


**4 MITCHELL STREET,  
ENFIELD: REZONING  
REVIEW – SUMMARY  
DOCUMENT &  
RESPONSE TO  
COUNCILLOR  
RESOLUTION**



# OVERVIEW

- 4 Mitchell Street, Enfield has excellent site and locational characteristics for high quality urban renewal and revitalisation.
- It has a significant physical size, is in single ownership, is located directly adjacent to Henley Park and surrounding social/community infrastructure (community facilities, schools, child care and local shops), is close to a high-frequency regional bus network which connects the site to strategic centres, and is a key node in the 'Sydney Green Walking Grid' which provides a strong foundation for renewal.
- The site's zoning permits 'residential flat buildings' and currently contains an existing building that relates poorly to the surrounding context.
- The current built form already significantly exceeds the height standard, and has a monolithic massing arrangement which can be greatly improved with a more coordinated planning control framework.
- Within this context, the applicant has had a vision to provide a very high quality, contextually appropriate development, and has taken a very considered and collaborative approach by engaging with Council for over 18 months, with 12 meetings over this period to refine the design concept. This has included proactive (and ongoing) community consultation resulting in amendments to strengthen the proposal.
- On 6 July 2018, following extensive consultation, Tian An ('the applicant') lodged a Planning Proposal (PP) seeking to Amend Burwood LEP 2012 to amend the building height and FSR standards (as well as Schedule 1 of the LEP) applicable to the site.
- The applicant has consistently responded positively to advice and feedback from the Council Officers (and Council's Independent Planners) demonstrating a strong willingness to work closely and provide a considered Planning Proposal which respects the local character of Enfield. The broader benefits and strategic merit of the proposal is discussed on the following page.

# STRONG SUPPORT FOR THE PROPOSAL

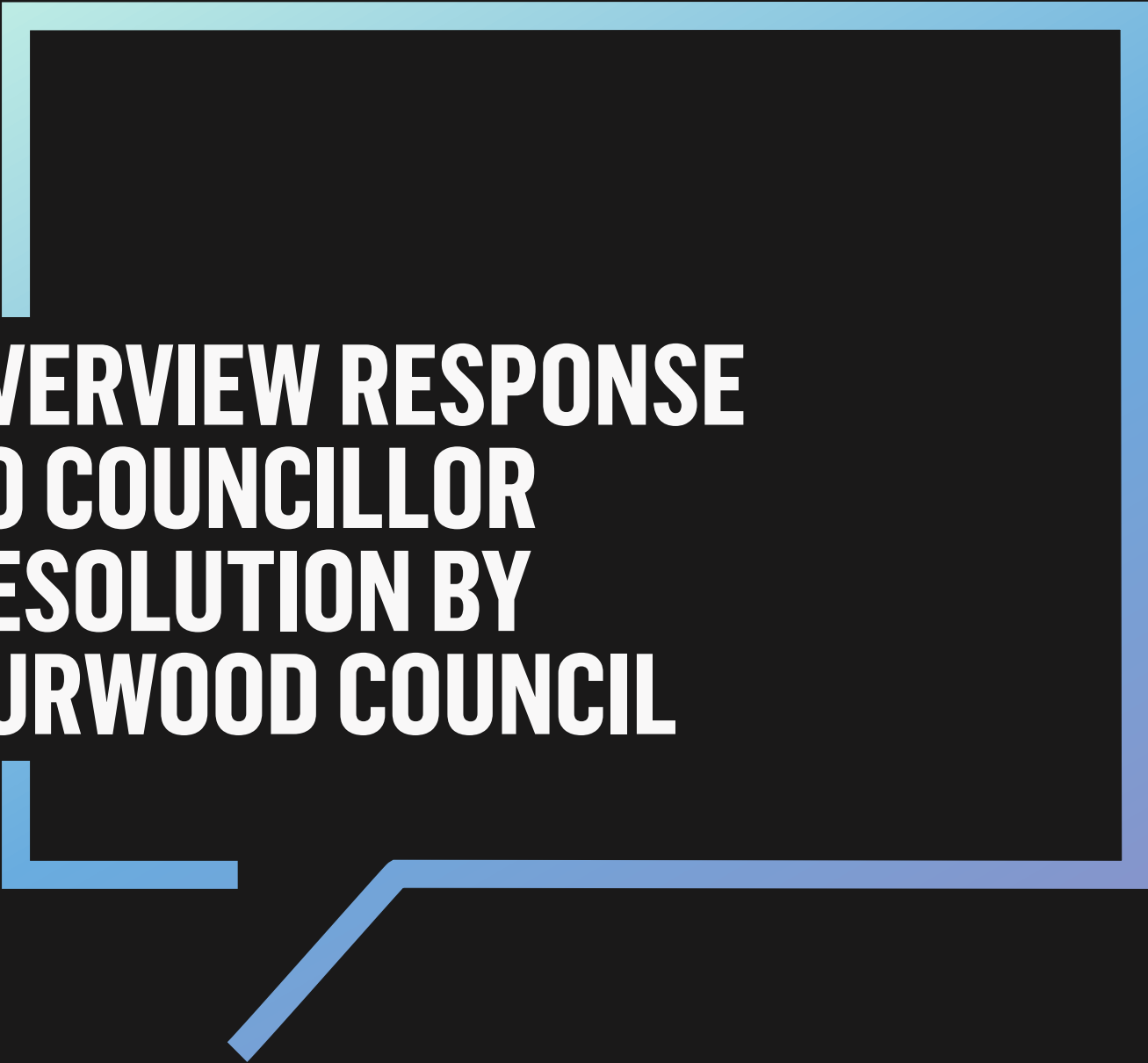
- Following the close engagement with Council, the Planning Proposal has been supported, and determined to have strategic and site specific merit by:
  - Burwood Council's Strategic Planning Officers
  - Council's Independent Local Planning Panel
  - Council's Independent Consultants (Cardno)
- In summary, the proposal (and indicative 'Concept') will provide:
  - A new, prescriptive height map to sensitively align massing on the site and protect the local character of the area.
  - New affordable housing (up to 10%) for the local area, to be managed by a Tier 1 housing provider.
  - Potential job opportunities through new neighbourhood shops and cafes.
  - Activation and surveillance along the park edge and a coordinated and embellished landscape response.
  - Generous setbacks from adjoining properties with large areas of deep soil, landscaping and communal open space areas.
- A very high level of compliance with SEPP 65 & Apartment Design Guidelines (ADG), and highly sustainable and 'green' building credentials.
- No unreasonable environmental impacts on surrounding properties, and seeks to improve the site's relationship to these sites.

# COUNCILLOR RESOLUTION OF PLANNING PROPOSAL

- Despite support from Council Officers, Burwood Local Planning Panel and Council's independent consultant, and very extensive engagement and collaboration working through the key issues, Councillors at Burwood Council resolved to not support the PP on 25 September 2018.
- This resolution was extremely disappointing and concerning to the applicant, especially when a number of the items identified in the resolution have been the subject of extensive technical discussions with Council Officers. Indeed, technically these matters have been supported by Council Staff, Cardno and the Local Planning Panel.
- The Mayor and Councillors (despite various attempts) have declined the opportunity to be briefed on the Planning Proposal prior to the Council Meeting. This could of sought to respond to a number of the issues that have been identified in the resolution.
- Therefore, the applicant has sought a Rezoning Review of this decision.
- A report summarising the background, and

a more detailed overview of the proposal is provided separately, however this document seeks to provide a high level summary response to the Council Resolution from the 25 September 2018 meeting.

- This document should be read in accordance with the full documentation submitted with the PP.



**OVERVIEW RESPONSE  
TO COUNCILLOR  
RESOLUTION BY  
BURWOOD COUNCIL**

# “A) THE PLANNING PROPOSAL DOES NOT DEMONSTRATE STRATEGIC MERIT”

- In our opinion **the proposal demonstrates that there is strategic merit** for the proposed amendments to the height and FSR standards applicable to the site, which **has been acknowledged and supported by the Council Officers, Local Planning Panel, and independent planning consultant** who have assessed the proposal. To summarise, there are a number of unique strategic site qualities, attributes and factors which have allowed us to arrive at this conclusion:
  - **Strategic site characteristics ideal for urban renewal:** Within the local context, the site has a considerably large site area (over 12,000sqm) with excellent solar orientation, direct proximity to Henley Park, is held in single ownership, is not heritage listed, strata titled, or subject to any title encumbrances. These site characteristics provide a unique opportunity to provide a stronger built form outcome with a range of enhancements and benefits to the local community.
  - **Unlike other nearby larger sites (which have been zoned for industrial/non residential uses) the site currently permits ‘residential flat buildings’** albeit that the height and FSR are not reflective of the current built form on the site which significantly exceeds the controls.
  - **Close proximity to regional bus network with accessibility to Strategic Centres:** The site is in very close proximity to both high-frequency regional bus networks which connect to not only Burwood Town Centre, but also a number of other strategic centres (such as Macquarie Park, Bondi Junction, Hurstville) and also Sydney Airport. Burwood LGA has a number of sites with increased height and density which are outside of Burwood Town Centre, but otherwise well served by these regional bus networks.
  - **Direct proximity to regional public open space and parkland:** The site is directly adjacent (and shares a very large frontage) to Henley Park, which is one of the largest park/open space networks in the local area. Henley Park also is connected to Enfield Aquatic Centre, 2 kids playgrounds, sports facilities, exercise equipment and change facilities. While there are areas in Burwood LGA that have increased height and density on busy roads (for example Liverpool Road), our view is that the site’s co-location and proximity to a park provides a much higher level of residential amenity. The project will provide the opportunity for enhanced safety and surveillance and ‘eyes’ on the park.
  - **The provision of high quality affordable rental housing:** The applicant is strongly committed to the provision of high quality affordable housing. In accordance with the direction in the Greater Sydney Region Plan 2018 the applicant is committed to the provision of 5-10% affordable housing and have proactively engaged with Link Housing (a tier one affordable housing provider) would have provided their in-principle support to partner with the applicant to manage this.
  - **Provision of a mix of housing diversity, and high quality, sustainable apartments that are more affordable:** Enfield is heavily dominated by houses and semi-detached dwellings, which make up 76% of the locality, with 18% attributed to apartments. The medium house price in \$1.45 million, compared to apartments which is \$667,000. The Planning Proposal would facilitate the opportunity to provide a mix of apartment sizes and typologies which would be more affordable and in reach of first-home buyers.
  - **Preserving and enhancing the local character:** The site is somewhat of an anomaly in the local context and contains an existing building which significantly exceeds the building height standard. The proposal seeks to better manage height and floor space on the site than the existing built form, by creating tapered height around sensitive edges of the site, and increasing landscape setbacks and creating a more sustainable and green outcome adjacent to the park edge.
  - **The provision of new local neighbourhood shops, food offering and local employment opportunities:** The Planning Proposal provides the opportunity to introduce a number of new local shops and introduce food and drink premises/café’s which will engage positively with the park edge and provide a number of new potential jobs.
  - **Strong local social/community infrastructure:** The site is in very close proximity to a range of schools, childcare, health services and social infrastructure which allows for a highly connected local community area.

# “B) ENFIELD IS NOT IDENTIFIED AS A STRATEGIC OR DISTRICT CENTRE”

Burwood Town Centre is the only strategic centre in the entire Burwood LGA, with the nearest surrounding strategic centres some considerable distance from here, notably Campsie (4km), Sydney Olympic Park (6km) and Rhodes (6.6km).

Geographically, a very large portion of Burwood LGA is spatially dispersed from the Town Centre with a number of smaller suburbs and local centres such as Croydon, Croydon Park, Burwood Heights, and Enfield.

While rail links to Sydney Olympic Park and Rhodes are very good, the links to the south between Burwood and Campsie do not exist, which means that high frequency bus links provide a very important role in linking these two strategic centres. Importantly, Burwood Road acts as a key transportation spine, and the two bus stops very close to the site provide the opportunity to not only allow commuters to connect between Burwood and Campsie but also to a range of other strategic centres.

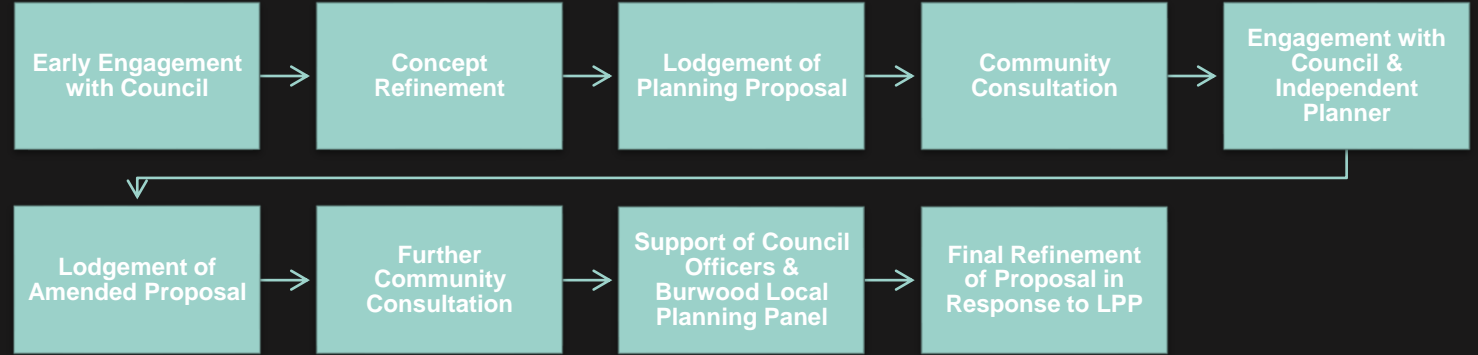
Within this context, Enfield is very well placed along this transportation spine with multiple opportunities for connectivity to a range of strategic centres while not obviously the same status as Burwood Town Centre, it has a number of very desirable strategic attributes (as discussed above) which still make it ideally suited for further renewal and growth.

The Greater Sydney Regional Plan 2018 and Eastern City District Plan encourage a “city supported by infrastructure”. Enfield has good public transport infrastructure, but also very high quality open space, community facilities, schools, childcare and health care which should not preclude it from further urban renewal opportunities which acknowledge and preserve the existing character of the area.



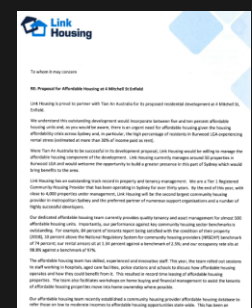
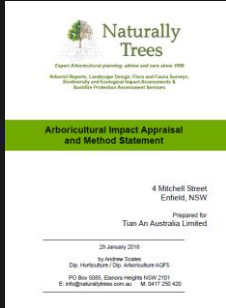
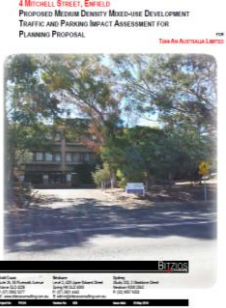
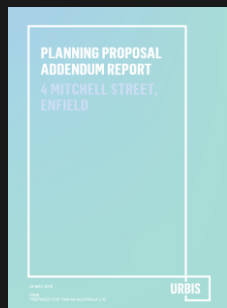
# “C) THERE HAS BEEN NO STRATEGIC STUDY OR REPORT ON THE SITE TO JUSTIFY THE INCREASE OF FSR OR HEIGHTS”

- While Burwood Council have not undertaken any strategic study on the site (or any recent Housing Strategy), the applicant has been through a very extensive study and examination of the site, through close collaboration with both Council Officers and through engagement with the local community.
- The process of engagement with these key stakeholders has provided considerable refinement of the scheme, and critically examine the proposed height and FSR amendments.
- The Planning Proposal is supported by a range of technical studies including extensive design work and testing of the proposed urban design concepts including urban design, traffic, arboriculture, landscape, services and consultation.



18 months of collaboration and engagement with Burwood Council, Independent Planner, Burwood Local Planning Panel and the Local Community

## Planning Design SS DCP Traffic Arborist Landscape Affordable Housing Engagement Environmental Services





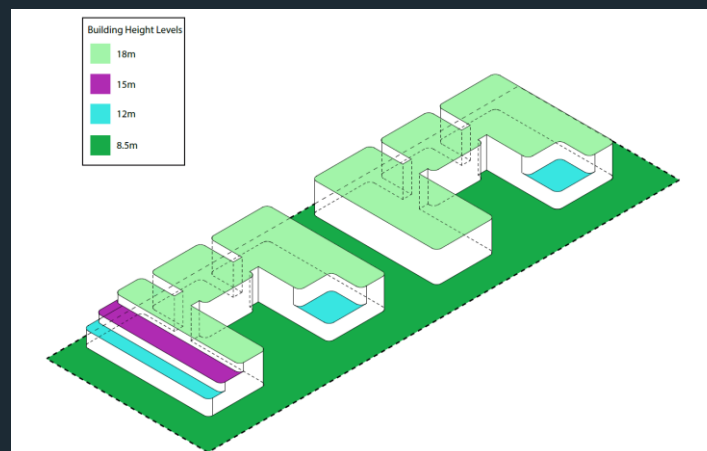
**“D) BURWOOD LOCAL ENVIRONMENTAL PLAN (BLEP) 2012 SETS OUT A PLANNED AND ORDERLY APPROACH TO PLANNING WITH UPLIFT ENCOURAGED IN THE BURWOOD TOWN CENTRE TO PROTECT THE LOWER DENSITY RESIDENTIAL CHARACTER AND STREETScape OF THE PROPERTIES OUTSIDE THESE CENTRES. COUNCIL IS CONCERNED THAT THE APPROVAL OF THE PP WILL CREATE A PRECEDENT FOR OTHER SIMILAR SITES OR FUTURE CONSOLIDATED SITES IN THE R1 ZONE AND UNDERMINE THIS PLANNING PRINCIPLE”**

- Burwood Town Centre accommodates some very high density and tall residential apartment towers, which reflects its status as a Strategic Centre (and also a ‘Priority Precinct’), and it will continue to serve as an important strategic location for housing and employment growth over the coming years.
- However, like all town centres, Burwood has also been through significant urban transformation over the last 20-30 years and has needed to appropriately manage height and density transitions even within the town centre itself. In our view, this requires particular care and skilful urban design solutions, rather than simply precluding the renewal (and indeed evolution) of the locality.
- Therefore, the Planning Proposal (and the indicative design concept which supports this) seeks to respect the local character of the area, by implementing a range of site-specific controls embedded both within the Burwood LEP 2012, but also a site-specific DCP.
- In our view, the above initiatives provide a strong willingness of the applicant to work closely with the Council to provide a great outcome, and ultimately set a good local precedent. Our view is that the ‘flood gate’ would not be opened by the Proposal as the current site has its own unique circumstances, which have been through a very thorough assessment by Council Officers, Independent Planners and Burwood Local Planning Panel.
- Indeed, any other sites in the locality would need to be held to the same rigorous assessment and demonstrate both strategic and site-specific merit for any uplift.
- Our view is that the proposal will provide a good precedent as follows:

▪ **Creating a positive and desirable precedent by:**

▪ **Ensuring that the urban renewal of significant and strategic sites within the local context is managed very carefully** with a range of safeguards to respect local character, to ultimately improve on existing built form which is anomalous (and already exceeds the development standards) within the local context.

▪ **Mandating a very prescriptive and variable height map which responds positively to the local character** – The height is not a ‘blanket’ approach, but a combination of building heights which respond to the surrounding sensitive interfaces.



▪ **Providing site-specific DCP which seeks to define a number of important built form elements** that are critical to the success of the project, including:

- A Local Character Statement
- Front, side and rear setbacks
- Communal open space and landscaping
- Access, entry and connectivity
- Affordable housing

▪ **Leading by example by providing affordable housing** which would be managed by a Tier 1 affordable housing provider to provide much needed affordable housing to the local area.

▪ **Provision of future ground-floor uses which assist with providing new local employment opportunities**, and activation along the Henley Park frontage.

▪ **Demonstrating a collaborative and proactive approach stakeholder engagement** with Council Officers and the Enfield Community, to realise better outcomes, is the best way to ultimately gain support by all independent and technical officers, and the Burwood Local Planning Panel.

# “E) BURWOOD IS SET TO MEET ITS HOUSING TARGETS”

- While the Council have not provided any recent anecdotal evidence of the where Burwood sits with its housing targets, we acknowledge that Burwood Town Centre is likely to provide a high quantum of housing supply given its strategic status.
- However, the Eastern City District Plan is also very clear that these housing supply targets **“are a minimum and councils will need to find additional opportunities to exceed their target to address demand”**. In other words, this should not preclude urban renewal opportunities which can demonstrate that they provide strategic and site-specific merit locally.
- The Greater Sydney Commission will mandate that Burwood Council provides a Housing Strategy to identify the right locations to meeting their area’s housing needs. Importantly, this involves being proactive in finding the right opportunities based on the following criteria in the text boxes below.
- The District Plan acknowledges the important role that the development industry play in identifying, and ultimately delivering high quality renewal opportunities:  
*“Developers also play an important role in supporting housing outcomes. The development industry needs to continually provide new housing and translate the development capacity created by the planning system into approvals and supply”*.
- Therefore, in summary, our view is that housing supply targets need to be looked at through a long-term lens and not be an impediment to high quality renewal projects that align with the strategic direction of the District Plans.

## Eastern City District Plan Direction/Criteria for new housing supply

### Housing Need

The project seeks to provide a high quality mix of apartment typologies which provides more opportunities to first home buyers, empty nesters, seniors and also key workers by the commitment to providing affordable housing.

### Diversity

The proposal would provide the potential for a range of apartment sizes and typologies, including affordable housing for key workers.

### Market preferences

Enfield has a very high proportion of dwellings and a very small proportion of well designed apartment typologies which are more affordable for first home buyers, but also more suitable for the ageing population in the local area.

### Alignment of infrastructure

The proposal is in close proximity to transport, social and community infrastructure.

### Displacement

The proposal seeks to add to affordable housing in the area (and be managed by a Tier 1 affordable housing provider) so as to not displace any existing communities.

### Engagement

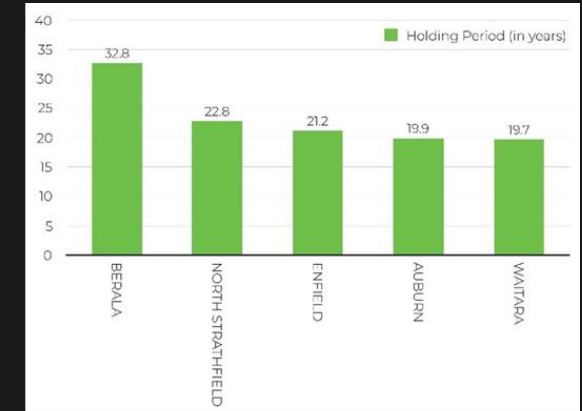
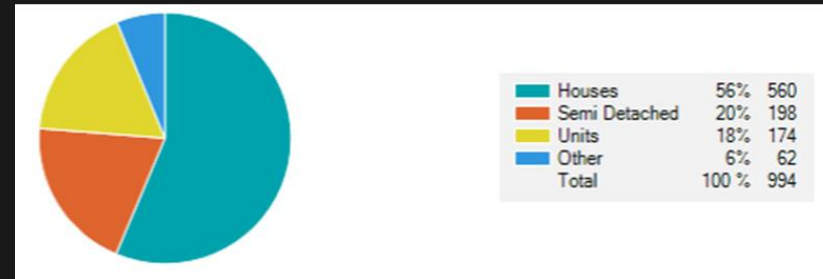
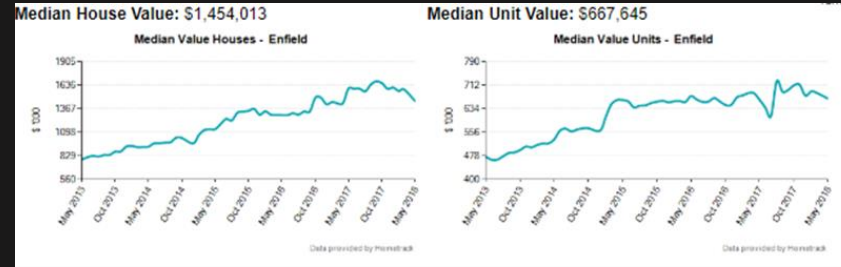
The preparation of the Planning Proposal has been informed by proactive community consultation both prior to lodgement, and has also been amended following further ongoing engagement with the local community.

### Amenity

The proposal responds very positively to the direct location of Enfield’s key parkland which is also the focal point of the local community. It provides opportunities to enhance activation to the park, increase passive surveillance, and also explore enhancements to the public domain at the park edge.

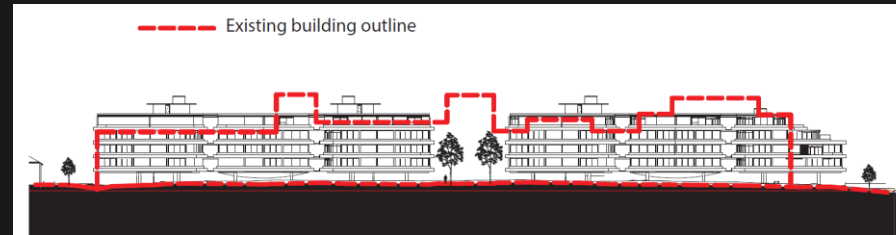
# “G) THE CURRENT ZONING WOULD ALLOW FOR GREATER HOUSING CHOICE. BURWOOD HAS ADEQUATE SUPPLY OF RESIDENTIAL FLAT BUILDINGS OF THIS SCALE, IT HOWEVER LACKS MEDIUM STYLE DENSITY DEVELOPMENTS THAT ARE PERMITTED UNDER THE CURRENT ZONING”

- The site is located within a R1 ‘General’ Residential Zone which permits residential flat buildings.
- The current built form on the site is of a 3-4 storey character, and the proposal provides a rare opportunity to deliver high quality apartments (of a varying height) in a manner which responds to the surrounding character, and is only negligibly taller in some areas comparative to the existing form on the site.
- While Burwood LGA may have a large quantum of residential flat buildings (a number of which are of a very high density in Burwood Town Centre), Enfield is in contrast to this with a very small proportion of apartments.
- Dwelling typologies make up 76% of the residential housing stock in Enfield, compared to 18% in residential flat buildings. In our opinion, this is creating significant barriers to providing affordable housing typologies, with dwellings being well over double the cost of the medium price for an apartment typology.
- In addition, Enfield has one of the longest average holding periods for houses in Sydney, with the average house held for 21.2 years. So, not only is housing affordability a challenge for Enfield, but also the ability to actually buy in the area as not much housing stock enters the market.



# “H) WHILE THE EXISTING FORMER VISION SITE WAS A NON-COMPLIANT USE, THIS IS NOT JUSTIFICATION TO INCREASE THE DENSITY OR HEIGHTS GREATER THAN THAT ALLOWED UNDER THE CURRENT PROVISIONS OF THE R1 ZONE”

- The existing built form on the site is not the sole justification for the Planning Proposal, as there are a number of other strong strategic reasons separate to this which demonstrate why the site is ideally placed for renewal and uplift.
- It is important, however, to acknowledge that prior to the adoption of BLEP 2012 the site was zoned Special Use (Institution) under the Burwood Planning Scheme Ordinance 1979, with no development standards existing for the site for over 30 years.
- When LEP 2012 was adopted, there was no real strategic merit considered, and the position taken by Council was simply to match the zoning and height controls on the immediately adjoining sites. In our view, this was a missed opportunity, and it is not entirely reasonable to downgrade the development potential of what is a strategic site.
- The existing built form on the site (rightfully or wrongfully) is part of the character of the area which cannot be ignored. Accordingly, the detailed discussions and engagement with Council Officers has always focussed on how a better outcome which is similar in scale could be achieved. Indeed, the feedback at an early stage from Council Officers has been to support this initiative.



Comparison



Current – Mitchell Street



Planning Proposal – Mitchell Street



Current – Henley Park



Planning Proposal – Henley Park

**“I) THE APPLICANTS TRAFFIC REPORT HAS NOT CONSIDERED EXISTING TRAFFIC CONGESTION RESULTING FROM THE NEARBY PRIMARY SCHOOL AND NOT CONSIDERED THE NARROW CARRIAGE OF THE LOCAL STREETS WHICH ARE REDUCED TO ONE LANE DUE TO PRESSURE OF ON STREET PARKING”**

- The applicant’s traffic engineer has provided a response to this matter.
- Enfield Public School is on the other side of Henley Park and is not on a main direct route from the subject site. Traffic from the school doesn’t coincide with the peak traffic generation for the development, so the influence they have on each other is minor.
- The development will generate some traffic during the school peak, but school peak traffic is rarely as high as the commuter peaks (it would have to be a very big school). School peaks are relatively short duration peaks characterised by congestion in a localised area.
- Any local streets that are reduced to one lane by parking are not on main direct routes from the subject site. Streets that are likely to be used by development traffic, such as Mitchell Street, Burwood Road, Georges River Road, Stanley Street, Portland Street, Coronation Parade, and Hill Street are all wide enough for parking on both sides and two-way traffic. Even the route via Lily Street, Waratah Street, and Arthur Street is wide enough for parking on both sides and two-way traffic.

**“J) THE APPLICANTS TRAFFIC REPORT HAS ONLY CONSIDERED MOVEMENTS NORTH/SOUTH AND NOT MOVEMENTS TO AND FROM THE SITE FROM CORONATION PARADE OR TO GEORGES RIVER ROAD, VIA PORTLAND STREET”.**

- The applicant’s traffic engineer has provided a response to this matter.
- The historic ‘Journey to Work’ data shows the split of journeys in each direction from the site:
  - North 45%
  - East 22%
  - South 15%
  - West 19%
- Therefore, any impact to the south (Portland Street) and west (Coronations Parade/Hill Street) during the commuter peaks is going to be less than the impact to the north and east. A precinct-wide study would distribute traffic in the local network using the above directional splits.
- The traffic volumes become less the further away from the site you get as the volumes are split at each intersection along the route. Traffic distribution diagrams can be provided, but traffic modelling is not likely to be needed for the resulting traffic volumes.

## “K) THE PP IS OUTSIDE WHAT IS DETERMINED WALKABLE TO THE BURWOOD TRAIN STATION BEING 2KM FROM THE BTC AND STATION. THE SITE IS CLOSE TO ONE BUS STOP ONLY.

- With the exception of Burwood Town Centre, the Burwood LGA (particularly to the south of Burwood Town Centre) is heavily reliant on high frequency bus services which link the local suburbs to surrounding strategic centres such as Campsie, Hurstville, Macquarie Park, Bondi Junction, Sydney Airport and also Burwood Town Centre.
- The Council's statement is factually incorrect as the site is in very close proximity to two high frequency regional bus stops on Burwood Road, but also a number of other high frequency bus links on Liverpool Road, Coronation Parade and Georges River Road.
- However, a central component of the Eastern City District Plan is also the importance of local bicycle and pedestrian linkages. As the site is directly located on Henley Park (the community 'heart'), this provides a number of important linkages to nearby community and social infrastructure which are in easy walking distance of the site.
- Burwood LEP 2012 contains a number of sites along Liverpool Road which are over 2km from Burwood Train Station which have building heights of up to 20 metres and FSRs of 2.5:1 (as identified in the image to the right).
- In our view, the site location provides a variety of walking options, but also regular bus services and a high level of accessibility.



Sites zoned with building heights above 15m

# TALLER BUILDINGS ALONG LIVERPOOL ROAD IN EXCESS OF 2KM FROM BURWOOD RAILWAY STATION



289 Liverpool Road, Enfield



306 Liverpool Road, Enfield



294 Liverpool Road, Enfield