

Amendment of the development standards at the northern portion of a precinct bounded by Wentworth Road, Railway Crescent, Carilla Street and Gladstone Street, Burwood

Proposal Title : Amendment of the development standards at the northern portion of a precinct bounded by Wentworth Road, Railway Crescent, Carilla Street and Gladstone Street, Burwood

Proposal Summary : To amend the development standards for the precinct to allow a down zoning from a maximum building height of 26m to a maximum of 8.5m and a maximum floor space ratio of 3:1 to a maximum of 1:1.

PP Number : PP_2013_BURWO_002_00 **Dop File No :** 13/12545

Proposal Details

Date Planning Proposal Received : 25-Jul-2013 **LGA covered :** Burwood

Region : Sydney Region East **RPA :** Burwood Council

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

LEP Type : Precinct

Location Details

Street : 10 Gladstone Street

Suburb : Burwood **City :** Sydney **Postcode :** 2134

Land Parcel : Multiple

DoP Planning Officer Contact Details

Contact Name : Sarah Waterworth

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RPA Contact Details

Contact Name : Priya Uppal

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DoP Project Manager Contact Details

Contact Name : Sandy Shewell

Contact Number : 0285754115

Contact Email : sandy.shewell@planning.nsw.gov.au

Land Release Data

Growth Centre : N/A **Release Area Name :** N/A

Regional / Sub Regional Strategy : Metro Inner West subregion **Consistent with Strategy :** N/A

Amendment of the development standards at the northern portion of a precinct bounded by Wentworth Road, Railway Crescent, Carilla Street and Gladstone Street, Burwood

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 : **The Department of Planning and Infrastructure's Code of Conduct has been complied with. Sydney Region East has not met with or communicated with any lobbyist in relation to this planning proposal.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

The planning proposal applies to 38 lots in the north of a precinct bounded by Wentworth Road, Gladstone Street, Carilla Street and Railway Crescent, Burwood. The precinct currently contains 5 heritage items and comprises 1-2 storey dwelling houses.

The planning proposal is a result of submissions made during the public exhibition of the comprehensive LEP (LEP 2012) in February – March 2012. Submissions raised concern about possible adverse impacts of development that would be permissible in the precinct with a height limit of 26m and a floor space ratio of 3:1. The exhibited controls were included in LEP 2012.

On 15 May 2012, Council considered a report on the public exhibition outcomes of LEP 2012. Rather than delay the progression of LEP 2012 (and require re-exhibition), Council resolved that a resident survey be conducted concerning a proposal to reduce the height limit for the precinct to maximum 8.2m and that results of the resident survey be workshopped with Councillors prior to any planning proposal being initiated.

The resident survey, carried out in February 2013, was sent to 196 owners; 59 responded with 64% of those 59 supporting a density and height reduction in the precinct and 34% preferring to keep the existing planning controls.

Burwood LGA is currently not predicted to meet its housing target (7700 dwellings) set under the draft Inner West Subregional Strategy by 2031. Rather, it is estimated that LEP 2012 will deliver 5000 dwellings by 2031.

This planning proposal is estimated to reduce the yield of dwelling numbers for the precinct. Under the current planning controls, a yield of 345 is estimated for the precinct, whereas under the proposed planning controls, a yield of 95 is estimated – a loss of 249 dwellings.

Council has submitted information suggesting the loss of dwelling numbers could be offset by other up zonings in the LGA (subject of future planning proposals). However, it is considered these dwellings (an approximate 830) should be used by Council to address the LGA's housing target deficit.

The planning proposal is not consistent with the draft Metropolitan Strategy 2013 (the

Amendment of the development standards at the northern portion of a precinct bounded by Wentworth Road, Railway Crescent, Carilla Street and Gladstone Street, Burwood

Strategy) because it reduces the ability of a major centre, in an established urban area, to provide new housing. Objective 2 'Strengthen and grow Sydney's centres' of the Strategy lists Burwood as a Strategic Centre (Major Centre) and these centres are encouraged to have medium-high density housing while encouraging business and commercial growth. Through the reduction in potential dwelling numbers, the planning proposal is not consistent with this objective.

The planning proposal is not consistent with Objective 5 'Deliver new housing to meet Sydney's growth' because it does not encourage new housing in areas close to existing and planned infrastructure in an infill area. The precinct is an infill area and located close to existing infrastructure and services. While the planning proposal does provide for some new housing, the current controls allow for a higher density of dwellings.

The planning proposal is not supported for the following reasons:

1. It is inconsistent with Section 117 Directions 3.1 Residential Zones, 3.4 Integrating Land Use and Transport and 7.1 Implementation of the Metropolitan Plan for Sydney 2013 and the inconsistencies cannot be justified.
2. Council has not adequately justified the loss of dwellings in the context of its deficit housing target for the entire LGA.
3. Any up zonings proposed elsewhere in the LGA that produce additional dwellings should contribute to Burwood's overall housing target and not offset a dwelling loss in the precinct.
4. It is inconsistent with 'The Vision Document - Incorporating The Burwood Strategic Planning Review and Town Centre Masterplan' (2004) which shows the precinct as being suitable for residential flat buildings with no height limit suggested.

External Supporting
Notes :

On 25 June 2013 Council resolved that a planning proposal be prepared to amend the maximum height and floor space ratio for the northern part of the precinct bounded by Wentworth Road, Railway Crescent, Carilla Street and Gladstone Street, Burwood. A maximum building height of 8.5m and a maximum floor space ratio of 1:1 is proposed. The current height control is 26m and the floor space ratio, 3:1.

The planning proposal was prepared to address resident concerns that the current planning controls represent a potential over-development of the precinct. Council support the planning proposal to down zone the precinct to encourage terrace style development that will complement the existing heritage items within the precinct and provide a transition to low density residential development north and east of the precinct.

Council has sought plan making delegations 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 of the planning proposal are to:

- _enable 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 for new housing choice; and
- _ensure that a balance is provided between complementing the existing heritage character whilst allowing for some redevelopment potential.

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

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

Comment :

The planning proposal seeks to encompass development standards that will allow for a

Amendment of the development standards at the northern portion of a precinct bounded by Wentworth Road, Railway Crescent, Carilla Street and Gladstone Street, Burwood

maximum building height of 8.5m and a maximum floor space ratio of 1:1 of the northern part of the precinct. No changes are proposed to the existing zoning.

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?

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

d) Which SEPPs have the RPA identified?

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

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

If No, explain :

Direction 3.1 Residential Zones

Council's submission states the planning proposal is consistent with Direction 3.1 because, while it reduces potential dwelling yield, the type of housing achievable if the planning proposal were to proceed (terrace style) represents a different type of housing (compared to residential flat buildings) which would contribute to a range of housing types in the LGA.

The Department considers the planning proposal to be inconsistent with Direction 3.1 as it does not adequately justify the loss of dwelling potential within the precinct. The proposal highlights there has been limited uptake of development potential within the precinct since an 8 storey limit was introduced in 2002 (prior to it changing to 26m under LEP 2012), however this does not justify the reduction of development potential.

Burwood LGA is currently predicted to not meet the housing target set under the draft Inner West Subregional Strategy of 7700 dwellings by 2031. LEP 2012 is estimated to deliver 5000 dwellings by 2031.

The Council has justified the loss of dwelling potential within this precinct with future up zonings proposed in other precincts, but as the housing target of 7700 is not predicted to be met, any future up zonings should go towards making up the housing deficit.

The inconsistency with this Directive is considered unjustified.

Direction 3.4 Integrating Land Use and Transport

Council's submission states the planning proposal is consistent with Direction 3.4 as it provides redevelopment potential in a precinct that is accessible to housing, jobs and services.

The Department considers the planning proposal to be inconsistent with Direction 3.4 because it is not providing controls that could allow medium density housing development within a precinct that is accessible to jobs, services and good public transport.

The inconsistency with this Directive is considered unjustified.

Direction 7.1 Implementation of the Metropolitan Plan for Sydney 2013

Council's submission states the planning proposal is consistent with Direction 7.1 because it provides housing with access to jobs and services.

Amendment of the development standards at the northern portion of a precinct bounded by Wentworth Road, Railway Crescent, Carilla Street and Gladstone Street, Burwood

The Department considers the planning proposal to be inconsistent with Direction 7.1 because it is reducing the ability of a major centre in an established urban area, to provide new housing. Objective 2 'Strengthen and grow Sydney's centres' of the draft Metropolitan Strategy 2013 lists Burwood as a Strategic Centre (Major Centre) and these centres are encouraged to have medium-high density housing while encouraging business and commercial growth. Through the reduction in potential dwelling numbers, the planning proposal is not consistent with this objective.

The planning proposal is also not consistent with Objective 5 'Deliver new housing to meet Sydney's growth' because it does not encourage new housing in areas close to existing and planned infrastructure in an infill area. The precinct is an infill area located close to existing infrastructure and services. While the planning proposal does provide for some new housing, the current controls allow for a higher density of dwellings.

The inconsistency with this Directive is considered unjustified.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Community consultation was undertaken by Council as part of the public exhibition of LEP 2012, and a survey was conducted of all landowners within the precinct in February 2013. Further community consultation is proposed by Council subject to receiving a positive determination to proceed at the gateway stage.

Council has not indicated a specific exhibition time period.

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 : The planning proposal does not adequately justify inconsistencies with Section 117 Directions 3.1 Residential Zones, 3.4 Integrating Land Use and Transport and 7.1 Implementation of the Metropolitan Plan for Sydney 2013.

Proposal Assessment

Principal LEP:

Due Date : **November 2012**

Comments in relation to Principal LEP : The draft Inner West Subregional Strategy has a housing target of 7700 dwellings for the Burwood LGA. It is estimated the principal LEP can meet 65% of that target, at 5000 dwellings.

Assessment Criteria

Need for planning proposal : Council states the planning proposal is needed to address resident concerns about the scale of development achievable in the subject area under LEP 2012. Council aim to provide development that complements the existing heritage items and provides a

Amendment of the development standards at the northern portion of a precinct bounded by Wentworth Road, Railway Crescent, Carilla Street and Gladstone Street, Burwood

transition towards the low density residential areas to the north and east of the subject area.

It is considered the planning proposal does not justify the potential loss of dwelling houses. Council has the ability to consider the effects of any development on heritage items or within heritage conservation areas under cl. 5.10 Heritage conservation of LEP 2012 at any development application stage.

Consistency with strategic planning framework :

The planning proposal is inconsistent with Burwood's housing target set under the draft Inner West Subregional Strategy. Under LEP 2012 Burwood is currently predicted to deliver 5000 of the required 7700 dwellings by 2031. The planning proposal would reduce that 5000 target by a further 249 dwellings.

Environmental social economic impacts :

The planning proposal will not result in any adverse environmental impacts. The down zoning could result in a loss of economic potential for the precinct.

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 : **The planning proposal should not proceed because it represents a potential loss of dwellings in the subject area, which is an established urban area close to public transport.**

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
Cover Letter and Delegation Checklist.pdf	Proposal Covering Letter	Yes
Planning Proposal & App 1.pdf	Proposal	Yes
App 2_council report&resolution 15May12.pdf	Proposal	Yes
App 3_council report&resolution 25Jun2012.pdf	Proposal	Yes

Amendment of the development standards at the northern portion of a precinct bounded by Wentworth Road, Railway Crescent, Carilla Street and Gladstone Street, Burwood

1300_COM_SIM_001_010_20130704.pdf	Map	Yes
1300_COM_HOB_001_010_20130704.pdf	Map	Yes
1300_COM_FSR_001_010_20130704.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

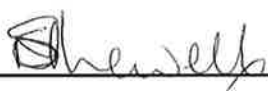
Additional Information : **The planning proposal is not supported for the following reasons:**

1. It is inconsistent with Section 117 Directions 3.1 Residential Zones, 3.4 Integrating Land Use and Transport and 7.1 Implementation of the Metropolitan Plan for Sydney 2013 and the inconsistencies cannot be justified.
2. Council has not adequately justified the loss of dwellings in the context of its deficit housing target for the entire LGA.
3. Any up zonings proposed elsewhere in the LGA that produce additional dwellings should contribute to Burwood's overall housing target and not offset a dwelling loss in the subject area.
4. It is inconsistent with 'The Vision Document - Incorporating The Burwood Strategic Planning Review and Town Centre Masterplan' (2004) which shows the precinct as being suitable for residential flat buildings with no height limit suggested.

If Council wishes to proceed with the down zoning of this precinct, it is encouraged to propose a planning proposal that addresses the down zoning of this precinct in conjunction with an offset up zoning at alternative locations. Any future planning proposal should also address, in context, the overall 2700 housing target deficit for the LGA and steps Council is planning to address that deficit in the longterm.

Supporting Reasons : **The planning proposal is inconsistent with a number of Section 117 Directions and Burwood's housing target under the draft Inner West Subregional Strategy.**

Signature:



Printed Name:

Sandy Shewell

Date:

5 - 8 . 13