



Burwood Council

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Planning Proposal

**Croydon Park Ex-Servicemen's Club
49-55 Seymour Street, Croydon Park**

June 2012

A Planning Proposal is the first step in proposing amendments to council's principle environmental planning instrument, known as the Burwood Planning Scheme Ordinance (BPSO) 1979, and/or Burwood Local Environmental Plan (BLEP) 2012. A Planning Proposal explains the intended effect of the proposed amendment and also sets out the justification for making the change. The Planning Proposal is submitted to the NSW Department of Planning and Infrastructure (DP&I) for its consideration, referred to as the Gateway Determination, and is also made available to the public as part of the community consultation process.

At the present time, while the BPSO is the governing principle environmental planning instrument, Council has submitted the draft BLEP 2012 to the DP&I, requesting that the draft BLEP be reported to the Minister for Planning under section 69 of the Environmental Planning and Assessment Act 1979 for making the final plan. Therefore, this Planning Proposal has been drafted to amend the BLEP when it comes into force.

Part 1 – Objectives or Intended Outcomes

The objectives or intended outcomes of the Planning Proposal are:

1. To retain a zone equivalent to the Residential 2(a) zone under the BPSO 1979 for the Croydon Park Ex-Servicemen's Club site at 49-55 Seymour Street, Croydon Park.
2. To amend the zoning of the site from B2 Local Centre to R2 Low Density Residential under BLEP 2012.
3. To amend the development standards applicable to the site to an 8.2m maximum height and 0.55:1 maximum floor space ratio (FSR).

Part 2 – Explanation of the Provisions

Rezoning the site to R2 Low Density Residential, as part of this Planning Proposal, reflects the carrying over of the current Residential 2(a) zone of the site under the BPSO to the BLEP.

The proposed height and FSR for the site are consistent with the development standards of all R2 zones under the BLEP.

The objectives or intended outcomes stated in Part 1 above will be achieved by amending the BLEP Maps, specifically Land Zoning Map – Sheet LZN_002; Height of Buildings Map – Sheet HOB_002; and Floor Space Ratio Map – Sheet FSR_002.

Refer to the maps at Attachments 1, 2 and 3 for an explanation of the land affected by this planning proposal.

Part 3 – Justification

Section A – Need for the Planning Proposal

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

Yes. On 15 May 2012, Council considered a report on the public exhibition of the draft BLEP 2012. Council resolved, in part, that:

- “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”.*

This Planning Proposal report for the Croydon Park Ex-Servicemen's Club is the first step to implementation of Point 4 of the 15 May 2012 Council resolution.

Council proposed in the exhibition of draft BLEP to include the Croydon Park Ex-Servicemen's Club in the Croydon Park Local Centre based on its proximity to the commercial activities fronting Georges River Road and in recognition of the non-residential nature of existing development. The inclusion of the Club site in Seymour Street in the B2 zone generated the greatest number of submissions and petition signatures during the draft BLEP's exhibition. Although the Club submitted a letter endorsing the B2 zone, 16 submissions plus a petition with 124 signatures were opposed, indicating that the proposed B2 zone does not have support from the immediate community.

The use of the site as a club would have existing use rights if rezoned R2. 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 being a low density residential zone permitting development up to two storeys in height. On this basis, there is no real loss of development yields.

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

Yes. The Planning Proposal is the best means of achieving the objectives or intended outcomes. Council received advice from the DP&I on amendments to draft BLEP 2012 and a planning proposal was recommended to deal with matters where the extent of the change is a significant departure from the exhibited LEP and would trigger re-exhibition.

Progression of a separate Planning Proposal enables specific issues raised in submissions to the draft BLEP to be considered in greater detail and with community consultation specific to the site.

3. *Will the net community benefit outweigh the cost of implementing and administering the planning proposal?*

The cost of implementation would be relatively low as these costs relate to the preparation of the planning proposal and subsequent LEP, which are to be undertaken in-house by Council staff. This site attracted numerous submissions and petition signatories from the surrounding community. It is considered that the net community benefit would outweigh the cost of implementing and administering the planning proposal, as this Planning Proposal has been prepared to address concerns of the community. On the basis of submissions, the community wants the site to retain a low density residential zone, to allow for two storey development, so that adjoining and adjacent residences will not be unduly affected.

Section B – Relationship to Strategic Planning Framework

4. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional and sub-regional strategy?*

Yes. The proposal is consistent with the Metropolitan Strategy and the draft Inner West Subregional Strategy. The site is on the immediate edge of the Croydon Park Local Centre and the residential zoning of this site will contribute to housing opportunities within walking catchments that support the growth and renewal of centres (Action B1.3 of the Metropolitan Strategy). Zoning the site to residential will increase housing capacity in existing areas, and focus residential development around centres which is consistent with the draft Inner West Subregional Strategy (Actions C1.3 and C2.1). There is no effective loss of business zoned land as the site has a residential zoning in the BPSO.

5. *Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?*

Yes. In 2004, Council adopted 'The Vision Document' which contains Council's planning and policy directions as well as implementation priorities for the local government area. Section 3.1.3 of the Vision Document did not show the site as part of the economic and cultural network and the residential zoning of this site is therefore consistent with this strategic direction.

The Planning Proposal is also consistent with the key principles adopted by Council at its meeting on 12 October 2010 with regard to the preparation of the draft BLEP. The key principles that have been used to guide the BLEP preparation include focusing business and jobs growth in town and local centres with good public transport availability while protecting

Burwood's high quality residential areas and streetscapes, and using a like-for-like approach to the extent practicable for replacement zones and controls. This Planning Proposal proposes to zone the site R2 Low Density Residential, which meets the said key principles.

Council has in place a Burwood 2030 Community Strategic Plan. The Strategic Plan recognizes the challenge of finding a balance between the economic growth of commercial centres while preserving residential areas. This Planning Proposal is consistent with this strategic goal. Refer to Strategic Goal 5.5 of the Strategic Plan.

6. *Is the planning proposal consistent with applicable state environmental planning policies?*

There are no state environmental planning policies which would contravene the Planning Proposal.

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

Yes. Consistency with the list of Directions under section 117(2) of the Environmental Planning and Assessment Act 1979 issued by the Minister for Planning relevant to planning proposals lodged with the DP&I on or after the date the particular direction was issued are assessed below.

Direction	Issue date/ date effective	Comment
1. Employment and Resources	1 July 2009	
1.1 Business and Industrial Zones		This direction applies because the Planning Proposal affects land within a proposed business zone under the exhibited draft BLEP. The direction allows a planning proposal to be inconsistent with the objectives of this direction if the site is of minor significance (part 5(d)). While the Planning Proposal is not encouraging employment growth by amending the proposed zoning the site from business to residential, under the BPSO the site is zoned Residential 2(a) so there is no net loss of business zoned land, and the site is of minor significance not being part of a strategic centre and having an area of approximately 2045 sqm.
1.2 Rural Zones		Not relevant
1.3 Mining, Petroleum Production and Extractive Industries		Not relevant
1.4 Oyster Aquaculture		Not relevant
1.5 Rural Lands		Not relevant
2. Environment and Heritage	1 July 2009	
2.1 Environment Protection Zones		Not relevant
2.2 Coastal Protection		Not relevant
2.3 Heritage Conservation		Not relevant
2.4 Recreation Vehicle Areas		Not relevant

3. Housing, Infrastructure and Urban Development	1 July 2009 (Except for new Direction 3.6 – effective 16 February 2011)	
3.1 Residential Zones		This direction applies because the Planning Proposal affects land within an existing or proposed residential zone. The proposal is consistent with the direction as it will broaden the choice of housing types and location while making use of existing infrastructure (part 4(a) and (b)).
3.2 Caravan Parks and Manufactured Home Estates		Not relevant
3.3 Home Occupations		Not relevant
3.4 Integrating Land Use and Transport		Not relevant
3.5 Development Near Licensed Aerodromes		Not relevant
3.6 Shooting Ranges		Not relevant
4. Hazard and Risk		
4.1 Acid Sulfate Soils		Not relevant
4.2 Mine Subsidence and Unstable Land		Not relevant
4.3 Flood Prone Land		Not relevant
4.4 Planning for Bushfire Protection		Not relevant
5. Regional Planning	1 July 2009 (Except for new Direction 5.4 effective 29 November 2009 & Direction 5.2 effective 3 March 2011)	
5.1 Implementation of Regional Strategies		Not relevant
5.2 Sydney Drinking Water Catchments		Not relevant
5.3 Farmland of State and Regional Significance on the NSW Far North Coast		Not relevant
5.4 Commercial and Retail Development along the Pacific Highway, North Coast		Not relevant
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)		Not relevant
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)		Not relevant
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)		Not relevant
5.8 Second Sydney Airport: Badgerys Creek		Not relevant

6. Local Plan Making	1 July 2009	
6.1 Approval and Referral Requirements		This direction applies because Council is preparing a planning proposal and the direction allows a planning proposal to be prepared provided it is consistent with the objective of the direction which is to ensure LEP provisions encourage the efficient and appropriate assessment of development. The Planning Proposal will not be inconsistent with this direction.
6.2 Reserving Land for Public Purposes		Not relevant
6.3 Site Specific Provisions		Not relevant
7. Metropolitan Planning	1 February 2010	
7.1 Implementation of the Metropolitan Plan for Sydney 2036		This direction applies because Council is preparing a planning proposal that is within the area covered by the NSW Government's Metropolitan Plan for Sydney 2036 published in December 2010. The Planning Proposal is not inconsistent with the overall intent of the Plan, and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.

Section C – Environmental, Social and Economic Impact

8. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

No. There is no known critical habitat or threatened species, populations or ecological communities, or their habitats within the subject site.

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

No. There are no other likely environmental effects as a result of the planning proposal, such as flooding, landslip, bushfire hazard and the like.

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

The Planning Proposal is not expected to have any adverse social or economic effects. Community consultation was undertaken to ascertain the community's views concerning the draft BLEP 2012.

The proposed R2 zone as part of this Planning Proposal, is similar to the Residential 2(a) zone currently applying to the site under the BPSO. Implementation of the zoning change would not result in any impediment to the Ex-Servicemen's Club's ongoing operation. Existing use rights would continue as a Registered Club is not permitted in both the current Residential 2(a) and the proposed R2 Low Density Residential zone.

Council's decision in respect to the site was made in view of the substantial opposition expressed in submissions received during the public exhibition, to the application of the B2 zone and development standards (including a building height limit of 15m and a maximum FSR of 1.75:1) to the site in the exhibited draft BLEP 2012.

Following the gateway determination on the Planning Proposal, a new public exhibition process will be carried out and both the Club and the community will be afforded the opportunity to make new submissions during that process.

Section D – State and Commonwealth Interests

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

The Planning Proposal would not affect the public infrastructure requirements or demand of the area.

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

The gateway determination will specify any consultation required with State and Commonwealth authorities on the planning proposal.

Part 4 – Community Consultation

The gateway determination will specify the community consultation that must be undertaken on the Planning Proposal.

Community consultation was undertaken by Council leading up to its resolution to amend the zoning and applicable development standards for the site. As the Planning Proposal is prepared to address the community's concerns and seeks to apply an equivalent zone to the BPSO, Council requests the minimum exhibition period of 14 days. The minimum exhibition period is requested, also with the aim of coordinated implementation with the BLEP.

Attachments

- Attachment 1 - Maps of the subject site (2 pages).
- Attachment 2 – BPSO zoning map of the site (1 page).
- Attachment 3 – Draft BLEP 2012 maps of the site (3 pages).
- Attachment 4 – Report to Council dated 15 May 2012 on the exhibition of the draft BLEP 2012 is available on Council's website:
http://www.burwood.nsw.gov.au/verve/_resources/CM_22052012_AGN_AT.PDF
- Attachment 5 – Minutes of Council Meeting of 15 May 2012 are available on Council's website:
http://www.burwood.nsw.gov.au/verve/_resources/CM_15052012_MIN_PF_EXTRA.pdf
- Attachment 6 - The Vision Document is available on Council's website:
http://www.burwood.nsw.gov.au/verve/_resources/VisionDocument.pdf
- Attachment 7 – Burwood 2030 Community Strategic Plan is available on Council's website:
http://www.burwood.nsw.gov.au/verve/_resources/FINAL_BURWOOD_CSP_2030_low_res.pdf

Attachment 1

Map of the subject site (Page 1 of 2).

Attachment 1

Map of the subject site (Page 2 of 2).

Attachment 2

BPSO zoning map of the site (1 page)

Attachment 3

Draft BLEP 2012 maps of the site (Page 1 of 3)

Attachment 3

Draft BLEP 2012 maps of the site (Page 2 of 3)

Attachment 3

Draft BLEP 2012 maps of the site (Page 3 of 3)