

Reduction of maximum building height and Floor Space Ratio (FSR) controls for land in the northern portion of a precinct bounded by Wentworth Road, Railway Crescent, Carilla and Gladstone Streets Burwood ('Wentworth Road precinct').

Proposal Title :	Reduction of maximum building height and Floor Space Ratio (FSR) controls for land in the northern portion of a precinct bounded by Wentworth Road, Railway Crescent, Carilla and Gladstone Streets Burwood ('Wentworth Road precinct').		
Proposal Summary :	To reduce the maximum building height from 26 metres to 11 metres and the maximum FSR from 3:1 to 1.5:1 applicable to the precinct under the Burwood Local Environmental Plan 2012 (BLEP2012).		
PP Number :	PP_2014_BURWO_001_00	Dop File No :	14/07118

Proposal Details

Date Planning Proposal Received :	14-Apr-2014	LGA covered :	Burwood
Region :	Metro(CBD)	RPA :	Burwood Council
State Electorate :	STRATHFIELD	Section of the Act :	55 - Planning Proposal
LEP Type :	Precinct		

Location Details

Street :	Wentworth Road		
Suburb :	Burwood	City :	SYDNEY
		Postcode :	2134
Land Parcel :			

DoP Planning Officer 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 :

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MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

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 is not aware of any meetings or communications with registered lobbyists concerning this planning proposal.**

Supporting notes

Internal Supporting Notes :

The planning proposal applies to 38 allotments in the northern portion of the Wentworth Road precinct in Burwood (see Tag E). This precinct comprises mostly 1-2 storey detached dwelling houses (see Tag F), including five local heritage items.

The planning proposal seeks to:

- 1. Reduce the maximum building height to 11 metres (about 4 storeys) from the currently allowable 26 metres (about 9 storeys) (see Tag H); and,**
- 2. Reduce the FSR to 1.5:1 from the currently allowable 3:1 (see Tag I).**

An R2 zone applies to the land to the north and east of the precinct and development controls provide for a maximum building height of 8.2 metres (about 3 storeys) and FSR of 0.55:1. The area largely consists of 1-2 storey dwellings and residential flat buildings.

For historical reference, a similar planning proposal for the Wentworth Road precinct was refused a Gateway determination in 2013, due to inadequate strategic justification (see Tags C and D). As part of this Gateway determination, it was recommended that Council undertake more strategic planning work, particularly to identify where housing opportunities exist to off-set potential loss of development and resubmit the planning proposal.

Burwood Council suggests the proposed reduction in development controls will enable a better transition between higher density developments at the southern end of the precinct and the surrounding environment. The Department considers, however, that the proposed height and FSR controls are only slightly higher than the adjacent R2 zone controls so any 'step down' or integration between the areas will be minimal and tokenistic.

Council also suggests that reduced development controls will complement five local heritage items and promote development of low-medium density housing like terraces and residential flat buildings. The Department considers that the controls that currently apply to the Wentworth Road precinct do not prevent or inhibit such development from occurring; indeed, the height control enables a range of housing options. Additionally, to preserve the integrity of the precinct, building height plane or a Design Excellence provision could be considered.

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Council suggests that the loss of development potential in the precinct could be off-set by increased densities in other locations, in particular the nearby Strathfield Sports Club redevelopment and the WestConnex Urban Revitalisation Programme. While there is potential for increased density along Parramatta Road, dwelling targets under the Urban Revitalisation Programme are uncertain and cannot be considered fully at this stage.

Note also that the draft Inner West Subregional Strategy identified Burwood as a Major Centre and introduced a 7,700 new dwelling target by 2031 for the LGA. Based on current trends, Burwood is not expected to meet this target and is predicted to deliver only 5,000 dwellings by 2031.

The planning proposal is not supported as it lacks strategic justification and is inconsistent with the following key strategic planning policies, as further discussed in the following sections:

- Metropolitan Plan for Sydney 2036;
- Draft Metropolitan Strategy for Sydney 2031;
- Draft Inner West Subregional Strategy; and
- Three S117 directions:
 - 3.1 Residential Zones;
 - 3.4 Integrating Land Use and Transport;
 - 7.1 Implementation of the Metropolitan Plan for Sydney 2036.

Note that this planning proposal has generated interest in the community and the Department has been contacted by members of the public, including developers.

External Supporting Notes :

In March 2014, Burwood Council resolved to prepare a planning proposal and submit it to the Department of Planning and Environment for the purposes of amending development controls applying to the northern part of the Wentworth Road precinct (see Tag B).

The planning proposal seeks to:

1. Reduce the maximum building height to 11 metres from 26 metres (see Tag H);
2. Reduce the FSR to 1.5:1 from 3:1 (see Tag I).

A similar planning proposal for the precinct was refused at Gateway determination in 2013, due to inadequate strategic justification (see Tag D). The Gateway determination recommended that the Council undertake additional strategic planning work and invited Council to resubmit the planning proposal. Council has subsequently prepared revised estimates on the precinct's development potential with the revised controls and indicated locations for off-sets.

The Department of Planning and Environment's Code of Conduct has been complied with and the Department is not aware of any meetings or conversations with registered lobbyists in respect of this planning proposal.

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment :

The objectives are to:

- mitigate building interface or amenity issues that might arise between high and low density residential land uses;
- enable the redevelopment of the precinct in a manner which complements the heritage items and is compatible with the streetscape;
- provide a transition towards the low density residential areas to the north and east of the precinct;
- provide a balance between complementing the existing heritage and low density character whilst allowing for some redevelopment potential; and
- justify any loss of residential development potential for the subject land in the context of the future dwelling growth along the Parramatta Road Corridor and some side streets.

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The statement of objectives is adequate.

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

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

Comment : The planning proposal seeks to amend development controls for the precinct under BLEP 2012 by:

1. Reducing the maximum Height of Building; and
2. Reducing the maximum FSR.

Council has not proposed any changes to the precinct's land use zones (see Tags E and G).

Reduction in maximum Height of Building

The planning proposal seeks to reduce the maximum building height to provide a better transition from higher density development in the south of the precinct with the surrounding environment. It also seeks to complement five local heritage items.

Reduction in maximum FSR

The proposed reduction in the maximum FSR is to encourage lower density development in the precinct, like terrace houses and residential flat buildings.

The requested amendments to the precinct's maximum building height and FSR are higher in this planning proposal than in the original. The maximum building height and FSR that Council has proposed for the Wentworth Road precinct takes into account the Gateway's recommendation for additional planning work and reduces the loss of development potential from that originally proposed.

The proposed development controls are only marginally higher than those applying to the R2 zone adjacent to the precinct (see Tag G), so the suggested transitional arrangements between the two areas will be minimal.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

2.3 Heritage Conservation

* May need the Director General's agreement

3.1 Residential Zones

3.4 Integrating Land Use and Transport

6.1 Approval and Referral Requirements

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **N/A**

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

d) Which SEPPs have the RPA identified?

N/A

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

SEPPs

It is agreed no SEPPs are relevant to the proposal.

S.117 DIRECTIONS

The proposal is consistent with directions 2.3 Heritage Conservation and 6.1 Approval and Referral Requirements, but is inconsistent with three other relevant directions, as discussed in following sections.

2.3 Heritage Conservation

The planning proposal is consistent with this direction. The objective of this direction is to conserve items which have heritage significance. There are five local heritage items in the Wentworth Road precinct and the reduction of development standards will not

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have an impact on them. Council states that the proposal will provide a balance between existing heritage character and future redevelopment.

6.1 Approval and Referral Requirements

This direction aims to improve the efficiency and appropriate assessment of development. The planning proposal is consistent with this direction, as it does not introduce any new concurrence, consultation or referral requirements.

BURWOOD 2030 COMMUNITY STRATEGIC PLAN

The Burwood 2030 Community Strategic Plan sets out a number of long term goals for Burwood and links these goals to the NSW 2021 State Plan.

Council points out that the planning proposal is consistent with Strategic Goal 5.4 Economic centre growth and preserved residential areas, as the reduction in development controls will assist in preserving the five local heritage items. The planning proposal is consistent with this objective.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

S117 DIRECTIONS

The planning proposal is inconsistent with three of the five section 117 directions identified as being relevant by Council.

3.1 Residential Zones

This direction encourages a wide variety of housing choice and types, efficient use of infrastructure and services and minimal impact on the environment. It applies when a draft LEP affects land within an existing or proposed residential zone. The draft LEP must encourage a broad choice of housing development, promote more efficient use of existing infrastructure and services, reduce land consumption on the urban fringe and be of good design.

Council states that:

- the reduction in development controls addresses the objectives of this direction, as lower maximum limits would permit more residential flat buildings and lower building heights would enable development that better integrates into the surrounding environment;
- existing development standards do not reflect the real potential of the land; and
- the existing standards discourage redevelopment in the precinct as there has been limited take up of existing height limit.

The previous planning proposal was inconsistent with this direction because:

- the precinct's reduced development potential would not assist the Council to meet its dwelling targets by 2031; and
- the current limited take-up of the higher controls does not justify reducing those controls.

This planning proposal is also inconsistent with this direction because:

- the reduction of controls would halve the current potential for higher density development; and
- the precinct is close to a Major Centre and subregional transport hub and should continue to maximise efficient use of existing infrastructure and services.

3.4 Integrating Land Use and Transport

This direction aims to improve non-car based access to housing, jobs and services, reduce travel demand and supports public transport and efficient freight movement. The direction applies when a council prepares a draft LEP that creates, alters or removes a zone or provision relating to urban land.

Council states the planning proposal is consistent with this direction, as it provides a degree of development potential in a precinct accessible to public transport and services. The Department considered the original planning proposal inconsistent with

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this direction as reduced controls would remove the current permissibility of medium density development in the precinct close to the railway station and the Burwood Town Centre, consistent with the direction.

The current planning proposal is inconsistent with this direction because:

- it alters a provision relating to urban land zoned residential in an area that is close to public transport, jobs and retail;
- the proposed reduction in the precinct's maximum building height and FSR would reduce dwelling yield within 500 metres of a subregional transport hub and within the 1km radius of Burwood Major Centre; and
- the suggested dwelling yield off-sets along Parramatta Road are less accessible to public transport and could promote increased private vehicle usage.

7.1 Implementation of the Metropolitan Plan for Sydney 2036

This direction gives legal effect to the Metropolitan Plan for Sydney 2036. The planning proposal is inconsistent with this direction because:

- it relies on the Draft Metropolitan Strategy to 2031 but is silent on how it meets the objectives of the current Metropolitan Plan for Sydney 2036;
- the reduction of development potential in the precinct is not consistent with the objectives to increase density near public transport hubs; and
- the loss of development potential, although relatively minor, will not assist Council to meet its 2031 housing targets. Burwood already has a housing shortfall and even minor reductions to development potential should be avoided.

METROPOLITAN PLAN FOR SYDNEY 2036

The planning proposal does not address how it meets, or intends to meet, the objectives or actions contained within the Metropolitan Plan for Sydney 2036. The planning proposal largely focuses on objectives of the Draft Metropolitan Strategy for Sydney to 2031. While addressing objectives in the Draft Metropolitan Strategy to 2031 demonstrates long term and strategic consideration by Council, analysis of how the planning proposal meets objectives in the Metropolitan Plan for Sydney 2036 has been overlooked.

The original planning proposal was considered to be inconsistent with two key objectives of the Metropolitan Plan for Sydney 2036 – Objective 2 'Strengthen and grow Sydney's centres' and Objective 5 'Deliver new housing to meet Sydney's growth' because it:

- would reduce capacity for medium-high residential development in a major centre; and
- would not encourage infill development.

At Gateway determination, Council were encouraged to undertake more strategic work to identify where opportunities exist to increase residential density and meet housing targets. Identified areas for denser development are Parramatta Road and the Strathfield Sports Club redevelopment.

Action B1.3: Aim to locate 80 per cent of all new housing within the walking catchments of existing and planned centres of all sizes with good public transport

This action directs the location of new housing development in or near centres with good public transport or where expanded public transport services are planned. Council contends that the loss of development potential in the Wentworth Road precinct could be off-set by the Strathfield Sports Club redevelopment and the WestConnex Urban Revitalisation programme along Parramatta Road.

The Wentworth Road precinct is, at its eastern boundary, within 500m of a subregional transport hub. The proposed off-set of dwelling capacity to other locations within the LGA are on the periphery of the Major Centre radius and further from the subregional transport hub.

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Action B2.1 Promote identified future directions for Major and Specialised Centres through subregional and local planning, infrastructure planning and location of services.

The future direction for Burwood in Appendix 5 of the Metropolitan Plan for Sydney 2036 proposed an intensification of mixed use redevelopment to accommodate a growing residential population, particularly near public transport.

DRAFT INNER WEST SUBREGIONAL STRATEGY

The draft Inner West Subregional Strategy (draft IWSRS) identifies Burwood as a Major Centre for which the following actions are relevant:

- Action B2.1.1 requires councils to investigate locations within centres for residential development. This action directs Burwood Council to plan for more residential development in the Burwood Major Centre and the precinct is located well within a 1km radius of the centre. As the proposed reduction in maximum building height and FSR will reduce the development potential by half under the current controls, the planning proposal is inconsistent with this action.
- Action C1.3 introduces a target of 60-70 per cent of new housing to be provided in existing urban areas, particularly near centres and corridors. The action seeks to take advantage of existing public transport and other local services. The planning proposal will reduce development potential in a precinct that is close to, and well-served by public transport, retail and other services.
- Action C2.1 aims to focus residential development around centres with access to public transport and local services, with the aim of people being 30 minutes from a strategic centre. Reducing development potential near major public transport hub does not support the action to enable people to be 30 minutes from their home and work.
- Action C2.3 aims to increase housing mix, particularly in accessible locations. The action specifically seeks to increase the proportion of apartments and semi-detached dwellings within the Inner West. Council's purpose in seeking the planning proposal is to encourage more medium density housing in the Wentworth Road precinct. However, the current planning controls do not prohibit such development. Reducing the development controls would decrease the potential for future higher densities.

The draft IWSRS sets a housing target of 7,700 new dwellings in Burwood by 2031. On current trends, it is unlikely that Burwood will meet this target by 2031 and any changes to development controls that may reduce development potential should be avoided. The proposed reduction to controls will essentially halve development potential in the precinct, thus not supporting Council to meet its dwelling targets.

Council also takes the view that the Wentworth Road precinct is not located within the Major Centre. Under the BLEP 2012, the Burwood Town Centre has been identified and it encompasses retail and open space areas along a part of Burwood Road. Council is of the view that the Burwood Town Centre is a Major Centre. However, under the Metropolitan Plan for Sydney 2036 and the draft IWSRS Burwood Major Centre encompasses a 1 kilometre radius from Burwood Train Station.

DRAFT METROPOLITAN STRATEGY FOR SYDNEY TO 2031

Council states that the planning proposal is consistent with the key objectives of the Draft Metropolitan Strategy for Sydney to 2031, particularly the Parramatta Road Corridor City Shaper. Council argues the planning proposal recognises capacity for greater residential density along Parramatta Road and the loss of development potential within the precinct could be adequately compensated along Parramatta Road through the WestConnex Urban Revitalisation Programme. Council estimates Burwood's share of the 25,000 projected dwellings for Parramatta Road would be between 1,000 and 3,500 units.

Potential dwelling yields put forward by UrbanGrowth NSW for the WestConnex Urban Revitalisation Programme are early estimates and at this stage, cannot be relied upon. Council has been in discussions with UrbanGrowth NSW to develop dwelling yield targets for Parramatta Road; and once the targets are confirmed, Council have indicated they would enter into an agreement with UrbanGrowth NSW to deliver these targets.

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Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **All maps are adequate and indicate the current and proposed provisions for the precinct under the BLEP 2012.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has proposed to exhibit the planning proposal for a minimum of 28 days in accordance with standard exhibition and notification procedures.**

The original planning proposal was developed following extensive community consultation during the public exhibition of BLEP2012.

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **No**

If No, comment : **Council's explanation of the proposal and its objectives is adequate. However, Council's evidence for and justification of how the proposal meets key strategic objectives is not adequate, as advised above.**

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

The planning proposal does not comply with the following aims of the BLEP 2012:
• **Clause 2(b) - encourage or restrict development of land according to its suitability for various purposes; and**
• **Clause 2(c) - encourage provision of a range of housing types.**

While the intention of the planning proposal is to encourage more residential flat buildings, it will restrict future higher density development. The precinct is strategically located and is suitable for more intense development. The current controls do not prohibit or discourage the housing types (residential flat buildings) Council aims to encourage.

The 31 March 2014 Mayoral Minute and Council Resolution has indicated the Council has considered employing alternative provisions should the planning proposal not be successful (see Tag B). The application of Building Height Plane controls through an amendment to Council's Development Control Plan or insertion of Design Excellence clause into the BLEP2012 could be a practical alternative to achieving Council's objectives.

Assessment Criteria

Need for planning proposal :

Council prepared the planning proposal in response to a Council meeting resolution in March 2014. The planning proposal reduces development potential within the precinct but Council suggests this proposal addresses the reasons for the previous Gateway refusal.

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Consistency with strategic planning framework :

Council states the planning proposal is consistent with the objectives of the Draft Metropolitan Strategy for Sydney to 2031. Council maintains the reduction of dwelling unit yield identified in the planning proposal will be compensated with the additional dwelling units in the Strathfield Golf Club redevelopment and as part of the proposed WestConnex Urban Revitalisation programme.

Council argues Parramatta Road is one of the nine city shapers identified in the Draft Metropolitan Strategy to 2031 and early dwelling estimates between 1,000 and 3,500 units could be achieved along Parramatta Road through the WestConnex Urban Revitalisation programme. Council believes the reduction of housing potential in the precinct is more than made up by other development opportunities and off-setting would protect the precinct's residential amenity and heritage. However, the amount of housing to be delivered along Burwood's portion of Parramatta Road remains uncertain.

While Council maintains the planning proposal is consistent with the Draft Metropolitan Strategy for Sydney to 2031, the proposal lacks detail on how it meets the objectives of the Metropolitan Plan for Sydney 2036 and the draft IWSRS. Council suggests that off-setting higher densities to Parramatta Road would help achieve the Draft Inner West Subregional Strategy housing and employment targets, as well as the Parramatta Road Corridor City Shaper objectives in the Draft Metropolitan Strategy for Sydney to 2031.

Council also suggests that the planning proposal is consistent with the Burwood 2030 Community Strategic Plan, particularly Strategic Goal 5.4: Economic centre growth and preserved residential areas, as the revised development controls would preserve and support the precinct's heritage items.

Based on current rates, Burwood is predicted not to meet its 2031 housing targets and will fall 2,700 dwellings short. Any reduction in controls that will reduce yield should be avoided as it stymies progress to long term dwelling targets.

Environmental social economic impacts :

Council states:

- a more balanced approach has been taken in the reduction of the maximum building height and FSR controls so that the loss of dwelling unit yield would be less severe;
- existing heritage and streetscape would be preserved; and
- future investigation of social and economic impacts would be investigated further should the planning proposal proceed to Gateway determination.

Assessment Process

Proposal type : Precinct Community Consultation Period : 28 Days

Timeframe to make LEP : 9 months Delegation : RPA

Public Authority Consultation - 56(2) (d) :

Is Public Hearing by the PAC required? No

(2)(a) Should the matter proceed ? No

If no, provide reasons : This planning proposal should not proceed, as it would reduce the potential dwelling yield by half in the precinct, which is within a catchment area of a major transport interchange and a major centre. Reduction of dwelling yield is inconsistent with several strategic (and other) objectives.

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While this is a relatively small reduction of 42 dwellings, it comprises a 50 percent reduction of development potential in the precinct. The integrity of the area can be maintained through other measures, such as the introduction of a building height plane in the Burwood DCP or Design Excellence provision into the BLEP 2012.

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
Tag A - Delegation and Checklist.pdf	Determination Document	Yes
Tag B - Burwood Planning Proposal and Cover Letter.pdf	Proposal	Yes
Tag C - Original Planning Proposal.pdf	Proposal	Yes
Tag D - Gateway Determination for Original Proposal.pdf	Proposal	Yes
Tag E - Precinct Map - Wentworth Rd.pdf	Map	Yes
Tag F - Precinct Map - Satellite view - Wentworth Rd.pdf	Map	Yes
Tag G - Land Zoning map from BLEP2012.pdf	Map	Yes
Tag H - Height of Building map from BLEP2012.pdf	Map	Yes
Tag I - FSR map from BLEP2012.pdf	Map	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Not Recommended**

S.117 directions: **2.3 Heritage Conservation**
 3.1 Residential Zones
 3.4 Integrating Land Use and Transport
 6.1 Approval and Referral Requirements
 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information :

Supporting Reasons : **The planning proposal is not supported for the following reasons:**

1. It is inconsistent with the following s.117 Ministerial Directions:
 - a. 3.1 Residential zones;
 - b. 3.4 Integrating Land Use and Transport; and
 - c. 7.1 Implementation of the Metropolitan Plan for Sydney 2036.
2. Council's argument that the loss of dwellings in the precinct will be off-set by other redevelopment, including the WestConnex Urban Revitalisation programme along Parramatta Road, has not been adequately justified as housing targets and an agreement between Burwood and UrbanGrowth NSW have yet to be reached.
3. Reduction of development potential inconsistent with Action B1.3 and the Future

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Directions for Burwood contained in the Metropolitan Plan for Sydney 2036.

4. Council has not indicated how it is planning to reduce its housing deficit to reach the current 7,700 dwelling target by 2031, which may rise under the revised Metropolitan Strategy and Subregional Delivery Planning process.

The RPA should be advised that:

1. The proposal is inconsistent with s.117 Directions 3.1 Residential zones, 3.4 Integrating Land Use and Transport and 7.1 Implementation of the Metropolitan Plan for Sydney 2036; and
2. The strategic justification given to support the reduction of development standards in the precinct is not adequate.

The Department is willing to assist Council to explore alternative measures to implement Council's objectives, such as a Design Excellence clause in the Local Environmental Plan.

Council has relied on preliminary estimated dwelling figures under the proposed WestConnex Urban Revitalisation programme to justify the proposed reduction of development standards. However, these figures cannot be relied upon at this early stage, nor can they be used to off-set housing loss, particularly in locations close to public transport in a major centre.

While Council has developed the planning proposal with the Draft Metropolitan Strategy for Sydney to 2031 in mind, suggesting Council is proactively engaging in future planning strategies, the planning proposal does not adequately address objectives of the relevant Metropolitan Plan for Sydney 2036.

Signature:



Printed Name:

Diane Sarkies

Date:

26/6/14

