

Appendix Three – Council Report and Resolution of 25 June 2013

75/13 RESOLVED (Carried Unanimously)

1. That Council approve 'Area 4A' to be included within the current Burwood Permit Parking Scheme for a period of 12 months and administratively reviewed after this period.
2. That Council approves the installation of new "1P – 8.00am to 6.00pm Monday to Friday & 8.00am to 1.00pm Saturday – Permit Holders Excepted AREA 4A" signage on the eastern side of Bennett Street, south of Luke Avenue, for a length of 50.0m.

(Moved Deputy Mayor Ernest Wong/Seconded Councillor Tony Doueihy)

(ITEM 46/13) PRECINCT BOUNDED BY WENTWORTH ROAD, RAILWAY CRESCENT, CARILLA STREET AND GLADSTONE STREET, BURWOOD

File No: 13/18101

Summary

At its Extraordinary Meeting on 15 May 2012, Council considered a report on the public exhibition outcomes of the Burwood Local Environmental Plan (BLEP) 2012. Concerns were raised in a number of submissions with respect to the adverse impacts of large scale development under the R1 General Residential zone in the precinct bounded by Wentworth Road, Railway Crescent, Carilla Street and Gladstone Street generally, and on heritage properties in particular. Council resolved that a resident survey be conducted for this precinct and a workshop with Councillors be held to discuss the survey outcomes. Following the survey and the Councillors' Workshop, it is recommended that Council prepare a Planning Proposal to incorporate revised development standards for the precinct within the BLEP 2012, that addresses community concerns.

76/13 RESOLVED (Carried Unanimously)

1. That Council endorse Option 2, which involves an amendment of the BLEP 2012 to allow a maximum building height of 8.5m and a maximum FSR of 1:1 for the northern part of the precinct, bounded by Gladstone Street on the north and Carilla Street on the east.
2. That a Planning Proposal be initiated to encompass the proposed changes to the BLEP 2012.
3. That new provisions be formulated in the BDCP to guide terrace style housing, subject to the Planning Proposal going ahead.
4. That Council adopt as policy that any DAs or pre-DAs for sites that are to be included in this Planning Proposal, are to be dealt with and determined having regard to the planning controls foreshadowed in this report and intended to apply under that Planning Proposal and the BDCP.

(Moved Councillor Lesley Furneaux-Cook/Seconded Deputy Mayor Ernest Wong)

(ITEM 47/13) REPORT OF IMPLICATIONS OF THE PROPOSED PROTECTION OF THE ENVIRONMENT OPERATIONS (AMENDMENT ILLEGAL WASTE DISPOSAL) BILL 2013

File No: 13/23115

Summary

To advise Council of the possible implications of the Protection of Environment Operations Amendment (Illegal Waste Disposal) Bill 2013 on the costs incurred by Council under section 88.

To recommend that Council support the initiative of the South Sydney Regional

(ITEM 46/13) PRECINCT BOUNDED BY WENTWORTH ROAD, RAILWAY CRESCENT, CARILLA STREET AND GLADSTONE STREET, BURWOOD

File No: 13/18101

REPORT BY DEPUTY GENERAL MANAGER LAND, INFRASTRUCTURE & ENVIRONMENT

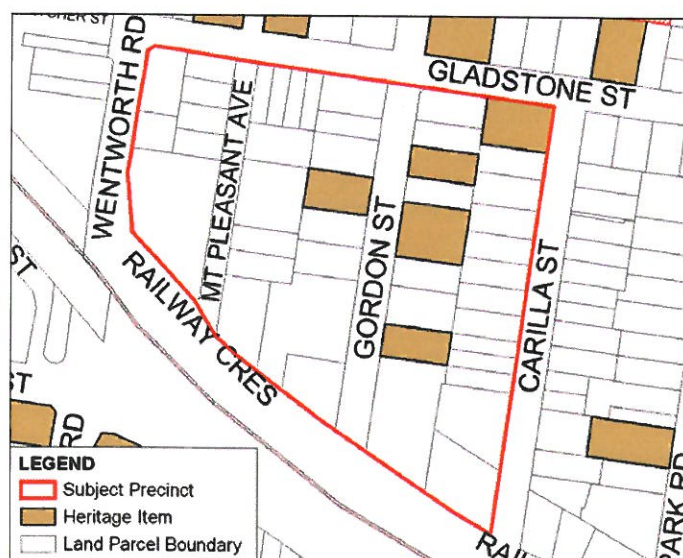
Summary

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Background

At its Extraordinary Meeting on 15 May 2012, Council considered a report on the outcomes of the public exhibition of the draft BLEP. At this meeting, it was resolved that Council endorse the draft BLEP, with minor amendments, for submission to the Department of Planning and Infrastructure (DP&I) for finalisation. It was also resolved that:

- *Area bounded by Wentworth Road, Gladstone Street, Carilla Street and Railway Crescent – that a resident survey be conducted concerning a proposal to reduce the height limit for the area to a maximum of 8.2m and that results of the resident survey be workshopped with Councillors prior to any Planning Proposal being initiated.*



Location Plan

The precinct is predominantly characterised by single and two storey dwellings. Carilla and Gordon Streets contain generally low rise housing, with four heritage items in Gordon Street and one in Carilla Street. All properties bar one fronting Wentworth Road and Railway Crescent have been developed with residential flat buildings of up to six storeys in the past decade or so.

The precinct was zoned Residential 2(c2) with an eight storey height limit under the Burwood Planning Scheme Ordinance 1979. These controls have been carried over to the BLEP 2012 as R1 General Residential zone, with a maximum floor space ratio (FSR) of 3:1 and a maximum height of 26m.

In accordance with the Council resolution, a survey was conducted for all land owners within the precinct in February 2013. A Councillor Workshop was held on 7 May 2013.

Survey

The survey questionnaire asked land owners in the precinct if they would like the development standards in the area to be changed and if so, whether they agree or disagree with any of the density and height options listed, or alternatively make any other suggestions.

The survey was sent to 196 owners and the results are as follows:

- There was a 30% response rate (59 filled survey form). The low rate of returns may be due to many properties in the southern and western part of the precinct containing strata units.
- Of the 59 respondents, 38 or 64% favoured a density and height reduction in the precinct, while 20, or 34% preferred to keep the eight storey height limit. One respondent did not indicate a preference.
- Out of the 38 respondents who favoured a height reduction:
 - 22 or 58% preferred a two storey height limit
 - 16 or 42% favoured a three to four storey height limit
 - 9 or 24% endorsed a six storey height limit along Wentworth Road and Railway Crescent and a three storey height limit for the rest of the precinct, which represents a mixed approach

Note: Some respondents selected multiple options.

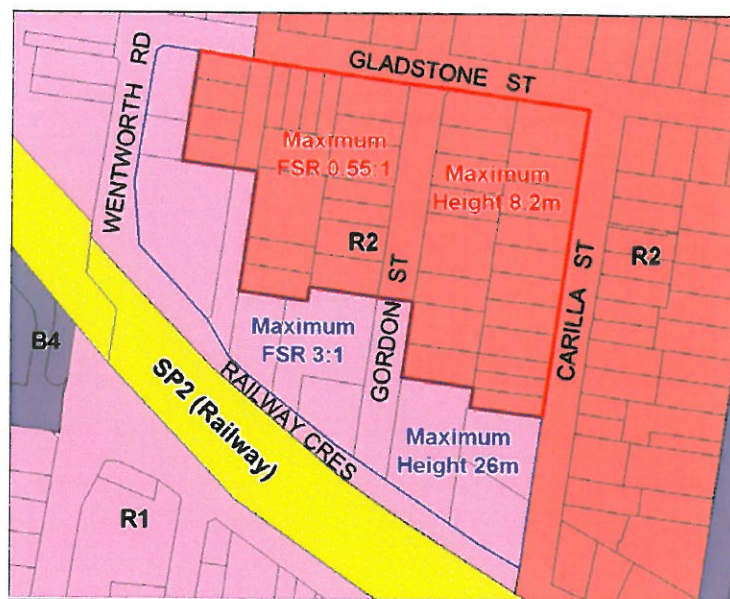
- Residents of Gordon Street showed a stronger support for two storeys (10 respondents). This street contains four of the five heritage items in the precinct.
- Of the 20 respondents who preferred to keep the eight storey height limit, 11 were house owners and nine were strata unit owners.

In addition, a petition containing 12 signatures seeking a reduction of the height limit to two storeys was also received by Council. It appears that all, bar one, signatories live immediately adjacent the precinct.

Options

In view of the survey outcomes and the discussions at the Councillor Workshop, three options have been developed and assessed. These are detailed on the next pages.

Option 1: Rezone the northern part of the precinct to R2 Low Density Residential, with a height limit of 8.2m (two storeys) and a maximum FSR of 0.55:1. The southern and western part of the precinct to retain the R1 General Residential zone, the 26m (eight storeys) height limit and the 3:1 maximum FSR.



Option 1

Comment:

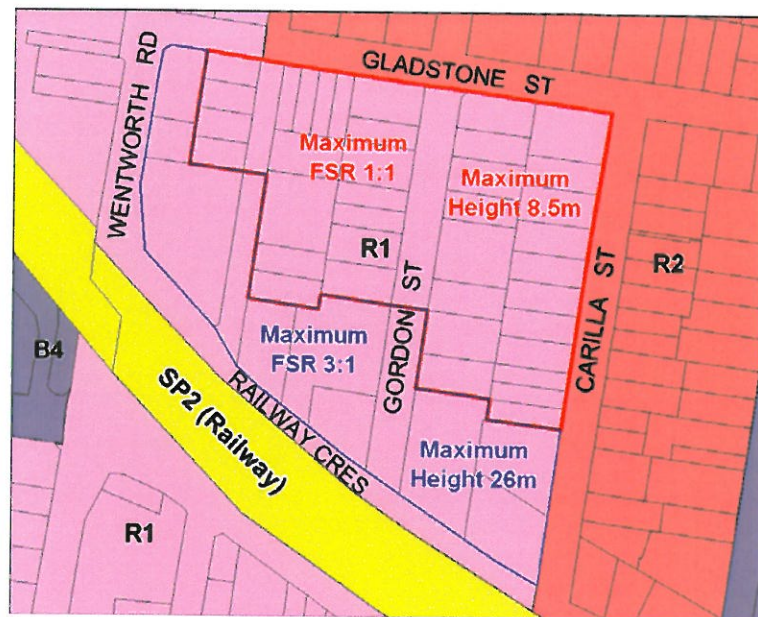
This option is based on the premise that the majority (64%) of respondents from the survey supported a height reduction, that 58% of those who favoured a height reduction preferred the precinct to be a low density residential area with a two storey height limit, and that the northern part of the precinct features predominately low density housing at present.

With this option, the northern part of the precinct will preserve the five heritage items, the current low density built form and streetscape character, which is compatible with the existing low density environment including several heritage items to the east and north of the precinct.

The southern and western part of the precinct is unlikely to be redeveloped in the short to medium term, given they were developed not long ago. As such, it is not considered necessary to change the zoning and development standards for this part of the precinct now.

However, this option will considerably reduce the development yield in this area. The relevant direction under Section 117 of the *Environmental Planning and Assessment (EP&A) Act* requires Council to justify any loss in potential housing yield before the DP&I can grant approval of any down zoning. The DP&I may not accept Council's justification. In addition, although a majority of the survey respondents supported a density and height reduction, there were still 11 house owners in the northern part of the precinct who preferred the precinct to remain a high density residential area with an eight storey height limit.

Option 2: Retain the R1 General Residential zone, revise the height and FSR standards to 8.5m (two to three storeys) and 1:1 for the northern portion, and incorporate development controls in the Burwood Development Control Plan (BDCP) to encourage terrace style housing. The southern and western part of the precinct to retain the 26m (eight storeys) height limit and 3:1 maximum FSR.



Option 2

Comment:

This option provides a more modest reduction in residential capacity compared to Option 1. Terrace style housing, which can be similar to the recent development on the corner of Oxford and Hornsey Streets, Burwood, will present a new form of housing in this area. Lofts or dormer windows may be incorporated so that the terrace would present as two storeys in appearance however, contain three storeys. This form of housing may complement the heritage items in Gordon Street which are mainly two storey Victorian terraces.

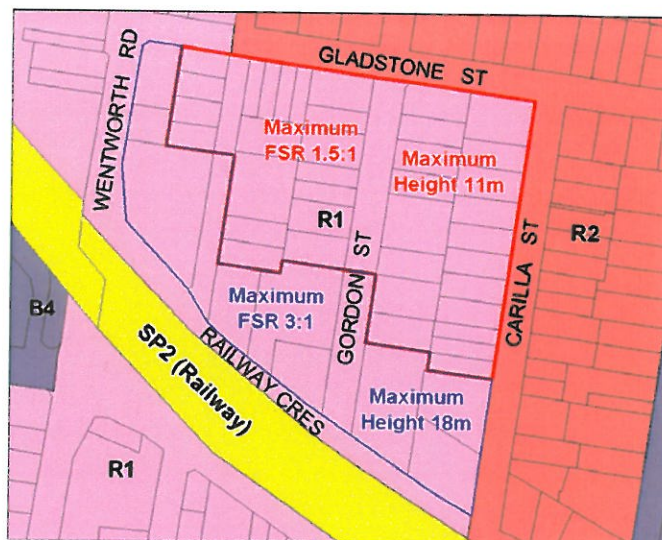
Terrace style housing would provide a transition between the existing multi-storey residential flat buildings in the southern and western part of the precinct and the low density residential housing to the north and east of the precinct. In particular, it would provide a better transition for Gladstone Street and Carilla Street, as currently up to eight storey development could be built on one side while only up to two storey housing could be built on the other side of these streets.

This option is more balanced between complementing the existing heritage character whilst allowing for some redevelopment potential.

However, development controls to encourage terrace style housing can only be incorporated in the BDCP, instead of the BLEP which is Standard Instrument based. Recent legislation changes have watered down the status of a DCP to a guideline and advisory document only. As such, Council may not be able to enforce new development to be in this built form and developers may not want to take up this style of housing.

In addition, this option still presents a down zoning. Council would need to justify any loss in housing potential before getting the DP&I's approval.

Option 3: Retain the R1 General Residential zone, amend the height and FSR standards to 11m (three storeys) and 1.5:1 for the northern part and 18m (six storeys) and 3:1 for the southern and western part of the precinct.



Option 3

Comment:

This option was recommended in the report on the draft BLEP at the 15 May 2012 Extraordinary Council meeting. It was considered appropriate to adjust the development standards to allow for a degree of development potential in the area while providing a transition towards the low density residential areas to the north of Gladstone Street and to the east of Carilla Street. Site testing revealed that an 18m (six storeys) building on the southern and western part of the precinct could achieve a 3:1 FSR.

The survey of land owners has revealed that nine out of the 38 (ie, 24%) respondents who favoured a height reduction in the area supported this mixed approach. Given the poor support, this option is not recommended.

Recommended Option

Option 2 is recommended as it is considered to present the best outcome as it provides:

- for redevelopment that can complement the heritage items, be compatible with the existing building appearances and streetscape character
- a transition towards the low density residential areas to the north and east of the precinct
- a new housing choice
- a balance between complementing the existing heritage character whilst allowing for some redevelopment potential
- for an easier justification of down zoning based on the above reasons

Planning or Policy Implications

Planning Proposal

A Planning Proposal is required to be prepared in order to implement the recommended option. The Planning Proposal will seek to amend the BLEP 2012 to revise the height and FSR standards for the northern part of the precinct. As mentioned before, Council needs to justify any loss in potential housing yield before the DP&I can grant a positive Gateway Determination.

Following a positive Gateway Determination, the Planning Proposal will be publicly exhibited. All land owners within and adjacent the precinct will be notified of the exhibition and their views will be sought, prior to Council determining whether to proceed with the Planning Proposal to an LEP amendment.

BDCP Controls

Should Council endorse the recommended option, new controls will need to be formulated for terrace style housing under *Part 4: Development in Residential Areas* of the BDCP, ie, an amendment of the BDCP will be required.

Possible controls could include:

- Statements to encourage terrace houses in the northern part of the precinct
- Statements to allow lofts and dormer windows to maximise the use of roof space while achieving a two storey building appearance
- Provisions on features, size, number and position of dormer windows
- Provisions on minimum lot frontage/width, front, side and rear setbacks, landscaping including deep soil planting, private open space, solar access and parking arrangements.

The draft BDCP controls will be exhibited concurrently with the Planning Proposal following any positive Gateway Determination by the DP&I.

Policy Adoption

The Planning Proposal may take six to nine months to result in an amendment of the BLEP. Until then, the precinct will be subject to the current BLEP height and FSR standards. Council should therefore adopt as policy that future Development Applications (DAs) and Pre-DAs for sites affected by the Planning Proposal are to have regard to the recommendations of this report and the intentions of the Planning Proposal. Adopting this policy will not supercede the current BLEP standards, however will add weight in Council's determinations of the DAs.

Financial Implications

There are no financial implications for Council.

Conclusion

Resident surveys have been conducted to gauge land owners' views for the precinct. While the survey received a low response rate, 64% of the land owners who responded supported a density and height reduction for the precinct.

A discussion of the three options has revealed that Option 2 should be pursued, which involves an amendment of the BLEP height and FSR standards to a maximum 8.5m (two to three storeys) and a maximum 1:1 for the northern part of the precinct. New provisions would be added to the BDCP to encourage terrace style housing in this part of the precinct. This option is considered to present a better balance between complementing existing heritage character and streetscape, and

retaining a degree of development capacity. A Planning Proposal should be initiated accordingly and forwarded to the DP&I for a Gateway Determination.

Recommendation(s)

1. That Council endorse Option 2, which involves an amendment of the BLEP 2012 to allow a maximum building height of 8.5m and a maximum FSR of 1:1 for the northern part of the precinct, bounded by Gladstone Street on the north and Carilla Street on the east.
2. That a Planning Proposal be initiated to encompass the proposed changes to the BLEP 2012.
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4. That Council adopt as policy that any DAs or pre-DAs for sites that are to be included in this Planning Proposal, are to be dealt with and determined having regard to the planning controls foreshadowed in this report and intended to apply under that Planning Proposal and the BDCP.

Attachments

There are no attachments for this report.