

REQUEST FOR REZONING REVIEW: 4 MITCHELL STREET, ENFIELD

PREPARED FOR TIAN AN ENFIELD PTY LTD

URBIS

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1. INTRODUCTION

On behalf of Tian An Enfield Pty Ltd (the Proponent), we hereby request a Rezoning Review of a Planning Proposal submitted to Burwood Council on 6th July 2017.

The proposal had support from the Burwood Independent Local Planning Panel, Council Planning Officers and the Council's independent planning expert (Cardno). However, the recommendation to approve the Planning Proposal and to proceed to Gateway was not-supported by the elected Councillors, which is disappointing following extensive consultation with the proponent over close to two years.

The Planning Proposal seeks to facilitate the redevelopment and revitalisation of the site to accommodate a new, very high quality, residential apartment scheme, with small scale neighbourhood shops (and food and drink premises) uses at lower ground level on the edge of Henley Park.

Specifically, the Planning Proposal seeks to amend the maximum building height, floor space ratio standard and Schedule 1 of the *Burwood Local Environmental Plan 2012* (BLEP) as it applies to 4 Mitchell Street in Enfield (the Site). More specifically, the intent of the Planning Proposal is to:

- **Amend the maximum building height standard from 8.5m to include parts of the site up to 12m, 15m and 18m:** The site currently exceeds the height standard significantly. In terms of the proposal, the current height standard of 8.5m is maintained around the perimeter of most of the site, with the introduction of three new strategic height designations of 12m setback adjacent to Mitchell Street and pockets of the eastern part of the site, with further setbacks than then step up to 15m and then 18m at the Henley Park frontage.
- **Increase the maximum floor space ratio from 0.85:1 to 1.4:1; and**
- **Amend Schedule 1 of the BLEP to permit food and drink uses** at the site up to a maximum of 300sqm per premises.

The design concept (which has arrived at the proposed changes to the controls) is to progress with two highly modulated, residential flat buildings which would have a graduated building height along sensitive street and property interfaces. Both buildings would be setback generously from the adjoining property boundaries (more so than the current built form) and would contain large communal courtyards and provide building separated by an 18m wide landscaped space. The site is zoned R1 – General Residential with residential flat buildings being a permissible use in this zone.

As discussed above, the Rezoning Review request has been initiated by the Proponent as a result of the decision by Burwood Council at the Council meeting on 25th September 2018, to not support the Planning Proposal.

This decision was made contrary to the recommendation made by Burwood Council's Planning Officers in their Assessment Report (dated 25th September 2018) which recommended that the Planning Proposal should be supported with the development standards requested and submitted to the Department of Planning and Environment (DPE) for a Gateway Determination.

As mentioned above, The Planning Proposal had support from the Burwood Independent Planning Panel, the Council Planning Officers and the Council's independent planning expert (Cardno) and this followed an extensive period of engagement with Council and their advisors over the course of almost two years, which involved twelve meetings and several design amendments to the scheme to address comments.

At no point during this process were the range of matters identified within the refusal letter (dated 4th October 2018) raised by Council Officers or their advisors. The eleven reasons for refusal indicated by Councillors are as follows (a – k below), with a summary of the Proponent's response below each item:

- (a) *The PP does not demonstrate strategic merit to increase FSR and heights above the existing provisions of the current zoning.*
- The proposal demonstrates strategic merit for the proposed amendments to FSR and height development standards, and this has been supported by Council Officers, Cardno and the Burwood Independent Planning Panel. The site is ideal for urban renewal, in close proximity to a regional bus network, accessible to a nearby strategic centre and directly adjacent to regional public open space and parkland.

- (b) *Enfield is not identified as a strategic or district centre under the Greater Sydney Regional Plan "A Metropolis of Three Cities", and "Eastern City District Plan".*
- Burwood Town Centre is the only strategic centre in Burwood LGA, whilst geographically a large portion of Burwood LGA is spatially dispersed from the Town Centre. Within this context Enfield is well placed along a transportation spine with multiple opportunities for connections with other strategic centres. The site also links to the 'Green Grid' walking network and cycle route, thereby facilitating a range of transport choices.
- (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, the Proponent has undertaken a very extensive study and examination of the site, through close collaboration with both Council Officers and engagement with the local community. The Planning Proposal was supported by a range of technical studies including extensive design work and testing of urban design concepts, a draft DCP, traffic, landscaping, arboriculture, services, environmental and geotechnical studies.
- (d) *Burwood Local Environmental Plan (BLEP) 2012 sets out a planned and orderly approach to planning with uplift encouraged in the Burwood Town Centre (BTC) and Strathfield Town Centre (STC) in order 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.*
- It is noted that the BLEP seeks to promote greater density in and around town centre environments. However, this site is unique given the siting adjacent to Henley Park and redundant condition of the office building. The site is well placed for urban renewal and given the characteristics, is unlikely to be replicated elsewhere. The Proponent has also sought a very prescriptive and variable height increase to respond positively to local character, as well as promoting a draft DCP to define built form elements.
- (e) *Under the current BLEP, Burwood is set to meet its housing targets as set out under the Eastern City District Plan and therefore the strategic merit of the PP to increase housing supply is not met.*
- The Eastern City District Plan is very clear that the housing supply targets "are a minimum and councils will need to find additional opportunities to exceed their target to address demand". Furthermore, given that the proposal is intended to be completed and available for occupation in 2023, the proposal will fall outside of the 0-5-year housing requirement (up to 2021) and can form part of the 6-10-year supply which is to be defined.
- (f) *Appropriate increase of housing supply that reflects orderly planning can be met under the existing zoning provisions for the site. Therefore, there is no strategic merit in the PP.*
- The proposal seeks to amend the FSR and height development standards to facilitate the site to be developed to its potential, given the unique setting. The scheme will also provide greater housing diversity and include affordable housing. This is important as there is currently rising uncertainty regarding the supply of new dwellings, given overall supply is in Sydney slowing and this scheme would contribute to the pipeline of new housing stock.
- (g) *The current provisions under the zoning for the site would allow for greater housing choice. It is noted that the Burwood Local Government Area has adequate supply of residential flat buildings of this scale; it however, lacks smaller style medium density developments that are allowed under the current zoning provisions.*
- The site is located within the R1 'General Residential' Zone which permits residential flat buildings. The current built form of the office and warehouse building on site is of 3-4 storey character and the proposal provides an opportunity to deliver high quality apartments in a manner which responds to the local character. Further, whilst the wider Burwood LGA may have a large quantum of apartments, Enfield contrasts with this as there is only a small proportion of apartment stock in the locality.

- (h) *While the existing former Vision Australia site was a non-complaint use, this is not a planning justification to increase the density or heights greater than that allowed under the current provisions of the R1 Zone.*
- The existing built form on site is not the sole justification for the Planning Proposal and there are a number of other strong strategic reasons to redevelop this site. When the site was rezoned as part of the BLEP 2012, there was no strategic merit considered for the site. Instead, the controls were adopted to simply match the zoning and height of the adjoining sites, which represented a missed opportunity. It is demonstrated through this proposal that uplift can be achieved which is consistent with the local character of the area.
- (i) *The applicant's 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.*
- 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 does not coincide with the peak traffic generation for the development, so the influence is minor. Furthermore, any local streets that are reduced to one lane by parking are not on main direct routes from the subject site.
- (j) *The applicant's 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 Proponents Traffic Engineer has reviewed this and identified historic 'Journey to Work' data. This indicates that the split of journeys is such that any impact to the south (Portland St) and west (Coronation Parade) during commuter peaks is likely to be less than the impact to the north and east.
- (k) *The PP is outside what is determined walkability to the Burwood train station being 2 km from the BTC and station. The site is close to one bus stop only.*
- With the exception of Burwood Town Centre, many locations in Burwood LGA are reliant on high frequency bus services to link the suburbs with strategic centres. The site is close to two high frequency regional bus stops, along with a number of other high frequency bus links on Liverpool Road, Coronation Parade and Georges River Road. The site is also well connected to both walking and cycling links.

As demonstrated above, the Proponent has acted in a collaborative and reasonable manner throughout the development of this proposal and it is disappointing that Councillors have sought to go against the advice of Officers and separate expert advisors who all agreed on the merits of the proposal.

Accordingly, this request for a Rezoning Review has been prepared in accordance with Section 5.1 of 'A guide to preparing local environmental plans' and includes an overview of the site and its context, strategic and site-specific merit of the proposal and a summary of the engagement with Council.

This Report is accompanied by the following documentation:

- A copy of the Planning Proposal and supporting documentation as lodged and amended;
- A copy of the relevant correspondence with Council;
- A copy of the Council's Assessment Report to the Council Meeting on 25th September and meeting minutes;
- A copy of the Report to the BLPP on 14th August 2018 and meeting minutes;
- A completed Rezoning Review Application Form; and
- A cheque for \$20,000 addressed to the Department of Planning and Environment.

2. SITE CONTEXT

This Planning Proposal is made in relation to the site at 4 Mitchell Street, Enfield. The legal description of the site is Lot 3 DP 585664 and its total area is some 12,619.9sqm. The site is in a single ownership.

The site is located west of Burwood Road, and between the Hume Highway (Liverpool Road) to the north and Georges River Road to the South. It is approximately 2km south of Burwood CBD and 900m west of Croydon Park local shopping centre. The site is within 100m of a high frequency bus stop on Burwood Road (on both carriageways), where the Route 400 and Route M41 buses connect the site with destinations including the Burwood Town Centre, Bondi Junction, Sydney Airport, Hurstville and Macquarie Park.

The NSW Head Office of Vision Australia was formerly located on the site, in a large-scale building, varying in height from one to three commercial storeys. This is equivalent to approximately 2-4 residential storeys. The existing building is a concrete monolithic structure in the Brutalist architectural style.

The site is located within a predominately residential area, characterised by detached one to two storey dwellings. Within this context there is also a two-storey apartment building at 93-95 Burwood Road, which lies beyond the north-east corner of the site, and there is a new terrace house development under construction at 116-118 Burwood Road (opposite Mitchell Street).

The site is identified in Figure 1 below.

Figure 1 – Aerial Image of the Site



Source: Tian An

Henley Park is located immediately to the west of the site and accommodates an extensive area of recreational open space. The park incorporates cricket wickets, an amenity building, barbeques and picnic facilities, play equipment, a bicycle and walking track, exercise equipment and large areas of passive open space. Enfield Aquatic Centre is also located at the northern edge of Henley Park.

The local character of the immediate area is principally low scale detached residential dwellings fronting onto Henley Park, along with relatively small residential blocks and cul-de-sacs. The landscape of the area is dominated by the park, with mature trees situated around the perimeter adjacent to Mitchell Street, Portland Street and the subject site.

The built form is generally one and two storey buildings, apart from the office and warehouse building on the subject site, which although set within a treed environment can be viewed as a 3/4 storey building, which is an anomaly in the local area. However, the unique setting of the site, adjacent to the park, offers the opportunity for redevelopment to better manage the height and floor space on the site.

The desired future character of the site is intended as follows and this will be developed further through the site-specific DCP:

- To provide high quality, contemporary residential accommodation at the site in the form of new apartment buildings with good levels of amenity.
- To create two 'U-Shaped' buildings on site which are separated by a wide landscape buffer which addresses Henley Park.
- For the new buildings to accommodate a communal open space, such that non-park facing apartments can enjoy a landscaped outlook.
- To accommodate a well-designed Mitchell Street frontage, to ensure the appearance of the development is well aligned to the existing street-scene.
- To provide generous landscaped areas at ground level around the perimeter of the site to ensure suitable interfaces with surrounding properties, and to have well-designed communal rooftop spaces.

WalkScore (www.walkscore.com) is an internationally recognised real estate and planning program ranking the walkability of places around the world. Using this program, the site achieves a Walkscore of 66 out of 100, whilst the broader Enfield neighbourhood achieves a Walkscore of 80. Places with a Walkscore in this range are 'Somewhat' to 'Very Walkable'.

Key features contributing to this Walkscore include access to Burwood Rail Station (1.8km) in under a 20-minute walk; access to 7 bus routes in under a 10-minute walk; access to daily needs retail (500m) including supermarket in under a 5-minute walk. In addition, the Walkscore for the site will be further enhanced by the introduction of new café and retail facilities at the site.

Places with a comparable Walkscore in Sydney include Breakfast Point (WalkScore 59) and Balgowlah (Walkscore 82). Both places have significantly greater density than the proposal without proximity (i.e. under 2km) to a rail station. Further, both Breakfast Point and Balgowlah have brought significant public benefit to otherwise single storey residential neighbourhoods including housing diversify, social connectedness and sense of belonging.

The site is also adjacent to part of the 'Sydney Green Grid' which is a green infrastructure design led strategy that links a range of open spaces from national, regional and local parks, to playing fields, golf courses and cemeteries. The linkages are fostered through enhancing the network and provide an open space interconnecting network, which encourages enhanced access, walking and cycling opportunities and healthy lifestyles. The site is situated directly adjacent to one of these linkages which is identified in Figure 2 below as 'Project 49' that runs across the eastern edge of Henley Park.

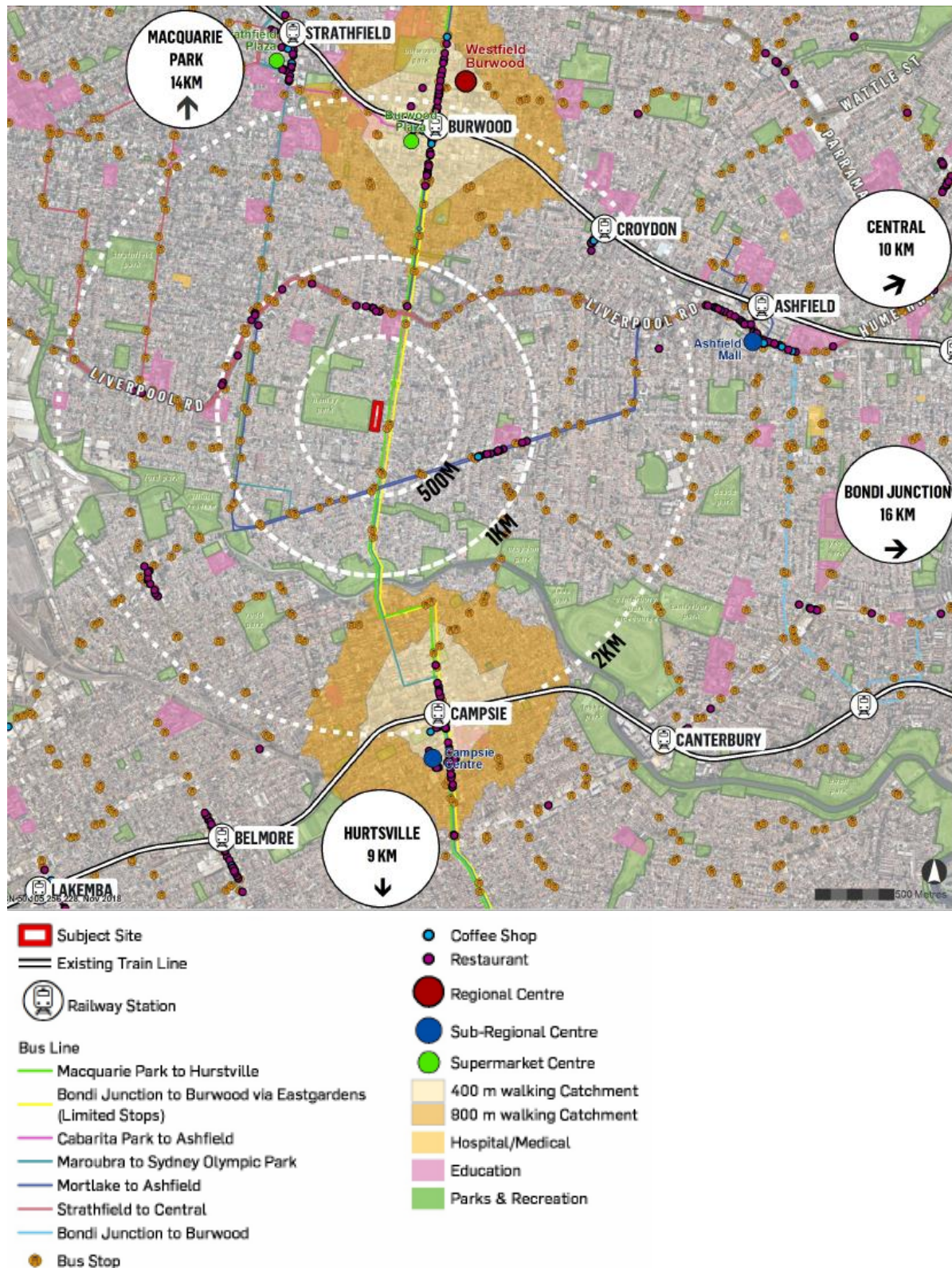
Figure 2 – Extract of Sydney Green Grid



Source: Department of Planning and Environment

Figure 3 below identifies the site by the red outline in the centre of the graphic and indicates the nearby railways stations with walking catchments, bus routes and amenities within a 500m, 1km and 2km radius of the site. This serves to illustrate that the site is well placed along a transportation spine between Burwood and Campsie, with multiple opportunities for connectivity to a range of strategic centres. The site is also well placed for easy access to high quality open space, community facilities, schools and childcare and healthcare.

Figure 3 – Local Context Plan



Source: Urbis

2.1. EXISTING SITE PHOTOS

Photographs of the existing office and warehouse building on site are contained in Figure 4 below.

Figure 4 – Existing Site Photos



Picture 1 – View of Existing Building from Henley Park

Source: *Tian An Enfield Pty Ltd*



Picture 2 – Further View of Existing Building from Henley Park

Source: *Tian An Enfield Pty Ltd*



Picture 3 – View Looking South West along Boundary with Properties to the East (the existing windows currently overlook the rear gardens of the adjacent properties which front Burwood Road).

Source: *Tian An Enfield Pty Ltd*

3. SUMMARY OF THE PLANNING PROPOSAL

3.1. INTENDED OUTCOME

The site is presently occupied by a large commercial/warehouse building which was the former offices of Vision Australia, who have since moved their operations to Parramatta meaning the building currently lies vacant. The current built form fails to respond positively to the opportunities provided by its location adjacent to Henley Park, and it lacks an appropriate form of development for the local area.

The amending of the development standards and the addition of a new uses in Schedule 1 will enable the achievement of a range of both regional and local strategic planning objectives including housing growth at an accessible and connected location. The intended outcome would be the renewal of the site to provide new residential dwellings and apartments. The development would be at an appropriate scale to respond to the adjacent residential and recreation uses, whilst also enhancing the public domain, street frontages, pedestrian linkages and local shopping provision. However, the proposal does not seek to use the current built form of the existing offices as a justification for increasing the controls as asserted at the Council meeting and in the reasons for refusal. The development of the likely building envelopes and indicative scheme has resulted from a comprehensive assessment of the site and potential outcome that can be accommodated.

To achieve the desired outcome, the BLEP will need to be amended such that the future development can address the strategic qualities of the site and provide a suitable built form response.

The Planning Proposal seeks the following amendments to the BLEP:

- Increase the maximum building height to 18m, with the height control stepping down in various locations on site to 15m and 12m;
- Increase the maximum floor space ratio from 0.85:1 to 1.4:1; and
- Amend Schedule 1 of the BLEP to permit food and drink uses at the site up to a maximum of 300sqm per premises.

3.2. CONCEPT PROPOSAL

The urban design approach has been updated since the original lodgement of the Planning Proposal in July 2017, and the subsequent receipt of feedback from both Council and Cardno following an initial assessment of the proposal. The Applicant appointed a new architect mid-way through the project, Bureau of Urban Architecture (Bureau), following a review by Cardno of the DEM scheme.

Bureau worked collaboratively with the Applicant, Cardno and Council staff through a series of design workshops and presentations, to create an amended proposal in response to Cardno's comments and to improve upon the original Planning Proposal submission design by the previous architectural firm DEM.

Bureau's scheme creates two U-shaped buildings that allow the largest number of apartments possible to have either frontal or oblique views of Henley Park. By creating two buildings on the site separated by a 18m wide landscape space in the centre of the site, each building has a Henley Park address as well as a street address, either Mitchell Street or Baker Street.

These two buildings are much lower than the previous heights of buildings proposed for the site and they fit comfortably within the new proposed 18m upper height limit. Each building is also conceived around a communal open space courtyard that is approximately 25m x 28m in size. This means that non-park facing apartments can also enjoy a generous landscape outlook.

This design strategy has the added benefit of creating a circa 40m setback to the rear boundaries of properties measured through the rear gardens. Setback distances from the north, south and eastern boundaries are circa 12m and 14m whilst adopting a more typical setback from the western or Henley Park boundary.

The Mitchell Street frontage has been designed with a stepped form to diminish its bulk and scale, and also having the added benefit of not creating new sun-shadows that would affect any Mitchell Street properties.

It is also anticipated that provision is made for potential shop and café uses on site which could assist in meeting the day to day needs of the future residents at the development and within the local area, which is presently lacking in provision. It is proposed that this will be provided at the lower ground floor level adjacent to Henley Park which will serve to activate the park edge and provide a pleasant outlook for these uses.

Given this, the proposal will facilitate an enhanced interface between the site and Henley Park and better integration with the public realm. This will be a significant improvement from the current circumstance which has blank facades of the existing development and car parking fronting onto the boundary with the park.

The proposal will also provide a greater diversity of dwelling typologies for the immediate area, given the predominant housing type is a low scale detached dwelling. The introduction of a residential flat building development will facilitate an enhanced choice and price point for the dwelling stock for the local community. In addition, the Proponent is also seeking to deliver new affordable housing as part of the project which will further enhance the housing diversity in the local area.

3.3. BETTER PLACED

The Government Architect of NSW'S Better Placed aims to create a safe, equitable, sustainable built environment which is distinctive and of its place, creates value and is fit for purpose.

Better Placed identifies seven principles to deliver better places that the proposal responds to and satisfies. A summary of the scheme assessed against these principles is outlined below:

1. Better Fit: Contextual, Local and Of Its Place

The proposal provides a contextual, local response to strengthen the sense of place. The built form presents at a suburban scale to the majority of Mitchell Street with taller elements providing an appropriate scale to Henley Park. The retention of significant trees and integration of nature into the architecture response provides an overall project identity in harmony with Henley Park.

2. Better Performance: Sustainable, Adaptable and Durable

Walking and cycling to public transport is the foundation of sustainability. The proposal is within an easy walk or cycle to rail and bus services. By diversifying housing choice in the immediate neighbourhood, adaptability and durability is increasing the opportunity for aging in place. The proposal also provides opportunity for live-work units to improve people's lifestyles.

3. Better for Community: Inclusive, Connected and Diverse

Creating complete neighbourhoods offering housing choice, activated parks and daily needs retail creates better communities by increasing inclusiveness, connectedness and diversity. The proposal contributes across all three elements and will assist create a better community.

4. Better for People: Safe, Comfortable and Liveable

The proposal transforms a site that does not actively engage with the surrounding community using CPTED principles. Both Mitchell St and Henley Park are active frontages creating a sense of safety, comfort and delight for people walking by.

5. Better Working: Functional, Efficient and Fit for Purpose

At the scale of the neighbourhood, the proposal is functional, efficient and fit for purpose. With a built form complying with the Apartment Design Guide (ADG), the proposal's land use mix, scale and built form provides an appropriate response to the local character and amenity.

6. Better Value: Creating and Adding Value

The proposal creates and adds value along the Henley Park edge with a new pedestrian promenade activating a series of retail and / or commercial units. Active park edges are an asset encouraging people to linger and socialise throughout the day and evening.

7. Better Look and Feel: Engaging, Inviting and Attractive

The proposal transforms a private landholding into a variety of public places and connections that are engaging, inviting and attractive. In particular, the Henley Park edge treatment activates a place for people with potential for a café and other retail uses. High quality architecture complements the land uses inviting people to linger and enjoy community life.

3.4. BUILT FORM

The indicative concept design which was included within the Planning Proposal that was reported to the Council meeting on 25th September 2018 consisted of the following:

- A building with a lower ground level and 4 storeys above, comprising:
 - 183 residential dwellings, consisting of 1, 2 and 3- bedroom apartments;
 - Affordable housing has been offered, which would be 5-10% of any additional FSR above the 0.85:1 existing control (this is to be discussed and resolved with the Planning Proposal Authority or Council);
 - Landscaped roof gardens on each building;
 - Curved corners of the buildings create deep balcony planter detail wrapping around every floor plate;
 - A lower ground floor that facilitates future park edge activation with potential for local shops / cafes;
 - Underground car parking to serve the properties; and
 - Access onto Mitchell Street and Baker Street.

The vision for the site is illustrated within the computer-generated images (CGIs) contained in the Figure 6, Figure 8 and Figure 10 below, which can be compared the photographs of the existing situation in Figure 5, Figure 7 and Figure 9 below.

Figure 5 – Existing View from Mitchell Street



Source: Urbis

Figure 6 – CGI view on Mitchell Street



Source: Bureau of Urban Architecture

Figure 7 – Existing view from Baker Street



Source: Bureau of Urban Architecture

Figure 8 – CGI view from Baker Street (with trees removed for clarity)



Source: Bureau of Urban Architecture

Figure 9 – Existing View from Henley Park



Source: Bureau of Urban Architecture

Figure 10 – CGI view from Henley Park



Source: Bureau of Urban Architecture

Table 1 – Summary of Indicative Development Concept

Metric	Concept Design
Site Area	12,619.9sqm
Building Height	18m maximum
Max no. of Storeys	4-5 storeys (due to level differences across site)
FSR	1.4:1 (existing FSR control 0.85:1)
No. of Apartments	183
No. of Parking Spaces	254 Spaces

4. ENVIRONMENTAL IMPACTS

The Concept Design demonstrates that a viable building envelope for the residential flat buildings can be achieved on the site without significant adverse amenity impacts to residential properties surrounding the site. The potential environmental effects that are relevant to the Planning Proposal are addressed below.

4.1. BULK, SCALE AND MASSING

Through the discussions with Council and the consultation with the community, it became evident that the key issues with the original concept were as follows:

- The extent of the height with originally a 6-storey building proposed on the site;
- The character of the scheme on Mitchell Street relative to the scale of surrounding properties; and
- The impact of the additional height and floor space on the surrounding area.

In response to these issues raised, the Bureau of Urban Architecture explored a number of potential designs and through discussions with Cardno settled on the proposal for two 'U-shaped' buildings on the site, which allows for a large number of the apartments to have views of Henley Park.

Furthermore, the top level of the building has been heavily recessed and stepped, which will create a varied silhouette and built form from pedestrian eye level and breaking up the uniform height plane.

The revised scheme achieves an 18m separation between the two buildings on site, whilst the building breaks within the individual buildings extend to 3.5m, which creates definable breaks and relief within the building façade, which adds further to the segmentation of the building form.

As part of this process, the overall height of the proposal was reduced from 21m which was originally proposed, and this was set at a maximum of 18m, where a 4-storey residential development above a lower ground level of retail can readily be accommodated, with a few pop-ups above for lift overruns. This is illustrated in Figure 11 below

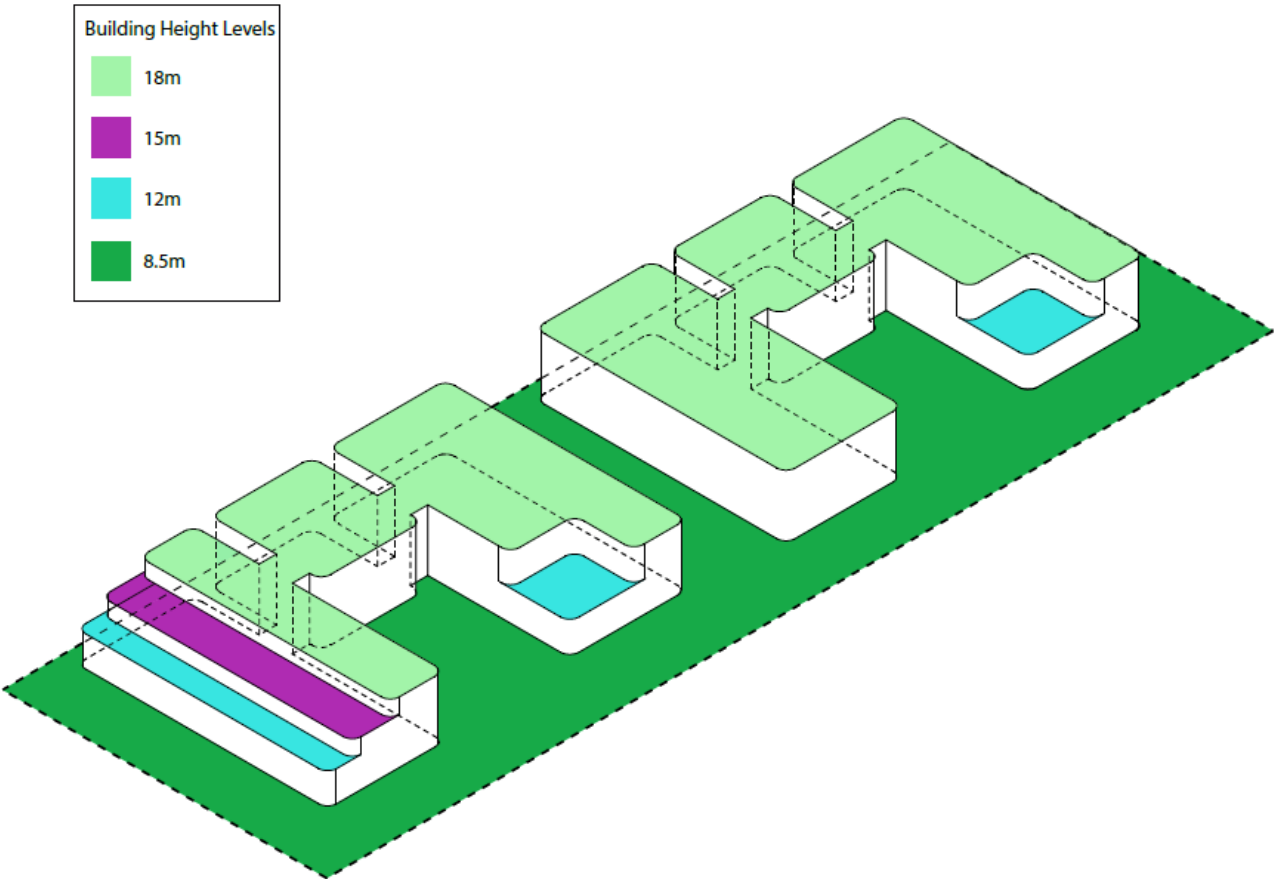
The proposal presents as a three-storey built form from Mitchell Street, which is a character that is compatible with the existing streetscape. Furthermore, the proposal's taller built form is largely only visible from the park but as it is below the tree line it is largely invisible from this vantage point.

The scheme also steps down in height towards Mitchell Street and this is reflected in the proposed height of building map, which stipulates maximum heights of 15m and 12m as the built form addresses the street on the southern side of the development. This is illustrated in Figure 11 below.

Furthermore, the lower ground retail/cafe level is largely a subterranean due to the site's topography and will serve to conceal the car and bike parking areas. Whilst an alternate approach would have been a landscaped embankment, however this would be a lost opportunity to activate the park.

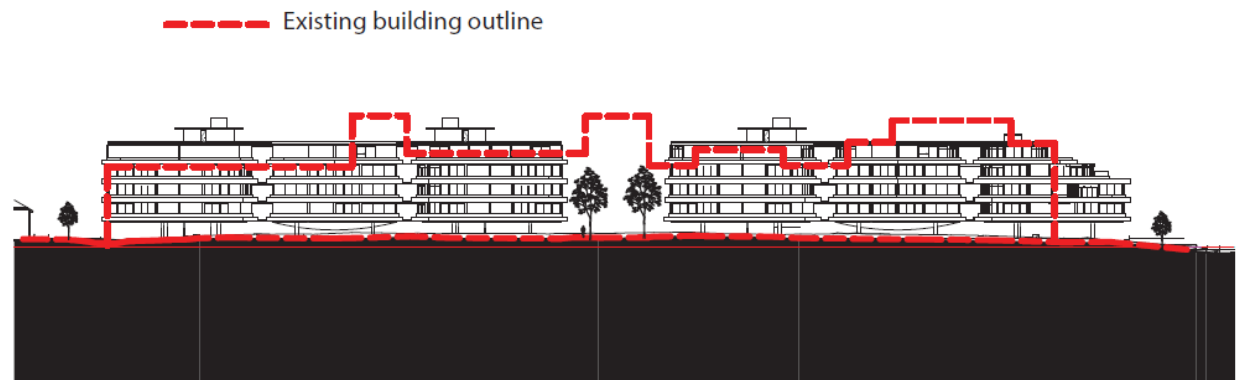
Figure 12 below illustrates the indicative proposed built form with the existing building outline superimposed with the red dotted line across the image. This shows that the only main elements which are greater in height than the existing building are the lift overruns and rooftop access locations, and a storey of accommodation on the northern side of the building. The built form is also extended to the south towards Mitchell Street but the stepping of the height is evident to replicate the height of the existing built form along this road frontage.

Figure 11 – Height Plane Plan



Source: Bureau of Urban Architecture

Figure 12 – Building Outline Plan



Source: Bureau of Urban Architecture

4.1.1. Overshadowing

Given the orientation of the site in a north-south axis, most the of the off-site overshadowing effects will be experienced either on Mitchell Street in the morning, or upon the rear gardens of the properties to the east fronting Burwood Road in the afternoons.

The building has been designed that at the winter solstice there will be no additional overshadowing of the gardens of the properties on the opposite side of Mitchell Street, as illustrated in Figure 13 below. This represents an improvement over the current position from the existing building (as shown in the blue dotted line), where the existing shadows penetrate the front garden of the properties as illustrated by the blue line on the plan.

At 9m on the winter solstice there would be some additional overshadowing on the eastern part of the park, however this soon disappears during the day as demonstrated by the 10am shadow diagram at Figure 14. Furthermore, this represents only a tiny proportion of the overall park, which extends to approximately 11.5 hectares.

In the afternoon on the winter solstice at 3pm there will be some shadows that fall on the rear gardens of the properties to the east fronting Burwood Road. However, the extent of these shadows is reduced following the implement of the concept scheme as illustrated in Figure 15 below. It is evident that the dark shadows do not extend as far as the blue line into the gardens of the properties (to the bottom of the image which is east), which represents the position with the current office building on the site.

Furthermore, the properties fronting Burwood Road to the east will still receive well in excess of the minimum 2hrs of direct sunlight between 9am and 3pm, as required by the Apartment Design Guide.

Given this, the concept proposal will serve to improve the overshadowing position in regard to the properties to the south and east, which can be considered a further positive benefit of the proposal.

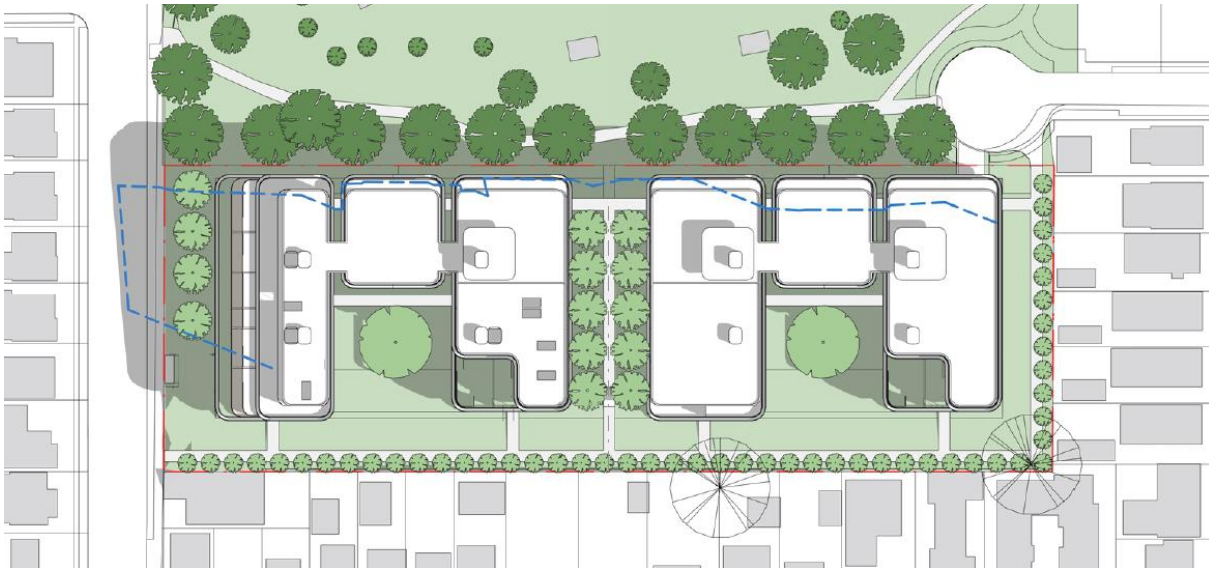
Figure 13 – Shadows at 9am on Winter Solstice



Source: Bureau of Urban Architecture

--- Existing Building Shadow

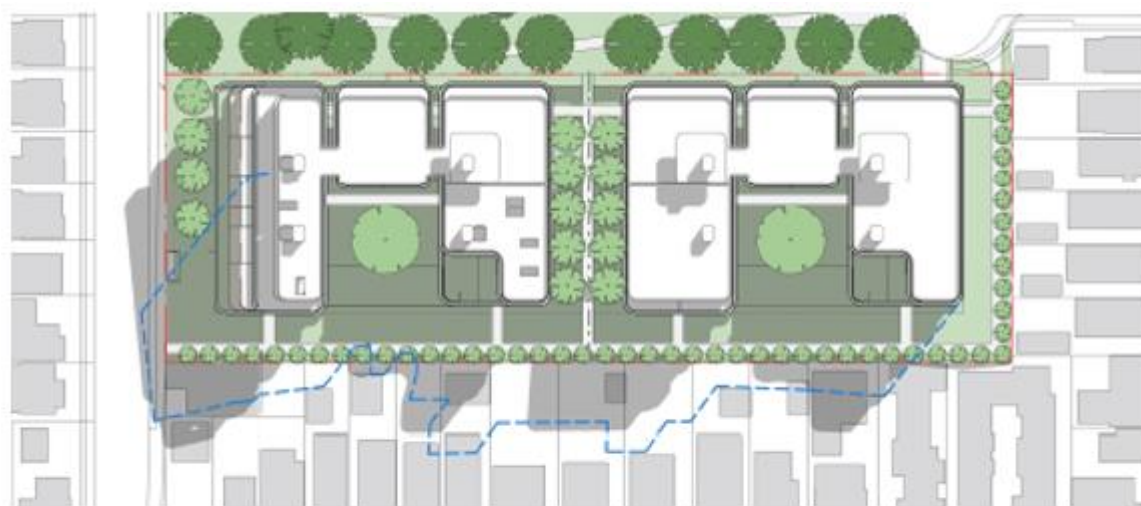
Figure 14 – Shadows at 10am on Winter Solstice



Source: Bureau of Urban Architecture

--- Existing Building Shadow

Figure 15 – Shadows at 3pm on Winter Solstice



Source: Bureau of Urban Architecture

----- Existing Building Shadow

4.1.2. Traffic Impacts

Bitzios Consulting prepared a Traffic and Parking Impact Assessment for the Planning Proposal which was lodged in May 2018. This report confirms that:

- There are significant traffic volumes along Burwood Road during the AM and PM peaks. However, only minimal delays are predicted at the Mitchell Street/Burwood Road intersection and on the egress to the subject site;
- Traffic generated by the proposed development is expected to be slightly less than the existing site based upon the current approvable traffic generation. The proposed development is not expected to impose any significant impacts on the surrounding road network.
- The SIDRA analysis and site observations conclude that the difference in future performance of the Mitchell Street/ Burwood Road intersection between the with and without development scenarios in 2022 and 2027 are negligible, whilst any impacts to the surrounding road network can be satisfactorily catered for by the existing intersection's configuration, assuming the cycle can be increased.
- Although private vehicle trips may be utilised by residents, given the site's proximity to local facilities, the site's easy pedestrian access to frequent bus services should encourage public transport as a good alternative option for transport to and from the proposed development.
- The likely traffic generated by the proposal would be similar to a scheme for terrace housing at the site on the basis that the site could accommodate some 74 town houses with 'granny flats' with two cars per dwelling, which results in a total of 222 cars at the site. This is a similar order of magnitude to the current proposal which accommodates 254 car parking spaces.

Bitzios Consulting also provided Additional Supplementary Information for Traffic (in a letter dated 3rd September 2018). This was prepared to address the comments of the BLPP which queried the Baker Street ingress/egress against the local street capacity, and the cumulative impact on Mitchell Street from the proposed residential development of the nearby Flower Power site.

Within this letter, it is identified that Bitzios has undertaken additional traffic counts and SIDRA analysis. This additional information confirms that:

- Based 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 Burwood Road/ Mitchell Street intersection will operate with a Level of Service (LoS) of 'A' for all scenarios (AM/PM weekday and Saturday) in 2022, and will have a LoS of 'A' in the

weekday PM and 'B' in the Weekday AM and Saturday. This demonstrates that the intersection will be operating appropriately even when the proposed development is considered in light of the Flower Power development. The difference in delay between 'A' and the two 'B' rated scenarios in this instance is only a matter of 2 seconds, meaning that the junctions are both very close to an 'A' rating.

At the Council meeting on 25th September 2018, members raised further issues regarding traffic which were set out in parts (i), (j) and (k) of the notice dated 4th October 2018 refusing the Planning Proposal, as identified in on Page 2 of this letter above.

The response from Bitzios Consulting to the reasons for refusal are as follows:

1. *The applicant's 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.*

Bitzios Consulting Response:

- 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.
2. *The applicant's 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.*

Bitzios Consulting Response:

- 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. We can prepare traffic distribution diagrams, but traffic modelling is not likely to be needed for the resulting traffic volumes.
3. *The PP is outside what is determined walkability to the Burwood train station being 2 km from the Burwood Town Centre and station. The site is close to one bus stop only.*

Bitzios Consulting Response:

- The traffic generation rates used in the traffic impact assessment have not been reduced in consideration of public transport.
- There are two bus stops on Burwood Road in proximity to the site, one on either carriageway.
- 2km (or 20-minute walk) is recognised by Transport for NSW as a walkable distance in *Sydney's Walking Future (2013)*.

5. MERIT ASSESSMENT CRITERIA

5.1. STRATEGIC MERIT

The Planning Proposal has strategic merit for the reasons outlined in the table below

Table 2 – Strategic Merit Test

Criteria	Planning Proposal Response	
<i>Consistent with the relevant district plan (as the site is in Greater Sydney), or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment.</i>	<p>The intended outcome of the Planning Proposal is to facilitate the redevelopment of the site to accommodate new residential flat building scheme with complementary lower ground floor activation uses such as a retail or café uses.</p> <p>In doing so, the proposal will respond to the key priorities, directions and objectives which underpin the <i>Greater Sydney Region Plan – A Metropolis of Three Cities</i> (Region Plan) and the <i>Eastern City District Plan</i> (District Plan). There is no corridor or precinct plan relating to the site. The key priorities directions and objectives in the Region and District Plan of relevance to the Planning Proposal are outlined below.</p>	
	Priorities and Directions	Planning Proposal
	Region Plan: <i>Objective 10 – Greater Housing Supply</i>	<p>The proposal will maximise the provision of new residential accommodation at this site to assist in meeting housing targets, as well as providing a greater diversity of housing stock in the locality. The Greater Sydney Region Plan identifies both 5-year and 20-year targets for new residential accommodation.</p> <p>Although the Council consider that they can meet their 5-year housing targets, these 5-year targets are not ceiling figures which when achieved, housing provision is stopped, as suggested in the reason for refusal (e) in the Council letter dated 4th October 2018.</p> <p>Furthermore, there is a requirement to have a rolling provision of new accommodation to meet the needs of a growing population (through the 6-10 years period) and this site provides an ideal and unique opportunity for urban renewal to provide high quality residential accommodation.</p> <p>As it is anticipated that the proposed development will be constructed and made available for occupation in 2023, it is clear that the 5-year housing figures are irrelevant for the proposal as the scheme would be within the 6-10-year period.</p>
	Region Plan: <i>Objective 11 – Housing is more diverse and affordable</i>	<p>The Region Plan recognises that across Greater Sydney both renters and purchasers face housing affordability challenges, with Sydney being one of the least affordable housing markets globally.</p> <p>The Planning Proposal scheme will deliver new apartments in an immediate locality where the predominant housing typology is lower scale detached dwellings. Given the unique nature of the</p>

Criteria	Planning Proposal Response	
		<p>site, residential flat buildings can be accommodated at the site, thereby providing greater diversity of housing locally.</p> <p>Furthermore, the Proponent is willing to deliver between 5-10% affordable housing as part of the scheme to meet any local affordable housing policies, which is a significant benefit of the proposal.</p>
	<p>Region Plan: <i>Objective 12 – Great places that bring people together</i></p>	<p>The Region Plan promotes well-designed built environments which are attractive, contain social infrastructure and have walkable and connected places.</p> <p>The concept scheme has been developed through collaboration with the Council's independent urban design advisor, Cardno, and is considered to be a well-designed response which addresses the qualities of the site.</p> <p>The potential provision of new local shopping facilities at the site will help to meet local demand, given the current limited provision locally and the changing needs of the community as the population grows.</p> <p>The proposal is well connected to the park, which will offer great amenity and accessibility for future residents, and the new local facilities will contribute to the liveliness of the community in this location, allowing opportunities for social interaction.</p>
	<p>District Plan: <i>Planning Priority E3 – Providing services and social infrastructure to meet people's changing needs.</i></p>	<p>The District Plan supports urban renewal and increasing activity at under-utilised facilities. Furthermore, it promotes co-location of uses which are accessible with direct and safe walking and cycling connections.</p> <p>The scheme evidently responds to this priority given it will facilitate the redevelopment of an under-utilised former office building and promote a well-designed and connected new development. The scheme seeks to accommodate uses which activate the park edge and will allow easy access to the development on foot and by cycle. It is also the case that the direct linkages to the adjacent park can help to promote more active lifestyles for future residents at the site.</p> <p>In addition, the co-locating of recreation and a mixture of uses will serve to improve the overall liveability of the proposed development for future residents.</p>
	<p>District Plan: <i>Planning Priority E4 – Fostering healthy, creative, culturally rich and socially</i></p>	<p>The proposal will facilitate a place-based approach to the development outcome, creating a scheme which is easy to reach on foot with great connectivity to the neighbouring Henley Park. This can assist in encourage greater levels of physical activity and social connection. Furthermore, the small-scale retail elements</p>

Criteria	Planning Proposal Response	
	<i>connected neighbourhoods</i>	can accommodate local retailers and fresh food to promote healthy lifestyles.
	District Plan: <i>Planning Priority E5 – Providing housing supply, choice and affordability with access to jobs, services and public transport.</i>	<p>The District Plan identifies that new housing should be developed to meet demand for different housing types, tenure, price point, location and design. It should also be co-ordinated with local infrastructure to liveable, walkable safe neighbourhoods with connections to shops, services and public transport.</p> <p>As indicated above, the Planning Proposal seeks to facilitate a new apartment development which will provide a greater diversity of dwelling typology in the local area. It will also address the unique nature of the site adjacent to Henley Park by creating a scheme which maximises the connections and amenity benefits of the location, whilst also proving the potential to deliver new amenities at the site for future residents and the local community.</p> <p>In terms of housing preferences, the proposal will facilitate additional supply of apartments within the Inner West-Burwood housing market demand area (one of the five areas identified in the Eastern City). This would assist in providing greater choice in dwellings for residents wishing to remain within this local area.</p> <p>The proposal also offers a clear opportunity to provide for both urban renewal and local infill development in accordance with this planning priority. The existing office building on site is no longer fit for purpose and is required to be redeveloped. This provides a unique opportunity to provide a medium density development as proposed, which can be appropriately accommodated at the site to provide greater housing variety.</p> <p>The site is also well located in close proximity to bus stops on Burwood Road that provides regular, high frequency regional 'M' bus service which takes approximately 5 mins to Burwood Railway Station (leaving approximately every 10 mins).</p>
	District Plan: <i>Planning Priority E6 – Creating and renewing great places and local centres</i>	<p>The proposal represents a unique opportunity to redevelop a redundant office building and create a new 'great place' at the site. This will involve a highly liveable apartment scheme, a people friendly public realm, high quality interfaces with Henley Park, along with new retail facilities and social infrastructure to support the local population.</p> <p>It is also the case that Enfield can be viewed as an emerging location for new residential development, with this proposal adjacent to Henley Park and the recent proposal at the Flower Power site to the south. The area is well connected and new development will assist the liveability and walkability of the location.</p>

Criteria	Planning Proposal Response	
	District Plan: <i>Planning Priority E10 - Delivering integrated land use and transport planning and a 30-minute City</i>	<p>The proposal will provide new dwellings at a location which is within 30 minutes of the Harbour CBD thereby contributing to the 30-minute city.</p> <p>The scheme also provides excellent connections for walking and cycling to the nearby Burwood Town Centre, which accommodates the transport interchange.</p> <p>In comparison to other parts of Sydney, Enfield is very well connected and accessible to a variety of forms of transport.</p>
	District Plan: <i>Planning Priority E17 – Increasing urban tree canopy and delivering green grid connections</i>	<p>Figure 21 in the District Plan identifies ‘Green Grid Opportunities’, with an opportunity mapped directly adjacent to the site. The proposal will therefore provide the opportunity for a new resident population to connect to and utilise the green grid.</p> <p>This is a significant asset for the site and the foot traffic further justifies providing food & beverage and other convenience retail offerings in this location.</p>
	District Plan: <i>Planning Priority E18 – Delivering high quality open space</i>	<p>The District Plan recognises that open space is increasingly important to support local networks and create a sense of community, as well as providing opportunities for active lifestyles.</p> <p>The Site is directly adjacent to Henley Park and concept schemes the linkages and approach to the park frontage have been integral in the design of the proposal.</p> <p>The Proponent has also offered the opportunity to contribute to improvement to the park as part of a Voluntary Planning Agreement which can be negotiated with Council. This will offer significant public benefit from the proposal which will serve both existing and future residents.</p>
<i>Consistent with a relevant local council strategy that has been endorsed by the Department.</i>	<p>The proposal is consistent with the Burwood 2030 Community Strategic Plan. The vision for Burwood includes:</p> <ul style="list-style-type: none"> • A Sense of Community • Leadership Through Innovation • A Sustainable Natural Environment • Accessible Services and Facilities • A Vibrant Economic Community <p>Within this plan are actions to be initiated by the Council, Community, and State bodies. It is stated that new development should support these actions where appropriate. Consistency with the relevant aspects of this Plan are explored below.</p>	

Criteria	Planning Proposal Response
	<p data-bbox="421 226 715 253">A Sense of Community</p> <p data-bbox="421 284 1409 387">The relevant issue noted is the need to find a balance between increasing density (residential and commercial) and maintaining our lifestyle. The design concept-built form is based upon design principles to meet the following objectives:</p> <ul data-bbox="456 418 1428 853" style="list-style-type: none"> <li data-bbox="456 418 1428 521">• Create a contemporary and elegant residential community to complement and enhance the existing streetscape and the surrounding residential neighbourhood. <li data-bbox="456 553 1193 582">• Provide local convenience shops and community facilities. <li data-bbox="456 613 1334 642">• Maintenance of the low density residential character of Mitchell Street. <li data-bbox="456 674 1114 703">• Minimal visual and physical impact on Henley Park. <li data-bbox="456 734 1385 853">• Providing a transition of building massing between lower and medium densities, by locating the larger building massing towards the park edge to minimise impacts on adjacent residential properties. <p data-bbox="421 884 1372 987">With these design principles, it is considered that the proposed development will contribute to the local supply and diversity of residential dwellings, without compromising the community's sense of place.</p> <p data-bbox="421 1019 871 1046">A Sustainable Natural Environment</p> <p data-bbox="421 1077 1423 1216">The relevant issue noted is “finding a balance between the built and natural environments as the population increases.” The concept design has been developed in conjunction with consideration for existing mature trees on the site, and the established landscaping.</p> <p data-bbox="421 1247 1414 1424">The site is effectively framed by the existing mature tree planting, particularly on the northern and southern boundaries. The concept design seeks to retain this planting where possible to ensure a that future proposals will benefit from the amenity provided, along with the future landscaping which is intended to be provided as part of the proposal.</p> <p data-bbox="421 1456 857 1482">Accessible Services and Facilities</p> <p data-bbox="421 1514 1350 1653">The relevant issues noted are “finding a balance between growth in residential development and appropriate space for community services, preventing overdevelopment and improve the visual amenity of the area, and to activate streetscapes and make them more inviting.”</p> <p data-bbox="421 1684 1423 1861">This Planning Proposal will facilitate increased residential development on a site directly adjacent to Henley Park, a large recreational facility including Enfield Aquatic Centre. These will be highly accessible to future residents of this site. The indicative concept design displays how the site can increase residential capacity, without overdeveloping and compromising the visual amenity of the area, including the park.</p> <p data-bbox="421 1892 1401 1995">In addition, the proposal has the potential to provide additional local facilities at the park frontage, which can accommodate new convenience retail and café uses, to activate the park edge and contribute to creating a community.</p>

Criteria	Planning Proposal Response
	<p>The concept design considers the land uses surrounding the site and proposes an appropriate massing to complement them.</p> <p>A Vibrant Economic Community</p> <p>The relevant issue noted is “finding a balance between demands for residential areas and demands for commercial space.” The Planning Proposal responds to this issue in facilitating increased residential development on an appropriate site.</p> <p>The site is also located close to Burwood Town Centre and is highly accessible with nearby high frequency transport links. The provision of increased housing along with the potential for day-to-day facilities on this site including shops and cafes will assist in alleviating the pressures of balancing commercial and residential space in the Burwood Town Centre core, whilst also providing a new resident population to support the services which are present in the centre.</p>
<i>Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.</i>	<p>The site was rezoned in 2012 when the standard instrument LEP was introduced, however the development standards relating to height and FSR were not altered to address the site and its potential.</p> <p>This proposal now responds to the opportunity presented by this strategically significant site becoming available for redevelopment, whilst also promoting a higher density of development in an area where there is strong housing demand.</p>

5.2. SITE SPECIFIC MERIT

The Planning Proposal has site-specific merit for the reasons outlined below:

Table 3 – Site Specific Merit Test

Assessment Criteria	Response
Does the planning proposal have site specific merit with regard to:	
The natural environment (including any known significant environmental values, resources or hazards); and	<p>The site is not environmentally sensitive land or land with significant biodiversity value.</p> <p>Henley Park is directly adjacent to the site and the proposal is designed to minimise any adverse impact upon the park, whilst promoting enhanced connectivity including through site links and new view corridors.</p> <p>There is also potential as part of this proposal to provide a contribution to new or upgraded facilities within the park, or to enhance the setting. Furthermore, there are no environmental constraints or hazards of such significance that would preclude the redevelopment of the site for residential purposes.</p>

Assessment Criteria	Response
The existing uses, approved uses and likely future uses of land in the vicinity of the proposal; and	<p>The site was previously occupied by the now vacant former offices of Vision Australia who have relocated to Paramatta into more modern and suitable premises for their operation.</p> <p>Consequently, this will facilitate the redevelopment of the site to provide new residential accommodation within an area that is zoned R1 General Residential. The proposed use therefore has site specific merit in terms of the future use of the site.</p>
The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.	<p>A Services and Utilities Report was submitted to Council as part of the Planning Proposal lodgement package. This confirms that the proposed development can be adequately serviced.</p> <p>It is also confirmed in the Traffic Report and Addendum that the traffic generated by the proposed development is marginally higher than the existing site, thereby the scheme will not give rise to any adverse impacts upon the surrounding road network.</p> <p>The LoS for 2022 is 'A' for AM and PM peaks including Saturdays and for 2027 it is 'A' for PM peak and Saturdays.</p>

6. CONSULTATION WITH COUNCIL, CARDNO AND THE COMMUNITY

The Proponent engaged with senior officers at Burwood Council at the start of this process, some 18 months ago, to explore opportunities to amend the built form controls and to reflect the development opportunity at the site.

The options for the site were first presented to Council at a meeting with senior officers in April 2017. Since that time there have been several meetings with Council Officers and the Council's independent urban design, planning and traffic consultant, Cardno.

The list below identifies the date of the meetings which the Proponent undertook with Burwood Council and Cardno throughout this process and demonstrates the collaborative way in which the scheme has been progressed.

1. 28th April 2017 – Meeting with Council
2. 17th May 2017 – Meeting with Council
3. 30th June 2017 – Meeting with Council
4. 22nd August 2017 – Meeting with Cardno
5. 11th October 2017 – Meeting with Cardno
6. 12th December 2017 – Meeting with Cardno
7. 9th January 2018 – Meeting with Cardno
8. 31st January 2018 – Meeting with Council and Cardno
9. 23rd April 2018 – Meeting with Council and Cardno
10. 14th August – Local Planning Panel Meeting
11. 27th August 2018 – Meeting with Council
12. 25th September – Ordinary Council Meeting

The details of the above meetings are set out further within the Planning Proposal Report which was lodged with the updated scheme, and this identifies the significant work which the Proponent has undertaken to address the matters raised at each stage of the process. This has helped to shape the ultimate design and approach to this planning proposal.

A Stakeholder and Community Consultation Strategy was also developed as part of the preparation of the Planning Proposal. Urbis was engaged by the Applicant to undertake community consultation to inform the planning proposal. Further detail of the community consultation is set out in the Summary of Consultation Outcomes Report.

In summary, the community consultation was undertaken over 3 weeks in July 2017. Consultation activities included:

- Distribution of a letter and project fact sheet to 600 households notifying them of the planning proposal, doorknock, community information and feedback sessions and contact details for further information.
- Doorknock of residential properties within an immediate catchment of the site on two consecutive nights.
- Two Community Information and Feedback Sessions (three hours each) attended by approximately 24 people.
- One stakeholder briefing meeting as requested by three stakeholders.
- Communications channels including a dedicated project email, 1800 phone number and project website.

The community feedback received during the consultation process generally supported the redevelopment of the site for residential purposes. However, there were a number of points raised by the community which the Applicant had sought to address including building height, traffic impacts, sewer infrastructure and confusion over the planning process. Further details of these discussions are contained in the Consultation Outcomes Report which was lodged with the Planning Proposal Addendum in May 2018.

Furthermore, in advance of the Planning Panel meeting on 14th August 2018, a community leaflet was hand delivered to the same 600 properties within the catchment area, which were the same recipients as in Stage One of consultation, as outlined in the Consultation Outcomes Report. This updated the local community on the amendments made to the scheme in advance of the Panel meeting, as well as the stage of the process which the Planning Proposal has reached.

7. RESPONSE TO COUNCIL'S REASONS FOR REFUSAL

The letter received from Council on 4th October 2018 identified eleven reasons why the Council Members refused to support the Planning Proposal. Each of these matters are identified below along with the response from the Proponent.

Table 4 – Response to Council's Reasons for Refusal

Council's Reason	Proponent's Response
(a) The PP does not demonstrate strategic merit to increase FSR and heights above the existing provisions of the current zoning.	<p>The strategic merit for the proposal is adequately demonstrated within the Planning Proposal Report and in Section 4.1 of this Report.</p> <p>The strategic merit for the proposal was also supported by the Council Officers, Cardno and the Burwood Local Planning panel.</p> <p>The Cardno Assessment Report stated on Page 20 that <u>"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."</u></p>

Council's Reason	Proponent's Response
	<p>The strategic merit of the proposal does not rely on the proximity of the site to a railway station, even though the site is within a walkable distance of Burwood Railway Station. There are only a limited number of locations in Burwood LGA that are well connected to a railway station.</p> <p>It is demonstrated that 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.</p> <p>Furthermore, the proposal provides the opportunity to provide new local day-to-day shopping facilities. This assists in creating a new liveable community in Enfield and allows existing local residents to walk to the site, thereby providing the potential to reduce car journeys.</p> <p>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.</p>
(b) Enfield is not identified as a strategic or district centre under the Greater Sydney Regional Plan "A Metropolis of Three Cities", and "Eastern City District Plan".	<p>The Proponent does not disagree that the site is not located within a strategic or district centre under the District Plan. However, simply because the site is not identified as a centre, should not preclude the appropriate renewal of the site for a suitably scaled residential flat building.</p> <p>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).</p> <p>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</p>

Council's Reason	Proponent's Response
	<p>Croydon, Croydon Park, Burwood Heights, and Enfield.</p> <p>Within this context, Enfield is very well placed along this transportation spine with multiple opportunities for connectivity to a range of strategic centres, and while obviously not the same status as Burwood Town Centre, it has a number of very desirable strategic attributes including direct access to open space and string local social and community infrastructure (as identified in</p> <p>Figure 3 of this Report) which still make it ideally suited for further renewal and growth.</p> <p>Burwood Town Centre is only 2km away from the site, which can be readily accessed on foot, cycle or by bus. The town centre is either a 9-block bike ride from the centre or a 20-minute walk.</p> <p>The site links to the 'Green Grid' walking network where there is a walking trail which runs straight past the site on Henley Park called the 'Project 49 – Cooks River Secondary Green Links: Burwood to Campsie'. This is a significant asset for the site and the foot traffic will assist the café and retail offering which can be accommodated in the lower ground level of the proposal.</p> <p>Furthermore, there is an existing cycle route identified on the Burwood Council website which runs along the eastern edge of the park directly adjacent to the site.</p> <p>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.</p> <p>In addition, there are other examples of apartment schemes in the LGA and nearby locality which are not situated in these types of centres, including 102 Liverpool Road, Burwood (20m in height) and 31 Willee Street, Enfield (20m in height).</p>

Council's Reason	Proponent's Response
(c) There has been no strategic study or report on the site to justify the increase of FSR or heights.	<p>It is noted that Council has not undertaken a strategic study or report for the site. However, this does not prevent the Proponent from progressing a planning proposal. The lodged Planning Proposal documentation identifies how this underutilised site can be redeveloped with increased height and FSR and be appropriately accommodated within the local setting.</p> <p>It is also the case that Council had the opportunity to review the future of this site as part of the update the Burwood Planning Scheme Ordinance, however the controls were simply translated to follow the controls which applied to the surrounding residential areas, which immediately resulted in a non-conforming building.</p> <p>This Planning Proposal therefore allows appropriate consideration of the form of development that can be accommodated at the site and the future character of the area. The proposal is also supported by a range of technical studies including extensive design work, traffic, arboriculture, landscape, services and consultation.</p>
(d) Burwood Local Environmental Plan (BLEP) 2012 sets out a planned and orderly approach to planning with uplift encouraged in the Burwood Town Centre (BTC) and Strathfield Town Centre (STC) in order 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.	<p>It is noted that the BLEP seeks to promote greater density in and around town centre environments which is an appropriate policy.</p> <p>Burwood Town Centre accommodates some very high density and tall residential apartment towers, which reflects its status as a Strategic Centre (and also a 'Planned Precinct'), and it will continue to serve as an important strategic location for housing and employment growth over the coming years.</p> <p>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.</p> <p>However, this is a unique site given the siting adjacent to Henley Park and the redundant condition of the existing office and warehouse building. This site is well-placed for redevelopment and given its</p>

Council's Reason	Proponent's Response
	<p>characteristics, is unlikely to be replicated elsewhere in the LGA.</p> <p>The Proponent has undertaken significant consultation with Council and Cardno over the past 18 months, agreed to prescriptive height controls on the proposed LEP height mapping, as well as agreeing to prepare a site specific DCP to ensure any future impacts at the DA stage are appropriately managed. This process is testament to the rigour which any other sites would be subjected to were they to be brought for similar development.</p> <p>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.</p> <p>Furthermore, 4 Mitchell Street is a site of 12,620sqm in single ownership. Most sites in the R1 zone are divided into very small 500-600sqm lots and rarely consolidated into contiguous parcels which can be developed.</p>
<p>(e) Under the current BLEP, Burwood is set to meet its housing targets as set out under the Eastern City District Plan and therefore the strategic merit of the PP to increase housing supply is not met.</p>	<p>While the Council have not provided any comprehensive evidence of how they are tracking against its housing targets, we acknowledge that there Burwood Town Centre is likely to provide a high quantum of housing supply given its strategic status.</p> <p>However, the Eastern City District Plan is also very clear that these housing supply targets "<i>are a minimum and councils will need to find additional opportunities to exceed their target to address demand</i>". In other words, this should not preclude urban renewal opportunities which can demonstrate that they provide strategic and site-specific merit locally.</p> <p>As also identified above, given the development is likely to be available for occupation in 2023, the proposal will site within the 6-10-year housing supply target and not the 0-5-year requirement.</p> <p>The contribution to the choice and variety of housing stock in Enfield is also an important factor in favour</p>

Council's Reason	Proponent's Response
	<p>of this proposal. The scheme will provide a different local housing typology, which represents a natural evolution of the neighbourhood. It will contribute to smaller housing stock locally to provide for an aging population and downsizing households.</p> <p>In terms of affordability, the Burwood Town Centre median rent is some \$600/ week and median sale price is \$845,000. This should be compared to the Enfield median rent of \$478/ week and median sale price \$667,000. The proposal will provide for greater housing affordability.</p> <p>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.</p>
<p>(f) Appropriate increase of housing supply that reflects orderly planning can be met under the existing zoning provisions for the site. Therefore, there is no strategic merit in the PP.</p>	<p>The proposal seeks to amend the controls to facilitate the site to be developed to greater potential given its unique nature. The site is currently zoned similar to the lower-scale developments in the surrounding area and does not take account of the opportunities provided by the size of the site and the park frontage.</p> <p>Throughout the assessment process by Council, Officer did not raise an issue with the proposed amendment to the controls. The Officer's Report to the Council Meeting on 25th September 2018 states that: <i>'The external assessment of the PP found that there is urban design and planning merit in the scale of development proposed at 4 Mitchell Street'</i> and <i>'The BLPP supported the PP by majority subject to conditions. the applicant provided further information which was considered by Officers to generally BLPP's concerns, except for traffic which can be dealt with at DA stage'</i></p> <p>Ultimately, Council Officers recommended <i>'That the Planning Proposal for 4 Mitchell Street, being the former Vision Australia site, be submitted to the Department of Planning & Environment for a Gateway Determination.'</i></p> <p>It is clear that the site represents an excellent opportunity for redevelopment, and it can appropriately accommodate a new apartment scheme.</p>

Council's Reason	Proponent's Response
<p>(g) The current provisions under the zoning for the site would allow for greater housing choice. It is noted that the Burwood Local Government Area has adequate supply of residential flat buildings of this scale; it however, lacks smaller style medium density developments that are allowed under the current zoning provisions.</p>	<p>Furthermore, the locations of Burwood Town Centre and Parramatta Road do not present the only opportunities in the LGA to develop new residential flat buildings. The proposal is consistent with the District Plan which indicates that housing should be delivered across a range of types and locations, rather than one corridor or town centre.</p> <p>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.</p> <p>Further, as identified in Figure 12 above the proposal is only negligibly taller in some areas comparative to the existing form on the site.</p> <p>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 this typology. As discussed above, 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.</p> <p>In addition, Enfield has one of the longest average holding periods for houses, 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.</p> <p>When this is viewed locally, this scheme will enable those wishing to reside in Enfield, to have a greater variety of housing stock to choose from and is likely to include first time buyers and down-sizers, both whom may have local family connections and wish to stay residing in the local area.</p>
<p>(h) While the existing former Vision Australia site was a non-complaint use, this is not a planning justification to increase the density or heights greater than that allowed under the current provisions of the R1 Zone.</p>	<p>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</p>

Council's Reason	Proponent's Response
	<p>this which demonstrate why the site is ideally placed for renewal and uplift.</p> <p>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.</p> <p>The existing built form on the site (rightfully or wrongfully) is part of the character of the area which cannot be ignored.</p> <p>The proposal has also been subject to extensive negotiation with Council and Cardno over the course of 18 months to achieve a suitable design response. In the Officer's Report to the Council Meeting on 25th September it was stated that <i>'the PP has the potential to be consistent with the SEPP 65 and the ADG'</i>.</p> <p>Cardno also supported the point that all setbacks more than complied with the ADG. This further helps to demonstrate that the amendment to the development standards in the BLEP are appropriately justified.</p>
<p>(i) The applicant's 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.</p>	<p>The applicant's traffic engineer has provided a response to this matter.</p> <p>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.</p> <p>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</p>

Council's Reason	Proponent's Response
	<p>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.</p>
<p>(j) The applicant's 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.</p>	<p>The applicant's traffic engineer has provided a response to this matter.</p> <p>The historic 'Journey to Work' data shows the split of journeys in each direction from the site:</p> <ul style="list-style-type: none"> • North 45% • East 22% • South 15% • West 19% <p>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. We can prepare traffic distribution diagrams, but traffic modelling is not likely to be needed for the resulting traffic volumes.</p>
<p>(k) The PP is outside what is determined walkability to the Burwood train station being 2 km from the BTC and station. The site is close to one bus stop only.</p>	<p>As discussed above, 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.</p> <p>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.</p> <p>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</p>

Council's Reason	Proponent's Response
	<p>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.</p> <p>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. In our view, the site location provides a variety of walking options, but also regular bus services and a high level of accessibility.</p>

8. CONCLUSION

This Report has been prepared in support of a Rezoning Review request to DPE in relation to the Proponent initiated Planning Proposal at 4 Mitchell Street, Enfield.

The site is located at 4 Mitchell Street, Enfield and is a strategically significant site located in a highly desirable location directly adjacent to Henley Park. It has a large site area and is within a single ownership, whilst it is also within walking distance of high frequency bus services and surrounded by a range of other local community, residential and open space uses. Few sites in the locality have comparable strategic credentials and attractiveness for higher density residential housing or are available for unique renewal opportunities.

The Planning Proposal will enable this under-utilised site to be redeveloped to provide new residential dwellings in the form of a well-designed apartment scheme, with an activated park edge facilitating the potential delivery of shop and café uses along the western boundary at the lower-ground level.

The current height of building and FSR controls would not permit this form of development, as these controls reflect the surrounding lower scale residential properties, albeit the existing building already exceeds the height control for the site.

Accordingly, the proposed amendments to the Height of Building, FSR and Schedule 1 of the BLEP 2012 will facilitate this development, which has received the support of Council Planning Officers, support from the Council's independent consultant (Cardno) and support from the Burwood Local Planning Panel.

The Proponent has worked closely with Council Officers to promote this Planning Proposal, which is evidenced by the extensive number of meeting identified in Section 6 of this Report and a complete redesign of the earlier concept scheme for the site.

It is considered that each of the eleven reasons for refusal (a-k) from Council have been appropriately rebutted by the Proponent in Section 7 of this Report, such that no valid reason for refusal remains.

For the reasons outlined in this Report and accompanying documentation, we submit that the Planning Proposal has considerable strategic and site-specific merit, and thus warrants support from the Panel to proceed to Gateway determination.

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