

21 March 2018

NSW Department of Planning and Environment
Carolyn McNally, Secretary
GPO Box 39
SYDNEY NSW 2001

Attention: Amanda Harvey, Director, Sydney Region East

Dear Amanda,

Rezoning Review Request

68-72 Railway Parade and 2-2A, 4-10 Oxford Street, Burwood

I write to you in relation to a Planning Proposal to amend the Burwood Local Environmental Plan (LEP) 2012 to increase the maximum height of buildings from 26 metres to 58 metres (18 storeys), and to increase the maximum floor space ratio control from 3:1 to 5.45:1. The Council refused to prepare a Planning Proposal for the subject site under Section 55 of the Environmental Planning and Assessment Act 1979 on 25 July 2017. In accordance with the Department of Planning and Environment's A Guide to Preparing LEPs a Rezoning Review is sought as the relevant planning authority *"has notified the proponent that the request to prepare a planning proposal is not supported"*.

Introduction

I write to you in relation to a planning proposal to amend the Burwood Local Environmental Plan (LEP) 2012, to facilitate a mixed use development on land on the corner of Railway Parade and Oxford Street, to the west of the Burwood town centre between the Strathfield and Burwood train stations.

The proposal will allow for a residential apartment development above ground floor retail uses at a scale that serves the local neighbourhood community. The concept originally lodged with Council in February 2017 includes a 18 storey signature corner building with two lower 14 storey building elements to the street edges, separated by a recessed building edge.

The planning proposal seeks to increase the maximum floor space ratio control from 3:1 to 5.45:1 and to increase the maximum building height control from 26 metres to 58 metres (18 storeys). The development concept includes approximately 219 units – approximately 132 additional apartments to that currently approved (excluding 4-10 Oxford Street). The site is zoned R1 General Residential and no change to the land use zone is proposed.

During the process up to the Council meeting and decision on 25 July 2017 an iterative process with Council and their independent consultant was adopted whereby the concept was refined using, in part, one of the three original design options provided in the Urban Design Analysis report supporting the Planning Proposal. This included a revised height of 12 storeys, 10 storeys and 9 storeys with an associated FSR. This was supported by the proponent and recommended for approval in the Council officers' report recommendation to the Council and Cardno report but was not supported by the Council.

Summary of Planning Proposal

The land to which this Planning Proposal applies is situated on the corner of Railway Parade and Oxford Street, to the west of the Burwood town centre between the Strathfield and Burwood train stations. The land the subject of this planning proposal is identified in **Figures 1 and 2**.



Figure 1: Aerial view of the subject site

The site has an approximate area of 3,400m² and comprises eight allotments. The northern boundary to Railway Parade measures approximately 60 metres, and the eastern boundary to Oxford Street measures approximately 80 metres. The remaining boundary of the subject site borders the Burwood Public School and measures approximately 110 metres.

The site is approximately 500 metres from the entrance to the Burwood railway station; 150 metres from the edge of the Burwood town centre; and approximately 510 metres from the Strathfield railway station. Further, the site also adjoins a bus corridor with the nearest bus stop approximately 50 metres away. In terms of location therefore, the site is very well connected to public transport; jobs; and community services and facilities.

The site, prior to formal lodgement of the planning proposal, at considerable expense was amalgamated with an adjoining two lots not previously owned by the applicant. This amalgamation was implemented after receiving advice from senior strategic staff of the Council that a higher density scheme would be

more readily considered if the full block, being 3,413 m² was included in a new planning proposal application. The site comprises eight (8) allotments, known legally as:

- 68 Railway Parade – Lot 1 DP 794978
- 68A Railway Parade – Lot 4 DP 1105410
- 70 Railway Parade – Lot 2 DP 591171
- 72 Railway Parade – Lot 1 DP 80269
- 2-2A Oxford Street – SP 39363
- 4-6 Oxford Street – SP83675
- 8-10 Oxford Street – Lot 1 and 2 DP 226905



Figure 2: Site Context

The northern six allotments being 68, 68A, 70 – 72 Railway Parade and 2-2A Oxford Street, previously contained a number of land uses including a two storey boarding house; an auto electrical premises; an auto services premises with adjoining yard; and two storey brick building. These buildings have since ceased and the buildings demolished in accordance with the recent development approval for an 8 storey building (DA 74/2015) issued on 4 December 2015.

As referenced earlier and since this approval the two allotments to the south have been acquired, providing an opportunity to undertake further analysis of the ability of the site to deliver additional housing having regard to the impact on adjoining land and the site's strategic location. The additional two allotments at 4-10 Oxford Street contain a two storey dwelling house and dual occupancy.

Following extensive urban design analysis across the block and having regard to the adjoining school to the south and east, surrounding residential development to the west, the railway line to the north, a proposed indicative concept was prepared and lodged with Council. The concept proposed the following outcomes:

- The preferred concept includes an 18 storey signature corner building with two lower 14 storey building elements to the street edges, separated by a recessed building edge. The preferred option includes approximately 219 units – approximately 132 additional apartments to that currently approved.
- The urban design analysis has also considered another two options, which includes:
 - A 14 storey corner element and 10 storey street edge building form (total of 163 apartments); and
 - A 16 storey corner element and 12 storey street edge building form (total of 191 apartments).
- The concept includes a taller corner element to define the Oxford Street and Railway Parade corner, and provides for lower elements along the street to provide a transition in scale of building form, height and density.
- The building is to be set back by at least 6 metres which will create a green landscaped corridor along Railway Parade and Oxford Street. While this setback is currently greater than the setback to the school it will align with the nature of the green edge providing a more attractive pedestrian environment and streetscape at pedestrian level. A Landscape and Public Domain Improvement Plan is included at Attachment 5 (Appendix D to the Planning Proposal) to illustrate the intent of the landscape interface between the building and Railway Parade.
- Communal open space is provided to the rear of the site behind the main building elevations. The open space, in conjunction with the landscaped setbacks provide a buffer to the school grounds and ensure adequate separation.

To facilitate development, the Planning Proposal sought to amend the Floor Space Ratio Map and the Height of Buildings Map under Burwood LEP 2012. While options were presented in the Urban Design Report and Planning Proposal, the Planning Proposal specifically sought to accommodate a maximum floor space ratio of 5.45:1 (from 3:1) and a building with a maximum height of 58 metres (18 storeys). The indicative development concept and proposed typical section plan is included in **Figures 3 and 4** below:



Figure 5: Indicative development concept - elevations



Figure 4: Indicative development elevation

Supporting Documentation

Please find attached the completed application form that accompanies this letter. The following documents are also attached in support of the rezoning request:

- Attachment 1 – The Planning Proposal, prepared by Pacific Planning dated February 2017
- Attachment 2 – Existing LEP Maps
- Attachment 3 – Original Urban Design Report and Concept Design prepared by Aleksandar Design Group dated December 2016
- Attachment 4 – Traffic and Parking Impact Report prepared by Motion Traffic Engineers dated February 2017
- Attachment 5 – Landscape and Public Domain Improvement Plan prepared by Canvas Landscape Architects dated February 2017
- Attachment 6 – Response to Council comments prepared by Pacific Planning dated February 2017
- Attachment 7 – Submission to Burwood Council – response to Cardno comments prepared by Pacific Planning dated June 2017
- Attachment 8 – Visual Impact Assessment prepared by Aleksandar Design Group dated June 2017
- Attachment 9 – Traffic Impact Assessment Addendum prepared by Ason Group dated May 2017
- Attachment 10 – Chronology of events and documents

A cheque in the sum of \$20,000 being the Department of Planning and Environment's (the Department) fee for the Rezoning Review (initial assessment & referral to Panel/Commission) accompanies this application.

Background

The subject site has a history of redevelopment proposals and has been the subject of numerous development applications and meetings with Council staff. Most recently, DA 74/2015 was approved on 4 December 2015 following consideration by the Sydney East Joint Regional Planning Panel.

DA 74/2015 included 68 – 72 Railway Parade and 2-2A Oxford Street. By including 72 Railway Parade, concerns over the isolated nature of the corner site and the capacity for future development was resolved. The DA sought the demolition of the existing buildings on the land and the construction of an 8 storey residential flat building that included a total of 87 residential apartments and basement car parking for a total of 116 vehicles and 24 bicycle spaces.

During the development history of the site, the benefits of an amalgamated site were recognised and encouraged. It was considered that an amalgamated site could accommodate a review of the controls subject to urban design analysis and impact assessment. Since the approval of DA 74/2015, the two allotments to the south being 4-10 Oxford Street were also acquired. This now provides an opportunity to undertake further analysis of the ability of the site to deliver additional housing having regard to the impact on adjoining land and the site's strategic location. The acquisition also rounds off the residential site with no other adjoining residential land uses or isolated allotments to create an island site.

On **24 November 2016** a pre-lodgement meeting was held with Council staff to discuss the proposed development concepts and the implications for a planning proposal. Council provided comments/minutes to this meeting on **23 December 2016**. These comments were considered and a detailed response to the matters raised was included in the original Planning Proposal. A summary of the response to those matters is included in the table at Appendix E to the Planning Proposal (Attachment 6).

Principally the issues raised related to urban design, building massing and height. The urban design analysis that supported the Planning Proposal considered three options as follows:

- 14 storey corner element; 10 storey remainder
- 16 storey corner element; 12 storey remainder
- 18 storey corner element; 14 storey remainder

The urban design analysis that has been undertaken considered an appropriate extent of height increases and the appropriate amount. A strong corner address was considered important and a difference of 4 storeys was also considered appropriate to provide a strong transition. This was initially considered at 14 and 10 storeys, while greater height was subsequently tested having regard to adjoining existing development and the broader height plane between Strathfield and Burwood centres.

The urban design report noted the ability across the suburban context to transition to existing and proposed buildings having regard to other planning proposals being considered (such as the Burwood Plaza), and existing controls to which development could potentially be built. The urban design report therefore provided the three options for Council's consideration having regard to existing and future character of Burwood.

Further, it was also agreed that large building expanses would not provide an architecturally desirable outcome and may dominate the streetscape. Therefore, it was proposed to recess part of the frontage to

differentiate between the two building forms. This was also reinforced by the difference in height between the corner element and the lower building elements that front the street.

The options informed the controls proposed by the Planning Proposal. However, because a Planning Proposal can only seek specific amendments to the Council's Environmental Planning Instrument, technically only one option is presented in the Planning Proposal rather than presenting a range of options as contained in the Urban Design Documents supporting the Planning Proposal. While the maximum 18 storey option was submitted, this would be more akin to the potential future character of Burwood, however the options could be discussed and refined through the course of assessment as is intended under the Gateway and plan making process. Subsequently, on **13 February 2017**, the Planning Proposal was lodged with Council that sought:

- To increase the maximum building height control from 26 metres to 58 metres (18 storeys), and
- To increase the maximum floor space ratio control from 3:1 to 5.45:1.
- Alternate options considered by the Planning Proposal (page 11) and Urban Design Report.

Following the submission, Council appointed an independent consultant to undertake a review of the Planning Proposal with a view to providing a recommendation to the Council.

Council facilitated a meeting with Cardno on **3 April 2017** to discuss the proposal and assist the proponent to understand and address any issues raised with the Planning Proposal.

Council responded in writing on **11 April 2017** with a summary of the issues raised and identified where additional information was sought. A formal response to the matters raised was submitted to Cardno via Council on **5 June 2017**. The response table is included at Appendix F to the Planning Proposal (Attachment 7). This submission was also supported by a Visual Impact Assessment prepared by Aleksandar Design Group at Appendix G to the Planning Proposal (Attachment 8 – note this included the various height options previously presented/discussed) and a Traffic Impact Assessment Addendum prepared by Ason Group at Appendix H to the Planning Proposal (Attachment 9).

Cardno finalised their Assessment Report and recommendation in July 2017. In summary, the report made the following remarks:

- Based on an assessment of the documentation, the site context, potential impacts and the current statutory plans, and local and state strategies and policies, the proposed 14 to 18 storey height limits were considered excessive.
- If buildings were kept to a maximum of 14 storeys the difference in visual impact to heritage items compared to the approved development would be minimal and therefore more acceptable.
- In recognition of the benefits of amassing a consolidated site, a maximum of 12 storeys on the site was recommended. This included a maximum 10 storey element away from the corner on Railway Parade and a 9 storey element away from the corner on Oxford Street.
- The inclusion of non-residential uses to activate the ground floor street edge in the form of possibly convenience retail/café or community/child care.
- A public open space along the Oxford Street frontage. The intent of this was to break up the building form.
- The preparation of a Heritage Impact Assessment.

In this regard, and following consultation between Council and the proponent the recommendations of the independent consultant were generally agreed with subject to refinement as they specific heights due to floor to ceiling requirements. An amended Planning Proposal was prepared but not in time for the formal consideration by the elected Council, which was kindly facilitated by the Council staff due to the imminent Council shut down associated with the upcoming Council elections. This meant the matter would not be able to be considered for a further three months. **As supported by the proponent, the following recommendation was made to a meeting of Council on 25 July 2017:**

1. The proponent be requested to revise the scale and parameters of development proposed in line with the recommendations of the independent assessment of the Planning Proposal.
2. The Planning Proposal be submitted to the Department of Planning & Environment for a Gateway Determination only after it has been amended to the satisfaction of the independent consultant and the General Manager.
3. The General Manager be authorised to negotiate a VPA which will be exhibited concurrently with the Planning Proposal after any positive Gateway Determination being issued by the Department of Planning & Environment.
4. The applicant be advised of Council's resolution and be provided with a copy of the independent assessment report.

Council formally considered the matter on **25 July 2017**. While agreement was reached between the proponent, Council staff and Cardno on a revised scheme in accordance with the Cardno recommendations and was clearly confirmed to the meeting of the Council by the Council staff, and the applicant in their presentation to the Council at the meeting, the debate by Councillors focussed on the highest yield scheme of 5.45:1 and 58 metres. While this was not being sought anymore by the proponent, there was insufficient time to provide a revised Planning Proposal prior to the meeting. The Council therefore resolved:

1. *There is no justification for the planning proposal's uplift in height and density in any strategic plans or studies.*
2. *The planning proposal compromises the hierarchy of heights established by LEP 2012 between the Burwood and Strathfield Town Centres.*
3. *The planning proposal has significant impacts on the amenity of the surrounding residents and school community.*
4. *The planning proposal has significant overshadowing and overlooking on the playground of Burwood public School.*
5. *The bulk of the building as viewed from Railway Parade will dominate the streetscape and have adverse visual impact.*
6. *There is no documentation outlining the impacts of the planning proposal on nearby heritage items.*
7. *There is lack of modulation in the building as presented in the plans.*
8. *A precedent will be set of taller buildings outside the Burwood and Strathfield Town Centres and for the rest of Oxford Street.*

The Council Agenda including the Council Officers Report, the independent report prepared by Cardno and the Planning Proposal is included at Attachment 10 (Appendix 3) and the Council minute is included at Attachment 10 (Appendix 4).

Following receipt of the Cardno report and in accordance with the Cardno recommendation, an amended concept design was prepared. Suggested amendments were progressed such as building height, and the design further tested issues identified such as building mass, siting and solar access to the adjoining Burwood Public School.

The revised concept resulted in a scheme that would seek maximum building heights of 46, 40 and 36 metres and a maximum Floor Space Ratio control of 4.49:1 (4.5:1 with rounding).

Notwithstanding, the Planning Proposal originally lodged on **13 February 2017** sought:

- To increase the maximum building height control from 26 metres to 58 metres (18 storeys), and
- To increase the maximum floor space ratio control from 3:1 to 5.45:1.
- Alternate options considered by the Planning Proposal (page 11) and Urban Design Report.

The notification letter is included within the chronology at Attachment 10 (Appendix 7). Council's formal response to the Council decision was not received until 18 September 2017, two months after the Council decision. In that time, and given the recommendations of Council staff and Council's independent consultant (Cardno), (i.e. "The proponent be requested to revise the scale and parameters of development proposed in line with the recommendations of the independent assessment of the Planning Proposal"), a revised Planning Proposal was prepared and submitted to the Council on **24 August 2017**.

The revised submission of 24 August 2017 was also supported by a request on **4 September 2017**, which was accompanied by a fee of \$1500 in accordance with Council's 2017-2018 Schedule of Fees and Charges. The request sought the matter be formally reconsidered.

The above letter to Council of 24 August 2017 is included at Attachment 10 (Appendix 6) and Council's response and notification of the decision is included at Attachment 10 (appendix 7).

Justification for Review

It is noted that the Department of Planning and Environment announced changes to the Rezoning Review process (formerly pre-Gateway review) which commenced on 1 September 2016. The revised process seeks to increase independence, transparency and to focus reviews on a strengthened strategic merit test..

The Department's Planning Circular (PS 16-001) notes that a key factor in determining whether a proposal should proceed to a Gateway determination should be its strategic merit. It is considered that the planning proposal meets this test as follows:

Rezoning Review Strategic Merit Test	Comment
Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans	<u>A Plan for Growing Sydney/A Metropolis of Three Cities</u> The Department of Planning and Environment's <i>A Plan for Growing Sydney</i> was released in December

<p>applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or</p>	<p>2014. A Metropolis of Three Cities – the Greater Sydney Region Plan was released on 18 March 2018. However, the Planning Proposal has undertaken a detailed examination of the Goals, Directions and Actions of <i>A Plan for Growing Sydney</i>. In that context, the Planning Proposal provides for housing intensification in a location identified as being appropriate, given the site is 150 metres from the Burwood town centre which is identified as a “Strategic Centre” under the Strategy/Greater Sydney Region Plan.</p> <p>A higher density residential or mixed use commercial and residential development (shop top housing) on the subject site will provide additional housing supply close to jobs and existing employment opportunities. The site is close to the Burwood and Strathfield centres and public transport nodes supporting transit orientated development and access to broader metropolitan Sydney.</p> <p><u>Eastern City District Plan</u></p> <p>The draft Central (now Eastern City) District Plan was released for comment in November 2016 and again in October 2017. The original Planning Proposal therefore addressed the draft document. While the strategy was in draft format, it did seek to unlock the potential for employment growth and urban renewal, including planning for greater housing supply in appropriate locations.</p> <p>The Eastern City District Plan was released on 18 March 2018 concurrently with the Greater Sydney Commissions A Metropolis of Three Cities – the Greater Sydney Region Plan.</p> <p>While the Planning Proposal did not rely on housing targets given the established strategic merit within this submission, the housing targets and projections are relevant in support of the increase in density on an amalgamated site and in accordance with the broader objectives for the Burwood Strategic Centre. A key priority of the District Plan (E5) seeks to ‘provide housing supply, choice and affordability with access to jobs, services and public transport’. This includes facilitating ‘greater housing supply’ coordinated with local infrastructure to create liveable, walkable neighbourhoods with direct, safe</p>
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	<p>and universally designed pedestrian and cycling connections to shops, services and public transport.</p> <p>The Plan acknowledges that additional capacity for housing supply is well progressed through Planned Precincts such as the Burwood, Strathfield and Homebush Precinct, and that opportunities for urban renewal should consider ‘accessibility to jobs’ and ‘accessibility to regional transport’. The Planning Proposal is therefore considered to be an opportunity to support additional housing supply above that currently approved, given the amalgamation of a larger residential site. The Planning Proposal is consistent with the goals and priorities for the Eastern City District, including to accelerate housing supply, revitalise suburbs, and identify suitable locations for new homes and jobs close to transport.</p> <p><u>Homebush Strathfield Burwood Priority Precinct</u></p> <p>The Department of Planning and Environment announced fifteen new priority precincts on 1 June 2017 to “<i>provide more homes and jobs close to public transport, shops and services</i>”. This included a Homebush, Strathfield and Burwood Priority Precinct, in recognition of the strong public transport links through train, buses, future light rail and the opportunities presented by WestConnex.</p> <p>While the planning for the precinct is in the early stages and it is unclear specifically how the subject site and proposed controls will be affected, the site does fall within the Precinct, just outside the 400 metre radius of both the Burwood and Strathfield train stations.</p> <p>As stated within the independent consultant’s report, it is not clear how the site will be affected. However, the Planning Proposal clearly supports the Government’s directive to encourage growth in locations where it can be accommodated. This Planning Proposal demonstrates the suitability of the site to accommodate additional height and density having regard to the Government’s strategic directive and the Council’s independent consultants’ assessment of the original Planning Proposal.</p>
Consistent with a relevant local strategy that has been endorsed by the Department; or	<p><u>Burwood 2030 Community Strategic Plan</u></p> <p>The Burwood 2030 Community Strategic Plan sets the communities vision for the future of Burwood to</p>

	<p>create a “<i>well connected, sustainable and safe community that embraces and celebrates its culture and diversity</i>”. It is not clear whether this Strategic Plan has been endorsed by the Department.</p> <p>The 5 key themes of the Strategic Plan are considered in more detail on Page 22 of the Planning Proposal, and summarised below:</p> <ul style="list-style-type: none"> • The proposal will facilitate a development that presents a street address that encourages passive surveillance and a strong built form edge. • The Planning Proposal facilitates an improved building footprint, a larger pedestrian footpath, landscaped setbacks, and a stronger corner feature defining the entry to central Burwood. • The generous setbacks provide an attractive green edge for the purposes of footpath widening and enabling passive recreation which will strengthen movement along Railway Parade, particularly improving connections to the Burwood centre. • The site is located within 500 metres of the Burwood train station and 510 metres of the Strathfield train station. This provides excellent access to the other centres along the western railway line such as Sydney and Parramatta and further afield to metropolitan Sydney. This supports the principles of transit orientated development and reduced car dependency. • Burwood is identified as a District Centre under the draft Central District Plan. While the site is technically just outside the town centre, it is still within 500 metres of the train station and 150 metres from the edge of the town centre. • The scale of the retail uses will not impact economic growth within the Burwood town centre, rather the mixed use nature of development, which is permissible in the R1 zone, would support a neighbourhood catchment and revitalise the streetscape and interaction between built form and public realm.
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<p>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.</p> <p>Note: a proposal that seeks to amend controls that are less than 5 years old will only be considered where it clearly meets the Strategic Merit Test.</p>	<p>Burwood LEP 2012 commenced on 9 November 2012 when it was published on the NSW Legislation website.</p> <p>It is now 5 years since the controls were last tested/analysed. The recent amalgamation of the entire residential block has also facilitated a review of the planning controls. The site at 3,413 m², being a corner block with two street frontages and no adjoining residential neighbours, has created an opportunity to provide an appropriate urban design response. Detailed analysis of overshadowing, street address and visual impacts from the adjoining school have all been carefully considered.</p> <p>Further, the amalgamation of the site seeks to review the planning controls in accordance with the objectives of a Plan for Growing Sydney: <i>“unlocking developable land by consolidating fragmented sites for redevelopment and improving planning policies and regulations will encourage flexibility, higher density and a more diverse range of activities”</i>.</p> <p>The strategic planning framework for the area, and the timeframe since the appropriateness of the controls were last considered has allowed for a review of the subject amalgamated block. In this regard A Metropolis of Three Cities and the Eastern City District Plan identifies Burwood as a Strategic Centre and the site is within an area identified as a Priority Precinct. However, any development must be appropriate to its current location and context. The extensive urban analysis and scale of uses is considered to support Burwood and Strathfield centres and the locational benefits of future residents to jobs, employment and public transport.</p>
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It is noted that the revised strategic merit test under the Rezoning Review process states that *“a draft regional plan outside of the Greater Sydney Region, district plan within the Greater Sydney Region or corridor/precinct plan that has been released for public comment by the Minister for Planning, Greater Sydney Commission or Department of Planning and Environment does not form the basis for the Strategic Merit Test where the Minister for Planning, Greater Sydney Commission or Department of Planning and Environment announces that there is to be another exhibition of, or it is not proposed to finalise, that draft regional, district or corridor/precinct plan”*.

As noted above, on 18 March 2018, the Greater Sydney Commission released A Metropolis of Three Cities – Greater Sydney Region Plan and the Eastern City District Plan. As this Plan has now been formally released it carries significantly more weight to the Planning Proposal. The site is a key urban renewal opportunity, close to transport, jobs, services and entertainment. The Plan also acknowledges the

Homebush Strathfield Burwood Priority Precinct and while detailed planning has yet to be released for this precinct it is a significant indication of the future vision for the small corridor between Strathfield and Burwood.

Having met and addressed the Strategic Merit Test criteria above, the Rezoning Review process will undertake further assessment of the proposal based on site specific merit, addressed below:

Rezoning Review Site-Specific Merit Test	Comment
The natural environment (including known significant environmental values, resources or hazards);	<p>The site is located in an urban environment. The site is subject to an existing consent for an 8 storey building and demolition has already occurred in accordance with the consent. The Planning Proposal now also includes 4-10 Oxford Street which contains current residential development.</p> <p>The site is not flood prone and is therefore not known to contain any critical habitat or threatened species, populations or ecological communities or habitats.</p>
The existing uses, approved uses and likely future uses of land in the vicinity of the land subject to the proposal; and	<p>The northern six allotments being 68, 68A, 70 – 72 Railway Parade and 2-2A Oxford Street, previously contained a number of land uses including a two storey boarding house; an auto electrical premises; an auto services premises with adjoining yard; and two storey brick building. These buildings have since ceased and the buildings demolished in accordance with the recent development approval for an 8 storey building (DA 74/2015) issued on 4 December 2015. Since this approval the two allotments to the south have been acquired. The additional two allotments at 4-10 Oxford Street contain a two storey dwelling house and dual occupancy.</p> <p>The future development outcome for the site will therefore be residential with the potential for shop top housing if supported or required by Council and in accordance with the objectives of the R1 General Residential zone. Burwood Public School adjoins the site, and although unlikely to relocate or be redeveloped in the short term, it is also zoned R1 General Residential with a FSR of 3:1 so is capable of being redeveloped for the purposes of a residential flat building. However, the urban design analysis has studied the overshadowing impacts on an hourly basis through mid-winter and comply with all controls and objectives of the Apartment Design Guide.</p> <p>The site also has a generous north facing frontage to Railway Parade which provides separation from the rail corridor and mitigates any potential land use conflict to other development.</p>

	<p>The site, being within such close proximity to two train stations and a 'Strategic Centre under <i>A Metropolis of Three Cities</i>, within a Priority Precinct area, and with minimal impacts from an increase in height (which is focussed towards the front of the site) on surrounding development clearly demonstrates strategic and site-specific planning merit.</p>
<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>	<p><u>Utilities and Services</u></p> <p>The full range of utility services including electricity, telecommunications, water, sewer and stormwater are all currently available on the site. These services were to be upgraded as part of the currently approved development application. Consultation with relevant authorities during the public exhibition of the Planning Proposal will confirm the capacity of current utilities to serve the increase in density on the site.</p> <p><u>Public Transport</u></p> <p>The site is well serviced by public transport being within 500 metres walking distance from Burwood train station and 510 metres walking distance from Strathfield train station. Railway Parade is also on a bus corridor with the nearest bus station approximately 50 meters to the east.</p> <p><u>Traffic and Parking</u></p> <p>A Traffic and Parking Impact Report has been prepared by Motion Traffic Engineers at Appendix C (Attachment 4) and a Traffic Impact Assessment has been prepared by Ason Group as an Addendum to the original Report at Appendix H (Attachment 9). The Assessment was prepared in response to the traffic and transport matters raised at the meeting with Cardno (Council's independent consultant) on 3 April 2017. The Assessment includes SIDRA Modelling results and concludes that <i>"the increased traffic generated by the development will have minimal impact on the surrounding road network"</i>.</p>

Conclusion

It is noted that the independent consultant and Council report concluded that *“a moderate increase in development potential may be reasonable on the basis of having amalgamated several parcels, and its separation from other residential uses”*. This was subject to further analysis of overshadowing impacts, a reduction in height and massing and the inclusion of some non-residential uses. While this did not form part of the original Planning Proposal lodged with Council, it did form part of the collaborative process prior to a Council determination.

The elected Council, in considering the matter on **25 July 2017** raised many of the same concerns that were originally raised by the Council’s independent consultant when that consultant was initially engaged by Council staff to consider the original application. However, the Council in considering the Planning Proposal chose not to acknowledge the recommendations that a revised scheme could be supported, and refused the Planning Proposal on the grounds identified by the consultant. A revised scheme was prepared by the proponent before the meeting but due to the time constraints with the impending Council elections and close down period it was not lodged prior to the meeting of Council on 25 July 2017.

On 18 September 2017 Council advised under Clause 10A of the Environmental Planning and Assessment Regulation 2000, that council had decided not to prepare a planning proposal at its meeting of 25 July 2017 and would not would not reconsider the Planning Proposal or revised Planning Proposal which was prepared in accordance with the Council staff recommendation to Council at its meeting.

As stated in the Department’s A Guide to preparing local environmental plans the Gateway determination is *“a checkpoint to ensure there is sufficient justification early in the process to proceed with the planning proposal”*. Significant work has been undertaken and it is evident that the minor increase in height and density is consistent with the broader strategic planning framework and any site specific impacts are minor or can be mitigated.

It is thus sought that the Planning Proposal be further considered by the Gateway, and if supported by the state government, further assessment and *“resources committed to carrying out investigative research, preparatory work and consultation with agencies and the community”* can occur.

In closing, it is considered that the Planning Proposal has met the strategic merit thresholds and site specific thresholds for approval under the Rezoning Review process and consideration by the Gateway as follows:

1. The Planning Proposal will facilitate a development that will provide approximately 219 apartments (132 additional apartments to that approved) which will contribute to housing supply in the area, and include a variety of dwelling types and sizes. This will respond to the needs of the local community through housing choice for a variety of age groups, demographics and families. In doing so, it also provides access for workers to the Burwood town centre supporting growth, vibrancy and vitality of Burwood as a destination.
2. The Planning Proposal facilitates additional housing supply and therefore employment supply within walking distance of a ‘Strategic Centre’ where job opportunities are subject to grow with the status of the Burwood centre. Further, given the access to transport networks the additional

housing supply in this location provides access to a much larger network of jobs and employment opportunities.

3. The Planning Proposal has undertaken a detailed examination of the Goals, Directions and Actions of A Plan for Growing Sydney and provides for housing intensification in a location identified as being appropriate as it is located within 500 metres of two train stations along the main Western Line connecting the site to Parramatta and the Sydney CBD. This provides more homes closer to jobs and connects future residents with other parts of the corridor.

Note: When the Planning Proposal was prepared *A Plan for Growing Sydney* was the applicable Regional Plan. However, as discussed in this submission *A Metropolis of Three Cities* was released on 18 March 2018. While the Planning Proposal continues to align itself with the strategic direction of the State Plan, more detailed analysis can be undertaken for the purposes of submission to the Gateway.

4. The Planning Proposal is consistent with the draft Central District Plan, which seeks to unlock the potential for employment growth and urban renewal, including planning for greater housing supply in appropriate locations.

Note: The Eastern City District Plan was released on 18 March 2018. A key priority of the District Plan (E5) seeks to 'provide housing supply, choice and affordability with access to jobs, services and public transport'. Given the sites proximity to centres and regional transport, the Planning Proposal is clearly consistent with the vision of the new Plan.

5. The current development controls are now five years old and don't necessarily match the existing infrastructure, the role of Burwood as a Strategic Centre and the ability of the area to support appropriate growth as part of a Priority Precinct planning process.

Thank you for your consideration of the subject Planning Proposal, and we look forward to progressing the matter with the Department and the Sydney Planning Panel. If you have any questions in relation to this matter, please do not hesitate to contact me on 0437 521 110.

Yours sincerely



James Mathews
Planning Director
Pacific Planning