

DATE OF DECISION	Tuesday, 14 August 2018
PANEL MEMBERS	Carl Scully (Chair), John Roseth and Louise Camenzuli
APOLOGIES	Joseph Del Duca
DECLARATIONS OF INTEREST	George Mannah declared a conflict of interest as he voted on the planning proposal when it went before Burwood Council, in his role as an elected Councillor.

REZONING REVIEW

2018SCL038 – Burwood - RR_2018_BURWO_001_00 at 28-34 Victoria Street & 23-27 George Street (AS DESCRIBED IN SCHEDULE 1)

Reason for Review:

- ☐ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☒ The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:

- ☐ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- ☒ **should not** be submitted for a Gateway determination because the proposal has
 - ☒ not demonstrated strategic merit
 - ☐ has demonstrated strategic merit but not site specific merit

The decision was unanimous.

REASONS FOR THE DECISION




In the Panel's opinion, this planning proposal has insufficient strategic merit. The proper question to ask is not whether the site is strategically located (which it is), but whether its strategic location justifies a significant increase in the already high FSR of 4.5:1 and building height of 60m that currently apply to the site under the Burwood LEP 2012. The answer to this question is in the negative. The characteristic that distinguishes this site from others around it is that it has been amalgamated. This allows better planning as well as the provision of a through-site link. While this may justify the granting of some additional development potential, it does not justify a near doubling of the FSR.

Another consideration is that the Department's Greater Parramatta Urban Renewal team is undertaking the precinct planning for the Burwood, Strathfield and Homebush town centres. It would not be in the interest of good planning to make a decision in respect of this site, while the strategic work is going on. The Panel notes the proponent's contention that the completion of the strategic exercise is five years away. The Panel has been advised that this strategic work will be sufficiently advance by the second half of next year to allow further advice to be given in respect of the appropriate planning controls for this site that fits into the broader strategic framework.

In addition, the proposal is does not advance the employment generation aspirations of the Sydney Eastern City District Plan, which identifies Burwood Town Centre as a strategic centre and calls for an increase in employment uses. Despite the fact that some increase in commercial floor space is proposed, the major part of the increased floor space in this proposal is for residential use.

The Panel considers that the proposal also lacks site-specific merit. The traffic study has not taken into account the development on other sites which are already approved, let alone the possibility that the entire B4 zone might be zoned for higher density. This is another reason why the strategic work needs to be done first, as it looks at the larger picture of the traffic impact. In addition, there is no adequate assessment of the number of dwellings affected by overshadowing, nor of the capacity of social infrastructure to respond to the demand created by increased density.

Finally, the Panel notes the proponent's contention that the uplift in density and height is necessary to make the redevelopment of the site feasible. The Panel notes that other sites in the zone are being redeveloped under the existing controls. However, even if the contention were correct, it would not be sufficient justification for increasing the controls on one site in the B4 zone.

PANEL MEMBERS	
 Carl Scully (Chair)	 John Roseth
 Louise Camenzuli	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	2018SCL038 – Burwood - RR_2018_BURWO_001_00 at 28-34 Victoria Street & 23-27 George Street
2	LEP TO BE AMENDED	Burwood Local Environmental Plan 2012
3	PROPOSED INSTRUMENT	<p>The proposal seeks to amend the Burwood LEP 2012 by:</p> <ul style="list-style-type: none"> • Increase the maximum building height from 60 metres to a maximum of 122.2 metres; • Increase the maximum FSR from 4.5:1 to 8.37:1 with a maximum residential FSR of 6.47:1 and non-residential FSR of 1.9:1. and • Introduce a savings provision to allow for a development application to be assessed concurrently with the planning proposal.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Rezoning review request documentation • Briefing report from Department of Planning and Environment
5	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection: 14 August 2018 <ul style="list-style-type: none"> ○ Panel members in attendance: Carl Scully (Chair), John Roseth and Louise Camenzuli ○ Department of Planning and Environment (DPE) staff in attendance: Kris Walsh, Lawren Drummond and Laura Locke • Briefing meeting with Department of Planning and Environment (DPE): 14 August 2018, 3:00pm <ul style="list-style-type: none"> ○ Panel members in attendance: Carl Scully (Chair), John Roseth and Louise Camenzuli • DPE staff in attendance: Kris Walsh, Lawren Drummond, Anthony Pizzolato and Laura Locke • Briefing meeting with Council and proponent: 14 August 2018, 3:35pm <ul style="list-style-type: none"> ○ Panel members in attendance: as above ○ DPE staff in attendance: as above ○ Council representatives in attendance: Marianna Kucic and John O’Grady ○ Proponent representatives in attendance: Juliet Grant, Michael Harrison, Michele McSharry, Glen Varley, Carole-Lynne Kerrigan, Greg Malempre, Jacob Vince, Pierre Sleiman, Carlo Di Giulio, George Matsos and Alex Ribeny