

Appendix Two – Council Report and Resolution of 15th May 2012

	Public Exhibition and further actions
Mr Paul Wei 10 Neich Parade Burwood	Draft Burwood Local Environmental Plan 2012 and Draft Section 94A Contributions Plan – Results of Public Exhibition and further actions
Ms Dennise Scala School Principal - MLC	Draft Burwood Local Environmental Plan 2012 and Draft Section 94A Contributions Plan – Results of Public Exhibition and further actions
Ms Bea Sochan	Draft Burwood Local Environmental Plan 2012 and Draft Section 94A Contributions Plan – Results of Public Exhibition and further actions
Mr John Hill 74 Burwood Road Burwood	Draft Burwood Local Environmental Plan 2012 and Draft Section 94A Contributions Plan – Results of Public Exhibition and further actions
Mr Joseph Boumelhelm 312 Neich Parade Burwood	Draft Burwood Local Environmental Plan 2012 and Draft Section 94A Contributions Plan – Results of Public Exhibition and further actions
Mr Ronnie Mouawad 29-31 Byer Street Enfield	Draft Burwood Local Environmental Plan 2012 and Draft Section 94A Contributions Plan – Results of Public Exhibition and further actions
Mr John Mouawad	Draft Burwood Local Environmental Plan 2012 and Draft Section 94A Contributions Plan – Results of Public Exhibition and further actions

COUNCILLOR CHRISTINE DONAYRE LEFT THE MEETING AT 7:28PM

COUNCILLOR CHRISTINE DONAYRE RETURNED TO THE MEETING AT 7:30PM

GENERAL BUSINESS

(ITEM 38/12) DRAFT BURWOOD LOCAL ENVIRONMENTAL PLAN 2012 AND DRAFT SECTION 94A CONTRIBUTIONS PLAN - RESULTS OF PUBLIC EXHIBITION AND FURTHER ACTIONS

File No: 12/17450

Summary

Formal exhibition of the draft Burwood Local Environmental Plan (BLEP) 2012 and the draft Section 94A (S94A) Contributions Plan has been completed in accordance with the statutory requirements. The 159 submissions including 12 petitions received on the draft BLEP have been assessed. This report recommends that with minor changes the draft BLEP proceed to a section 68 submission to the Department of Planning and Infrastructure (DP&I) for finalisation. A range of more substantial matters should be dealt with through a Planning Proposal to be initiated by Council. In three cases it is recommended that separate Planning Proposals be invited to deal with more substantial matters from the proponents. The

Contributions Plan received a very limited response and should proceed to finalisation and commencement concurrent with the draft BLEP.

60/12 RESOLVED (Carried)

1. That Council note the outcomes of the exhibition processes for the draft S94A Contributions Plan and the draft BLEP 2012 presented in this report.
2. That Council endorse preparation of a section 68 submission forwarding all the necessary documentation to the Director General of the Department of Planning & Infrastructure including appropriate minor amendments referred to in this report:
 - **The Byer Street Car Park** – planning controls be retained as exhibited.
 - **1-3A Byer Street** – have the same development standards as the Byer Street Car Park.
 - **Rest of Byer Street and 12A, 14, 16 and 18 Plymouth Street** – that a resident survey be conducted concerning a proposal to increase density as per residents' petition. With a residents workshop/information session to be held, prior to any Planning Proposal being initiated.
 - **Byer Street** – that council staff investigate possibility of introducing a resident parking scheme by August 2012.
 - **Burwood Road North** – that the height limit be retained as per the exhibited LEP.
 - **Neich Parade & Britannia Avenue** – that a resident survey be conducted concerning options of rezoning and development standards, and that results of the resident survey be workshopped with Councillors prior to any Planning Proposal being initiated.
 - **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 maximum 8.2m and that results of the resident survey be workshopped with Councillors prior to any Planning Proposal being initiated.
 - Council review the local road widening on Wentworth Road Southern end, on the eastern side of the Street with view of removing it
 - All submissions to the exhibition of draft BLEP – that Council look at all submissions via a Councillor Workshop to discuss and investigate issues raised.
3. That Council note that the minor amendments in Recommendation 2 above will include a request to the Minister for Planning and the Director General of the DP&I for insertion in the final BLEP of an equivalent provision to subclause 4.5 (2A) of the Burwood Town Centre LEP 2010 concerning exclusion of public parking from a building's gross floor area.
4. That Council endorse initiation of a Planning Proposal to encompass all of the other changes to planning controls on land identified in this report as justified, with the aim of coordinating implementation of the Planning Proposal with notification of the BLEP 2012.
5. That Council adopt as policy that any DA or pre-DA discussions for sites that are 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.
6. That a written invitation be extended to the owners/proponents of the following sites to submit separate Planning Proposals covering the planning concepts in their submissions, taking into account the comments and providing the necessary additional information identified in this report:



Burwood Council

heritage • progress • pride

EXTRAORDINARY MEETING

Notice is hereby given that an extraordinary meeting of the Council of Burwood will be held in the Council Chamber, Suite 1, Level 2, 1-17 Elsie Street, Burwood on Tuesday, 15 May 2012 at 6.00pm to consider the matters contained in the attached Agenda.

Michael McMahon
GENERAL MANAGER

Our Mission

**Burwood Council will create a quality lifestyle for its citizens
by promoting harmony and excellence in the delivery of its services**

CONFLICT OF INTERESTS

What is a "Conflict of Interests" - A conflict of interests can be of two types:

Pecuniary - an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in Section 448 of the Local Government Act.

Non-pecuniary – are private or personal interests the Council official has that do not amount to a pecuniary interest as defined in the Local Government Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

Who has a Pecuniary Interest? - A person has a pecuniary interest in a matter if the pecuniary interest is the interest of:

- The person, or
- The person's spouse or de facto partner or a relative of the person, or a partner or employer of the person, or
- A company or other body of which the person, or a nominee, partner or employer of the person, is a member.

No Interest in the Matter - However, a person is not taken to have a pecuniary interest in a matter:

- If the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative, partner, employer or company or other body, or
- Just because the person is a member of, or is employed by, a Council or statutory body or is employed by the Crown.
- Just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter so long as the person has no beneficial interest in any shares of the company or body.

N.B. "Relative", in relation to a person means any of the following:

- a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person's spouse;
- b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)

Disclosure and participation in meetings

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
 - (a) at any time during which the matter is being considered or discussed by the Council or Committee, or
 - (b) at any time during which the Council or Committee is voting on any question in relation to the matter.

No Knowledge - A person does not breach the Act if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

What interests do not have to be disclosed (S 448 Act)?

- (a) an interest as an elector,
- (b) an interest as a ratepayer or person liable to pay a charge,
- (c) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this Part,
- (d) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to a relative of the person by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this Part,
- (e) an interest as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not),
- (f) an interest of a member of a council committee as a person chosen to represent the community or as a member of a non-profit organisation or other community or special interest group if the committee member has been appointed to represent the organisation or group on the committee,
- (g) an interest in a proposal relating to the making, amending, altering or repeal of an environmental planning instrument other than an instrument that effects a change of the permissible uses of:
 - (i) land in which the person or a person, company or body referred to in section 443 (1) (b) or (c) has a proprietary interest (which, for the purposes of this paragraph, includes any entitlement to the land at law or in equity and any other interest or potential interest in the land arising out of any mortgage, lease, trust, option or contract, or otherwise), or
 - (ii) land adjoining, adjacent to or in proximity to land referred to in subparagraph (i), if the person or the person, company or body referred to in section 443 (1) (b) or (c) would by reason of the proprietary interest have a pecuniary interest in the proposal,
- (h) an interest relating to a contract, proposed contract or other matter if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company,

- (i) an interest of a person arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because a relative of the person is a shareholder (but not a director) of the corporation or is a member (but not a member of the committee) of the association or is a partner of the partnership,
- (j) an interest of a person arising from the making by the council of a contract or agreement with a relative of the person for or in relation to any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - (i) the performance by the council at the expense of the relative of any work or service in connection with roads or sanitation,
 - (ii) security for damage to footpaths or roads,
 - (iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council or by or under any contract,
- (k) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor),
- (l) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252,
- (m) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor,
- (n) an interest of a person arising from the passing for payment of a regular account for wages or salary of an employee who is a relative of the person,
- (o) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or member of a council committee,
- (p) an interest arising from appointment of a councillor to a body as representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

A Councillor is not prevented from taking part in the consideration or discussion of, or from voting on, any of the matters/questions detailed in Section 448 of the Local Government Act.

Non-pecuniary Interests - Must be disclosed in meetings.

If you are a Council official, other than a member of staff of Council and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:

- a) Remove the source of the conflict by relinquishing or divesting the interest that creates the conflict, of reallocating the conflicting duties to another Council official;
- b) Have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in Section 451(2) of the Act apply.

If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.

Disclosures to be Recorded - A disclosure (and the reason/s for the disclosure) made at a meeting of the Council or Council Committee must be recorded in the minutes of the meeting.

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AGENDA

**FOR AN EXTRAORDINARY MEETING OF BURWOOD COUNCIL
TO BE HELD ON TUESDAY 15 MAY 2012 IN THE COUNCIL CHAMBERS, 1-17 ELSIE STREET, BURWOOD
COMMENCING AT 6.00 PM.**

I DECLARE THE MEETING OPENED AT (READ BY MAYOR)

ACKNOWLEDGEMENT OF COUNTRY (READ BY MAYOR)

"I would like to acknowledge the Wangal people who are the Traditional Custodian of this Land. I would also like to pay respect to the Elders both past and present of the Wangal Nation and extend that respect to other Aboriginals present".

PRAYER (READ BY MAYOR)

"Lord, we humbly beseech thee to vouchsafe thy blessing on this Council, direct and prosper its deliberations for the advancement of this area and the true welfare of its people."

TAPE RECORDING OF MEETING (READ BY MAYOR)

"Members of the Public are advised that Meetings of Council and Council Committees are audio recorded for the purpose of assisting with the preparation of Minutes.

The tape recordings will be subject to the provisions of the Government Information (Public Access) Act 2009 (GIPA).

Tapes are destroyed four (4) months after the date of the recording"

APOLOGIES/LEAVE OF ABSENCES

DECLARATIONS OF INTERESTS BY COUNCILLORS

DECLARATION OF POLITICAL DONATIONS (READ BY MAYOR)

"Councillors & Members of the Gallery

As a result of recent changes to the Legislation that governs the legal process for the determination of Development Applications before Council, a person who makes a relevant application to Council or any person with a financial interest in the application must now disclose any reportable political donation or gift made to any local Councillor or employee of Council. Council will now require in its Development Application Forms this disclosure to be made.

Council is also required to publish on its website all reportable political donations or gifts. Should any person having business before Council this evening and being an applicant or party having a financial interest in such application feel that they have not made the appropriate disclosure, Council now invites them to approach the General Manager and to make their disclosure according to Law."

RECORDING OF COUNCILLORS VOTING ON PLANNING DECISIONS

In accordance with Section 375A of the Local Government Act a division must be called for and taken on every Environmental Planning & Assessment decision. The names of those Councillors supporting and those opposed to the decision are to be recorded in the meeting minutes and the register retained by the General Manager.

ADDRESS BY THE PUBLIC ON AGENDA ITEMS ACKNOWLEDGMENT (READ BY MAYOR)

The Mayor to ask each speaker to confirm that they had read the guidelines about addressing the Council and acknowledge that they had been informed that the meeting was being recorded and that the Council accepts no responsibility for any defamatory comments made.

ADDRESS BY THE PUBLIC ON AGENDA ITEMS COMMENCES

GENERAL BUSINESS

(ITEM 38/12)	DRAFT BURWOOD LOCAL ENVIRONMENTAL PLAN 2012 AND DRAFT SECTION 94A CONTRIBUTIONS PLAN - RESULTS OF PUBLIC EXHIBITION AND FURTHER ACTIONS	5
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INFORMATION ITEMS

(ITEM IN15/12)	PETITIONS.....	71
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CONFIDENTIAL ITEMS

(ITEM 39/12)	PURCHASE OF PART LEVEL 2, 1-17 ELSIE STREET BURWOOD	
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That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (d) of the Local Government Act, 1993, as the matter involves commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.

(ITEM 38/12) DRAFT BURWOOD LOCAL ENVIRONMENTAL PLAN 2012 AND DRAFT SECTION 94A CONTRIBUTIONS PLAN - RESULTS OF PUBLIC EXHIBITION AND FURTHER ACTIONS

File No: 12/17450

REPORT BY DEPUTY GENERAL MANAGER LAND, INFRASTRUCTURE & ENVIRONMENT

Summary

Formal exhibition of the draft Burwood Local Environmental Plan (BLEP) 2012 and the draft Section 94A (S94A) Contributions Plan has been completed in accordance with the statutory requirements. The 159 submissions including 12 petitions received on the draft BLEP have been assessed. This report recommends that with minor changes the draft BLEP proceed to a section 68 submission to the Department of Planning and Infrastructure (DP&I) for finalisation. A range of more substantial matters should be dealt with through a Planning Proposal to be initiated by Council. In three cases it is recommended that separate Planning Proposals be invited to deal with more substantial matters from the proponents. The Contributions Plan received a very limited response and should proceed to finalisation and commencement concurrent with the draft BLEP.

Background

Council's decisions

Development of the draft Comprehensive LEP for the Burwood Council area (draft BLEP) has been the subject of three previous reports to Council and several Councillor Workshops. Most recently at its 24 May 2011 meeting Council resolved:

1. That Council note the progress made on development of the draft LEP and the actions proposed to resolve remaining matters indicated in the report.
2. That Council endorse continued consultation with the DP&I, including the mandatory pre-section 64 submission meeting, to finalise the draft LEP for the section 64 submission.
3. That Council approve the lodgement of a section 64 submission seeking a certificate for exhibition of the draft LEP.
4. That a further report be brought to Council on completion of the public exhibition.

The certificate under section 65 of the *Environmental Planning and Assessment (EP&A) Act 1979* for exhibition of the draft BLEP 2012 was received from the DP&I on 20 December 2011.

At its meeting of 22 November 2011 Council considered a report on a new Contributions Plan for the Burwood Council area (outside the Burwood Town Centre (BTC), where a recent Section 94A Plan already applies). The new Plan is necessary to accompany the new LEP and replace two Section 94 Plans that have been in place for several years. Council endorsed the replacement of the two existing Plans with a draft Section 94A Plan involving direct levies on the cost of development with the following application, thresholds and rates:

- The Standard Levy (nil on development costs up to \$100,000; 0.5% above \$100,000 to \$200,000; and 1% above \$200,000) to all development except for the development of single dwelling houses, alterations and additions.
- Development of single dwelling houses, alterations and additions where the levy would be nil on development costs up to \$100,000; 0.5% above \$100,000 to \$300,000; and 0.25% above \$300,000.

Council also approved public exhibition of the draft Section 94A Contributions Plan, in coordination with the exhibition of the draft BLEP 2012, subject to its review 12 months after being in place.

Public exhibition

The exhibition of both the draft BLEP 2012 and the draft Section 94A Contributions Plan was held over six weeks from 14 February 2012 to 30 March 2012. Together the actions taken meet or exceed the statutory requirements for public exhibition of these documents.

The exhibition involved:

- Placement of notices of the exhibition by advertisements in the Inner West Courier on 14 February and 13 March 2012 referring to both the draft BLEP and the draft Contributions Plan.
- Issue of a Media Release to the Burwood Scene and the Inner West Courier on 9 February 2012. Articles were published in both newspapers.
- Mentions in two Community News advertisements in the Burwood Scene.
- Addressed notification letters to all property owners in the Burwood Council area (to the Owners Corporation in the case of properties with Strata Plans) prior to the exhibition's commencement. The letters also referred to the draft Contributions Plan. The reverse side of the letters provided advice on access to interpreter services for community languages other than English.
- Inclusion in all letters of a Frequently Asked Questions sheet that provided basic information on the origin, purpose and content of the draft BLEP 2012 and the exhibition.
- Inclusion, where appropriate, of additional Fact Sheets dealing with significant draft LEP issues concerning the specific property (eg. proposed land acquisition) or in the immediate vicinity (eg. a proposed rezoning).
- Notification letters also to the public authorities and major infrastructure providers including those consulted at the section 62 stage in November 2009.
- Two "Open House" nights at the Council offices on 28 February and 14 March 2012 for interested persons to visit and receive further information about the draft LEP. Attendance each night was in the range of 20 – 40 people.

The exhibition material was made available for public inspection at the Customer Service Centre in the Council offices and in the Burwood Library for the full exhibition period. It was also accessible on Council's website via a "Quick Links" button during the period. Strategic Planning team staff responded to telephone calls and attended in-person to Customer Service Centre enquiries during the exhibition period.

The physical and web-based exhibition material comprised copies of or provided links to:

- The draft BLEP 2012 written instrument and draft LEP Maps.
- The Section 65 Certificate for exhibition.
- A plain English explanation of the draft BLEP.
- The DP&I's Land Use Zoning Matrix completed for the draft BLEP.
- The Statements required by the DP&I to accompany draft LEP certification and exhibition:
 - Consistency with Section 117 Directions
 - Consistency with Other Environmental Planning Instruments
 - Consistency with Regional and Subregional Strategies

- Consistency with Practice Notes and Circulars
 - Use of Additional Local Clauses
 - Use of Model Local Clauses
 - Section 62 Consultation outcomes.
- Supporting documents comprising:
 - The Burwood Planning Scheme Ordinance
 - The BTC LEP 2010
 - The Standard Instrument Principal LEP on which the draft BLEP is based and the Standard Instrument Order 2006
 - Relevant State Environmental Planning Policies (SEPPs) and Regional Environmental Plans (REPs)
 - The Minister's Directions under section 117 of the *EP&A Act* for preparing LEPs; the State Government's Metropolitan Strategy and draft Sub-regional Strategy documents
 - Previous reports to Council on the draft BLEP
 - The Traffic and Transport Study for (Burwood's section of) the Strathfield Town Centre commissioned as input
 - The Phase 1 Contamination Assessment with Limited Sampling Report for Council's depot, 8 Kingsbury Street, Croydon Park, commissioned in support of the depot site's proposed rezoning (required pursuant to SEPP No. 55 Contaminated Land)
 - Information about the exhibition, finding out more and making submissions
- Frequently Asked Questions Sheet and the following Fact Sheets:
 - Proposed Land Acquisitions
 - Zoning and the Land Use Table
 - Substantial Changes to Residential Land
 - Floor Space Ratios
 - Height of Buildings
 - Special Uses Land
 - Heritage
 - Burwood Town Centre
 - Strathfield Town Centre
 - North Burwood Road
 - Parramatta Road Corridor
 - Enfield Local Centre
 - Croydon Park Local Centre
- The draft Section 94A Contributions Plan.

Consultation

Draft Section 94A Contributions Plan

Thirteen of the submissions received during the exhibition period made comment on the draft Contributions Plan or raised related matters.

The submission on behalf of the owners of the Westfield Burwood Shopping Centre concerned a traffic matter that is part of the existing Section 94A Contributions Plan for the Burwood Town Centre which is not part of this exhibition. The submitter has been advised that the matter raised will be considered separately from this report.

Eleven submissions indicated support for the “simplified” draft Contributions Plan and made no additional comment.

One submission objected to Section 94A levies applying to dwelling house development when such do not result in an additional dwelling as there is unlikely to be increased demand for additional amenities and services to justify imposition of the levy.

Draft BLEP 2012

As a result of the exhibition, 159 submissions including 12 petitions, were received by Council. All of the submissions and the issues raised are summarised in Attachment 1 to this report. A full register of the submissions and copies of each submission will be available at the meeting.

Based on the summaries in Attachment 1, the following table identifies and categorises the main issues raised in the submissions, to provide a “snapshot” of the type and range of issues. The approximate number of times each main issue is raised is also indicated in the column headed “Range”, to provide a guide to their relative importance in submissions.

Issue Category	Issue Subcategory	Range	Main Points
LEP general	Drafting issues	2	• Should deal with zone interface issues • Land Use table (LUT) should list all permitted and prohibited development • LEP aims should be clarified and subjectivity removed • Use of Group Terms in LUT is confusing • Additional objective requested for minimum subdivision lot size • Dual occupancy subdivision lot size issues • Zoning and controls applying to lots at map boundaries
	Justification of LEP strategy and outcomes	1	• Lack of published research and documentation to support LEP
	Treatment of heritage	6	• Provisions inadequately protect heritage • Heritage review should have accompanied draft LEP; additional items and areas requested • LEP aims do not reference heritage • B1 zone objective reference to heritage contrary to guidelines
	Relationship to other Plans	3	• Inconsistencies with SEPP 64 (Advertising and Signage); revisions requested • Concern about retention of existing DCPs especially DCP 16 • Reliability of DCP to achieve detailed outcomes
General	General support for	3	• Additional development and densities

Issue Category	Issue Subcategory	Range	Main Points
development issues	LEP and development		- welcomed - Available open space, facilities to support
	General concerns on further development and adverse impacts	7	- Adverse impacts on quality of life, heritage, traffic - Impacts of Places of public worship; should distinguish between local and regional - Should await M4-CityWest Link road construction - New building height limits will overwhelm area - Expansion of Burwood Town Centre (BTC) and Strathfield TC not supported - High buildings should be limited to BTC or areas with good public transport
	Inadequate encouragement for growth, business	3	- Won't achieve housing, jobs targets - Inadequate incentives - Apparent downscaling of development capacity compared to previous plans - Lack of strategic residential growth especially in centres and corridors - Should increase building height in centres, areas - Gateway sites should have special treatment
	LEP constrains design and built form	1	Height limits on houses too restrictive
	Public Recreation RE1 zone not properly applied	1	- Should apply to median parks in Wyatt Ave and The Parade (ie. not residential zone) - RE1 zone on some parks incorrect or missing
	Acquisition of land for road widening not appropriate or other traffic problems	7	- Some indicated acquisitions/widening already exist - Some indicated acquisitions/widening not justified and should be deleted - Widening of Georges River Rd inadequate to resolve traffic problems - One appropriate widening not included
Locality development issues	Inappropriate heritage treatment of specific sites and areas	5	- Request de-listing of 2 items - King Edward St should be in conservation area - Development in Gordon St precinct will adversely impact on heritage items - Lack of heritage protection in LEP including for specific areas in Croydon and Burwood
	<i>Strathfield Town Centre/extended area</i> - support for LEP or request additional development capacity	11	- Support for zone and development standards - Proposals inadequate, not commercially viable - Should be consistent with planning for main Strathfield TC (higher buildings, densities etc) - Additional land should be added north of rail line

Issue Category	Issue Subcategory	Range	Main Points
			• Opposed to maximum residential FSR control • Strathfield Sports Club requests B4 zone for 5 additional lots with RE2 Private Recreation on rest • All Strathfield Sports Club should be B4 zone
	<i>Strathfield Town Centre/extended area</i> - opposed to additional development	3	• Parnell St cannot sustain additional development • Restrict B4 zone north of rail line to 10m height • Development capacity is excessive, will compete with BTC
	<i>Everton Rd/Cooper St precinct</i> - support for rezoning or want more development	4 + petition	• Supports R1 zone south of Cowdery Lane but want higher FSR • Southern side of Cooper St between Cooper Ln & Wentworth Rd should be R1 zone not R2 • Requests B4 zone on specific sites
	<i>Everton Rd/Cooper St precinct</i> - opposed to more development	1	• Opposed to up-zoning; some buildings exceed height limit already
	<i>Enfield East & West Local Centre</i> - opposed to additional development	6	• Concerns about traffic, parking, overshadowing, amenity adverse impacts – whole centre • Same concerns but Enfield West focused • Opposed to B2 zone on land south-east corner Burwood Rd-Liverpool Rd intersection • Adverse impacts of zoning and redevelopment of Byer St car park
	<i>Enfield East & West Local Centre</i> - support for rezoning	11	• General support • Especially area between IGA and Catholic Church
	<i>Enfield East & West Local Centre</i> – wants more development	1	• FSR and height limits are inadequate incentive for redevelopment – should be more
	<i>Enfield East</i> – St Josephs School	1	• Liverpool Rd frontage should be B2 zone • Balance of site should be R1 zone (not R2)
	<i>Enfield West</i> – Byer Street precinct – opposition to rezoning, height/FSR standards	5	• Development standards for 1-3 & 3A Byer St are excessive, inconsistent, impact adjoining land • Byer St too narrow and traffic risks • Byer St/Plymouth St rezoning to R1 will cause substantial adverse impacts
	<i>Enfield West</i> – Byer Street – wants more development	Petition	• Request the rezoning of properties to enable 6 storey development, similar to that of Coronation Parade
	<i>Enfield East</i> – addition of land to B2 zone fronting Liverpool Rd between Burwood	2	• Impacts on future development of Royal Sheaf Hotel site • Impacts of building height on conservation area adjoining to north

Issue Category	Issue Subcategory	Range	Main Points
	Road & Quandong Ave		
	<i>Nicholson-Conder-Wentworth-Hornsey Precinct</i> - opposition	3	• Development standards should be reduced – area not close to services, has heritage value • Adverse impacts do not justify further development
	<i>Nicholson-Conder-Wentworth-Hornsey Precinct</i> – support or want more	2	• Reduced development standards too restrictive, will not allow potential to be achieved
	<i>Burwood Town Centre</i> – support or want changes	6 + petition (Livingstone Street)	• Building Height Plane control should be flexible • Active Street Frontage provision should be extended to other streets • Maximum FSR not achievable if above-ground parking included • Support further development in Commercial Core • Residential development restrictions not tenable • Coronation Club private car park should have higher development standards • Request addition of land fronting northern side of Livingstone Street to BTC
	<i>Burwood Town Centre</i> – opposed to development	2	• Scale or permitted development is excessive • Impacts of traffic around Burwood Public School
	<i>North Burwood Road</i> - opposed to more development	7	• General opposition - lacks infrastructure, adverse impacts on traffic and adjoining residential land • Specific impacts to east – wind, noise, traffic, overshadowing etc • Specific impacts to west – similar
	<i>North Burwood Road</i> - support development or want more	5	• Support zoning but request higher development standards and support for larger sites • Support but should be transition to lower standards south from Parramatta Rd
	<i>Parramatta Rd B6 Corridor</i> - opposed to more development or some standards	16	• Further development will exacerbate problems of traffic, parking etc • Specific concerns about range of impacts on residential areas adjoining/to south • Development on roads zoned B6 may block access to existing development • Opposed to inclusion of specific sites • Brothels inappropriate so close to residential • Support 10% limit on residential floor space
	<i>Parramatta Rd B6 Corridor</i> – support for	8	• General support for increased development • Support concept but there should be major

Issue Category	Issue Subcategory	Range	Main Points
	development or want higher development standards		- increase in development capacity - Request for specific lots to be added to B6 - Gateway sites eg Burwood Rd intersection should have increased development standards - Development standards inadequate incentive - Some land should be included in B4 zone - Maximum residential control too restrictive
	<i>Croydon Park Local Centre</i> – addition of certain land	2	- Northern side of Georges River Rd between Beaufort St and Boyle St should be zoned B4 with 20m height limit and 2.3:1 FSR - Same lands should be included in B2 zone
	<i>Croydon Park Local Centre</i> – Ex-Servicemen's Club site	16 + petitions	- Concerns about adverse impacts of redevelopment under B2 zone on adjoining/ nearby properties in low density residential zone - Club supports rezoning – acknowledges long-standing use and intention to continue
	<i>Gordon St Burwood precinct</i> – bounded by Carilla, Railway, Gordon, Wentworth	6 + petition	8 storeys equivalent height limit will cause adverse impacts such as traffic, overshadowing - Inconsistent with number of heritage properties in the area
	<i>Neich Pde Burwood</i>	Petition	Requests B4 Mixed Use zone to enable higher density redevelopment
	<i>Brighton St Croydon</i>	1	Requests reduced development standards within R3 zone
	<i>Young, Boundary, Grosvenor Sts precinct Croydon</i>	1	FSR and height should be less
Other specific site issues	Vision Australia, Mitchell St Enfield	1	Supports R1 zone for site that no longer meets long term strategic needs
	St John of God Hospital, Grantham St Burwood	1	- Requests single R1 zone for all owned land (and one other lot) to facilitate redevelopment; consistent with guidelines; - Alternatively could apply Special Use zone
	MLC School site – Rowley St, Park Rd and Grantham St	1	- Requests R1 in place of R2 zone - Height, FSR limits inadequate for school development - Alternatively could apply Special Use zone
	203-209 Burwood Rd Burwood - church	1	Requests R3 zone in place of R2 which does not permit Places of public worship – may impede future operations
	9-11 and 13 Queen St Burwood	1	Requests B1 zone in place of R2 zone to with standards to allow 3 storey neighbourhood development
	223-233 Georges River Rd and 50 Rose St Croydon Park	1	Requests B1 Neighbourhood Centre zone and appropriate development standards
	Sisters of St Joseph Croydon - 5-9	2	Current operation includes "Provincialate Office" (head office of province) and

Issue Category	Issue Subcategory	Range	Main Points
	Alexandra Ave & 6-8 King Edward St		requests Schedule 1 listing of such to avoid prohibition in R2 zone
	Flower Power site – Mitchell and Tangarra St Enfield	1	• Requests whole site (currently southern part Light Industrial, northern part Low Density Residential) zoned R1 General Residential to facilitate redevelopment and removal of incompatible land uses
State Government agency issues	Housing NSW (HNSW)	1	• Requests up-zoning of multiple HNSW sites, mostly to R4 High Density Residential to facilitate future redevelopment; • Requests increased building height limits on some sites in recognition of existing buildings above proposed limits
	Heritage Council	1	• Advertising and Advertising structures should not be exempt development for heritage items and conservation areas • Ensure development standards being applied will protect heritage items • Additional wording suggested related to Heritage Agreements • Requests inclusion of State-listed underground sewer pressure tunnels and shafts • Suggests individual listing of group-listed items
	Transport for NSW	1	• Requests additional objective for B6 Enterprise Corridor zone concerning protection of effective operation of classified road

Planning or Policy Implications

Draft Section 94A Contributions Plan

The application of a Section 94A levy to dwelling house development where no additional dwelling is created, as raised in the one dissenting submission received from the exhibition, was considered and endorsed by Council at its 22 November 2011 meeting that decided to exhibit the draft Plan.

The report highlighted potential equity issues for different forms of housing, and the additional demand for infrastructure and services likely to arise from large dwelling house development even when no additional dwelling is created. The report also indicated the increasing number of Sydney councils that are applying a levy to dwelling house development in new contributions plans.

To additionally manage potential adverse impacts, a modified levy was adopted by Council for the exhibition of the draft Section 94A Plan. This involves no levy below \$100,000 cost of development and a reducing rate as construction costs rise, as follows:

- Developments of single dwelling houses, alteration and additions where the levy would be nil on development costs up to \$100,000; 0.5% above \$100,000 to \$300,000; and 0.25% above \$300,000.

Analysis of past approvals has shown that under this scenario, the substantial majority of dwelling house approvals will pay no levy and on a \$1m construction cost, the levy will be only \$2,500.

In view of the minimal response to the draft Plan at exhibition, it is proposed that Council proceed to adopt it as the final Plan without change to the proposed levy application, thresholds and rates. Council's decision will need to be advertised in keeping with the statutory requirements and the Plan's implementation coordinated with commencement of the BLEP. Prior to advertising, updates will be made to the Works Schedule in the Plan to account for current information on specific projects as some have now been completed or been amended, e.g. in respect of timing or project cost estimates.

Draft BLEP 2012

Overview of submissions

Receipt of 159 submissions including 12 petitions concerned with a comparatively limited range of issues and sites is a fairly limited response to the exhibition. This is partly accounted for by the Burwood Town Centre, which involved many contentious issues, already having been dealt with in the BTC LEP (exhibition of the draft BTC LEP received over 200 submissions). The limited response also may reflect the draft BLEP having been prepared according to key principles endorsed by Council early in the process (at the 2 October 2010 meeting), that included:

- The Vision document, adopted by Council in 2004, providing the main framework
- Use of a like-for-like approach to the extent practicable for replacement zones and controls
- Foster business and jobs growth in localities with good public transport availability while protecting Burwood's high quality residential areas and streetscapes
- The benefits of up-dating Burwood's planning controls in a new and easier to use format

Overall, there are many submissions that support the general approach of the draft BLEP and its use of particular zones and development standards for localities and sites. A significant number feel the draft BLEP does not go far enough, and request broader zones and more generous standards to encourage development, especially in centres and corridors. Some submissions oppose any further growth, or the general strategy of limited growth targeted in key centres and corridors. A large number are opposed to specific zones or development standards as being inappropriate or excessive for particular localities or sites.

There were notably few inputs from State Government agencies, reflecting the extent of preceding consultation. Letters were sent to over 30 public authorities and the utilities Optus, Telstra and AGL. Five responses were received from public authorities.

Responses to submissions

The Table in Attachment 1 provides the response to and recommendations for action on each of the issues raised in the submissions.

Together with the "snapshot" of the overall nature and range of submissions provided in the table above in this report, a number of major issues have been identified that warrant more detailed explanation of the points raised and the recommended action. These are presented below, divided into general and locality-based issues, specific site issues, and State Government agency issues. An additional category includes other cases where further consideration outside the submission process indicates changes to development standards should be made.

It should be noted that in the Table in Attachment 1 and the discussion below, the recommended action involves one of four options:

- No action because the matter(s) raised do not warrant change to the draft BLEP; or

- Inclusion of an amendment to the draft BLEP to be forwarded to the DP&I for finalisation, as the matter does not necessitate re-exhibition; or
- Amendments to the planning provisions are justified but should be pursued through a separate Planning Proposal (PP) process as the extent of change would require re-exhibition. The PP will be initiated by Council with the aim of finalisation in conjunction with the main draft BLEP; or
- The proponent should pursue the matter through a separate PP initiated by the proponent due to the significance of the matter and/or the need for major supporting information. Council may indicate support for the separate PP in some cases.

Major issues – general and locality-based

1. LEP drafting: concerns relate to the structure of the Land Use Table (LUT), and LEP aims and zone objectives; and lack of documentation of the LEP's strategic direction and provisions.

Comment: The LUT's adopted structure involves the use of Group Terms (that cover a range of defined similar land uses) and every defined use not being listed as permitted or prohibited. While this approach has its shortcomings for the unaware, the DP&I requires this structure for all new LEPs as part of the Standard Instrument project. The DP&I's aim is to simplify and shorten the LUT, and the draft BLEP cannot depart from this approach.

The aims and zone objectives in the draft BLEP were the subject of some negotiation to comply with the DP&I's requirement that they be minimal in number and refer only to outcomes that the LEP can reasonably help to achieve. Council was able to insert an additional aim concerning heritage for the B1 Neighbourhood Centre zone as the BLEP's provisions relating to this zone specifically serve to protect the heritage value of the Croydon Neighbourhood Centre, which is in a Heritage Conservation Area.

With regard to supporting documentation, the DP&I approval for Council to proceed with the draft BLEP did not require completion of any major new studies or investigations. On Council's part, the principles underlying the draft BLEP's preparation, including the strategic approach in the 2004 Vision Document, were adopted early in the process. Council did undertake two studies, of traffic and transport for the Strathfield Town Centre extension and of site contamination for the rezoning of the Council's depot site in Kingsbury Street, Croydon Park, to deal with issues concerning specific sites and localities.

Recommendation: no change to draft BLEP

2. Heritage: concerns relate to the adequacy of treatment of heritage issues, the absence of a new heritage review to support the draft BLEP, and requests for inclusion or exclusion of heritage protection to specific sites or areas.

Comment: The main heritage provisions in the draft BLEP are compulsory Standard Instrument clauses that cannot be altered. Burwood Council's decision to carry over the heritage listings and conservation areas from the Burwood Planning Scheme Ordinance (BPSO) with only minor changes has been agreed by the DP&I and the Heritage Council has raised no objection during statutory consultation processes.

Initiation of a heritage review of the Burwood Council area is still under consideration by Council. Nevertheless, some requests in submissions for exclusion of some sites from heritage listing are dealt with in Attachment 1. In other cases, requests need to be considered as part of a broader heritage review in the future.

Recommendation: no change to draft BLEP

3. Opposition to and support for additional development: concerns that the draft BLEP's zones and/or development standards do not allow enough or provide inadequate incentives for new development, or will allow too much development to the detriment of Burwood's amenity, aesthetics, quality of life and environment.

Comment: It is reasonable to expect that community opinion will diverge on this issue. The draft BLEP has adopted a balanced strategy that recognises that there is significant spare capacity for housing, services and jobs already available for take up in the BPSO's business and medium density zones. It also provides for additional limited, targeted growth in specific centres and corridors that are well located for access to public transport, services and facilities.

This approach enables the draft BLEP to make adequate progress towards meeting the housing and employment targets set in the State Government's Metropolitan Strategy documents, while protecting Burwood's high quality, low density residential areas from significant change. This is a fundamental principle endorsed by Council for preparation of the draft BLEP.

While the draft BLEP proposes to increase or make specific building height and FSR limits in particular centres and corridors, no new development standards are proposed that will exceed those already in place in the Burwood Town Centre under BTC LEP 2010.

In response to submissions this report recommends further changes to zonings, building height and FSR developments standards. However the changes are not of such a scale as to reduce the effectiveness of Council's response to the housing and jobs targets indicated for the Burwood Council area in the Metropolitan Strategy documents.

Recommendation: no change to draft BLEP that substantially increases or decreases development capacity

4. Land acquisitions for road widening: concerns that some of the land acquisitions for local road widening are not justified and should be deleted, while others have already been implemented. Additional inclusions for local road widening are suggested. Other submissions have raised concerns about the impact of the road widening along Georges River Road.

Comment: all of the proposals for land acquisition for local road widening in the draft BLEP have been reviewed. Two can be deleted because they have been implemented already. However, Council's Traffic and Transport, Assets and Design teams have confirmed that all of the others are justified for retention to achieve long term traffic management outcomes.

The suggested additional road widening on the western side of Wentworth Road between the rail line and opposite the intersection with Gladstone Ave has been endorsed as appropriate by the Traffic and Transport, Assets and Design teams. The team also requests inclusion of land at 35 Luke Avenue Burwood, corner of Bennett Street, for future acquisition to implement a splay corner.

The inclusions in the draft BLEP for land acquisitions for future widening of Georges River Road (a classified road) have been specified by the RMS (former RTA) in its section 62 submission. They have been confirmed in the RMS's most recent submission and cannot be deleted or altered by Council.

Recommendation: amendment of draft BLEP as necessary. The additional road widening will need to be included in a separate PP by Council

5. Strathfield Town Centre including extended area: substantial support for the proposed B4 Mixed Use zone and development standards is tempered with some criticism that the proposed development capacity is inadequate, lacks incentives and is inconsistent with planning for the main Strathfield Town Centre. Submissions also criticise the limit on

residential floor space, and want the Town Centre area expanded. Opposition to the extended B4 zone and development standards is based on concerns the area cannot sustain the additional development, and that north of the rail line the 30m building height limit will adversely impact on adjoining properties.

Comment: The proposed extension of the Strathfield Town Centre to include the triangular area to the east will provide increased capacity for housing, employment and services development in a location with excellent access to public transport and services. A traffic and transport study of the extended Town Centre area indicated that the additional traffic demand likely to be generated was manageable subject to several achievable actions. Further extension of the Town Centre area or revised standards to increase development capacity, however, would face significant traffic constraints and is not justified.

The role of Burwood's section of the Strathfield Town Centre will be as a perimeter area to the main Centre, in which Strathfield Council is proposing substantial high density development. The proposed development standards are appropriate for the perimeter role and match those applying in the BTC Perimeter area. Placement of the maximum residential floor space control over the western part of the B4 zone aims to ensure that adequate floor space is retained for employment and services provision while the eastern section may be developed completely for residential purposes if justified by market demand.

The B4 zone north of the rail line should have the same development standards as the main area to the south, and matters of adverse impacts from building height can be addressed in the Comprehensive DCP. A request for inclusion in the B4 zone of land at 19-21 and 23-25 Everton Road has merit as these lots currently contain business premises at ground level. However, no case has been made for further extension of the B4 zone in the Strathfield Town Centre.

Recommendation: the draft BLEP to remain unchanged. Inclusion of the additional lots in Everton Road in the B4 zone in a separate PP by Council.

6. Strathfield Sports Club: the Club has requested five additional allotments on the western side of its site be included in the Strathfield Town Centre B4 zone (it already owns two lots in the zone). The Club's submission states that development of its land in the extended B4 zone would finance a major facilities upgrade including a new clubhouse. It also proposes a new public road linking Morwick and Lyons Streets to be dedicated by the Club to provide for the necessary through road identified in Council's Traffic and Transport Study. The rest of the site would be retained in the RE2 Private Recreation zone with an 8.2m building height limit. Nine tennis courts will be retained within the RE2 zone together with the new clubhouse.

Comment: The Club's proposal has merit. It will deliver substantial public benefits by continuing to make important recreation facilities available to the local and regional community, and by providing the new road link between Morwick and Lyons Streets that was recommended in Council's traffic and transport study undertaken of the Strathfield Town Centre. Addition of the lots to the B4 zone is a reasonable trade-off in this context. Redevelopment would need to demonstrate adequate provision for access and on site parking.

Recommendation: the Club's submission should be encouraged by Council however in view of the complexity of matters it raises including the dedication of land for the new road link, it should proceed by way of a separate Planning Proposal initiated by the Club outside the draft BLEP, and outside the PP to be initiated by Council.

7. Everton Road – Cooper St Strathfield precinct: the R1 General Residential zone is proposed in the draft BLEP to include the land north of the rail line, west of Wentworth Road and south of Cowdery Lane. The R2 Low Density Residential zone is proposed north of Cowdery Lane and East of Cooper Lane, and further to the north.

Requests in submissions include:

- supporting the proposed R1 zone but with a higher building height and FSR limit; and
- addition of the land north of Cowdery Lane, fronting Cooper Street, between Cooper Lane and Wentworth Road to the R1 zone.

Other submissions oppose increased development in this locality.

Comment: The proposed R1 zone essentially replaces the similar BPSO zone.

The request for higher development standards for the BLEP's proposed R1 zone in this locality has merit due to the number of existing buildings of 4 storeys and over. A new height limit of 14m and FSR of 2:1 is recommended.

However changing the proposed R2 zone in the area north of Cowdery Lane, between Cooper Lane and Wentworth Road is not endorsed because of potential adverse heritage impacts. The area contains several heritage items, and there are two large Heritage Conservation Areas north of Cooper Street. The submissions have not demonstrated how future development under the revised zoning would respond to the heritage aspects of character, streetscape and setting. The R2 zone should be retained over this land, as it provides a transition between the higher density area south of Cowdery Lane and the Conservation Areas north of Cooper Street.

Recommendation: no change to draft BLEP. Increased development standards for the R1 zone as indicated to be included in the PP to be initiated by Council.

8. Burwood Town Centre: concerns relate to adverse impacts on the development potential of land arising from controls in the existing BTC LEP 2010, including the restrictions on residential floor space in the Commercial Core and Middle Ring areas, and the inclusion of certain parking areas in floor space calculations. Amendments included in the draft BLEP such as the Active Street Frontages Clause, and the loss of flexibility options for the Building Height Plane (BHP) provision, are also criticised. Some submissions oppose the permitted scale of development and are concerned with traffic impacts in and around the BTC.

Comment: The development standards regime imposed in the BTC LEP 2010 is working satisfactorily. Council is dealing with a large number of applications and enquiries, including land in the Commercial Core and Middle Ring. It would be premature to consider changes to the present arrangements.

The Active Street Frontages clause is a DP&I Model Local Clause, and is applied to a limited number of streets in the Burwood and Strathfield Town Centres. It will reinforce and extend similar provisions already in the DCP for the BTC.

In finalisation of the draft BLEP for exhibition, the DP&I required that if the BHP provision is carried over from the BTC LEP, it must be excluded from Clause 4.6 that allows exceptions to development standards. It is understood this requirement relates to legal drafting using the Standard Template.

The DP&I rejected Council's preference to carry over Clause 4.5 (2A) from the BTC LEP that excluded certain *Council-provided parking* from floor space calculations on the basis that it was not a justified local clause. However, a strong case remains for retention of the clause to support existing public parking being provided as part of new developments when redevelopment occurs. As the clause already exists in the BTC LEP, it should be able to be carried over to the final BLEP without the need for re-exhibition, and have general application in the Burwood Council area.

Recommendation: Amendment of the draft BLEP to include an additional subclause in *Clause 4.5 Calculation of floor space ratio and site area* (or by some other amendment that achieves the same outcome) that reads: **Exclusion from gross floor area** Any part of a building (whether located at, above or below ground level) that is used for public parking that is owned or operated by or on behalf of the consent authority immediately before the commencement of this plan is excluded from the building's gross floor area. Also Council write to the Minister for Planning and the Director General of the DP&I requesting the insertion in the final BLEP of an equivalent provision to subclause 4.5 (2A) of the Burwood Town Centre LEP 2010 concerning exclusion of public parking from a building's gross floor area.

9. North Burwood Road extension of the Burwood Town Centre: substantial divergence between submissions supporting the proposed B4 Mixed Use zone and its development standards, in many cases with requests for increased development capacity, and opposition based on concerns about impacts on adjoining residential land to east and west including overshadowing, overlooking, wind, noise and traffic. There are also general concerns about lack of infrastructure to sustain the increased development and the distance of the area from the main BTC.

Comment: This section of Burwood Road already contains mixed residential, commercial and retail development of similar character to the Burwood Town Centre. The strip has substantial development capacity under existing BPSO development controls. Access to transport infrastructure, open space and services is readily available. However the locality will always function as a Perimeter area to the BTC and development standards in excess of those proposed are not justified.

The proposed B4 zone remains the appropriate choice, however the potential adverse impacts from excessive building height on the adjoining low density residential land are acknowledged. Further site testing indicates that the height limit can be reduced to 18m (6 storeys equivalent) while still allowing the FSR of 3:1 to be achieved. This action will need to be supported with more detailed controls on boundary setbacks and/or building envelopes in the Comprehensive DCP to respond to the concerns raised in submissions.

Recommendation: the draft BLEP to remain unchanged. Inclusion of the revised height of buildings limit in a separate PP by Council.

10. Neich Parade, Burwood: submission with petition for application of B4 zone to enable higher density development.

Comment: Council considered this matter in the report to the 12 October 2010 meeting, which canvassed the positives and negatives of several options for land fronting Neich Parade. No decision was made to support the concept as rezoning would change the existing residential character of the street and potentially impact on adjoining land to the west. Given the existing B4 zone in the BTC and the draft BLEP's proposed substantial area in the Strathfield Town Centre, there is no evidence of sufficient demand to justify rezoning land to B4 in Neich Parade. It is noted that there are approximately 44 properties in Neich Parade, and the petition was signed by owners from 18 properties, indicating less than majority support.

Recommendation: no change to the draft BLEP.

11. Carilla Street - Railway Crescent - Wentworth Road - Gladstone Street Precinct: concerns relate to adverse impacts of large scale development under the proposed R1 General Residential zone in this precinct generally and on heritage properties in particular. Main issues are building height and also traffic and overshadowing.

Comment: The BPSO allows up to 8 storeys development in this area and the draft BLEP proposed to carry over similar development standards. The southern part of the precinct

recently has seen several good quality developments of up to 6 storeys. In response to the submissions, development standards in the southern part of the precinct should be reduced to implement a similar scale for future developments by applying standards of 18m maximum building height and 3:1 FSR.

Most of the existing heritage items are located in the northern part of the precinct, and in response to the concerns the height limit there should be reduced to 11m (3 storeys equivalent) with an FSR of 1.5:1. These changes should ensure adequate development potential in the area while providing a transition towards the low density residential areas to the north of Gladstone St.

Recommendation: Inclusion of the revised development standards (18m and 11m height limits and 3:1 and 1.5:1 FSRs) in the separate PP by Council.

12. Parramatta Road Corridor: submissions indicated support for proposed zone and development standards and some criticism that the draft BLEP fails to provide adequate scale and incentives for new development, unduly restricts residential development and does not utilise valuable gateway sites. Several sites are nominated for addition to the zone. The main issues in the large number of submissions raising concerns about the B6 zone and development standards are adverse impacts on residential properties to the south, exacerbation of existing traffic and parking problems in side streets, and the permitted use of Sex services premises being too close to residential areas.

Comment: Application of the B6 Enterprise Corridor zone and the limit on residential floor space on land along Parramatta Road is encouraged in the State Government's Metropolitan Strategy documents. The development standards proposed in the draft BLEP provide for modest increases in capacity compared to current BPSO controls on the same land, and any increased impacts on adjoining land are likely also to be modest.

Schemes proposed by the State Government in the recent past to create a major development corridor along the whole of the Parramatta Road, have not been carried through, and there is no basis for unilateral action by Burwood Council in its section of the corridor which is characterised by a narrow strip of business-zoned land. Future decisions by the State Government on the M4-Anzac Bridge link may warrant reconsideration in the future.

As land in the B6 zone is redeveloped in the future within its wide range of permitted uses, up-to-date requirements for access and parking will be applied and should reduce impacts on adjoining land and streets. Parramatta Road's existing and proposed business character provides the best opportunity to manage potential adverse impacts of "brothels", which Council is obliged by the DP&I to permit in some part of the Council area. The draft BLEP includes an additional local clause to provide further powers for management of the impacts of Sex services premises.

There is no justification for applying increased development standards to create "gateway" sites at the corner of Burwood Road and Parramatta Road. The Bath Arms Hotel on the south-western corner is heritage-listed.

Recommendation: no change to the draft BLEP.

13. Enfield Local Centre: submissions show substantial support for the draft BLEP's B2 Local Centre zone and development standards. Requests for additional capacity as incentives for redevelopment are counterbalanced by many submissions concerned with the adverse impacts of further development. Most of these relate to Enfield West at the south east corner of the intersection of Liverpool Road and Coronation Parade, and also at the south east corner of Liverpool Road and Burwood Road.

Comment: The development standards in the draft BLEP for the Enfield Local Centre are consistent with the Vision document and the hierarchy of centres in the Burwood Council area. Site testing confirms that they should be sufficient to encourage further development and no increases to provide additional capacity are warranted.

The B2 zone along the main roads acts as a buffer for the low density residential areas behind the business strip. Concerns about the impact of building height on land to the south and east of the B2 zone are recognised, and the Comprehensive DCP will introduce building envelope controls to reduce potential adverse effects of overshadowing and overlooking. Overall, the impact of development under the BLEP development standards and the intended DCP controls will not exceed what is possible under the existing BPSO controls.

Existing and potential future traffic impacts are a concern of submissions in both Enfield East and West. These will be addressed in the LGA-wide traffic study commencing in 2013-14 which will assess conditions and recommend improvements to traffic management. Parking has not been raised as a significant issue.

Possible redevelopment of Council's Byer Street car park has been the focus of a number of concerns responding to the proposed development standards of 20m maximum building height and 2.5:1 FSR. The car park site should remain in the B2 zone as it is used primarily by traffic generated in that zone, however the development standards should be reduced to 11m maximum building height and 1.5:1 FSR. The Comprehensive DCP will also apply more detailed controls.

Nos 1-3 and 3A Byer Street Enfield West is another focus of concern. The draft BLEP proposes to carry over controls similar to the BPSO of 26m height limit and 3:1 FSR within an R1 zone. Submissions raise concern about excessive height, inconsistency with adjoining areas and impacts from overshadowing and traffic. These are acknowledged and the standards should be reduced to 11m maximum building height and 1.5:1 FSR. This is consistent with the recently developed three storey residential flat building occupying one of the lots.

In Enfield East, application of the B2 zone to the area south east of the Burwood Road/Liverpool Road intersection is appropriate in the context of the BPSO's Business General zoning of the land and development standards, and the centres hierarchy in the Burwood Council area. The concerns about the potential impacts of building height on adjoining residential land are acknowledged and the Comprehensive DCP will introduce building envelope controls to reduce potential adverse effects of overshadowing and overlooking.

The land fronting the northern side of Liverpool Road between Burwood Road and Quandong Avenue is the only proposed rezoning for addition to the Enfield B2 Local Centre zone. The area is zoned residential in the BPSO and includes the Royal Sheaf Hotel site. The concerns raised in submissions are acknowledged, that the new zone will add redevelopment pressure to the hotel site, and that building heights in the zone will be incompatible with the heritage quality of the adjacent conservation area. The development standards in this area should be reduced therefore to 11m (3 storeys equivalent) and 1.5:1 FSR.

Recommendation: Amendments to the development standards as indicated, to be implemented in the PP to be initiated by Council.

14. Nicholson-Conder-Wentworth-Hornsey St Precinct Burwood: both support for and opposition to the draft BLEP's proposals to reduce the development standards.

Comment: Although the BPSO has allowed residential flat buildings of up to 8 storeys for many years the precinct has attracted very little redevelopment and maintains a 2 storey residential character. Submissions concerned about the loss of development potential are

exceeded by those concerned about adverse impacts of redevelopment. On balance, most the draft BLEP's proposals should continue in this precinct.

Recommendation: no change to the draft BLEP.

15. Croydon Park Local Centre: The two main issues raised in submissions are a request to apply a B4 Mixed Use zone to land fronting Georges River Road between Beaufort Street and Boyle Street (immediately west of the existing centre); and opposition to inclusion of the Ex-Servicemen's Club in Seymour Street in the B2 Local Centre zone.

Comment: While one property fronting Georges River Road at the corner of Beaufort Street has been occupied by a commercial use for many years and would have existing use rights, the strip between Beaufort and Boyle Streets has no rear lane to provide service access and parking, and act as a buffer for the adjoining residential land to the north. Traffic restrictions along Georges River Road are not conducive to commercial/retail activities, and there has not been any demonstration of demand for additional floor space in this local centre that would justify rezoning additional land. The character of development on the other side of Georges River Road in Canterbury Council area is of little relevance in this case. The request is not supported.

The inclusion of the Club site in Seymour Street in the B2 zone has generated the greatest number of submissions and petition signatures during the draft BLEP's exhibition. Although the Club has submitted a letter endorsing the B2 zone, all other submissions are opposed, indicating that the proposed B2 zone does not have support from the immediate community. The existing BPSO Residential 2(a) zone should be replaced therefore with the similar R2 Low Density Residential zone under the new Plan. The Club has existing use rights and its current operation will not be constrained.

Recommendation: application of the R2 zone to the site in the separate PP by Council.

Specific site issues

1. St John of God Hospital, Grantham Street Burwood: the draft BLEP applies the R1 General Residential zone to the existing hospital site, however the submission requests the R1 zone's extension to two additional lots in the hospital's ownership (and one other lot not owned) to provide a consistent framework for future redevelopment, or alternatively application of a Special Use zone.

Comment: Application of a Special Use zone to a private hospital is not supported by the DP&I's guidelines. Inclusion of sites already owned by the hospital in the R1 zone is supported, but height and development standards consistent with the R2 zone should apply as the lots front the predominantly residential White and Moore Streets. No. 15 Moore Street not owned by the hospital may also be suited to an R1 zoning to enable future incorporation into the hospital site, however this should be pursued through the separate PP by Council. The property owner will have the opportunity to comment during that process.

Recommendation: no change to the draft BLEP. Inclusion of the changes in a separate PP initiated by Council.

2. MLC School Site, Rowley Street, Park Road and Grantham Street Burwood: the main concern in the School's submission is that the development standards of 8.2m maximum building height and 0.55:1 FSR that would apply under the draft BLEP's R2 Low Density Residential zone will unduly limit orderly future development of the School's lands. Higher development standards of 11m building height and 1.2:1 FSR are requested under the R2 zone, or under rezoning to R1 zone. Alternatively a Special Use zone is requested.

Comment: In replacing the BPSO Special Uses zone used for school sites, the draft BLEP has applied the predominant adjoining zone which is R2 Low Density Residential.

Educational establishments are permitted in this zone, obviating the need for further rezoning as schools expand. A Special Use zone is not warranted in the context of DP&I guidelines.

The concerns about development standards impacting on future school buildings are acknowledged, and adjustments may be appropriate for all the many school sites in Burwood Council area. A review of details in the MLC submission indicates that a height limit of 8.2m would be less than many existing buildings, however an FSR limit of 0.55:1 would not be breached in most cases. The MLC site is on a topographical high point and there are potential impacts on adjoining residential land if increased development standards are allowed.

The circumstances of each school therefore needs to be considered on merits. In the case of the MLC School, alteration of the development standards should be pursued through a separate Planning Proposal that provides stronger and more detailed justification for the requested standards, having regard to the context of the school. At this stage the draft BLEP should not be amended.

Recommendation: no change to the draft BLEP; MLC School to be invited to submit a separate Planning Proposal.

3. Flower Power Site, Mitchell and Tangarra Streets Enfield: submission for Flower Power requests replacement of draft BLEP's proposed R2 Low Density Residential zone (northern part) and IN2 Light Industrial zone (southern part) with single R1 General Residential zone. Also requests development standards of 11m maximum building height and 1.2:1 FSR. Submissions states these changes would provide incentives for redevelopment of the land so that the current land uses that are not compatible with the area's character are replaced.

Comment: The draft BLEP proposes to replace the Light Industrial zoning of Council's depot site with R1 General Residential zone. A similar action may be justified for the Flower Power site, however the request needs to be supported by a contaminated land investigation pursuant to SEPP 55, and by justification of the proposal in the context of the Section 117 Direction concerning the loss of industrial land. Council met these obligations for the depot site rezoning.

In addition, the R1 zone may not be suitable for the northern part of the Flower Power site, as there may be unacceptable impacts on the Low Density Residential zone which adjoins on three sides. An R3 zone could be considered as it would provide some redevelopment incentives while establishing a transition from development under the R1 zone to low density residential under the R2 zone.

The concept raised in the submission has merit, however the above issues need to be investigated in more detail and justification provided.

Recommendation: no change to the draft BLEP; Flower Power to be invited to prepare and submit a separate Planning Proposal that deals with the matters highlighted.

State Government agency issues

1. Housing NSW (HNSW): requests special treatment of its sites by inclusion in an R4 High Density Residential zone (or in one case in the R3 zone) to facilitate future redevelopment. Also requests adjustment of the height limit control for several sites in recognition of the height of existing buildings.

Comment: Inclusion of an R4 zone in the draft BLEP was rejected because of the adverse impression it may give to the community about the scale of future development in the Burwood Council area. There are no grounds to change this position.

The HNSW sites have been mapped to identify their locations. Some are outside medium density areas and rezoning to allow more intensive development has not been justified. Many are in the proposed R1 or R3 zone, which will provide adequate development capacity consistent with the character of their surrounding areas.

As planning controls applying (or not applying) to land have changed over time in the Burwood Council area, there are many existing buildings that exceed current BPSO or proposed BLEP development standards. It is not the role of the new LEP to harmonise development standards with existing developments on all sites, and such action is not justified solely in the cases of HNSW sites.

Recommendation: no change to the draft BLEP.

2. Transport for NSW (TNSW): requests an additional objective for the B6 Enterprise Corridor zone, "To ensure development does not impact on the safe and efficient operations of classified roads".

Comment: This request is contrary to the DP&I position on the draft BLEP that zone objectives should only be added when the zone attributes and development standards would directly help achieve the objective. The TNSW request does not meet this test and therefore could not be supported.

Recommendation: no change to the draft BLEP.

Additional matters

While not arising from submissions, further internal consideration has identified several amendments that would improve the operation and effectiveness of the draft BLEP. These are potentially significant and should be dealt with in the separate Planning Proposal by Council.

- The maximum FSR in the R3 Medium Density Residential zone should be increased from 0.55:1 to 0.6:1. The main purpose of the R3 zone is to permit Multi-unit dwellings (i.e. town houses and villas), and the higher development standard is more appropriate for this type of development which is more intensive than low density residential development in the R2 zone (where the 0.55:1 FSR will apply).
- Within the proposed R1 General Residential zone in the area between Wentworth Road and Conder Street, north of Woodside Ave and Hornsey Street, further review of the applicable development standards indicates that the proposed maximum FSR of 1.5:1 should be replaced with a 2:1 limit, as this will provide a better relationship to the height limit of 14m in the area.
- A submission and a number of recent development proposals have highlighted the potential for development permitted under the definition of Serviced apartments to be subdivided under strata title and then marketed and used as if they were residential flat buildings. This may be contrary to the zoning or applicable development standards e.g. in the BTC where the maximum residential FSR applies. The Standard Template does not allow this matter to be addressed in the draft BLEP, and it will therefore be made a prohibition in the Comprehensive DCP.

Conclusions and proposed actions on draft BLEP

Having regard to the assessments of the submissions received from the exhibition process, this report concludes that the majority of matters raised in submissions on the draft BLEP 2012 do not warrant amendments being made. In some cases where changes are found to be justified, they may proceed as minor amendments to the draft BLEP without any need for re-exhibition. In cases of significant departure from the exhibited LEP, action should be initiated under separate Planning Proposals.

The following specific actions are proposed:

- With Council's approval the exhibited draft BLEP should be submitted to the Director General of the DP&I under section 68 of the *EP&A Act* to commence the process of the draft LEP being made by the Minister for Planning, with minor changes only that do not warrant re-exhibition, as detailed in this report and Attachment 1. Strategic Planning staff will prepare the necessary documentation for the section 68 submission to the DP&I. The minor amendments are:
 - Inclusion of Signage as a permitted-with-consent use in all Business and the Light Industrial zones;
 - Adjustment of the RE1 Public Recreation zone as it applies to Wychbury Reserve to include whole of reserve area;
 - Inclusion of the front strip of land at 10-12 Wyatt Avenue in zone RE1 Public Recreation zone to reflect its public ownership and use;
 - Removal of acquisition for local road widening reserve over the front strip of 30-32 Cobden Avenue;
 - Inclusion of an additional subclause in *Clause 4.5 Calculation of floor space ratio and site area* (or by some other amendment that achieves the same outcome) that reads: ***Exclusion from gross floor area*** Any part of a building (whether located at, above or below ground level) that is used for public parking that is owned or operated by or on behalf of the consent authority immediately before the commencement of this plan is excluded from the building's gross floor area, with general application;
 - Deletion of Nos. 40, 42 and 44 Stanley Street Burwood from Schedule 5 Environmental heritage;
 - Amendment of Schedule 1 Additional permitted uses to include 5-9 Alexandra Avenue Croydon and use for the purpose of "Office premises used by the Sisters of St Joseph";
 - Amendment of the heritage provisions to align with the most recent version of the Standard Instrument (changes are minor), and to exclude Advertising and Advertising structures located on listed heritage items or in Heritage Conservation Areas from Schedule 1 exempt development.
- Immediate initiation of a separate Planning Proposal by Council to incorporate other justified changes to the draft BLEP as detailed in this report, where those changes are of sufficient scale or impact that re-exhibition is warranted. The aim is to finalise this PP process in conjunction with implementation of the BLEP. As detailed in this report, matters to be included in this Planning Proposal are:
 - Land acquisition for local road widening on the western side of Wentworth Road between the rail line and opposite the intersection with Gladstone St;
 - Addition Nos. 19-21 and 23-25 Everton Road to the proposed B4 Mixed Use zone for the Strathfield Town Centre;
 - Increase of the development standards applying in the proposed R1 General Residential zone located in Strathfield north of the rail line, west of Wentworth Road, and south of Cowdery Lane to comprise a maximum building height of 14m and a maximum FSR of 2:1;
 - Amendment of the maximum building height applying to in the proposed B4 Mixed Use zone in North Burwood Road to 18m;
 - Amendment of the development standards applying in the proposed R1 General Residential zone bounded by Wentworth Road, Carilla Street, Gladstone Street and Railway Crescent Burwood in two tiers comprising maximum building height of 18m and FSR of 3:1 (southern part); and maximum building height of 11m and FSR of 1.5:1 (northern part), the exact application to be determined by further investigation;
 - Amendment of the development standards applying to Council's existing car park in the B2 Local Centre zone in Byer Street Enfield to 11m maximum building height and 1.5:1 maximum FSR;

- Amendment of the development standards applying to Nos. 1-3 and 3A Byer Street Enfield located in the proposed R1 General Residential zone to 11m maximum building height and 1.5:1 maximum FSR;
 - Amendment of the development standards applying to land fronting the northern side of Liverpool Road Burwood between Burwood Road and Quandong Avenue proposed to be located in the B2 Local Centre zone to 11m maximum building height and 1.5:1 maximum FSR;
 - Application of the R2 Low Density Residential zone to the Croydon Park Ex-Servicemen's Club in Seymour Street instead of the B2 Local Centre zone;
 - Addition of land at 2-4 Cheltenham Road and 7 Royce Avenue to the B6 Enterprise Corridor zone with maximum building height of 8.2m and FSR of 0.55:1;
 - Addition of two parcels of land at 206-212 Parramatta Road Burwood (fronting Lucas Road) to the B6 Enterprise Corridor zone with maximum building height of 8.2m and FSR of 0.55:1;
 - Addition of lots owned by the St John of God Hospital fronting White and Moore Streets Burwood, and No. 15 Moore Street not owned by the Hospital, to the R1 General Residential zone applying to the balance of the Hospital site, with the development standards being those applying to R2 zoned land;
 - Increase the maximum FSR in the proposed R3 Medium Density Residential zone from 0.55:1 to 0.6:1;
 - Increase the maximum FSR in the proposed R1 General Residential zone in the area between Wentworth Road and Conder Street, north of Woodside Ave and south of Hornsey Street, to 2:1.
- Invitation of the owners/operators of three sites involving substantial changes to planning controls to submit individual Planning Proposals to Council supported by additional information and investigations, as detailed in this report, to progress the changes for those sites. The three sites are:
 - Strathfield Sports Club in Strathfield;
 - MLC School in Burwood;
 - Flower Power in Mitchell Street and Tangarra Street East Croydon Park.

It is possible a gap period may eventuate between notification of the final BLEP and notification of the Planning Proposal initiated by Council, and in this period the provisions of the final BLEP will apply to land affected by the Planning Proposal. Council should therefore adopt as policy that discussions about future development options and determinations of any development applications (DAs) for sites affected by the Council-initiated Planning Proposal in this period are to have regard to the recommendations of this report and the intentions of the Planning Proposal for that land.

It should be noted that the draft BLEP 2012 is approved by the DP&I to proceed under the previous plan-making provisions of the EP&A Act, while a Planning Proposal will proceed under the new provisions involving a gateway determination prior to exhibition.

Financial Implications

Draft BLEP 2012

Changes to the land acquisition provisions for local road widening in the draft BLEP described in this report will remove some obligations but add another in Wentworth Road. The net financial impact is likely to be modest.

The ongoing work to refine and finalise the draft BLEP, together with the preparation of the Planning Proposal covering the detailed amendments, the processing of the Planning Proposals invited from land owners/proponents, and the preparation of the Comprehensive DCP that will

accompany implementation of the BLEP will require substantial staff resources within Council over at least the coming financial year.

Draft Section 94A Contributions Plan

There has been no change to the assessment of the financial impacts of the draft Section 94A Plan as presented in the report to the 22 November 2011 meeting when Council decided to proceed with exhibition of the draft Plan. The report concluded that on balance, the likely loss of revenue compared to existing and possible new S94 Plans is more than offset by the following positive factors of the Section 94A approach:

- Received revenue will be fully useable without mandatory supplement.
- There should be no further accumulation of unspent/unusable funds.
- Existing dormant funds from previous Section 94 Plans will be able to be rolled-over for use in the new S94A Plan.
- There is also more flexibility in the use of S94A contributions as priorities evolve, without the over-riding constraints of nexus and apportionment.

Recommendation(s)

1. That Council note the outcomes of the exhibition processes for the draft S94A Contributions Plan and the draft BLEP 2012 presented in this report.
2. That Council endorse preparation of a section 68 submission forwarding all the necessary documentation to the Director General of the DP&I, including appropriate minor amendments referred to in this report, requesting that the draft BLEP be reported to the Minister for Planning under section 69 for the making of the LEP.
3. That Council note that the minor amendments in Recommendation 2 above will include a request to the Minister for Planning and the Director General of the DP&I for insertion in the final BLEP of an equivalent provision to subclause 4.5 (2A) of the Burwood Town Centre LEP 2010 concerning exclusion of public parking from a building's gross floor area.
4. That Council endorse initiation of a Planning Proposal to encompass all of the other changes to planning controls on land identified in this report as justified, with the aim of coordinating implementation of the Planning Proposal with notification of the BLEP 2012.
5. That Council adopt as policy that any DA or pre-DA discussions for sites that are 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.
6. That a written invitation be extended to the owners/proponents of the following sites to submit separate Planning Proposals covering the planning concepts in their submissions, taking into account the comments and providing the necessary additional information identified in this report:
 - Strathfield Sports Club in Strathfield;
 - MLC School in Burwood;
 - Flower Power in Mitchell Street and Tangarra Street East Croydon Park.

Attachments

- 1 Summary of main issues from submissions, planning comments and recommended actions

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Pages

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TABLE SUMMARISING MAIN ISSUES FROM SUBMISSIONS – DRAFT BURWOOD LEP 2012 EXHIBITION

Structure and contents of Table

- Each submission received as a result of the draft LEP exhibition has been reviewed and allocated a Submission Reference Number;
- This table lists the main issues raised in the submissions; issues of similar kinds are grouped in categories and subcategories;
- An assessment of each issue is provided under Planning Comment, and the Further Action column indicates any consequent action;
- The Submissions Reference Number column indicates the allocated number of each submission in which the issue has been raised, for internal reference purposes.

ISSUE NO.	ISSUE	PLANNING COMMENT	FURTHER ACTION	SUBMISSION REF. NO.
A	LEP ISSUES			
1	Detailed documentation and research that supports draft LEP and outcomes achieved should be specified	Specific environmental and planning studies were not required by the Department of Planning & Infrastructure (DP&I). Draft BLEP prepared in context of and with reference to State Government metropolitan planning strategy documents, section 117 Ministerial Directions, and DP&I Practice Notes and Circulars, and Council's 2004 Visions Document. Specific studies conducted for extension of Strathfield Town Centre B4 zone (traffic) and rezoning of Council Depot site (contamination); both exhibited with draft BLEP.	Nil	25
2	LEP should deal with interface issues where zones meet	Relationship between permitted development in adjoining zones has been considered where zoning change and/or revised development standards may result in greater impacts. Managing the effects of development on adjoining land may be dealt with also through the new Comprehensive Development Control Plan (DCP) to accompany the BLEP, and through the development application and assessment process.	Nil	47
3	Land Use Table should list all permitted and prohibited uses – numerous examples given	The NSW State Government's Standard Instrument (SI) uses a number of Group Term definitions that specifically include other defined land uses. The intention of the Group Terms is to minimise the length of the Land Use Table (LUT), for example by using a Group Term to prohibit (or permit as the case may be) in a particular zone all of the sub-term land uses, without having to list them all. In this context, where most or many of a Group Term's sub-term	Nil	89

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	land uses are to be prohibited in a zone, but one or several are to be permitted, then the adopted practice in the LUT of the draft BLEP (on the advice of the DP&I) is to show the Group Term as prohibited in Item 4 for the zone, and the one or two sub-term land uses to be permitted are listed individually in Item 3. This is more efficient than listing all the prohibited sub-term land uses in Item 4.		
	This practice is supported by Clause 2.3 (3) (b) of the draft BLEP (a compulsory SI clause) which states with respect to the LUT for zones: "(b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone". In addition, in all of the draft BLEP zones that list definitions in Item 4 Prohibited (R1, R3, B1, B2, B4, B6 and IN2) the adopted practice (on the advice of the DP&I) is to allow permitted land uses (whether group or individual terms) by not listing them in Item 4, causing them fall within the ambit of "Any other development not specified in Item ... 4". This practice also serves to minimise the length of the Land Use Table. While the potential for misunderstanding of the above approach to the LUT is recognised, it is the requirement of the DP&I as part of the SI, and users may refer to the Land Use Matrix exhibited with the draft BLEP which provides an additional guide to land use permissibility in each zone.		
4	Claimed inconsistencies between draft BLEP and SEPP 64 (Advertising and Signage); requests the documents be made consistent; requests draft BLEP make Signage permitted with consent in B1, B2, B4, B6 (already), IN2 zones; requests SP2 zones be replaced with appropriate adjoining zone and if not agreed	Make minor amendment to draft BLEP to permit with consent signage in B1, B2, B4 and IN2 zones.	110

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	then requests adoption of Clause 5.3 Development near zone boundaries in view of use of SP2 zone; requests review of exempt and complying development provisions in Schedule 2 and amendment to comply with Clause 33 of SEPP 64; requests general endorsement of SEPP 64 and associated Guidelines in Council policies, and ensure proposals for signs with digital or LED technology are considered on merit	clause and State Government's Planning Practice Note (PN) 10-001 does not require its adoption when an SP2 zone is used in an LEP. The requests for amendment of Schedule 2 (Exempt Development) include: • Occupational health and safety upgrades to existing approved signage and structures where the display area is not increased; • The removal of existing signage; • The display of signage on Council owned and managed land when integrated into the design of street furniture and the display area does not exceed 20 sq m The first two are already exempt under SEPP 64, and the third item's 20 sq m standard is excessive for inclusion as exempt development. These requests are not agreed. The request that the complying development provisions include: • general advertising structures on bridges or walls that meet SEPP 64 criteria and is less than 20 sq m in area potentially could have significant impacts and should be left in the hands of SEPP 64. Other matters concerning LED or digital technology signs and the Transport Corridor Advertising and Signage Guidelines can be considered as part of the Comprehensive DCP, which is currently being prepared by Council.		
5	Concerned about how existing DCPs particularly DCP 16 will be retained.	The Comprehensive DCP will incorporate provisions similar to existing DCP Part 16 concerning the Lucas Road - Cheltenham Rd area. The draft DCP will be exhibited for public comment before finalization and adoption by Council.	Nil	120
6	LEP aims should be revised to simplify and clarify the aims of the plan, and remove subjectivity.	The draft BLEP's aims meet the parameters of the DP&I for SI-based comprehensive LEPS in PN 11-001. They are necessarily general in nature. Each zone and various other clauses, including those that establish development standards, adopt more specific objectives.	Nil	124
7	The B1 zone objective relating to heritage is inconsistent with DP&I Practice Note	A non-standard objective was added to the B1 Neighbourhood Centre zone because most land in this zone (in the Croydon Neighbourhood Centre) is part of a Heritage Conservation Area. The range of permitted uses and the development standards that the draft BLEP applies in the Croydon Neighbourhood have been selected to maintain and support the heritage	Nil	124

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		character. This justifies the use of the additional zone objective. See A3 above for detailed explanation of the use of Group Terms and individually defined sub-terms. The need for prohibition of strata subdivision of serviced apartments is agreed. It will be addressed through the Comprehensive DCP. It is not appropriate for inclusion in the draft BLEP as it would entail alteration of a standard clause (not allowed by the DP&I) or inclusion of an additional local clause (discouraged by the DP&I). There is no model local clause provided by the DP&I that deals with this matter.	Include measures in the Comprehensive DCP that will prohibit strata serviced apartments.	126
8	R1 zone permits 'serviced apartments', but not 'tourist and visitor accommodation', despite its definition incorporating 'serviced apartments'; Serviced apartments should not be strata subdivided.			
9	Recommends additional objectives for minimum subdivision size and supports objectives for FSR control	The matter raised in the submission – that new subdivision should reproduce and support the dominating subdivision in an area – is adequately covered by Clause 4.1 objective (a): "to ensure lots are sized to support development envisaged under this Plan". The DP&I discourages multiple clause objectives, and those included in the draft BLEP are considered adequate.	Nil	126
10	No clear grounds for prohibiting subdivision of existing dual occupancies where lots are less than 600sqm. Each site should be considered on merit.	The two dwellings comprising a dual occupancy cannot by definition be the subject of subdivision that would place each dwelling on a separate lot. The purpose of Clause 4.1A is to establish standards for lot size on which dual occupancies may be developed. It is not concerned with subdivision of dual occupancies. The lot referred to in the submission is not specified but if it is in a proposed Residential zone outside the Burwood Town Centre, the minimum subdivision lot size is 400 sq m under the BLEP 2012.	Nil	147
11	Property is split across maps; seeks verification that proposed zoning, FSR and height are identical across the site.	The use of two maps (northern area and southern area) for the draft BLEP 2012 results from DP&I mapping requirements. The zoning and development standards applying to a property are not affected by its location partly on both maps.	Nil	154
B	DEVELOPMENT ISSUES UNDER DRAFT LEP			
1	General Scale and Impact of Development			
a	LEP should distinguish between local and regional churches and take account of cumulative impacts – case of traffic, noise,	The SI definition of Place of public worship that Council must use in the draft BLEP cannot be amended to account for different scales of Places of public worship. Cumulative impacts of a church development on the surrounding area can be assessed as part of the development application process. Redevelopment of land in the Parramatta Road B6 Enterprise Corridor will	Ensure issue is addressed in Comprehensive DCP	34, 35

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	social impacts of St Joseph's church corner Acton St & Wychbury Ave Croydon. More development in B6 zone Parramatta Rd will add to pressures in area	be required to provide adequate parking and traffic management through the Comprehensive DCP, with the aim of reducing collateral impacts on adjoining areas.		
b	General support for draft LEP and increased densities – availability of services, open space	Noted.	Nil	49, 50, 51
c	Quality of life reduced and adverse impacts on heritage of Burwood will result from LEP, with traffic becoming worse.	Further population growth and economic and employment development for Inner West council areas is part of the State Government's strategic planning for the Sydney region. In Burwood this will be focused in centres and in R1 and R3 residential areas. Heritage areas and items will continue to be protected under the draft BLEP. The draft BLEP supports public transport use, walking and cycling by focusing resident and economic development in centres near rail stations and in major transport corridors.	Nil	66
d	No planning justification for minimum lot size for dual occupancies, standard should be the same as the town centre	Dual occupancies by definition comprise two dwellings on one lot and it is a reasonable planning requirement that they have a larger area of land than for a single dwelling on one lot. This helps ensure adequate access and parking, private landscaped area, and development that blends in with low density residential areas. Minimum subdivision lot size of 400 sq m is set having regard to average lot size in the LGA, while minimum subdivision lot size of 500 sq m for the Burwood Town Centre is set in order to prevent further fragmentation of land holdings in the Burwood Town centre, and to support development and growth.	Nil	89, 155
e	LEP won't achieve housing targets; won't support Burwood Town Centre (BTC) business; incentives needed to encourage development.	As a medium term plan, the draft BLEP has not been required to demonstrate full achievement for Metropolitan Strategy housing targets. Nevertheless analysis shows that additional housing capacity contained in Burwood's main centres and corridors under the BLEP, together with remaining spare capacity in the R1 and R3 zones provides the development opportunities to proceed well towards the targets if utilised by industry. Business activity and employment is actively supported by the provision of additional capacity in the draft BLEP's business zones. In many business localities, the maximum residential FSR provision will make sure that residential development does not "crowd out" business floor space. The	Nil	103

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		adequacy of current incentives in the BTC LEP, which provides the model for other centres in the draft BLEP, is demonstrated by the rate of new development applications and approvals since the BTC LEP was made in 2010.		
f	Apparent downscaling of development potential from BPSO and previous planning not justified	The draft BLEP provides for targeted growth in specific areas of Burwood in the medium term and is not a general downscaling. Its consistency with metropolitan strategic planning growth parameters is confirmed by the Plan's acceptance by the DP&I for public exhibition.	Nil	103
g	Planning and further development of Burwood should await link from M4 to CityWest	New infrastructure such as the missing M4-City West Link Road link would benefit Burwood, although the increased capacity is likely to be exceeded by demand from overall growth in the Sydney region. The advantage of locating additional development in Burwood is the availability of excellent public transport links as well as local employment and services, which helps manage the demand for car travel.	Nil	114 (petition)
h	Objects to increases in height in LGA as such will overwhelm the area, dominate skyline; should have 3 storey limit for whole of LGA with mandatory requirements for architectural/design merit and setback.	Higher densities and taller buildings are consistent with Burwood's inner West location and the Major Centre status of the Burwood Town Centre, and with planning in other metropolitan council areas. The majority of Burwood's residential areas are limited to building heights of 8.2m or 8.5m and outside the BTC the maximum height is 30m, about 10 storeys equivalent. Inside the BTC the maximum height of 70m is restricted to a small area in the commercial core around the rail station. A 3 storey limit throughout the council area is unrealistic and would not receive State Government agreement. Council already has and will recommit to additional DCP controls on building setback and architectural/design merit.	Nil	120
i	New DCP should not be relied on to mitigate adverse impacts from LEP (heritage, overshadowing, overlooking).	The State Government's requirement that new comprehensive LEPs use the SI strongly constrains the types and details of controls that can be included in LEPs. DCPs have to fulfil the role of more detailed controls, provided they are not inconsistent with or more demanding than LEP provisions. Council is preparing and will exhibit publicly a new Comprehensive DCP designed to support the BLEP specifically.	Ensure issues are addressed in the Comprehensive DCP	126
j	Increases in densities or expansion of the areas of the Burwood Town Centre and the Strathfield Town Centre are not supported.	The draft BLEP does not alter any of the development standards applying in the BTC LEP 2010. Applying the B4 zone to the existing business area along North Burwood Road is a logical extension of the BTC in a position close to good transport links and community facilities (open space, shopping centre and car parks). The North Burwood Road B4 zone is proposed to have the same FSR standard as the BTC's perimeter areas, and it will incorporate existing development that is already of a substantial scale.	Nil	126

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		The proposed B4 zone in Burwood's section of the Strathfield Town Centre and its extension to the east over the Morwick/Parnell St triangle, with main development standards the same as the BTC's perimeter area, provides for development capacity consistent with proximity to a major bus hub and one of Sydney's most accessible rail stations. Strathfield Council is planning more intense and higher development in its Town Centre and the B4 area in Burwood will essentially play a perimeter role in the Strathfield Town Centre.		
k	Concerned about absence of strategically identified areas for residential growth. Suggests more residential development in BTC, and generally higher densities through additional HOB and FSR in local centres and corridors and along major roads.	The draft BLEP contains ample opportunities for continued residential and commercial growth within medium density zones, the BTC, town and local centres and the Parramatta Rd corridor. In particular there is new and increased development capacity in the expansion of the Strathfield Town Centre, Local Centres along Liverpool Rd/Coronation Parade and Georges River Rd, Parramatta Rd and North Burwood Rd. The scale of such development opportunities together with spare capacity in existing residential zones is adequate to satisfy Burwood's obligations under the Metropolitan Strategy for creation of additional dwellings and jobs in the medium term. There is no need and no mandate for the scale of land rezoning and increased development standards proposed in the submission.	Nil	155
2	Design and Built Form Issues			
a	Height limits on houses too restrictive; can't match existing development; wall height limit too restrictive and reduces amenity	Council at its meeting of 18 October 2011 resolved to increase the height limit of dwelling houses from 8.0m to 8.2m. It was intended that the increased height limit would allow for more design flexibility and amenity of the proposed dwelling house without causing excessive overshadowing impact on adjoining properties (of east-west orientation in particular). Wall height (ie. floor to ceiling) is set out in the DCP, as well as controlled by the NCC/BCA (National Construction Code/Building Code of Australia).	Nil to draft BLEP. Ensure wall height issue is addressed in Comprehensive DCP.	8
b	High rise should be contained in Burwood Town Centre or areas with good public transport; need sustainable higher density with adequate landscaping	Under the draft BLEP the highest buildings of 60-70m are restricted to the commercial core and middle ring of the BTC. Other areas where buildings up to 30m will be permitted are all adjacent to rail stations and/or bus corridors. The Comprehensive DCP will provide additional controls on boundary setbacks and landscaped areas for new tall buildings.	Nil	47
c	Supports subdivision of	New development standards in an LEP do not retrospectively apply to an	Nil	70

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	dual occupancies but 600 sq m development standard will disadvantage existing developments	existing development that has been lawfully approved. Moreover, the 600 sq m standard for dual occupancies relates not to subdivision, but rather the minimum lot size for two dwellings on a single allotment.		
d	LEP should consider increased height of development in indicated centres and areas	The building heights proposed in the draft BLEP's centres and higher density residential areas have regard to the development history of each locality, its suitability for more intensive development and the likely impact on adjoining zones, in the context of Burwood's obligations under State Government metropolitan planning objectives. Additional building heights are not considered warranted or appropriate in this LEP, although there will be adjustments made to development standards for certain areas as a result of exhibition of the draft BLEP.	Amend draft BLEP through adjustment of development standards for certain areas via a Planning Proposal.	89
e	Planning of "gateway" sites in B2 zone along Coronation Parade/The Boulevard and Liverpool Rd should be coordinated and have higher development standards	Prominent sites at major intersections do not necessarily require higher development standards (eg. Height of building and FSR) to convey a "gateway" entry to an area. This could be achieved for example by high merit in design and building materials or specific land uses. It is as much in the hands of the development industry as controls in an LEP.	Nil	89
3	Traffic, Transport and Parking Issues			
a	Concern about existing roads included in the B6 zone being developed and thereby blocking access to businesses in Esher St (northern end) and Esher Lane	As an SI-based LEP, the draft BLEP is obliged to apply a zone to all roads in the Burwood Council area (PN11-001 Infrastructure in LEPs). Zoning of roads in the draft BLEP does not indicate an intention to construct development on those roads and this is not contemplated in the Esher St/Esher Land area. Existing roads have to comply with a rigorous procedure for formal closure before any sale and development could take place.	Nil	114
4	Open Space Issues			
a	RE1 zone for Wychbury Reserve needs to reflect situation on the ground	RE1 zone at this location will be adjusted to reflect situation on the ground.	Make minor amendment to draft BLEP by adjusting the area of RE1 zone at this location.	7
b	Existing open space	The appearance and function of the median parks in these streets is	Nil	7

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	located in the central sections of Macgregor and Willee Streets, Froggatt Crescent, Wyatt Ave and The Parade should be zoned RE1 and not be replaced with residential zone	recognised. In fact, Council zoned these areas RE1 in the initial zoning map of the draft BLEP, however, the DP&I had requested replacement of the RE1 zone with an adjoining zone, having regard to the size of these open spaces.		
c	The front section of 10-12 Wyatt Ave should be zoned RE1	As indicated in the submission, the area is in Council's ownership, being a Section 94 land dedication for open space, which occurred after the BPSO came into force. The RE1 zoning should be applied here.	Make minor amendment to draft BLEP by applying the RE1 zone at this location.	
5	Road widening and intersection issues			
a	Road widening for 32 and 34 Cobden Ave exists and should be removed	Agreed.	Make minor amendment to draft BLEP to remove the road widening at this location from the LRA map	7
b	Add road widening reservation western side Wentworth RD between rail line and Gladstone St	The submission states that road widening on the western side of Wentworth Road, north of the roundabout to Everton Road, had been done, that this road widening is currently shown as a wide nature strip next to the retained footpath with the development of OTEN (TAFE), and that as the existing cottages south of Gladstone Street were not redeveloped, road widening did not extend past the Gladstone St roundabout. Council's Traffic, Assets and Design Teams consider this submission reasonable. Road widening of 3m at this location (western side of Wentworth Rd between rail line and Gladstone St) should be included in the LRA map of the draft BLEP. This widening when implemented will align with Wentworth Road north of Gladstone Street as well as south of the rail line (note the proposed road widening on western side of Wentworth Road between Russell St and Morwick St).	Add the 3m road widening at this location to the LRA map through the separate Council initiated Planning Proposal.	7

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c	Delete land reservation acquisition in Nicholson St and corner of Conder St due to heritage value, recent development and no action since 1979	The proposed road widening was reviewed having consideration of the submission. However, Council's Traffic, Assets and Design teams advises that road widening at this location is critical. Although Council has no plan to acquire and/or widen the road in short term, it is important to keep same on the Plan to reflect Council's long term vision.	Nil	13
d	Request RMS review of road widening Georges River Rd, stops at Boyle St; traffic problems will not be resolved	RMS in its submission specifically requested the retention of the road widening along Georges River Road, also advising they will not in short term acquire and/or widen the road, but important to keep same on the plan to reflect the State Government's long term vision.	Nil	61, 62
e	Concern about loss of land for road widening at 230 Wentworth Rd; needed for on-site parking	Council's Traffic, Assets and Design teams advises that road widening at this location is critical. Council will not acquire and/or widen the road in short term, but rather, road widening will be considered in conjunction with future redevelopment in long term.	Nil	96
f	Question whether land acquisition at 290 Burwood Rd, Burwood is necessary as believes it has already occurred.	Draft BLEP proposes to widen the south-eastern corner of Ethel St and Burwood Rd. The area to be widened is not built upon at the present. Council's GIS data reveals that the required area is still part of land parcel at 290 Burwood Road. Therefore, road widening at this location is confirmed, but does not appear to be more than what is shown in the submission.	Nil	139
6	Heritage Issues			
a	42 Stanley St should be removed as does not meet sufficiently the criteria for heritage listing	Agreed that Nos. 40, 42 and 44 Stanley St (a group listing) has insufficient/diminished heritage value. A detailed heritage report has been provided to support the submission, and Council's Heritage Advisor supports its findings. Agreement of all three property owners has been confirmed.	Make minor amendment to draft BLEP to delete 40, 42 & 44 Stanley St as a heritage item in Schedule 5.	21
b	40 Stanley St should be removed from heritage listing; has report in support of removal	As above.	As above.	28
c	King Edward Street in Croydon should be a heritage conservation area – 1980s proposal	It is understood that a conservation area was not progressed in the past on account of extensive resident objection. The investigation of additional conservation areas did not form part of the draft BLEP.	Nil.	34

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d	Adverse impacts on nearby heritage items of 8 storey development in Carilla-Gladstone-Gordon -Railway-Wentworth Precinct Burwood	Council's Heritage Advisor supports revised lower heights and FSRs apply to the precinct to allow more appropriate transitions of scale in the vicinity of heritage items. Refer 12a.	Amendment required. Refer 12a.	42, 43, 131 (petition), 134
e	Standard Instrument and some zones do not adequately protect Burwood's heritage; new housing out of character, landscaping reduced, loss of embodied energy; heritage review should accompany LEP; eg. Brighton St/Croydon Ave Croydon, and Stanley-Wentworth-Conder St precinct Burwood	Heritage properties/precincts have been a key consideration in the formulation of zones and development standards. The design, landscaping and energy efficiency considerations of new buildings will be set out in the DCP, to be addressed at the development application stage. Refer 6h in respect to a heritage review.	Nil.	47
f	B2 zoning and 20m height control would put development pressure on the Royal Sheaf Hotel, corner Liverpool Rd and Burwood Rd; adversely affect its heritage significance; as well as surrounding properties in the Burwood Rd and Appian Way conservation areas.	Council's Heritage Advisor supports reduced height and FSRs apply to the precinct to encourage conservation of the landmark building, and provide for more appropriate transitions of scale in the vicinity of the heritage precincts. The zoning and development standards would still allow for sensitive redevelopment of the existing building.	Reduce the maximum building height to 11m and FSR to 1.5:1 through the separate Planning Proposal.	115, 126
g	Seeks deletion of 2 Cooper St from the heritage list, asserting that the building is not characteristic of the period and has limited	Heritage assessment submitted to support the submission lacks detailed comparative analysis of property's significance relative to others in the locality or region. Council's Heritage Advisor does not support its findings and asserts that there are few 1950s heritage-listed buildings in Burwood of this style and calibre.	Nil.	150

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	architectural detail.			
h	Standard Instrument and some zones do not adequately protect Burwood's heritage; heritage review should accompany LEP	Council has to comply with the SI's requirements for the use of zones and clauses in preparing draft BLEP, and is limited in the changes and additions that may be made to it. Council decided not to undertake a heritage review of the heritage study to accompany LEP and to carry the BPSO heritage provisions over (with some necessary changes) to the draft BLEP. The undertaking of a heritage review was recently deferred by Council and will be re-considered in due course.	Nil	47
i	LEP inadequate in treatment of existing heritage items and their vicinity, and identification of new heritage items and conservation areas. Changed planning controls may further threaten potential properties.	See above.	Nil	115
j	Heritage review should have been undertaken; several sites identified that should be investigated for heritage listing.	Council decided not to undertake a heritage review of the heritage study to accompany LEP on the basis that the BPSO heritage provisions were adequate at this time, and to carry these over (with some necessary changes) to the draft BLEP. The undertaking of a heritage review was recently deferred by Council and will be re-considered at a later date.	Nil	126, 144
k	LEP Aims do not include reference to protecting heritage	The draft LEP's aims are general statements that establish the strategic scope of the draft BLEP. Aims (a) and (b) provide context for the Plan's heritage provisions in Clause 5.10 which is a compulsory SI clause. The objectives of this clause include a specific intention to conserve the environmental heritage of Burwood.	Nil	120
C	LOCATION AND SITE ISSUES			
1	Strathfield Town Centre and extended B4 zone; Everton Road-Cooper Street precinct (for latter see *)			

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a	Draft BLEP provides inadequate development capacity; redevelopment not commercially viable and cannot meet today's needs. Parnell Street area needs revitalisation.	Proposed development standards (FSR of 3:1 and HOB of 30m) are consistent with the Perimeter area of the Burwood Town Centre. Proposed B4 zone in Burwood's section of the Strathfield Town Centre and its extension to the east over the Morwick/ Parnell Streets triangle, provides for development capacity consistent with proximity to a major bus hub and a main railway station. Strathfield Council is planning more intense and higher development in its Town Centre. The B4 zoned area in Burwood's section will essentially play a perimeter role in the Strathfield Town Centre. There are a number of strata titled residential flat buildings and recent developments in the area, which are unlikely to be redeveloped. Consolidation of sites for high rise development, of 30 to 50 storeys with ample green open space around, would be unrealistic to achieve.	Nil to BLEP.	1, 2, 17
b	LEP proposals inconsistent with main Strathfield Town Centre and/or the proposals in Strathfield Council's draft LEP	The draft Strathfield Comprehensive LEP provides for higher FSR (up to 4:1) and HOB (up to 54m) in most parts of Strathfield Town Centre. However, Strathfield Town Centre within Burwood Council area plays a perimeter role compared to Strathfield Council's side and compared to the Burwood Town Centre.	Nil	1
c *	Strathfield Town Centre area should be extended to include areas north of rail line to Cowdery Lane/Mosely St with HOB 26-30m	The subject area although close to the Strathfield Railway Station, is separated from the Strathfield Town Centre by the rail line, and provides a transition to the lower density residential areas in Cooper Street and north. Therefore increasing the HOB to 26-30m is not supported. However, given that there are several existing residential flat developments being 4 storeys and over and some being 8 storeys, it is proposed to adjust the HOB and FSR controls to 14m and 2:1. Any existing developments over these limits would have existing use rights.	Amend the development standards of HOB and FSR to 14m and 2:1 respectively, through the separate PP.	12
d *	Supports R1 zone Everton Rd but with higher (1.6:1) FSR	As said above, given that there are several existing developments being 4 storeys and over and some being 8 storeys, it is proposed to adjust the HOB and FSR controls to 14m and 2:1.	As above	14
e	Parnell St area cannot sustain additional development – adverse conditions already	Draft BLEP zoning and development standards aim to take advantage of the area's proximity to the Strathfield Town Centre and the major rail/bus hub at Strathfield Station. It is acknowledged that there are challenges in traffic management and parking policy etc in rezoning and increasing the development capability of the area. The Strathfield Town Centre Traffic and Transport study has concluded that the road network, with recommended	Nil	16

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		traffic management measures, can support the additional development envisaged under the draft BLEP. Redevelopment of the area could also provide opportunities for improving the public domain eg. new footpaths, kerb and guttering, street landscaping.		
f	Supports zone and development standards	Noted	Nil	19, 159
g	Opposed to maximum residential FSR in Strathfield Town Centre (STC) B4 zone	The objective of a maximum residential FSR in centres and corridor is to ensure that in mixed developments a reasonable proportion of floor space is reserved for commercial purposes and that new development is not entirely residential. This encourages activated streets that are safer and more interesting and promotes location of employment and business-generating activities closer to public transport nodes. This type of control already applies to the inner parts of the Burwood Town Centre and there have been development take-ups (by way of DAs or pre-DAs) since the Burwood Town Centre LEP became effective in May 2010. In the Strathfield Town Centre the limit only applies to the western section closest to the station and bus hub.	Nil	19
h *	Land between Cooper Lane and Wentworth Rd should be included in R1 zone, not R2, with Cooper St the boundary between medium and low density development; land is close to rail station, no adverse heritage impacts; consistent with SEPP 65; landowners petition submitted	The argument against a proposed upzoning of the area would be on heritage grounds. One submission includes an indicative massing for development in an R1 zone. While it did not include heritage listed properties in the massing, it did not account for the impacts of such development either on the heritage items on the southern side of Cooper Street or on the Conservation Areas on the northern side of Cooper Street. No submission has demonstrated how future development will respond to the character, setting and streetscape of adjoining heritage items and the Conservation Areas. Despite the theoretical potential for development in an R1 zone, the proximity of the Conservation Areas to the north and the heritage items on the south of Cooper Street would indicate a reduced potential once mitigation of heritage impacts were incorporated, eg. reduced heights and increased setbacks. An R2 zone would provide transition between the higher density area south	Nil	48, 52 (petition), 150

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		of Cowdery Lane and the Conservation Areas north of Cooper Street. The height limit for R2 zone is unlikely to challenge the bulk and scale of the heritage items. There would be potential to retain mature gardens and street plantings along the southern side of Cooper Street.		
i *	Existing building exceeds proposed height limit – concern about need to rebuild or refurbish	Existing and lawfully built developments would enjoy existing use rights. Council will not object to maintaining the heights in the event of rebuilding or refurbishment. Notwithstanding the above statement, it is proposed to adjust the HOB and FSR controls for the area bounded by Wentworth Road, Cowdery Lane, Mosely Street and the railway line to 14m and 2:1, as mentioned before in this table.	Amend the maximum HOB and FSR controls to 14m and 2:1 respectively, through the separate PP.	67, 94, 95
j	Strathfield Sports Club wants western part of site included in B4 zone to allow residential development to finance facilities upgrade and dedication of land for new road link between Morwick and Lyons as suggested in Council's traffic study. The eastern part of the site would retain the RE2 zone and 8.2m height limit to accommodate the new club house and provide nine tennis courts (currently 12).	The submission has merit. The Club's proposal will deliver substantial public benefits by continuing to make important recreation facilities available to the local and regional community, and by providing the new road link between Morwick and Lyons Streets as recommended in the Strathfield Town Centre Traffic and Transport study. The addition of a portion of Club's land to the B4 zone is considered to be a reasonable trade-off in this context. Council's traffic team has advised that given the Club site is on Morwick Street, even if the access to the site was from the new access road or Lyons Street, it is not expected to have a major impact on the road network, as there will be minimal additional traffic generated on the surrounding smaller streets. However, the submission has not shown on site parking for the new club house and tennis courts. The submission is therefore supported in principal, subject to parking and access for development of the Club site (including on site parking for the new club house and tennis courts) being provided to the satisfaction of Council. Given the complexity of the matter involving land dedication, expansion of B4 zone expansion, RE2 zone boundary adjustment, site redevelopment and related parking and access issues, it is recommended that the site be subject to an individual Planning Proposal to be initiated and prepared by the Club. Such a Planning Proposal could even be prepared in conjunction with a DA, pre-DA and/or a Voluntary Planning Agreement (concerning the new	Nil to the draft BLEEP. The Club be advised of Council's in-principal support of their proposal based on information provided in the submission, and be invited to lodge an individual Planning Proposal.	72

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		road).			
k *	Existing business zone/proposed B4 fronting Cowdery Lane, Mosely Street and Everton Road should be restricted to 10m height to preserve existing character; concerns about narrow lanes, rubbish, loss of views, sunlight, privacy, stormwater	The subject area is in a business zone in the BPSO and forms part of the Strathfield Town Centre on the northern side of the railway line. It is next to 8 storey residential flat buildings on two sides. It also contains a heritage item (Whelan's Strathfield Hotel). The increased HOB and FSR limits aim to take advantage of the proximity to the Strathfield Railway Station and bus/rail interchange. The Comprehensive DCP, which is currently being prepared, will include secondary setback requirement so that the streetscape character of buildings at this location can be maintained. Cowdery Lane, although narrow, separates the subject area from the residential area to the north. New development in the subject area will have some, but limited overshadowing impact on the adjoining residential building on the east. Any redevelopment or additions will be required to address the privacy and stormwater issues prior to development approval, and would provide opportunities to improve the quality of public domain in the area, thereby reducing litter and rubbish. As said before, existing lawfully built developments would have the existing use rights and Council will not object to maintaining the same height in the event of rebuilding or refurbishment. Justification for height increase addressed above.	Nil to BLEP. The Comprehensive DCP will incorporate secondary setback requirements in order to maintain streetscape character for this location.	74 (petition), 111	
l *	Opposed to HOB increase in Everton Rd while concerned that existing building exceeds proposed limit			76	
m	Strathfield Recreation Club site should be in B4 zone – private open space should not be used to meet public needs	See comment for Issue C1j.	See Issue C1j.	89	
n *	Requests B4 zone for 19-21, 23-25 Everton Road with 30m height and FSR of 3:1; sites between existing high density developments create potential adverse impacts	Existing buildings at the subject sites contain commercial premises at street level. They have the same character as the commercial buildings to the west and should be included in the B4 zone with HOB and FSR of 30m and 3:1.	Include the properties in the B4 zone with maximum HOB and FSR of 30m and 3:1, through the separate Council initiated PP.	106	

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o	Height in Strathfield Town Centre should be reduced as result in too much development and compete with Burwood Town Centre	Planning for the Strathfield Town Centre area has had regard to the Burwood Town Centre, which is the Major Centre for the Inner West. Zoning and development standards of the Strathfield Town Centre (within Burwood) are consistent with the Perimeter area of the Burwood Town Centre. The two centres have some common status, but Strathfield centre plays a minor role compared to the Burwood centre.	Nil	126
2	Enfield Local Centre			
a	Opposed to higher densities due to traffic impacts, lack of parking, overshadowing and loss of amenity for adjoining residential areas; should be buffer.	Area south of Liverpool Road is affected mainly by morning and afternoon peak hour traffic. Council has not conducted traffic counts for the area, however, an LGA wide traffic study is scheduled for commencement in 2013-2014 and completion in 2014-2015 in accordance with Council's Delivery Plan. The study will access traffic conditions and recommend management measures for improvement. Council has capital works program to progressively upgrade facilities and infrastructure eg. open space, pavement, kerb and gutter, footpath and drainage. The capital works program is reviewed annually and is partially funded from development contributions. More development will increase revenue for Council, which will in turn be applied to increasing the amenity of local areas. The buffer concept is reasonable. Higher density development along Liverpool Road and Coronation Parade is considered to act as a buffer for residential development to the south and east.	Nil	15, 32, 126, 156
b	Supports zoning and development standards in draft LEP; encourages development; especially between IGA and Catholic Church	Noted	Nil	29, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87
c	Zoning, development standards for Byer St car park will adversely impact adjoining property – loss of sunlight, views, value; more traffic congestion,	The Byer Street car park, owned by Council, is currently zoned 3(b) Business Special with a height limit of 4 to 5 storeys under the BPSO 1979. It is proposed to be included in the Enfield Local Centre as the car park serves patrons of commercial development in Coronation Parade and Liverpool Road. This site should remain in the B2 zone, however, development standards should be reduced to 11m HOB and 1.5:1 FSR so that impact of	Amend the development standards applying to the site to 11m HOB and 1.5:1 FSR in	33, 89

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	strain on services. Should be reduced to 11m HOB to mitigate impacts	development under BLEP on Byer Street will be less than under the BPSO.	the separate PP.	
d	Opposed to additional development Enfield Local Centre Coronation Parade/ Liverpool Road – noise, traffic, parking etc	The draft BLEP proposes a HOB and FSR of 20m and 2.5:1 at this location, which have had regard to the centres hierarchy in the Burwood LGA and are consistent with the Vision Document, which was adopted by Council in 2004 following extensive community consultation. The BPSO currently requires development in business zones to be setback 6m from the boundary adjoining residential zones. The BLEP cannot include setback controls as it is based on the SI template issued by the State Government. The Comprehensive DCP is looking to introduce building envelope requirements (ie. development is confined with a building envelope which is drawn at 45 degree from 1.8m above the dividing boundary). This way, impacts on adjoining residential developments at this location will not be greater than the existing BPSO controls. As mentioned before in this table, Council will conduct LGA wide traffic study in accordance with the Delivery Plan. The study will recommend traffic improvement measures for hot spots identified. Parking has not been raised as a significant issue for the area in the past, apart from streets near schools where these streets are affected to a degree around the school starting and finishing times. Council has capital works program to progressively upgrade facilities and infrastructure eg. open space, pavement, kerb and gutter, footpath and drainage. The capital works program is reviewed annually and is partially funded from development contributions. More development will increase revenue for Council, which will in turn be applied to increasing the amenity of local areas.	Nil apart from changes recommended in 2c above	54, 121 (petition), 123
e	Opposed to B2 zone on land southeast of corner of Burwood Rd and Liverpool Rd; not consistent with draft LEP	The draft BLEP proposes a HOB and FSR of 20m and 2.5:1 at this location and has taken into consideration centres hierarchy in the Burwood LGA. The proposed Local Centre zone at this location has a character and function of providing some local retailing together with service activities that have a larger catchment, as well as housing on top of street-front businesses. This	Nil	58

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	objectives – outside BTC, lacks services, distance to station, adverse HOB impacts; amenity losses, solar access loss	is also consistent with the Vision Document adopted by Council in 2004. The BPSO currently requires development in business zones to be setback 6m from the boundary adjoining residential zones. The BLEP cannot include setback controls as it is based on the LEP Template issued by the State Government. The Comprehensive DCP is looking to introduce building envelope requirements (ie. development is confined with a building envelope which is drawn at 45 degree from 1.8m above the dividing boundary). This way, impacts on adjoining residential developments at this location will not be greater than the existing BPSO controls.		
f	St Josephs school should be R1 towards the south and B2 fronting Liverpool Rd (not R2) to be consistent with adjoining land.	The subject site is currently in a Special Use zone under the BPSO. Council has replaced the zone with an R2 zone to be consistent with the R2 zoned areas nearby. Use of the land for public worship would have existing use rights. Council has generally zoned school sites consistent with the main adjoining zone, to avoid the necessity for rezoning of expanding school sites or the location of schools across multiple zones. The subject land adjoins B2, R1 and R3 and R2 zones. There is no strong justification for zoning the land to B2 and R1 therefore it is proposed that R2 zone be retained.	Nil	89
g	FSR limit of 2.5:1 inadequate incentive for redevelopment; FSR of 3:1 is more commensurate with 20m HOB; will encourage more housing, better streetscape	The FSR of 2.5:1 has taken into consideration of FSRs for the Strathfield Town Centre and Burwood Town Centre. HOB of 20m is the maximum limit and may not be always achievable.	Nil	102
3	Byer Street precinct residential zoning Enfield			
a	Zoning, development standards for 1-3 and 3A Byer Street are excessive, inconsistent with adjoining and will cause significant overshadowing and traffic impacts	The subject site is currently zoned 2(c2) with an 8 storey height limit. This is transferred to the draft BLEP as R1 zone with HOB and FSR controls of 26m and 3:1. Concerns raised in submissions are acknowledged. It is recommended that developments standards be reduced to 11m HOB and 1.5:1 FSR to be consistent with the recently developed three storey residential flat building occupying one of the lots. Impact of development under the BLEP on Byer	Amend the development standards applying to the site by applying 11m HOB and 1.5:1 FSR in the separate PP.	5, 65, 98

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		Street would be less than under the BPSO.			
b	Byer St too narrow and a traffic danger	Majority of land fronting subject street is proposed to be zoned R1 General Residential with HOB and FSR controls of 8.2m (ie. 2 storeys) and 0.85:1, which envisages 2 storey medium density residential flat developments. This is considered appropriate for the location and is unlikely to result in traffic growth beyond the capacity of the local road system. As said before, Council is looking to conduct LGA wide traffic study in 2-3 years to recommend traffic management measures for hot spots identified. It is acknowledged that Byer Street is affected mainly in the afternoon peak where drivers use Byer and Plymouth Streets to avoid the traffic lights at the intersection of Coronation Parade and Liverpool Road.	Nil	65	
c	Opposed to height exceeding 2 storeys in Byer St/Plymouth Rd rezoning – loss of sunlight, overshadowing, traffic, parking, noise, air pollution impacts	Majority of subject street is proposed to be zoned R1 General Residential with HOB and FSR controls of 8.2m and 0.85:1, which envisages 2 storey medium density or residential flat development. This is not considered to be of significant magnitude for the location. Residential development must have regards to provisions under the Residential Flat Design Code (RFDC) issued by the State Government and Council's DCP requirements concerning parking, setback, privacy and solar access. HOB and FSR of land at 1-3 and 3A Byer Street and Council's car park site in Byer Street are recommended to be reduced to 3 storeys height limit to alleviate impact on Byer Street.	Nil, apart from changes recommended in 2c and 3a above	98	
d	Request 6 storey height in Byer St, similar to that of Coronation Parade	Further height increase for Byer St properties is not supported, as they are not part of the Enfield Local Centre.	Nil	158 (petition)	
4	Nicholson-Conder-Wentworth-Hornsey Sts rezoning Burwood				
a	New zone will not allow full development potential, wants 8 storeys. Proposed reduction in FSR too restrictive	This area is currently zoned 2(c2) in the BPSO, permitting residential flat buildings up to 8 storeys high. Compared to other 2(c2) zoned land in the LGA this area has received little new development in recent years. The draft BLEP aims to retain the general (medium density) residential zone while providing controls that will facilitate redevelopment and at the same time having due regard to the existing predominant character within the area. Draft BLEP proposes that the subject area steps down in HOB and FSR in three parts. The greatest HOB and FSR (26m and 3:1) is set for north of Hornsey Street, which is closer to Burwood and Strathfield Town Centres and railways stations. Between Hornsey Street and Woodside Avenue, where there is already some medium density development, it is proposed to apply a HOB and FSR of 15m and 1.5:1 to encourage more redevelopment.	Amend the development standards applying to the site by applying 15m HOB and 2:1 FSR to land north of Woodside Avenue and south of Hornsey Street through the separate PP.	6, 21	

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		Land south of Woodside Avenue that has a more consistent low density character, is subject to a HOB and FSR of 8.2m and 0.85:1. It is recommended that FSR for the area between Hornsey Street and Woodside Avenue be adjusted to 2:1 to work better with the HOB standard.		
b	Height and FSR limits should be reduced; area not close to public transport and has heritage value Heights should be further reduced to 8m due to traffic/parking/safety issues, loss of privacy and social impacts in the area.	See above. Proposal under the draft BLEP has taken into consideration the distance to town centres and public transport, recent development as well as existing character, and is considered to be of a more balanced approach.	Nil	99, 126, 128
5	Burwood Town Centre			
a	Support for B4 zone	Noted	Nil	24
b	Building Height Plane standard should remain flexible	This control could be subject to variation under Clause 4.6 of the Burwood Town Centre LEP 2010. DP&I has specifically advised of prohibition of variation under the draft BLEP. It is understood that such prohibition is due to requirements of legal drafting using the LEP Template.	Nil	24
c	Objects to limitations in Active Street Front provisions as will produce undesirable street front outcomes	The Active Street Frontage provision is not contained in the SI LEP Template, but is a Model Local Clause Council is proposing to include. The principle behind the clause is that higher pedestrian traffic attracted by shops, cafes and the like makes for more user-friendly spaces and increases personal safety and that streetscapes comprising long stretches of blank walls tend to have the opposite effect. The Burwood Town Centre DCP already has a provision along similar lines however inclusion of the Model Local Clause in the BLEP will provide further statutory weight.	Nil	24, 109
	The Active Street Frontages Map proposes to delineate the following areas: In the Burwood Town Centre, along both sides of Burwood Road from			

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	Church Street/ Woodside Avenue to the Parramatta Road, and limited distances along side streets of Burwood Road. Rest of the BTC, which although desirable, is considered less critical in providing active street frontages, will reply on DCP provisions		
	In the Strathfield Town Centre, along the Boulevard north of Morwick Street to the rail lane, and limited distances on side streets and in limited areas of Mosely Street and Everton Road north of the rail line.		
	The clause is not considered appropriate for application in Local Centres where pedestrian activity is less significant.		
d	Maximum FSR not achievable if above-ground parking included	Make minor amendment to draft BLEP to include equivalent of BTC LEP 2010 Clause 4.5 (2A)	24
e	Concern about traffic around Burwood Public school; needs traffic study	Nil	60
	Burwood Public School was the first school in the LGA to be subject to a safety audit by Council in 2011. Safety auditing is an ongoing program where all schools in the LGA will be audited with the objective of improving traffic and pedestrian safety around schools.		
	Council is in the process of implementing 40km/h High Pedestrian Activity Area in the Burwood Town Centre.		
	All these measures suggest that the safety for the school should be improved in the future.		

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f	Scale of development in BTC is excessive	The scale of development in the BTC was set by the BTC LEP in 2010 after an extensive planning and community consultation process. The draft BLEP integrates the BTC LEP to provide a single local plan for the whole LGA. The scale and controls provided by the BTC LEP is largely transferred as made into the draft BLEP.	Nil	64
g	Commercial Core development standards should increase to 80m for HOB and 3:1 for maximum residential FSR	The draft BLEP's development standards including HOB and FSR in the Burwood Town Centre have been carried over from the 2010 BTC LEP without any changes. These standards have only been in place for two years and are considered to be working satisfactorily, as Council has had over ten major DAs and a number of pre-DAs for the BTC since the BTC LEP came in force. The LEP standards were established by the BTC Planning Panel appointed by the Minister for Planning. It comprised recognised experts in planning and architecture/urban design. A great deal of attention was paid to the workability of the controls in terms of urban outcomes and facilitating investment.	Nil	89
h	BTC controls unduly restrict residential development; won't achieve targets or facilitate accessible development	As said before, the scale of development including residential development was set by the BTC Planning Panel after extensive planning and public consultation process, the BTC LEP controls are largely transferred to the draft BLEP unchanged. The population and employment targets for Burwood Council area under the Metropolitan Strategy and draft Sub-regional Strategy have been taken into account in preparation of the draft BLEP. The draft BLEP helps to deliver the objectives of these strategies, but is not required to demonstrate how the long term housing targets will be met in full. The zoning and development standards in the whole LGA provide for theoretical capacity to meet the housing targets. The objective of setting a maximum residential FSR provision in the Burwood and Strathfield Town Centres and other Local Centres is to ensure that in mixed developments a reasonable proportion of floor space is reserved for commercial purposes and that new development is not entirely	Nil	103

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		residential. This encourages activated streets that are safer and more interesting and promotes location of employment and business-generating activities closer to public transport nodes. The number of DAs and pre-DAs that Council has received suggests that this provision for the BTC appear to be working well, but will continue to be monitored.		
i	Coronation Club – supports B4 zone of private car park fronting Meryla St but opposes Transition Area development Standards of 15m HOB and 2:1 FSR; requests same standards as Club site at 82-84 Burwood Rd (30m and 3:1) to facilitate redevelopment	In preparing the draft BLEP, Transition Areas in the BTC LEP, created in context of the existing development and controls surrounding the BTC, were revisited to assess the continued appropriateness of such controls. It is considered that there is no ground to alter the Transition Areas and development standards applying, as mostly there are no changes in zoning or standards contemplated for land immediately adjoining the BTC. HOB of 15m and FSR of 2:1 set are considered appropriate for the character of Meryla Street.	Nil	112
j	Town Centre should not be extended (along North Burwood Road) as supporting infrastructure not available, existing controls will provide for targets in Metro Strategy, adjoins low density residential and create further traffic problems	These matters are dealt with in detail under the Section B11 North Burwood Road, below.	See Section B11	126
6	Croydon Park Local Centre - General			
a	Properties between Beaufort and Boyle Streets should be rezoned B4 Mixed Use, 20m HOB and 2.3:1 FSR for consistency with Canterbury Council's proposals opposite.	Properties on the northern side of Georges River Road between Beaufort and Boyle Streets contain residential development except for the corner (No. 167-171) property which contains a carpet showroom having been in operation for many years which would enjoy existing use rights. There is no lane way separation between the subject properties and properties further north. Georges River Road is a clearway between 6am and 10am. There is a bus zone around the bus stop in front of the block and there are about two on street parking spaces available. This renders delivery	Nil	10, 89

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		and loading /unloading activities associated with commercial uses difficult. Rezoning the land to business is not considered justified.		
7	Croydon Park Ex-Servicemen's Club proposed rezoning to B2 Local Centre			
a	Adverse impacts on adjoining residents if site redeveloped – solar access, crime, traffic (including in relation to public school), parking privacy, vermin, noise, rubbish, accidents, security, streetscape pedestrian safety, overshadowing; area can't support additional businesses; 2 storey (housing) development preferred, consistent with existing character. Large petition.	The draft BLEP proposes to include the Ex-Servicemen's Club site in the Croydon Park Local Centre based on its proximity to commercial premises fronting Georges River Road and in cognition of the non residential nature of existing development. It is acknowledged that the Club has made a submission welcoming the proposal. However, the proposal as exhibited has attracted numerous submissions and petitions in objection. The proposed B2 zone for the site penetrates into the R2 zone for the rest of Seymour and Beaufort Streets thereby having potential impacts. It is recommended that the site, which is currently zoned Residential 2(a) in the BPSO, be zoned R2 Low Density Residential in the draft BLEP. The club activity would continue to have the existing use rights.	Take action to rezone the site to R2 Low Density Residential, with HOB and FSR of 8.2m and 0.55:1, in the separate Planning Proposal.	9, 18, 18A, 22, 23, 36, 38, 41, 53, 57, 59, 73 (petition), 88 (petition), 100, 101, 126, 141 (petition)
b	The Club supports rezoning of site from residential to commercial; been at site for 80 years and integral part of area; pleased to be part of revitalisation of area	The Club's support of the draft BLEP proposal for the site is acknowledged. However, the proposal as exhibited has attracted numerous submissions and petitions in objection. It is recommended that the site, which is currently zoned Residential 2(a) in the BPSO, be zoned R2 Low Density Residential in the draft BLEP. The use of the site as a club would have existing use rights. In the event of the club use being abandoned, development for the purposes permitted in an R2 zone, such as boarding houses, child care centres, dual occupancies, dwelling houses, health consulting rooms, neighbourhood shops, respite day care centres, semi-detached dwellings and seniors housing, of up to 2 storeys height, would be allowed. This amendment may be perceived as presenting a significant reduction in development potential for the site compared to the draft BLEP proposal as exhibited. However, the site is currently zoned 2(a) in the BPSO and on this basis, there is no real loss of development yields.	As above	119

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Parramatta Road Enterprise Corridor B6 zone				
8	Parramatta Road Enterprise Corridor B6 zone		Nil	20
a	Opposed to additional residential development due to traffic and parking	Given the environmental constraints of noise and air pollution arising from the heavy traffic use, draft BLEP proposes that residential development along Parramatta Road be restricted to a minor support function, in the form of shop top housing, and that the residential floor space cannot exceed about 10% of a building's floor area. Currently in the BPSO any residential component here may take up 50% of a building's floor area. Currently in the BPSO development up to 4 to 5 storeys with 1.5:1 FSR is allowed. The draft BLEP proposes to apply HOB and FSR of 15m and 1.75:1, which is similar to the BPSO controls. The slight increase in FSR was based on site testing and aims to provide some redevelopment incentive. It is considered reasonable that any further increase in density cannot be contemplated until the State Government carries out the M4 East project or other major transport improvements.		
b	Opposed to additional height, density in Parramatta Rd B6 zone - overshadowing, privacy, parking and outlook impacts; traffic and parking; needs more investigation; height allowed should be related to lot size; concern about height of signs permitted; impact on heritage values	The draft Comprehensive DCP is in preparation. It will consider incorporation of building envelope controls as a measure to mitigate impact of development in Parramatta Road on low density residential development and on the heritage significance of Conservation Areas to the south. Some site testing was conducted as a working document to support the proposed development standards. Most sites in Parramatta Road are likely to be able to meet the development standards.		
c	Supports commercial development opportunities	The draft BLEP adopts the principle of allowing a wide range of functions, including business premises, that take advantage of the main road frontage. However retail activities are restricted to those requiring large floor areas and out-of-centre locations with good transport accessibility and not allowing shops that compete with or detract from the viability of Major Centres such as Burwood Town Centre.	Nil	20
d	Opposed to inclusion of 6 Acton St in B6 zone and building height; not consistent with existing development and residential character; adverse traffic, parking, devaluation impacts	Land at "6 Acton Street" is actually part of land parcel at 36-40 Parramatta Road and is used in conjunction with the business in Parramatta Road. Access to the site is from Acton Street but away from the residential part of the street, ie. towards Parramatta Road. It would be undesirable to apply split zone and split development standards to one single parcel of land. Building envelope, set back, access and parking controls in the DCP should mitigate impact on residences further south.	Nil	26, 35

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e	Site at 2-6 Cheltenham Rd, 142-164 Parramatta Rd and 7 Royce Ave, Croydon in one ownership & should be B6 zone; this zone or R3 zone should be extended south to Prowse Reserve; logical boundary, support development, targets	Land at 2-4 Cheltenham Road and 7 Royce Ave is currently zoned Special Use – Private Parking in the BPSO and used as a car park in association with the business in Parramatta Road (access to the car park is from Cheltenham Road). It would be reasonable to include same in the B6 zone, however, development standards should be adjusted to reflect compatibility with the R2 zone adjoining. Land at 6 Cheltenham is currently zone Residential 2(a) in the BPSO and contains a dwelling house. This land is well situated in the residential street. Expanding the B6 zone to include this land would create potential adverse impact on residences to the south and is not supported.	Amend the zoning and development standards applying to 2-4 Cheltenham Road and 7 Royce Avenue to the B6 zone with 8.2m HOB and 0.55:1 FSR in the separate PP.	3
f	Zoning of whole site 206-212 Parramatta Rd should be B6 to correct anomaly	Two lots fronting Lucas Road (Lot B of DP 302336 and Lot B of DP 432858) are part of the whole site at 206-212 Parramatta Road and are currently used for parking and servicing in association with the business fronting Parramatta Road. It is recommended that the B6 Enterprise Corridor zone be extended to include the two lots, and that the HOB and FSR being set as 8.5m and 0.55:1 to match the development standards across Lucas Road and to limit impact of future development on residences (in R2 zone) to the south.	Amend the zoning and development standards to apply the B6 zone, HOB 8.5m and FSR 0.55:1 to the two lots through the separate PP.	39
g	Gateway sites on Corner of Parramatta Rd and Burwood Rd Burwood - development standards inadequate to facilitate development – needs 50m HOB, 4.5:1 FSR and 80% housing	A heritage item, being the Bath Arms Hotel, occupies one corner. The other corner currently contains a 2 storey building. Façade of both buildings address the corner. As said before, prominent sites at major intersections do not necessarily require higher development standards to convey a "gateway" entry to an area. This could be achieved by architectural treatment within the site in design, building materials or specific land uses. Increase in HOB and FSR for this corner is not supported.	Nil	63, 103
h	Brothels inappropriate in zone as close to residential areas	According to advice from the DP&I, brothels (defined as sex services premises) must be allowed somewhere in the Burwood LGA. Parramatta Road corridor is considered to be the most acceptable location compared to anywhere else in the LGA. Draft BLEP proposes to include a Model Local Clause providing more detailed controls that prevent consent being granted	Nil	64, 114

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		if such development will be located on land that adjoins or that is separated only by a road from a residential zone; or near land used as a place of public worship or for community or school uses. This provision will curtail potential adverse impacts of this form of development.		
i	Development standards applying to 470-472 Parramatta Rd, Strathfield will prevent redevelopment; commercial not viable while residential is suitable as close to transport; inconsistent with adjoining councils; design can deal with noise, pollution concerns	As mentioned before, given the environmental constraints of noise and air pollution arising from the heavy traffic use, draft BLEP proposes to restrict residential development in the B6 zone to a minor support function in the form of shop top housing. It is understood that approach to housing in Parramatta Road differs from Council to Council. Ashfield Council proposes to prohibit residential development, while Strathfield Council allows more residential FSR, due to its location being west of the M4 and subject to less traffic and noise impacts. The draft BLEP proposes to allow for a wide range of functions, including business premises, that take advantage of the main road frontage in the Parramatta Road Corridor, but restricting retail activities to those requiring large floor areas and out-of-centre locations with good transport accessibility. Shops that compete with or detract from the viability of Major Centres such as Burwood Town Centre are not allowed. Council will continue to review development activities along Parramatta Road after the BLEP coming into force to gauge viability. A change of planning approach now is not recommended. See above comment.	Nil	68
j	Supports B6 zone but opposes limit on residential floor space; inconsistent with other councils, would revitalise corridor and not exacerbate traffic		Nil	71, 89, 117, 118, 125
k	Height and mass should be varied for focal points, landmarks and higher densities at key sites eg. intersection of Burwood and Parramatta Roads	Refer to comment in 8g concerning height and mass for focal points, landmarks and key sites. There are examples of aesthetically pleasing buildings in gateway locations or landmark and focal points that are not built to greater height and mass, but simply through architectural articulation in bulk, materials and colours etc.	Nil	89

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i	Parramatta Rd should have 3 storey limit, and business uses should be phased out to transform it.	Parramatta Road is currently subject to 4-5 storeys height limit in the BPSO. Draft BLEP proposes a height limit of 15m which is the same as the BPSO. The draft Comprehensive DCP, which is in preparation, is looking to introduce building envelope controls to curtail impacts on residential development to the south. Such control will ensure that new development in Parramatta Road will not create greater impacts on residences to the south than the current BPSO controls. The character of Parramatta Road has undergone changes from one dominated by industries, car yards and marginal old shopping strips, to include bulky goods retailing and other uses that take advantage of the accessibility. The draft BLEP proposes to maintain this momentum of change along Burwood's section of Parramatta Road.	Nil	120
m	Parramatta Rd and some adjoining sites (identified in submission) should be zoned B4 to provide flexibility and incentives for future road and rail projects in corridor	The proposition put forward in the submission (from Urban Taskforce), represents a significant departure from principles that have guided the preparation of the draft BLEP this far, mainly being: • Focusing growth in centres and locations with good public transport availability while protecting Burwood's high quality residential areas and streetscapes; • Changing over from the existing BPSO to the BLEP, with the selection of zones and development standards being based on a like-for-like approach where possible. • Modest additional housing and employment growth through take-up of under-used capacity in existing zones, together with limited capacity expansion in other specific locations. The first principle mentioned above focuses the highest growth in the Burwood Town Centre, followed by the Strathfield Town Centre, Enfield and Croydon Park Local Centres and then Parramatta Road Corridor. Zoning and development standards set for Parramatta Road have had regard to the centres hierarchy in the Burwood LGA. The State Government has not committed to any major road or rail projects that would change current planning for Burwood's section of Parramatta Road.	Nil	124
n	Development standards will not encourage renewal. Residential must	The BPSO first set a FSR limit of 1:1 for Parramatta Road. It was proposed to be increased to 2:1 FSR in around 2000, but was not supported by then Council, whose main concern was the potential impacts of development on	Nil	124

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	be encouraged to create a lively, active and safe city. Parramatta Rd is an appropriate place	low density residential development to the south. The Council endorsed 1.5:1 FSR and allowed half of the FSR for residential development at that time. The draft BLEP proposes a small increase in FSR, to 1.75:1. Developments along Parramatta Road in recent years have mainly been commercial, with only one mixed development DA involving residential currently before Council. There has been a recent Planning Proposal to delete the residential component on a Parramatta Road site (Council approved a mixed development including 2 residential units on this site). As mentioned before, given the environmental constraints of noise and air pollution arising from the heavy traffic use, draft BLEP proposes to restrict residential development in the B6 zone to a minor support function. It is understood that the approach to housing in Parramatta Road differs from Council to Council. Ashfield Council proposes to prohibit residential development, while Strathfield Council allows more residential FSR, due to its location being west of the M4 and subject to less traffic and noise impacts. Council will continue to review development activities along Parramatta Road after the BLEP coming into force to gauge viability. A change of planning approach now is not recommended.		
o	10% limit on residential for Parramatta Rd supported.	Noted	Nil	126
9	Vision Australia Site, Mitchell St Enfield			
a	Supports inclusion in R1 zone; site not suited to long term strategic needs of organisation	Noted	Nil	27
10	St John of God Hospital, Grantham St Burwood			
a	Proposed zoning of site is fragmented; will impede orderly and efficient development. R2 zone should be	Rezoning the hospital's land in White and Moore Streets to R1 General Residential would provide consistency with the land use on the main part of the hospital site, however both streets are currently zoned 2(a) in the BPSO and contain dwelling houses. It is recommended that the hospital site in these streets be zoned R1, but with development standards equivalent to an	Amend the zoning and development standards applying to 15 &	37

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	replaced by R1; consistent with State Government guidelines. Request rezoning of property (15 Moore St) not owned be zoned R1 to facilitate future use. Could apply Special Use zone to whole site as per recent State Government approach.	R2 zone, to address potential impact of hospital expansion to these residential streets. Rezoning land at 15 Moore St, which is not currently owned by the hospital to R1 also has merit. Owner of this property will have the opportunity to comment during the public exhibition of the separate Planning Proposal. A Special Use zone is not supported given the hospital's concerns can be addressed by rezoning its sites to R1.	16 Moore Street and 18 & 20 White Street to include the land in the R1 General Residential, with HOB and FSR of 8.2m and 0.55:1 through the separate PP.	
11	North Burwood Road Business Zone			
a	Oppose B4 zone and development standards in Burwood Road between Meryla St - Esher Lane (east side) due to adverse impacts – wind, overshadowing, noise, traffic	This section of Burwood Road already contains mixed residential, commercial and retail development of similar character to the Burwood Town Centre. It provides a link between the Town Centre and Parramatta Road. Same level of development as envisaged in the Perimeter Area of the BTC is anticipated, hence the development standards (30m height limit and 3:1 FSR) proposed in the exhibited draft BLEP. However, further site testing suggests that the HOB limit could be reduced to 18m (6 storeys) to achieve the 3:1 FSR. This should help reducing potential impact on residents in Esher Street. New development in this section of Burwood Road must comply with the existing DCP setback controls, or building envelope controls in the Comprehensive DCP (currently in preparation) and the RFDC to mitigate impacts on residences in Esher Street. Traffic has not been raised as a major issue for the area in the past. Council as part of the Public Parking Strategy has restricted on street parking to one hour with the objective of managing parking congestion.	Amend the development standards applying to the B4 zone in North Burwood Road to reduce the HOB to 18m for the section through the separate PP.	40, 114, 146
b	Oppose B4 zone and development standards	This section of Burwood Road already contains mixed residential, commercial and retail development of similar character to the Burwood Town	As above	45 (petition)

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	Burwood Park-Parramatta Rd (west side) to Neich Parade due to adverse impacts – overshadowing, noise, traffic, privacy	Centre. It provides a link between the Town Centre and Parramatta Road. The same level of development as envisaged in the Perimeter Area of the BTC is anticipated, hence the development standards (30m height limit and 3:1 FSR) proposed in the exhibited draft BLEP. However, further site testing suggests that the HOB limit could be reduced to 18m (6 storeys) to achieve the 3:1 FSR. This should help to reduce potential impact on residents in Neich Parade. New development in this section of Burwood Road must comply with the setback and/or building envelope controls in the DCP (currently in preparation) and the RFDC to mitigate impacts on residences in Neich Parade. Traffic has not been raised as a major issue for the area in the past. Council as part of the Public Parking Strategy has restricted on street parking to one hour with the objective of solving the parking congestions.		
c	Support B4 zone but need FSR increase from 3:1 to 4.5:1 in line with existing and to encourage redevelopment; support for larger sites	Further increase in height and FSR limits could not be supported in view of potential impacts of development on adjacent low density residential areas in Esher St and Neich Parade.	See above	46, 55, 56
d	Support zoning but there should be transition south from Parramatta Rd (see C8g) to Milton St with 40m HOB and 4:1 FSR. South of Milton draft LEP proposed development standards should apply. Needs incentives for site amalgamation.	As mentioned above, further increase in height and FSR limits could not be supported in view of potential impacts of development on adjacent low density residential development in Esher St and Neich Parade. Council needs to balance incentives for redevelopment with concerns over amenity impacts on low density residences.	See above	63, 69
e	Opposed to zoning, development standards for all of North Burwood	The subject area is under 1km to the Burwood Railway Station, and is within 400m distance to Parramatta Road. Both Parramatta Road and Burwood Road have bus services available, therefore the area has good access to	See above	64, 126

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	Road – too far from station, height excessive, and inconsistent with adjoining low density development. Existing building 16-22 Burwood Rd not a precedent; Webbs Lane too narrow – traffic and parking problems	public transport. As discussed above, the height limit for this section of Burwood Road will be amended and new development must address amenity controls in the DCP and RFDC. Traffic has not been raised as a major issue. Parking in the area should improve now that Council has restricted parking to 1 hour as part of the implementation of the Parking Strategy. Existing development on the corner of Burwood Road and Milton Street well exceeded the maximum HOB and FSR proposed in the draft BLEP.		
12	Carilla St- Railway Crescent-Wentworth Road-Gladstone Street Precinct Proposed 8 storeys HOB limit will have adverse traffic impacts and on nearby heritage items and other existing housing; overshadowing. Should be R2 zone. Should be 2 storey limit	The subject area is currently zoned 2(c2) with 8 storey height limit in the BPSO, hence the draft BLEP has proposed R1 General Residential with HOB 26m and 3:1 FSR. There have been a number of submissions and a petition in objection to the R1 zoning and development standards. There are several heritage items in the area. It also contains single dwelling houses and a number of recent residential flat developments having heights ranging between 2 and 6 storeys. It is proposed to amend the HOB and FSR standards to 2 tiers. The part of the area towards Railway Crescent, which contains most of recent developments, will apply 6 storeys, or 18m HOB and 2.5:1 FSR to conform with the recent developments. The rest of the area including the heritage items and surrounding will apply 3 storeys or 11m HOB and 1.5:1 FSR to account for the impacts of new development on the heritage items. Reduction of height limits to 6 and 3 storeys in the precinct will provide a transition between the higher density development in Railway Crescent/ Wentworth Road and the R2 Low Density Residential areas north of Gladstone Street. These areas (north of Gladstone Street) have many heritage items and the Ilfracombe Avenue Conservation Area.	Amend the development standards applying to this precinct to apply 2 tiers of HOB and FSR controls through the separate PP Proposal. Land towards Wentworth Road and Railway Crescent will have a HOB and FSR of 18m and 2.5:1. The rest of the area will have 11m HOB and 1.5:1 FSR. The exact boundaries of the two areas will be determined through further investigation.	42, 43, 90, 126, 131, 134
a				

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13	MLC School site, Rowley St, Grantham St and Park Rd		91
a	Opposed to 8.2m height and 0.55:1 FSR limits; will inhibit orderly and efficient future development. Many existing buildings exceed HOB and FSR limits Suggests R1 zone with 1.2:1 FSR and 11m HOB consistent with adjoining R1 zone to north/west; or increase standards under R2 zone; or apply Special Uses zone. School development possible under Infrastructure SEPP with no limits on HOB or FSR No negative environmental impacts from requested changes and will reduce pressure on open space	Council has generally zoned school sites consistent with the main adjoining zone, to avoid the necessity for rezoning of expanding school sites or the location of schools across multiple zones. This is consistent with advice from the DP&I. The four areas of the school adjoin an R2 zone more than an R1 zone and have therefore been zoned R2 in the draft BLEP. School use is permissible in the R2 zone. Therefore no change to zoning is considered necessary. A Special Use zone is not warranted in the context of DP&I guidelines. School development may be carried out in many cases under the Infrastructure SEPP. MLC land on the eastern side of Park Road (Area 4 as shown in the school's submission) is situated on land significantly higher than the southern side of Britannia Avenue. Park Road is very narrow and can barely cater for two way traffic. The western side of Park Road north of the school Area 2 is in a R2 zone and contains single dwelling houses. A review of the plan in the school's submission showing the existing heights and FSRs for the four areas has revealed that: - Most heights of existing buildings have exceeded the 8.2 HOB limit, but a lot of the existing buildings have also exceeded the 11m HOB limit requested. - With the exception of Area 2 which has reached 0.8:1 FSR and has been well developed, Areas 1, 3 and 4 are below the 0.55:1 FSR limit proposed in the draft BLEP. The concerns about development standards impacting on future school buildings are acknowledged. However, further consideration as to potential impacts of an adjustment of development standards for the school site on surrounding area is required. Also, other school sites in the LGA may share similar circumstances. It would not be appropriate to only change development standards for the MLC in the draft BLEP. It is recommended that MLC's request for alteration of the development	Nil

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		standards be pursued through a separate Planning Proposal that provides stronger and more detailed justification for the requested standards, having regard to the context of the school and locality.		
14	Livingstone St Burwood			
a	Requests zoning of northern side of street be changed to allow medium density residential or B4 Mixed Use to provide effective transition to BTC and respond to adverse impacts of developments fronting Belmore St in BTC	Livingstone Street (and Sym Avenue) features consistent streetscape character. Both sides of the street are included on the map of "Streets and Sites Subject to Building Appearance and Streetscape Provisions" under the current DCP Part 38 – Dwelling Houses and Ancillary Structures. The street has several heritage items on both sides. Rezoning of northern side of the street for medium density residential or for BTC extension is not supported. Whether to include Livingstone Street in the BTC was considered as part of the Burwood Town Centre LEP and was not found to be justified. The BTC LEP and DCP include appropriate provisions to manage impacts on land to the south of the BTC in Livingstone Street.	Nil	104 (petition)
15	Church at 203-209 Burwood Rd Burwood			
a	R2 zone does not permit Places of public worship; could create difficulties for future operation; request R3 zone	BPSO Special Use zones for church sites have to be replaced with an appropriate adjoining zone in the draft BLEP, in this case the R2 zone is applicable. Church will have existing use rights in this zone and its future operations will not be impeded. Given heritage listing of the church buildings, inclusion in a medium density residential zone would not be appropriate.	Nil	105
16	9-11 and 13 Queen Street, Croydon			
a	Opposed to R2 zone, should be B1 with 10m	Submission not supported on the grounds that 10m height limit (potentially 3 storey development) would be out of context with the location, and that a B1	No changes to the draft BLEP.	107

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ITEM 38/12 Draft Burwood Local Environmental Plan 2012 and Draft Section 94A Contributions Plan - Results of Public Exhibition and Further Actions

Summary of main issues from submissions, planning comments and recommended actions

	height limit and FSR of 1:1 to allow appropriate low-rise neighbourhood redevelopment	zone would permit boarding houses, which could cause amenity impacts on neighbouring properties. An option for the sites is that they are zoned B1 Neighbourhood Centre with maximum height of 8.2m and maximum FSR of 0.55:1 (ie. same as the R2 zone development standards) to control impacts on adjoining and adjacent properties.	Owners may advise if they want to take up the B1 zone with reduced height and FSR.	
17	223-233 Georges River Road and 50 Rose Street, Croydon Park			
a	Opposed to proposed R3 zone (R3); site should be recognised as a 'neighbourhood centre' with B1 zone and 15m height, FSR of 1.2:1	This section of Georges River Road is proposed to be zoned R3 Medium Density Residential on the northern side in the draft BLEP, to encourage townhouse type of development. The southern side is also proposed to be zoned R3 under the draft Canterbury LEP. Any commercial development is encouraged to be located in the Croydon Park Local Centre. Rezoning the properties in question would create zoning fragmentation and is therefore not supported. Business premises at 223-233 Georges River Road is presumed to have existing use rights and can continue to operate for business purposes.	Nil	108
18	Sisters of St Joseph Properties 5-9 Alexandra Ave and 6-8 King Edward St Croydon			
a	Proposed zoning (R2) is more restrictive but will allow majority of current uses on site. Exception is 'Provincialate office'. Based on review of other new LEPs in terms of dealing with listing of 'additional uses' in Schedule 1, requests 'Office premises for the purposes of Provincialate Offices of the Sisters of St Joseph' be included in Schedule 1 for two lots in Alexandra Ave, Croydon.	Advice from DP&I was sought in addressing this submission. Firstly listing of this special type of office in Schedule 1 would be considered unnecessary given that it will benefit from existing use rights. Secondly, the term "Provincialate" is questioned given that it is an ecclesiastical definition rather than a common term that is included in the Macquarie dictionary. In this context it would be clearer from a plain English perspective, to list "Office premises used by the Sisters of St Joseph".	Make minor amendment to the draft BLEP by including "Office premises used by the Sisters of St Joseph" in Schedule 1.	116, 152
19	Flower Power Site between Mitchell St and Tangarra St Enfield			
a	Requests replacement of	Given the draft BLEP proposes to replace the Light Industrial zoning of	No changes to	129

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ITEM 38/12 Draft Burwood Local Environmental Plan 2012 and Draft Section 94A Contributions Plan - Results of Public Exhibition and Further Actions

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	proposals in draft BLEP with single R1 General Residential zone and development standards of 11m HOB and 1:2:1 FSR to provide an incentive to remove non-compatible land uses and redevelop the site for higher residential density. Justification and concept plan provided.	Council's depot site with R1 General Residential zone, a similar action may be reasonable for the Flower Power site, subject to justification of the inconsistency with Section 117 Directions concerning loss of industrial land and contamination investigation of the site in accordance with SEPP 55 – Remediation of Land. Residential development in an R1 zone would be preferred compared to light industrial development at this location in terms of amenity impacts on traffic, noise and land use. The submission requests that the whole Flower Power site be rezoned R1. This is not supported as the northern part of the site adjoins R2 zone on three sides and three storey developments would cause adverse impacts eg. bulk, height, overlooking and overshadowing to a much greater extent than rezoning only the southern part of the site to R1. An R3 zone (permitting townhouse development) for the northern part could be considered as it would provide some redevelopment incentives while establishing a transition from development under the R1 zone to low density residential under the R2 zone. The submission has merit, however the above issues need to be investigated in more detail and justification provided. It is recommended that Flower Power be invited to prepare and submit a separate Planning Proposal that deals with the matters highlighted.	the draft BLEP. Owner be invited to prepare and submit an individual Planning Proposal.	
20	Neich Parade Burwood			
a	Rezoning to B4 Mixed Use requested to enable higher density development that takes advantage of wide street, and proximity to BTC and transport	The report to Council meeting of 12 October 2012 discussed three options of: (1) retaining the R2 Low Density Residential zone, (2) rezoning to R1 General Residential zone (note the report referred to R3 Medium Density Residential zone at the time, R3 Medium Density zone is now used for town house development and R1 zone is now used for a range of housing types including residential flat development), and (3) rezoning the eastern side of Neich Parade to B4 Mixed Use with the same FSR and height controls as that in Burwood Road to the east. There are pros and cons of each option. It was recommended that the R2 Low Density Residential zone apply to land in Neich Parade to maintain the existing character of substantial low density housing with no medium density or commercial/retail development at the present. There are approximately 44 properties on both sides of Neich Parade. The	Nil	130 (petition)

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ITEM 38/12 Draft Burwood Local Environmental Plan 2012 and Draft Section 94A Contributions Plan - Results of Public Exhibition and Further Actions

Summary of main issues from submissions, planning comments and recommended actions

		petition submission contains 19 signatures from 18 properties. It indicates that more than half of the property owners do not support upzoning, hence no change to the proposed zoning is recommended.	
21	Brighton Street Croydon		
a	Supports R3 zoning, but should be limited 0.9:1 FSR and 9.5m; encourage redevelopment; area within walking distance of shops and public transport.	Standards for townhouse development are provided in the form of density control (ie. sq m site area per dwelling) in the BPSO and maximum height to ceiling of topmost floor control in the Town House Code. These controls are translated into FSR and HOB controls in the draft BLEP based on the LEP Template. Testing of past townhouse DAs approved has suggested that 0.6:1 FSR and 8.5m HOB are appropriate and match the density control in the BPSO and building height requirement under the Town House Code.	137
22	Young St, Boundary St and Grosvenor St, Croydon		
a	Supports controls to encourage high quality RFBs but FSR too high (3:1). Should be 1.5:1 to 2:1 with 23 to 26m height Limit to ensure better design outcomes	Council staff's site testing, following the receipt of the submission, has revealed that 3:1 FSR is not too high for the 26m height limit at this location.	138
D	GOVERNMENT AGENCY ISSUES		
1	Department of Education and Communities, State Government		
a	School sites to be consistent with PN 10-001;	All school sites previously zoned Special Uses in the BPSO have been included in an appropriate adjoining zone in the draft BLEP. This complies with the advice in PN 10-001 Infrastructure in LEPs	140
b	Educational establishment (definition) to be permitted use on all education sites	Additional to the impacts of the Infrastructure SEPP on the permissibility of Educational establishments, the draft BLEP permits this land use with consent in all Residential zones (in which all existing schools sites are included), and in the Business zones B2, B4 and B6 as well.	140
c	No objection to heritage listing of individual buildings where merited but not all buildings	The draft BLEP carries over the application of heritage provisions to buildings in Educational establishments and does not propose any additional listings.	140
2	Family and Community Services - Housing NSW, State Government		

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Housing NSW regards Burwood LGA as high value location because of available services and infrastructure, and wants to maintain and enhance existing assets. To encourage affordable housing supply, requests Council consider increasing development capability of Housing NSW sites close to BTC, services or along major transport corridors (list provided). Requests development standards be changed for Housing NSW sites where existing buildings exceed standards (list provided). Provides Housing Market analysis for Burwood Council area to assist Council. Offers assistance of Affordable Housing Centre for further planning.	Specific Housing NSW sites are listed and commented on below: 158A Wentworth Rd, Burwood – requests R4 High Density Residential zone. <i>Comment:</i> Draft BLEP proposes R1 zone with development standards reduced from BPSO. Request would represent special treatment of isolated site in predominantly low density area. No other R4 zone proposed in draft BLEP. Not justified on planning grounds. 2, 8-10 & 15 Everton Rd Strathfield and 58 Wentworth Rd Strathfield – requests R4 High Density Residential zone. <i>Comment:</i> Draft BLEP proposes R1 zone with 11m HOB and 1.2:1 FSR. This report recommends amended standards of 14 HOB and 2:1 FSR for Everton Rd sites. No other R4 zone proposed in draft BLEP. R1 zone with revised development standards for Everton Rd sites will provide adequate capability while maintaining consistency with controls on adjacent land. No justification for zoning change or higher development standards for Wentworth Rd site. 74 Wentworth Rd and 6 & 36 Russel St Strathfield - requests R4 High Density Residential zone. <i>Comment:</i> Draft BLEP proposes R1 zone with 11m HOB and 1.2:1 FSR on Russel St sites, and 26m HOB and 3:1 FSR on Wentworth Rd site. Agree land is reasonably well located. However, no other R4 zone proposed in draft BLEP and no planning justification for changing zoning of HNSW sites alone. Draft BLEP proposals provide adequate development capability while maintaining consistency with adjoining land. 13-15 Dawson St Croydon – requests R4 zone. <i>Comment:</i> Draft BLEP proposes R2 Low Density Residential zone. No justification for rezoning of isolated site inconsistent with surrounding land. 23 Livingstone St Burwood (L-shaped site also with Conder St frontage). Requests R4 zone justified by advantageous location and unsuitable zoning of all land on north side of Livingstone St in relation to BTC boundary. <i>Comment:</i> Draft LEP proposes R2 zone. Agree land is advantageously located. However, no other R4 zone proposed in draft BLEP. This report recommends not acceding to other request to change zoning of Livingstone St land. No justification to act on HNSW sites alone.	Nil	127
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ITEM 38/12 Draft Burwood Local Environmental Plan 2012 and Draft Section 94A Contributions Plan - Results of Public Exhibition and Further Actions

Summary of main issues from submissions, planning comments and recommended actions

	205 & 207 Liverpool Rd Burwood and 12 Liverpool Rd Croydon – requests R4 zone. <i>Comment:</i> Draft BLEP proposes R1 zone with 11m HOB and 1.2:1 FSR. Proposed BLEP zoning and standards represent adequate development capacity. No justification to act on HNSW sites alone. No other R4 zone in the draft BLEP. 1A Britannia Ave Burwood – requests R4 zone. <i>Comment:</i> Draft BLEP proposes R1 zone with 8.2m FSR and 0.85:1 FSR. Proposed BLEP zoning and standards represent adequate development capacity. No justification to act on HNSW site alone. No other R4 zone in draft BLEP. 51 Portland St Enfield – requests R4 zone. <i>Comment:</i> Draft BLEP proposes R3 zone as carry over from BPSO. Proposed BLEP zoning and standards represent adequate development capacity consistent with large adjoining area similarly zoned. No justification to act on HNSW site alone. No other R4 zone in draft BLEP. 22 Neich Parade Burwood – requests R3 Medium Density Residential zone. <i>Comment:</i> Draft BLEP proposes R2 zone. Proposed BLEP zoning and standards consistent with large adjoining area similarly zoned. No justification to act on HNSW site alone. Report also recommends not acceding to request for rezoning of whole Neich Parade land but to maintain R2 zone. 138-140 and 142 Burwood Rd, 18-20 Stanley St and 35 Lilly St Croydon Park; also 97 Burwood Rd Enfield and 159 Burwood Rd Burwood – requests higher densities within R3 zone. <i>Comment:</i> proposed BLEP standards consistent with large adjoining area similarly zoned. No justification to act on HNSW site alone. <i>Overall comment:</i> No justification to act on requests for HNSW sites alone. HNSW has adequate powers under Affordable Housing SEPP.		
b	Requests the height controls of several sites owned by Housing NSW reflect the existing height of the building	Housing NSW sites where current zoning does not reflect existing buildings: 67 Albert Cres Burwood; 8-12 Everton Rd Strathfield; 58 Wentworth Rd Burwood. Increased HOB requested but not FSR. <i>Comment:</i> changes from past planning controls or absence of such means there are many residential buildings in the local government area that do not comply with BPSO zones or development standards or those proposed in draft BLEP. Draft BLEP does not attempt to harmonise	127

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		zones and development standards with existing development in all such cases and it is not essential to do so for Housing NSW sites. In all three cases the differences between the existing building and the proposed HOB limit is not great. Existing use rights would apply in circumstances of rebuilding or redevelopment.		
c	Supports permissibility of boarding houses in additional zones to assist in provision of private affordable rental housing	Noted.	Nil	127
3	Office of Environment and Heritage, State Government			
a	No comments; further submission will be provided by Heritage Branch.	Noted.	Nil	153
4	Heritage Council, State Government			
a	Some minor inconsistencies with Standard Instrument (ie. definitions, expression) and recommends additional text relating to Heritage Agreements	Agreed. There were minor changes to the Standard Instrument Order on 6 January 2012, after the initial drafting of the Draft BLEP. The BLEP should be updated accordingly. Addition of the text relating to Heritage Agreements is supported subject to the concurrence of DP&I.	Amend BLEP by aligning with latest SI and inserting additional text.	11
b	'Advertising and Advertising structures' as exempt development should exclude heritage items and conservation areas	Agreed. It is recommended that an additional provision be inserted in Schedule 1 to ensure that Advertising and Advertising structures located on listed heritage items or within heritage conservation areas do not fall within Schedule 1.	Make minor amendment to Schedule 1 of the draft BLEP.	11
c	No in-principle objection to inclusion or deletion of heritage items subject to appropriate assessment	Noted. Draft BLEP provides for the deletion of heritage items (which were in the BPSO) where the items were demolished in the past. No additional heritage items are proposed, and would need to be subject to a future heritage review.	Nil	11
		The heritage item at 40, 42 & 44 Stanley St is recommended for deletion as		

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	the owners have submitted a detailed heritage assessment supporting the deletion. Refer 6a.		
	Seeks addition of State-listed underground pressure tunnels and shafts that form part of the sewerage system to the heritage schedule	Nil	11
d	The pipeline runs across Metropolitan Sydney and is located in a number of LGAs. A review of Strathfield's Draft LEP reveals that the pipeline is not listed, nor mapped, in that plan. Indeed, a search of all "in-force" LEPs shows that only the Marrickville LEP 2011 makes mention of this pipeline, however, the only properties listed/mapped appear to be sites with above-ground facilities, as opposed to the underground pipeline. The Standard Template cannot offer a satisfactory solution to listing items below ground without unduly restricting properties above, therefore the listing in the BLEP is not supported in this case. It should also be noted that the SHR pipeline is not the only pipeline beneath Burwood having heritage significance, as there are a series of Sydney Water assets which are listed on that agency's Section 170 Register. Council is aware of these assets, and has informally shown them on the website's Electronic Heritage Map, but these are not listed as heritage items in the BPSO.		
e	Suggests existing 'group listings' be identified individually	Nil	11
e	Development Standards need to ensure protection of State Heritage Items	Nil	11
5	Roads and Maritime Services		
a	Refers to matters raised at Section 62 Consultation Stage; no additional comments made.	Nil	149

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6 NSW Health				
a	Advises of NSW Healthy Urban Development checklist for use in major new planning initiatives	NSW Health has not requested application of this document to the draft BLEP. It is very detailed and oriented towards major greenfield development. Burwood's location, its urban development character and the existing infrastructure and facilities make it well placed to provide healthy urban development in the Sydney region.	Nil	148
b	Available to work collaboratively and provide specific advice as required	There is no specific need to further consult with Health NSW on finalisation of the draft BLEP.	Nil	148
7 Transport for NSW				
a	Requests additional objective for B6 Enterprise Corridor zone concerning protection of effective operation of classified road	This request is contrary to the DP&I position on the draft BLEP that zone objectives should only be added when the zone attributes and development standards would directly help achieve the objective. The request does not meet this test and cannot be supported.	Nil	157

(ITEM IN15/12) PETITIONS

File No: 12/15653

REPORT BY DEPUTY GENERAL MANAGER CORPORATE, GOVERNANCE & COMMUNITY

Summary

Twelve Petitions have been received by Council.

Background

Date Received	Petition Subject	No. of Business/ Household Signatures	Action
27 March 2012	Draft Proposed Burwood Local Environmental Plan 2012 (BLEP 2012) – Residents have various concerns and would like Council to reconsider allowing the area (from Burwood Park up to Parramatta Road) to build up to 30 meters.	20	Land, Infrastructure & Environment
27 March 2012	18 Cooper Street, Strathfield – Draft Burwood Local Environmental Plan 2012 – Residents requesting for their properties to be included in the 2011 Draft LEP to be rezoned to R1 from the current zoning.	9	Land, Infrastructure & Environment
28 March 2012	Draft Burwood LEP – Residents against the rezoning of land owned and occupied by the Croydon Park Ex-Servicemen's Club, Seymour Street, Croydon Park and the rezoning which will allow redevelopment of the land to include shop top housing up to 4 storeys (15 metres) high – (Duplicate Petition, different cover letter)	124	Land, Infrastructure & Environment
29 March 2012	Draft Burwood Local Environmental Plan (BLEP) 2012 – Residents of 40-46 Mosely Street Strathfield are not in favour of the current proposal as outlined in the petition.	13	Land, Infrastructure & Environment
30 March 2012	Draft Burwood Local Environmental Plan (BLEP) 2012 – Residents of Livingstone Street, Burwood support the proposition that all the properties on the Northern side of Livingstone Street should be rezoned to permit development that is more compatible with the adjoining Town Centre zone than the current	16	Land, Infrastructure & Environment

	dwelling and the 0.55:1 Floor Space Ratio permits.		
30 March 2012	Draft Burwood Local Environment Plan (BLEP) 2012 – Residents of Esher Street object to the proposed extension of the Burwood Town Centre north towards Parramatta Road and to aspects of the proposed Enterprise Corridor on Parramatta Road as outlined in petition.	11	Land, Infrastructure & Environment
30 March 2012	Draft Burwood Local Environment Plan (BLEP) 2012 – Residents of the proposed Enfield Local Centre and its surrounds petition to revise the draft LEP 2012 in relation to the type and scale of the developments in the B2 local centre for various reasons as outlined in petition.	16	Land, Infrastructure & Environment
30 March 2012	Draft Burwood Local Environment Plan (BLEP) 2012 – Residents from Neich Parade would like Council to reconsider the future of Neich Parade with a view of a more appropriate higher residential density in an area where it can be comfortably accommodated.	18	Land, Infrastructure & Environment
30 March 2012	Draft Burwood Local Environment Plan (BLEP) 2012 – Residents of Gordon Street would like Council to reconsider the zoning and classify Gordon Street as Low Density Residential (R2) with a maximum height of 8.2 metres for various reasons as outlined in petition.	3	Land, Infrastructure & Environment
2 April 2012	Draft Burwood Local Environment Plan (BLEP) 2012 – Residents petitioning against the proposed rezoning of land owned and occupied by the Croydon Park Ex-Servicemen's Club, Seymour Street, Croydon Park (the land) which will allow redevelopment of the land to include shop top housing up to 4 storeys (15 metres) high.	124	Land, Infrastructure & Environment
2 April 2012	Draft Burwood Local Environment Plan (BLEP) 2012 – Residents petitioning against the proposed rezoning of land owned and occupied by the Croydon Park Ex-Servicemen's Club, Seymour Street, Croydon Park (the land) which will allow redevelopment of the land to include shop top housing up to 4 storeys (15	124	Land, Infrastructure & Environment

	metres) high – (Duplicate Petition, different cover letter)		
2 May 2012	Draft Burwood Local Environment Plan (BLEP) 2012 – Residents requesting to have six storeys, similar to that of 22-26 Coronation Parade, Enfield (old Police Station)	27	Land, Infrastructure & Environment

Comments

That Council notes that the Petitions have been referred to the appropriate Council Officers for attention.

No Decision – Information Item Only**Attachments**

There are no attachments for this report.