

(ITEM 88/18) PLANNING PROPOSAL FOR 4 MITCHELL STREET ENFIELD (FORMER VISION AUSTRALIA SITE)

File No: 18/33478

REPORT BY ACTING DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

Summary

The Planning Proposal (PP) for 4 Mitchell Street Enfield seeks to increase the maximum permitted building height from 8.5 metres to 18 metres and the maximum permitted floor space ratio (FSR) from 0.85:1 to 1.4:1, to facilitate a residential unit development. Also proposed are food and drink premises as an additional permitted use to assist in activating the edge to Henley Park. Assessment of the PP by Cardno (on Council's behalf) found that the PP could generally be supported. The Burwood Local Planning Panel (BLPP) supported the PP by majority subject to conditions. It is recommended that the PP be submitted to the Department of Planning & Environment (DPE) for a Gateway Determination.

Operational Plan Objective

4.5.3 - Encourage architectural integrity and aesthetically appealing buildings

4.5.4 - Provide assessment of development proposals as per the *Environmental Planning & Assessment Act*

Background

Urbis Pty Ltd, on behalf of Tian An Pty Ltd, lodged the initial PP to Council on 6 July 2017 for the site at 4 Mitchell Street Enfield, being the former Vision Australia site (the site). This PP sought to increase the maximum building height to 18 metres and the maximum residential FSR to 1.4:1.

Cardno was appointed by Council to undertake an independent assessment of the PP. Cardno was involved in a preliminary review of the submitted documentation, as well as requesting further information from the applicant.

Following consultation with Council Officers and Cardno, the proponent engaged a new architect, Bureau of Urban Architecture, to assist with its development concept. An amended PP was submitted to Council on 29 May 2018. The amended PP further proposed a series of three graduating maximum heights, between 200-400 square metres of non-residential floor space (above the maximum residential FSR of 1.4:1) and the introduction of site specific provisions in the *Burwood Local Environmental Plan 2012* (BLEP).

Cardno prepared an assessment report with recommendations on the amended PP. In accordance with a Local Planning Panels Direction, issued by the Minister for Planning in February 2018, the amended PP together with Cardno's report was referred to the BLPP for its consideration and advice on 14 August 2018.

This report outlines the PP that was considered by the BLPP, the BLPP's advice and the applicant's response, and seeks Council's resolution on the PP.

Planning Proposal

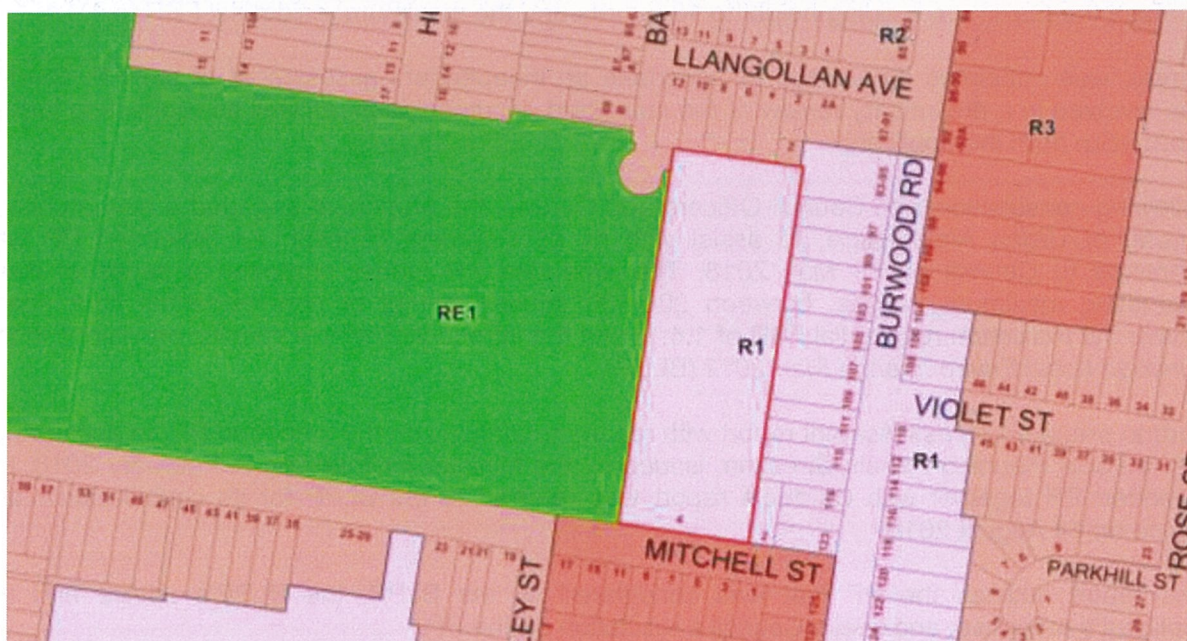
Subject Site and Existing Development Standards

The subject land is shown on the maps below. The subject land is approximately 12,619 square metres. Adjoining the land to the west is Henley Park.

The subject land is zoned R1 General Residential under the BLEP with a maximum building height of 8.5 metres and a maximum FSR of 0.85:1. With the exception of Henley Park, the site is in the

vicinity of three Residential Zones of varying type and density. The highest permissible density in the immediate vicinity is an FSR of 1.2:1 upon the former Flower Power site, located to the south of Mitchell Street.

It should be noted that Vision Australia's previous use of the site operated under existing use rights and, as such, the former use of the site was a non-conforming use in the zone.



Proposed Development Standards

The PP seeks an amendment to the BLEP to increase the maximum permitted building height from 8.5 metres to 18 metres and the maximum permitted floor space ratio (FSR) from 0.85:1 to 1.4:1.

No change to the zoning of the land is proposed. The PP anticipates the construction of a five storey residential flat building with rooftop communal space. The development would be subject to the approval of a future Development Application (DA).

An indicative development concept is shown below.



The development yield anticipated in the PP is approximately 183 apartments, which comprises a mix of one, two and three bedroom units. The development also provides for approximately 300 square metres of non-residential space on the lower ground level fronting the park.

Comparison with Nearby Planning Proposal for Flower Power Site

A PP for the Flower Power site, at 25-29 Mitchell Street, which is located near the subject site across Mitchell Street, was submitted to Council on 26 March 2018. This PP seeks to rezone the site from part R1 General Residential and part R2 Low Density Residential to R1 General Residential, to increase the maximum permitted FSR and building height from 0.55:1 and 1.2:1 to 1.6:1, and from 8.5 metres and 11 metres to 22 metres, and to add restaurants or cafes and shops as additional permitted uses.

The applicant lodged a Rezoning Review request to the DPE on 29 June 2018, as the PP had not received Council's support within 90 days of its submission. The Rezoning Review for the Flower Power site is scheduled for consideration by the Sydney Eastern City Planning Panel in early October 2018.

Assessment by Cardno

The key findings of Cardno's assessment are summarised below:

- The PP and proposed development satisfies the objectives of the R1 zoning in so far as that zone seeks to provide for a variety of housing types and densities, and provide for other land uses that meet the day to day needs of residents. Residential flat buildings are a permitted use in the zone.
- Neighbourhood shops are the only type of commercial premises permitted in the R1 zone, hence additional permitted uses are being proposed in this PP to facilitate a wider range of commercial activities, including business premises, food and drink premises, and retail premises.
- The submitted PP and its supporting documentation have satisfactorily responded to the urban design and technical issues raised by Cardno.
- The scale of the site has enabled comprehensive master planning to address potential impacts on the surrounding neighbourhood.
- The PP would provide a graduating height, being a maximum of 18 metres and stepping down to 15 metres and 12 metres, providing for a transition of heights toward the site boundaries. The proposed development has been designed with regard to the existing height of the Vision Australia building.
- The design seeks to protect solar access to surrounding residences and the park. The proposed separation into two u-shaped buildings minimises the visual bulk of the proposed development as viewed from Henley Park. A central through site link for pedestrians promotes accessibility to, and permeability of, the site.
- Protection of existing established trees within Henley Park, as well as proposed new plantings and landscaped screening upon the site, seeks to minimise the visual impact of the proposed residential development upon the surrounding low density residential context.
- The site is well located in terms of access to public transport, other services and employment centres.
- Vision Australia vacating the subject site has resulted in a loss of employment on the site. The proposed non-residential uses would partly compensate this jobs loss. In this regard, this area of Enfield is not identified in any strategic plan as an employment area, so a small component of employment land is considered reasonable.
- Non-residential uses are to be provided to activate the ground floor edge with Henley Park. These could take the form of convenience retail or cafés which would work well with the adjacent Henley Park.
- The traffic impact of the proposed future development is assessed to be satisfactory.

Cardno's assessment finds that the proposed building height and FSR increases could be supported and the proposed development has urban design and planning merit.

Consideration by Burwood Local Planning Panel

The BLPP inspected the site prior to its meeting on 14 August 2018 to familiarise itself with the environment. By majority, the BLPP supported the PP subject to:

1. The assessment under the relevant *State Environmental Planning Policy* (SEPP) and BLEP being correct, as the BLPP is not in a position to determine the accuracy of such assessment.
2. The preparation of a site specific Development Control Plan (DCP) that reflects the principal design parameters in the hypothetical design. The BLPP acknowledges that future development may occur, however, any variation would be subject to consideration of the relevant planning controls.
3. The inclusion of a significant proportion of units between 5%-10% for affordable rental housing consistent with Metropolis of Three Cities by the Greater Sydney Commission.

The Panel did not support the inclusion of additional uses that are currently prohibited in the R1 zone, given that sufficient flexibility is provided through permissible uses, such as neighbourhood shops, in the zone.

The Panel did not support the exclusion of the proposed non-residential areas from the calculation of "gross floor area", given that any floor area adds to the bulk of any development.

The Panel did not fully accept the conclusions of the Traffic Assessment in relation to:

1. The ingress/egress from Baker Street and the impact on the limited available capacity of nearby local streets.
2. The cumulative impact on Mitchell Street from the development of the Flower Power site.

Applicant's Responses

The documents provided by the applicant in response to BLPP's advice are listed and commented on below.

Apartment Design Guide (ADG) Compliance Summary Report

In preparing this Compliance Summary Report (as **Attachment 2**), the applicant assessed the design concept against the ADG under SEPP 65 – Design Quality of Residential Apartment Development.

The Report concludes that the development concept complies, or has the ability to comply with the requirements of Part 3 (Siting the development) and Part 4 (Designing the building) of the ADG.

Council Officer's Comment:

It is stated in Cardno's assessment report that the PP has the potential to be consistent with SEPP 65 and the ADG.

Cardno supported the claim of the applicant that all setbacks more than comply with the ADG and are as follows:

- Mitchell Street boundary setback: 12 metres
- East boundary setback: 12 metres
- North boundary setback: 12 metres
- Henley Park boundary setback: 3 metres
- Building separation: 18 metres

Cardno also supported the claim of the applicant on solar access and natural ventilation that the stepping of building heights achieves ADG compliance and ensures no significant impacts on adjacent properties in Mitchell Street or the communal courtyards proposed on the site.

Draft Site Specific DCP

The applicant has prepared a draft site specific DCP (as **Attachment 3**) which includes provisions for building setbacks, character of Mitchell Street, communal open space, building articulation, landscaping, access and affordable housing.

The draft DCP states that the provision of 5-10% of dwellings for affordable housing relates only to the proportion of the development above the existing maximum permitted FSR of 0.85:1 under the BLEP.

Council Officer's Comment:

The draft DCP as prepared reflects the principal design parameters in the concept design. If the PP proceeds to a Gateway Determination, it is expected that the Gateway Determination will require the DCP to be worked up and exhibited as part of the PP package.

Additional Traffic Report

In preparing this additional Traffic Report (as **Attachment 4**) to address the BLPP's concerns, the applicant undertook additional traffic counts and SIDRA analysis. The Report concludes that:

- Based on the latest survey and expected traffic distribution, the development is unlikely to increase traffic volumes on Baker Street and nearby local streets, nor impact upon their capacity.
- The position following the development of the Flower Power site for residential development is that the future operation of the Burwood Road / Mitchell Street intersection will operate with the following Level of Service (LoS):
 - LoS of 'A' for all scenarios during am/pm on weekdays and Saturdays in 2022
 - LoS of 'A' in the weekday afternoons (pm)
 - LoS 'B' during the weekday mornings and Saturday mornings (am).

This demonstrates that the intersection will be operating appropriately even if the proposed development accounts for the Flower Power site development.

Council Officer's Comment:

Council's Traffic & Transport Team reviewed the applicant's additional Traffic Report, and has made the following comments:

- The applicant's additional Traffic Report has not considered the existing congestion resulting from the nearby primary school, and the fact that the local streets, being narrow, are effectively reduced to a single traffic lane due to high parking demands.
- The applicant's analysis of traffic on Mitchell Street has focused on traffic to and from the proposed development on the subject and the nearby Flower Power sites up to Burwood Road. No analysis has been undertaken for traffic heading west from Burwood Road towards Coronation Parade, or to Georges River Road / Liverpool Road via Portland Street.
- As such, more information is required to fully address the concerns of the BLPP, including a precinct wide traffic study that is bounded by Burwood Road, Mitchell Street, Liverpool Road and Portland Street/Cobden Street. However, it is considered that this deficiency could be resolved at the DA stage, given that:
 - The traffic to be generated via the Baker Street entrance and exit of the proposed development is expected to be modest. The proposed development, which would be the subject of a future DA, could be required to use Baker Street for exit only.

- The traffic generated from the Mitchell Street entrance and exit is not likely to have a significant impact on the road network. The future DA could also be required to implement appropriate restrictions if warranted.

Removal of Additional Uses of Business Premises and Retail Premises

The removal of the additional uses seeks to address the BLPP's non-support of (1) the inclusion of additional uses in the R1 zone, and (2) the FSR of these additional uses would be over and above the proposed maximum FSR of 1.4:1 in the PP.

The PP still seeks to include the introduction of food and drink premises (up to 300 square metres) as an additional permitted use at the site. As advised by the applicant the current R1 zone permits neighbourhood shops, however, neighbourhood shops do not include a café use which is defined as a food and drink premises and would be ideally situated at the lower ground floor of the site to assist in activating the park edge and providing a new local facility for residents.

Council Officer's Comment:

Cardno supported the provision of non-residential uses to activate the ground floor edge with Henley Park. No objection is raised to the applicant's proposed removal of business premises and retail premises as additional permitted uses but as a compromise, keeping food and drink premises as a permitted use. This use is considered necessary to activate the edge to Henley Park notwithstanding the comments from the BLPP.

The applicant has also updated the PP report, which is included as **Attachment 5**.

Consultation

Several meetings were held between the proponent, their consultants, Council Officers and Council's consultant. The PP considered by the BLPP on 14 August 2018 was the outcome of these meetings. The PP has been revised further to address the BLPP's advice and concerns.

The applicant undertook its own community consultation during July 2017, details of which are set out in the applicant's PP report (Section 2.5) and their Summary of Consultation Outcomes Report (submitted to Council in May 2018).

Council Officers notified owners of properties in the vicinity of the subject site in writing of the BLPP meeting. It is understood that the applicant also notified local residents of the BLPP meeting by hand-delivering a community leaflet to 600 properties.

Notwithstanding these notifications, six submissions have been received by Council, objecting to the PP on the grounds of:

- Loss of the local character
- Development should take place in Burwood Town Centre, not in Enfield
- The PP would exacerbate the traffic and parking issues
- Impact on Baker Street
- Impact on privacy of residents in Llangollan Avenue and Burwood Road
- Impact on local schools and public transport
- Impact on environment
- Unacceptable precedent

Eight members of the community spoke at the BLPP meeting on 14 August 2018, objecting to the PP on the same grounds as above.

It is considered that Cardno's assessment has largely addressed the issues raised in the submissions (refer to **Assessment by Cardno** section of this report). The matter of precedent may

be relevant in deciding whether or not the PP should be supported, given Council's approach to development in the Burwood Local Government Area (LGA) (discussed in the section below).

Should Council progress the PP, the PP would be submitted to the **DPE** for a Gateway Determination. Such Determination would set out formal requirements for public exhibition and community consultation.

Planning or Policy Implications

As mentioned previously, the assessment of the PP by Cardno found that the proposed building height and FSR increases could be supported and the PP has urban design and planning merit.

The BLPP supported the PP by majority subject to conditions. The applicant provided further information, which is considered by Council Officers to have generally addressed the BLPP's concerns except for traffic, which however, can be resolved at the DA stage.

It should be noted that:

- Council's approach has always been to focus and encourage growth mainly in the Burwood Town Centre while protecting the lower density residential character and streetscape of properties outside the Burwood Town Centre.
- The Eastern City District Commissioner has acknowledged that the five year (2016-2021) housing targets of 2,600 dwellings for the Burwood LGA under the Eastern City District Plan can easily be achieved. In fact:
 - Approximately 800 dwellings have been proposed to be built within the Burwood Town Centre under current DAs which are being assessed
 - A minimum of 1,500 dwellings have been, or are being built within the Burwood Town Centre alone since the BLEP came into force in 2012
 - The PP for Burwood Place, which has received the Gateway Determination issued by the DPE, has proposed to build a further approximately 1,000 dwellings in the Burwood Town Centre

In view of the above, Council's resolution is sought as to whether or not to support the PP.

Should Council resolve to support the PP it will be submitted to the DPE for a Gateway Determination. Statutory public exhibition and consultation on the PP would be undertaken if a positive Gateway Determination is issued.

Should Council resolve not to support the PP, the applicant may lodge a request for a Rezoning Review to the Sydney Eastern City Planning Panel (SECPP). The SECPP would then determine whether or not the PP should proceed to a Gateway Determination.

Financial Implications

The cost of engaging Cardno to undertake the independent assessment of the PP has been covered by the PP fees paid to Council.

Conclusion

The PP seeks an increase to the current maximum building height and FSR permitted upon the subject land. No change to the current zoning is proposed. The external assessment of the PP found that there is urban design and planning merit in the scale of development proposed. The BLPP supported the PP by majority subject to conditions. The PP has been revised further to address BLPP's concerns. More information on traffic impacts is required to be provided at the DA stage, should the PP result in a BLEP amendment.

Recommendation(s)

1. That the Planning Proposal for 4 Mitchell Street Enfield, being the former Vision Australia site, be submitted to the Department of Planning & Environment for a Gateway Determination.
2. That the applicant be advised of Council's resolution.

Attachments

- 1↓ Applicant's response cover letter
- 2↓ Apartment Design Guide Compliance Summary Report
- 3↓ Draft Site Specific Development Control Plan
- 4↓ Additional Traffic Report
- 5↓ Planning Proposal updated after the Burwood Local Planning Panel Meeting

