

(ITEM 109/20) REVIEW OF BURWOOD LOCAL ENVIRONMENTAL PLAN

File No: 20/47657

REPORT BY DIRECTOR CITY STRATEGY

Summary

Council is obliged under the planning legislation to review the Burwood Local Environmental Plan 2012 (BLEP) to help implement the Eastern City District Plan developed by the Greater Sydney Commission (GSC). As the timeframe given by the GSC is fast approaching, the BLEP review focuses on addressing past relevant Council resolutions and fixing housekeeping anomalies identified by Council staff. It is recommended that a Planning Proposal be prepared which will address the matters and corresponding actions discussed in this report. At the same time, a more comprehensive review of the BLEP is underway pending completion of a series of technical studies.

Operational Plan Objective

1.2.1 Inform the community of Council's activities, facilities and services using accessible communication

2.1.3 Ensure transparency and accountability in decision making

Background

In March 2018, the *Environmental Planning and Assessment (EP&A) Act 1979* was amended to require local councils to review their LEPs and develop a Local Strategic Planning Statement (LSPS) to give effect to the relevant district plans developed by the GSC. The Burwood Local Government Area (LGA) is situated in the Eastern City and is therefore governed by the Eastern City District Plan.

In May 2018, the GSC released a LEP Roadmap to guide local councils' LEP review and LSPS process. Most councils, including Burwood, have been given three years to complete the process, which is due around mid of 2021. Councils can prepare one LEP amendment, multiple LEP amendments, or a comprehensive new LEP.

The GSC approved the Burwood LSPS in March 2020. Our Council is at the stage of needing to prepare a Planning Proposal, which will in due course be finalised into a BLEP amendment.

In the lead up to the preparation of the LSPS, Council commissioned a number of technical studies for the Burwood Local Government Area (LGA), including Traffic and Transport Study, Urban Design Study and Local Housing Strategy etc. The Traffic and Transport Study and the Urban Design study have not been completed to date. The Local Housing Strategy, although adopted by Council on 11 February 2020, is still being assessed by the Department of Planning, Industry and Environment (DPIE).

Following the release of the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) by former Urban Growth in late 2016, Councils of Burwood, Strathfield and Canada Bay jointly commissioned a Traffic and Transport Study and Urban Design Study for precincts covered by the PRCUTS. One of the precincts is the Burwood Concord Precinct, which is often referred to as the Burwood North Precinct. These studies have not been completed to date, as the initial traffic modelling result did not support the densities recommended by the PRCUTS, and traffic modelling needs to be rerun based on revised assumptions involving TfNSW and DPIE.

Given these studies are incomplete and the GSC's timeframe is looming quickly, it is considered appropriate to focus the upcoming Planning Proposal on addressing past relevant Council resolutions and the housekeeping anomalies identified by Council staff during the application and implementation of the BLEP.

In short, a review of the BLEP has been conducted in view of the past Council resolutions and to rectify housekeeping anomalies. This review will inform the preparation of the Planning Proposal.

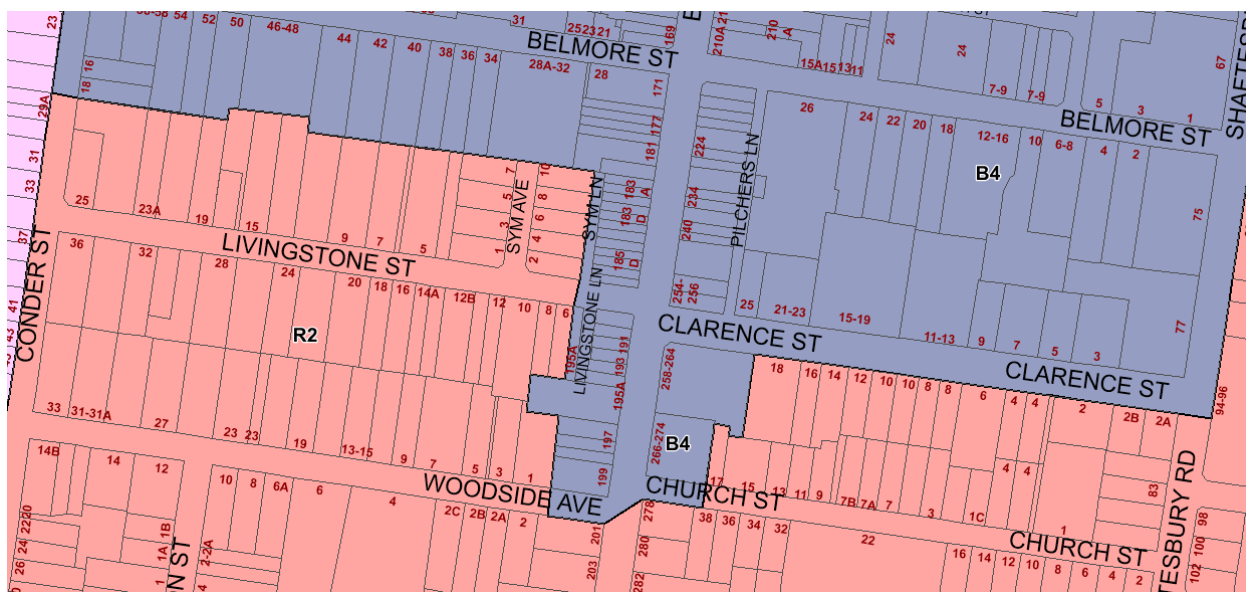
This report seeks Council's endorsement on the matters to be included in the Planning Proposal.

Proposal

The relevant past Council resolutions, housekeeping anomalies, Council staff's comments and recommended actions are provided below.

Past Council Resolutions

1. Livingstone Street, Sym Avenue, Clarence and Church Streets, Burwood



Location map showing Livingstone Street, Sym Avenue, Clarence and Church Streets

Council Resolution of 27 July 2015

That a survey of land owners on both sides of Livingstone Street and Sym Avenue be conducted concerning options of rezoning and development standards for the subject land, and that results of the survey be workshopped with Councillors prior to any Planning Proposal being considered.

Mayoral Minute of 26 September 2017

That the General Manager investigates updating the BLEP to:

- *Extend the BLEP centre to include Clarence Street to Church Street, bounded by Burwood Road and Shaftesbury Road, for land transition zoning to B4 with building height plan on Church Street*
- *Include the Northern side of Livingstone Street as a B4 transition zone with building height plan*

Council Resolution of 23 July 2019

That Council resolve to include Clarence Street, Church Street and Livingstone Street, Burwood area as part of the local character investigation areas when undertaking the LSPS and LEP community participation process.

Council Resolution of 11 February 2020

That Council as part of the LEP process further investigates amongst other matters:

The current planning strategy in the transition areas of Livingstone Street, Conder Street, Clarence Street and Church Street up to Woodstock.

Comment

In response to the 2015 Council resolution, a survey of landowners on both sides of Livingstone Street and Sym Avenue was conducted. Results of the survey were presented to a Councillor Workshop on 2 November 2015. In summary:

- 48% landowners surveyed responded.
- The majority of the respondents on the northern side of Livingstone Street (13 out of 19 respondents) preferred Burwood Town Centre to be extended to the northern side of Livingstone Street and Sym Avenue with a building height increase.
- Three households on the southern side of Livingstone Street responded to the survey, with two respondents objecting to any building height increase.
- Most respondents raised concerns about loss of privacy and amenity.

In response to the Council resolutions of 2019 and 2020, two Local Character Investigation Areas are included in the final LSPS, which are:

- Livingstone Street Precinct (including all properties on the northern side of Livingstone Street and on both sides of Sym Avenue, and the average front building line of properties on the southern side of Livingstone Street).



Source: Burwood LSPS

- Clarence and Church Streets Precinct

Clarence and Church Streets Precinct

Direction: Enhance and cultivate character

Indicative location



Source: Burwood LSPS

The aims identified in the LSPS for these precincts are:

- *Ensure a suitable transition between the higher density development to the north and the low rise buildings to the south.*
- *Address the amenity issues at the interface between the Burwood Town Centre boundary and the land on the northern side of Livingstone Street.*
- *Investigate potential for two storeys terrace style housing with lofts or dormer windows (for Livingstone Street Precinct only).*
- *Protect solar access and amenity for properties within the precincts and to the south.*
- *Conserve significant heritage buildings and ensure future redevelopment responds sensitively to heritage items.*
- *Increase street trees and provide for a green, leafy character, with provision for gardens and an urban street canopy.*
- *Ensure a high quality standard for new buildings.*
- *Ensure a safe and pleasant street for pedestrians, emphasising the precinct's walkability to the Burwood Town Centre.*

Subsequent to the Burwood LSPS, the draft Urban Design and Masterplan prepared by consultants has recommended more detailed building height and density standards. This study has not been completed to date and the Strategic Planning Team is currently conducting site testing to see if the building height and density standards recommended are feasible.

Given the importance of this review it is proposed to conduct direct consultation process with local residents to determine the preferred outcomes for these areas. The Strategic Planning Team will develop a consultation strategy to support the precinct review. This engagement would likely include targeted communications, invited meetings and/or workshops in addition to legislated consultation requirements as part of Planning Proposal preparation and adoption.

Recommended Action

Recommendations are that:

- a) Subject to site testing and consultation with local residents, rezoning of these areas with appropriate building height and floor space ratio standards be included in the Planning Proposal.
- b) Landowners in the area be advised in writing regarding when the Planning Proposal is reported to Council and that the report on the Planning Proposal be available for viewing.
- c) Landowners be further consulted during the public exhibition of the Planning Proposal.

2. Existing Council Carpark in front of Burwood Library and Community Hub



Location map showing Council Library and Community Hub with Council carpark

Council Resolution of 27 March 2018

That the General Manager investigate as part of the BLEP review, to rezone the existing Council carpark to Open Space, while changing the classification of the basement area underneath the park to Operational land, with the Library and Community Hub to be Community land.

Comment

As can be seen from the above map, the existing Council carpark is located within the Council owned land which also contains the Burwood Library and Community Hub building. The land is currently zoned B4 Mixed Use and classified as *Operational Land* under the BLEP.

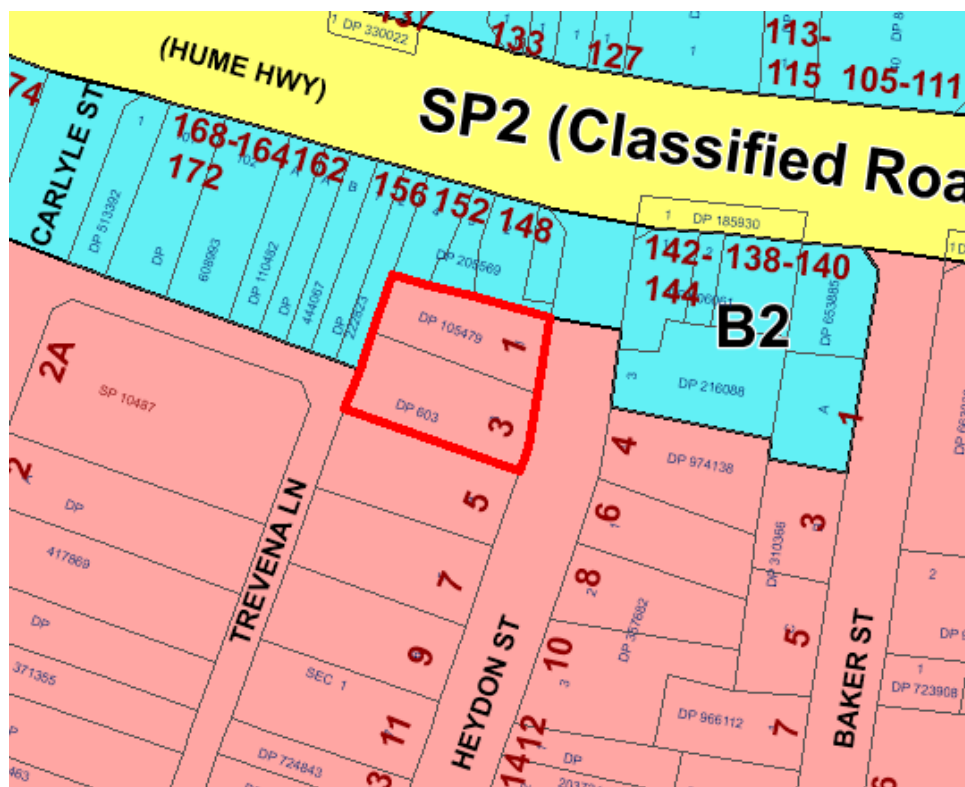
A public park or urban park and community facilities are all permitted in the B4 zone. This would support the concepts currently being prepared for the Conder Street urban park.

It is necessary for the entire parcel of land to have the *Operational Land* classification in order to facilitate any vehicle access over the existing carpark which will be turned into an urban park, in association with the Burwood Place development on adjoining land.

Recommended Action

The zoning and classification of the land not be changed, nor to be included in the Planning Proposal.

3. 1 and 3 Heydon Street, Enfield



Location map of 1 and 3 Heydon Street, Enfield

Council Resolution of 26 October 2015

That Council investigates the rezoning of 1 and 3 Heydon St, Enfield and continue the laneway to connect Carlyle and Heydon Streets.

Comment

This Council resolution was in response to the concerns from the landowner of 1 Heydon Street, over the Development Application (DA) at 146-152 Liverpool Road.

Subsequently the DA was approved and 1 Heydon Street was sold. 1 and 3 Heydon Street are owned by different owners and the fragmented ownership pattern would make the rezoning and the laneway creation difficult.

Recommended Action

That this matter not be included in the Planning Proposal.

Housekeeping Anomalies

1. Former Masonic Temple building



Map showing the heritage item covers two parcels



Aerial photo of current former Masonic Temple building

Comment

The building is a heritage item listed in the Heritage Schedule and on the Heritage Map of the BLEP.

The building was situated on two parcels of land before its partial demolition. The planning certificates for both parcels reflect the heritage status.

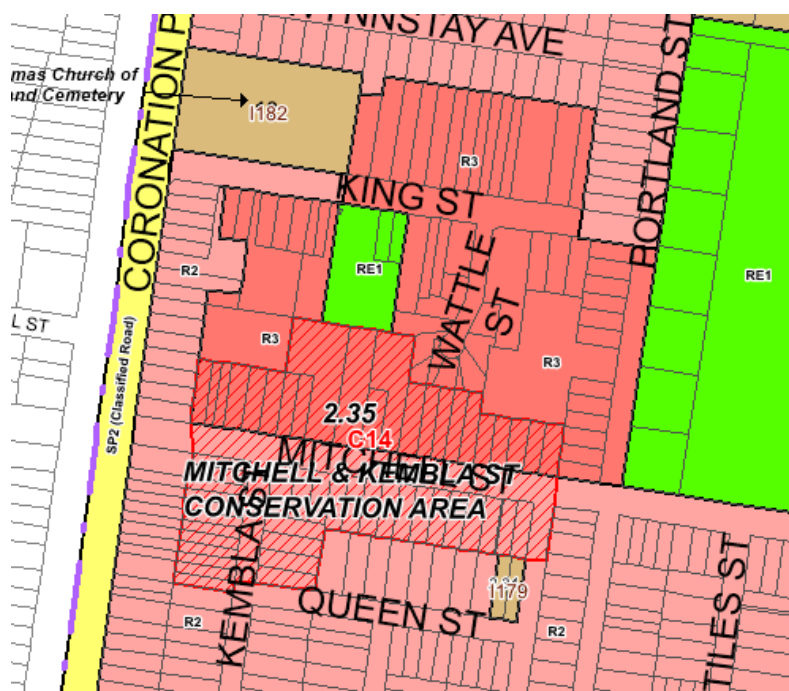
Partial demolition of the former Masonic Temple building formed part of the development of the Burwood Grand site undertaken by Anson City Development Pty Ltd. The site where the heritage building currently sits after consolidation and re-subdivision, has been given a new street address and lot and deposited plan numbers.

Subject to confirmation that the building is fully contained within one parcel of land, the Heritage Schedule and the Heritage Map in the BLEP should be updated to reflect the correct street address, lot and deposited plan numbers and the building footprint for the heritage item.

Recommended Action

Addressing this anomaly be included in the Planning Proposal.

2. Mitchell and Kembla Street Conservation Area



Map showing the conservation area includes properties zoned R2 and R3

Comment

A petition was received earlier this year raising concern that this conservation area covers both R2 Low Density Residential and R3 Medium Density Residential zoned land. The petition raised the following issues:

- The R3 zoning is incongruous with the properties also being a conservation area.
- Properties in the conservation area could be rezoned to either R2 or R3 so that only one type of zoning applies.
- An R2 Low Density Residential zone is considered more appropriate to protect the character of the conservation area.

This matter requires further investigation to determine the implications of the two zonings upon the long term preservation of the conservation area. It is recommended that this be included as part of the house keeping review.

Recommended Action

Recommendations are that:

- a) Assessment of this anomaly be included in the Planning Proposal.
- b) Landowners in the area be advised in writing regarding when the Planning Proposal is reported to Council and that the report on the Planning Proposal be available for viewing.
- c) Landowners be further consulted during the public exhibition of the Planning Proposal.

Consultation

Stakeholder engagement and community consultation were undertaken during the preparation of the LSPS.

As stated, the Strategic Planning Team will be preparing a consultation strategy that responds to the nature and details of the particular BLEP amendments being proposed. This will include a combination of the following activities:

- Publication of briefing material and updates via Council's website and other outlets
- Direct consultation with residents in particular precincts
- Notification of affected residents and property owners regarding upcoming Council meetings and feedback process
- Completion of statutory consultation required as part of the BLEP review process and gateway determination

Planning or Policy Implications

Should Council adopt the recommendations of this report, a consultation strategy will be developed and work commenced on the preparation of the Planning Proposal. The Planning Proposal will address the actions recommended in this report. The Planning Proposal will be reported to the Burwood Local Planning Panel (BLPP) for its advice next year. BLPP's advice will then be reported to Council for a decision as to whether the Planning Proposal will be endorsed for submission to DPIE for a Gateway Determination.

The public exhibition, community and agency consultations will take place following the Gateway Determination.

The current program shows that housekeeping Planning Proposal and subsequent amendment to the BLEP which will become effective from the date of being published on the NSW legislation website by mid 2022.

Parallel to this housekeeping LEP review a comprehensive review will be in hand including the preparation of a second Planning Proposal. This will be supported by a number of supporting studies which will inform the more comprehensive LEP reviews and amendments.

Financial Implications

The preparation of the Planning Proposal and ongoing work to conduct further reviews of the BLEP, and the preparation of the Burwood Development Control Plan amendments and local contributions plans that will accompany implementation of the amended BLEP, will require dedicated staff resources within Council over the coming years.

Conclusion

Endorsement by the Council is sought to prepare the Planning Proposal, which will address the matters and corresponding recommended actions discussed in this report.

Recommendation (s)

1. That Council note contents of this report.
2. Council provide endorsement to proceed with the preparation of a housekeeping LEP amendment that considers the following items:
 - a. Livingstone Street, Sym Avenue, Clarence and Church Streets Precinct, Burwood
 - b. Former Masonic Temple Building
 - c. Mitchell and Kembla Street Conservation Area
3. That Council endorse the preparation of a consultation strategy noting the commitment to undertake direct consultation in response to the nature of the BLEP amendment being

proposed.

4. That Council note the overall timeframe to complete this housekeeping Planning Proposal currently programed to be endorsed by mid-2022.
5. That this housekeeping Planning Proposal be reported to Council for endorsement after it has been reported to the BLPP and before it is submitted to DPIE for a Gateway Determination.

Attachments

There are no attachments for this report.