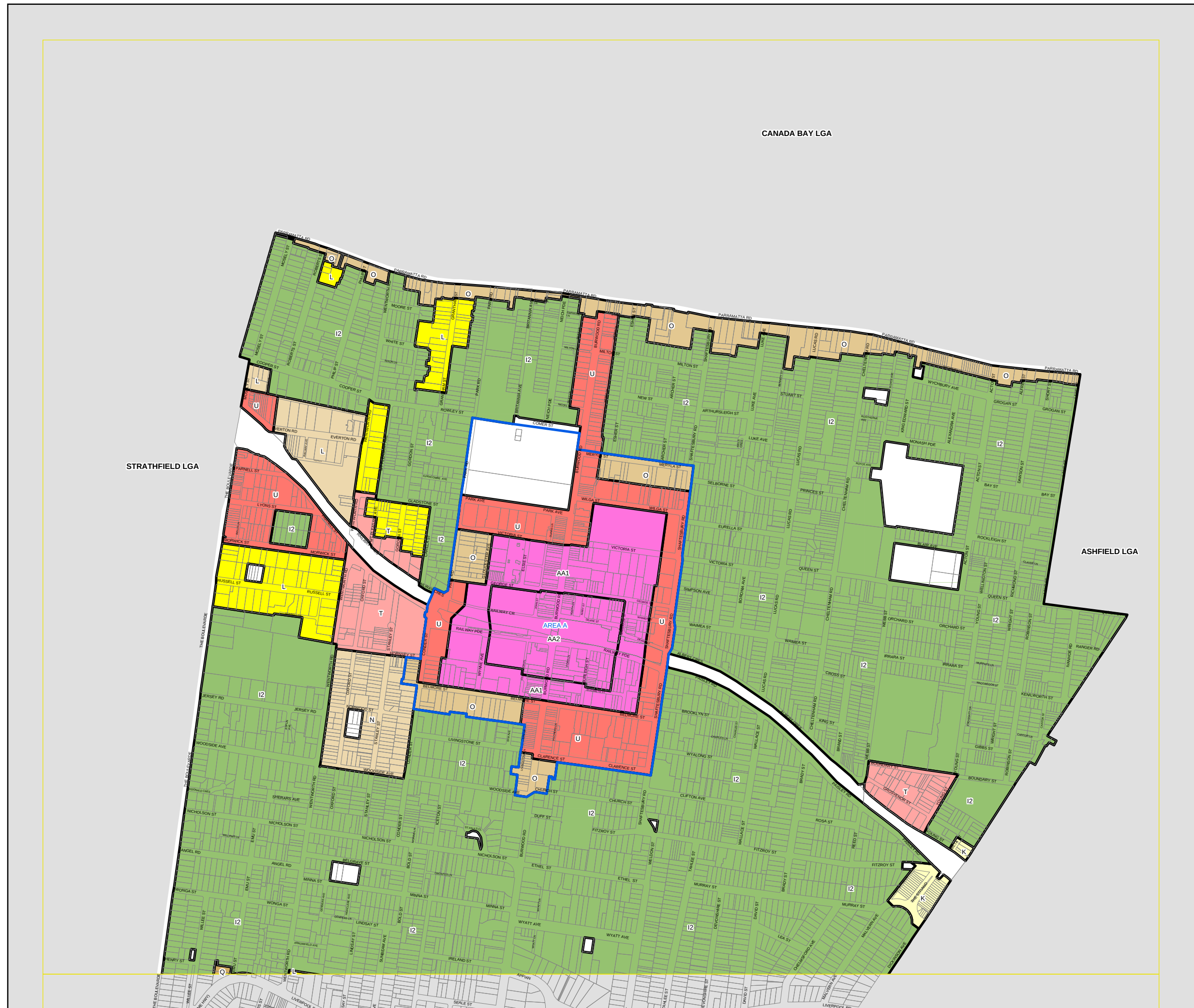


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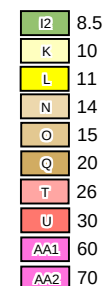
Projection GDA 1994
Zone 56

Map Identification Number:
1300_COM_HOB_001_010_20160614



Height of Buildings Map
- Sheet HOB_002

Maximum Building Height (m)

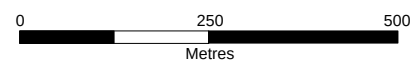
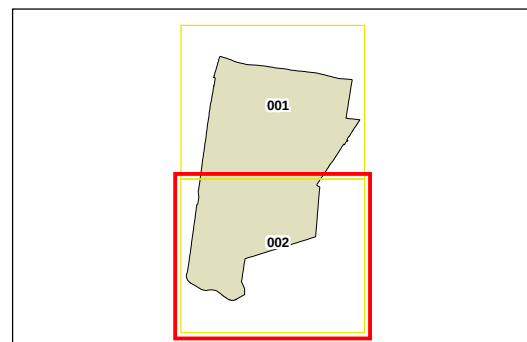


☐ Refer to Clause 4.3A

Cadastre

☐ Cadastre 14/06/2016 © Burwood Council

Note: This proposal does not reflect changes proposed by LEP amendment No. 9.



Scale 1:10,000 @ A3

Projection GDA 1994
Zone 56

Map Identification Number:
1300_COM_HOB_002_010_20160614





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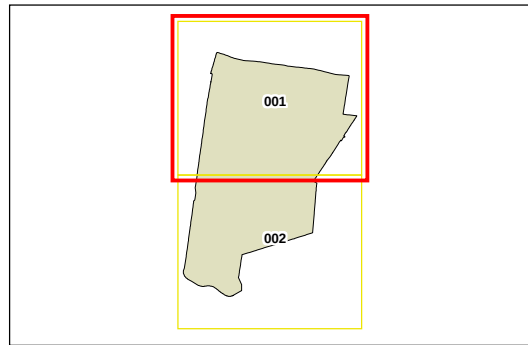
Proposed Amendment to the Burwood Local Environmental Plan 2012

Land Reservation Acquisition Map - Sheet LRA_001

- Local Road (B4)
- Local Road (B6)
- Local Road (R1)
- Local Road (R2)
- Local Open Space (RE1)
- Classified Road (SP2)

Cadastre

Cadastre 14/06/2016 © Burwood Council

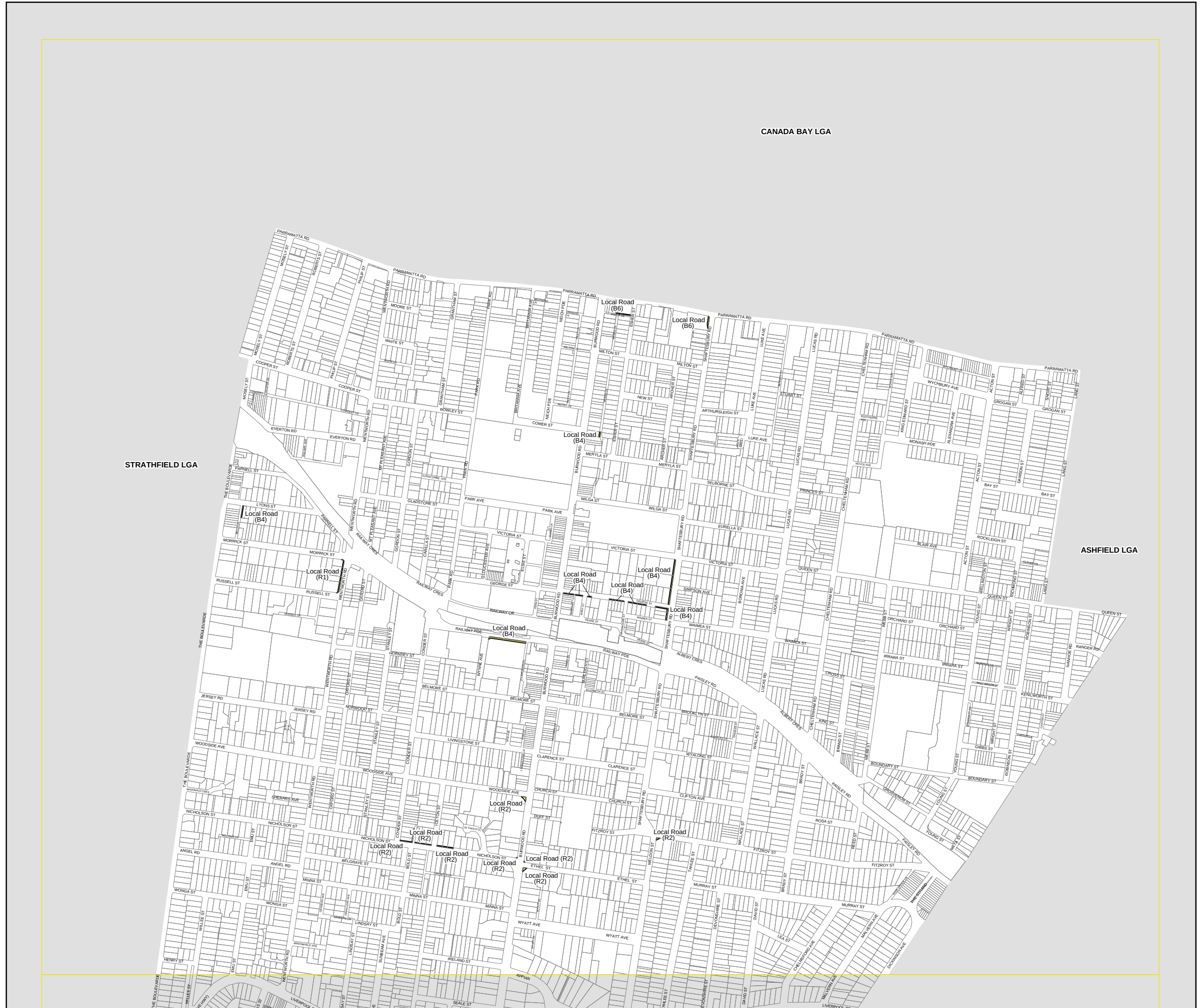


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Metres

Scale 1:10,000 @ A3

Projection GDA 1994
Zone 56

Map Identification Number:
1300_COM_LRA_001_010_20160614



Appendix Two

Delegation Checklist and Evaluation Criteria

Checklist for the review of a request for delegation of plan making functions to councils
Local Government Area:
Burwood
Name of draft LEP:
Increase height limits in the R2 Zones and the inclusion of part of 16 Lyons Street Strathfield on the Land Reservation Acquisition Map
Address of Land (if applicable):
LGA wide for height of building increase; 16 Lyons Street Strathfield for land reservation acquisition
Intent of draft LEP:
To facilitate the increase in the maximum permissible height of buildings from 8.2 metres to 8.5 metres; and the inclusion of a section of 16 Lyons Street Strathfield on the Land Reservation Acquisition Map of the BLEP 2012.
Additional Supporting Points/Information:
Please refer to the PP

Evaluation criteria for the issuing of an Authorisation

(NOTE – where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?	N			
Heritage LEPs	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?		N/A		
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		N/A		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		N/A		
Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?		N/A		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		N/A		
Is the planning proposal proposed to rectify an anomaly in a classification?		N/A		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		N/A		
Will the draft LEP discharge any interests in public land under section 30 of the <i>Local Government Act, 1993</i> ?		N/A		

If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		N/A		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) <i>Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land</i> ?		N/A		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		N/A		
Spot Rezoning	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	N			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N			
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		N/A		
Does the planning proposal create an exception to a mapped development standard?		N/A		
Section 73A matters				
Does the proposed instrument a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?; b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? (NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).		N/A		
NOTES - Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance. - Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.				

Appendix Three

Council Resolution and Mayoral Minute – Increase height limits in the R2 Zones

(ITEM 17/15) MAXIMUM HEIGHT OF A DWELLING HOUSE IN A R2 LOW DENSITY RESIDENT ZONE

File No: 15/41274

Summary

The current control for the maximum height of a dwelling house in a R2 Low Density Residential zone, pursuant to the Burwood Local Environmental Plan 2012 (BLEP 2012), is 8.2m. I have been concerned with the difficulty being faced by residents who want to erect a first floor addition, or build a new two storey dwelling in complying with the requirement because of raised existing floor levels and ceiling heights, as well as circumstances where floor levels have to be raised to comply with flooding requirements.

I believe that by raising the height to 8.5m will allow more flexibility for residents with their design without creating significant amenity issues for surrounding residents because of additional overshadowing.

As this control is contained in the BLEP 2012, such a change will require an alteration to the height map of the BLEP 2012 for the R2 zone and will apply to all development within the R2 zone. This will necessitate a Planning Proposal being prepared to go through to the gateway process.

142/15 RESOLVED (Carried)

1. (a) That Council endorse the maximum height of 8.5m in all Low Density Residential zone and the preparation of a Planning Proposal. Thus the maximum height of any building can be 8.5m.
- (b) That Council investigate amending its Policy to allow side by side construction of duplex sites, i.e. like a two level home, but divided in two.
2. That Council submit the Planning Proposal to NSW Planning & Environment for a Gateway Determination.
3. That subject to the Gateway Determination, the Planning Proposal be publicly exhibited and consultation with any relevant public authority be undertaken.
4. That the results of the public exhibition and consultation be reported back to Council.

Councillors John Faker and Lesley Furneaux-Cook called for a **DIVISION**.

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR

Councillor Faker
Councillor Mannah
Councillor Doueihi
Councillor Deans
Total (4)

AGAINST

Councillor Furneaux-Cook
Councillor Taunton

Total (2)**PROCEDURAL MOTION****143/15 RESOLVED (Carried Unanimously)**

That Item 100/15 Adoption of Audited Financial Reports for the year ended 30 June 2015 be dealt with next on the agenda.

(Moved Councillor Justin Taunton/Seconded Councillor Tony Doueihi)

MAYORAL MINUTE**(ITEM MM17/15) MAXIMUM HEIGHT OF A DWELLING HOUSE IN ALL LOW DENSITY RESIDENT ZONES**

Trim Folder: 15/41274

Summary

The current control for the maximum height of a dwelling house in a R2 Low Density Residential zone, pursuant to the Burwood Local Environmental Plan 2012 (BLEP 2012), is 8.2m. I have been concerned with the difficulty being faced by residents who want to erect a first floor addition, or build a new two storey dwelling in complying with the requirement because of raised existing floor levels and ceiling heights, as well as circumstances where floor levels have to be raised to comply with flooding requirements.

I believe that by raising the height to 8.5m will allow more flexibility for residents with their design without creating significant amenity issues for surrounding residents because of additional overshadowing.

As this control is contained in the BLEP 2012, such a change will require an alteration to the height map of the BLEP 2012 for the R2 zone and will apply to all development within the R2 zone. This will necessitate a Planning Proposal being prepared to go through to the gateway process.

I therefore move that:

1. a. That Council endorse the minimum height of 8.5m in all Low Density Residential zones and the preparation of a Planning Proposal. Thus the minimum height of any building can be 8.5m.
b. That Council also amends its policy to allow side by side construction of duplex sites, i.e., like a two level home, but divided in two.
2. That Council submit the Planning Proposal to NSW Planning & Environment for a Gateway Determination.
3. That subject to the Gateway Determination, the Planning Proposal be publicly exhibited and consultation with any relevant public authority be undertaken.
4. That the results of the public exhibition and consultation be reported back to Council.

Attachments

There are no attachments for this report.

Appendix Four

**Council Resolution – Inclusion of 16 Lyons Street Strathfield on the
Acquisition Map**

FOR

Councillor Furneaux-Cook
 Councillor Faker
 Councillor Mannah
 Councillor Taunton
 Councillor Doueihi

Total (5)**AGAINST****Total (0)****MATTER OF URGENCY****98/15**

That the Mayor write to the Local Government NSW, with a copy to our board member and Minister of Planning suggesting a change in the gateway process to allow some form of consultation similar to that of a Development Application before the matter comes to Council.

(Moved Councillor Justin Taunton/Seconded Councillor Tony Doueihi)

(ITEM 63/15) VOLUNTARY PLANNING AGREEMENT - NO. 23-31 MORWICK STREET STRATHFIELD

File No: 15/27806

Summary

A draft Voluntary Planning Agreement (VPA) was submitted to Council in conjunction with a Development Application (DA) and a Section 96 Modification (S96) for the site. The VPA provides for the developer to dedicate land to Council and undertake external works to widen and upgrade Bells Lane. Public notice of the draft VPA was given and the draft VPA was made available for public viewing for 28 days. It is recommended that Council not enter into the VPA in view of its limited benefit. However, should Council resolve to do so, the VPA should be entered into after the granting of consent for the DA.

99/15**RESOLVED (Carried)**

1. That Council enter into VPA following the granting of DA No. 190/2014, involving additional development to the approved DA No. 66/2013 for the construction of a mixed commercial and residential development on the site.
2. Authority be granted to the General Manager to sign the VPA and any related documentation under his Power of Attorney.
3. The General Manager be authorised to endorse revision of the VPA document prior to execution.
4. That the General Manager arrange a meeting with the consultant and the applicant to discuss the valuation and quantity survey report.

(Moved Councillor Tony Doueihi/Seconded Councillor Justin Taunton)
 Councillors Tony Doueihi and Justin Taunton called for a **DIVISION**.

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR

Councillor Faker
 Councillor Mannah
 Councillor Taunton

AGAINST

Councillor Furneaux-Cook

Councillor Doueihi

Total (4)**Total (1)****MATTER ARISING****100/15 RESOLVED (Carried)**

1. That Council investigate the adding of 16 Lyons Street, Strathfield on Council's compulsory acquisition MAP – to further widen the lane and rename it as a street.
2. That Council Officers investigate a Public Benefit policy for the Strathfield Town Centre, in particular the area closest to The Boulevard.

(Moved Councillor Justin Taunton/Seconded Councillor Tony Doueihi)

Councillors Justin Taunton and Tony Doueihi called for a **DIVISION**.The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:**FOR**

Councillor Faker
Councillor Mannah
Councillor Taunton
Councillor Doueihi

Total (4)**AGAINST**

Councillor Furneaux-Cook

Total (1)**(ITEM 64/15) VOLUNTARY PLANNING AGREEMENT - NOS. 36-38 VICTORIA STREET, BURWOOD**

File No: 15/28888

Summary

A draft Voluntary Planning Agreement (VPA) and Explanatory Note (EN) prepared in connection with a Section 96 application at Nos. 36-38 Victoria Street, Burwood have been publicly notified in accordance with the relevant legislation. The draft VPA provides that the developer provide a monetary contribution toward public facilities in exchange for additional development on the site. Council's endorsement is sought to enter into the VPA.

101/15 RESOLVED (Carried Unanimously)

1. That Council enter into the Voluntary Planning Agreement (VPA) for Nos. 36-38 Victoria Street, Burwood involving the provision of a monetary contribution toward public facilities.
2. That authority be granted to the General Manager to sign the VPA and any related documentation under his Power of Attorney.
3. That the General Manager be authorised to endorse minor revision of the VPA document prior to execution.
4. That the developer pay the monetary contribution to Council on or before the execution of the VPA by Council.

(Moved Councillor Tony Doueihi/Seconded Deputy Mayor George Mannah)

Councillors Tony Doueihi and George Mannah called for a **DIVISION**.