



MS D. LEESON: Okay. We're good to go? Have you turned – are we on?

MR .....: Yes.

5 MS LEESON: Okay. Terrific. Thank you. Look, hi. Thanks for coming in,  
making yourself available. We've got a piece here that we will go through in the  
formal process of the Commission. So I'd like to acknowledge the traditional  
owners of the land on which we meet and pay my respect to elders past and present.  
So welcome and thanks for coming along today on the rezoning review request of a  
10 planning proposal that seeks to amend the Burwood LEP Plan 2012 in relation to  
development controls ..... at 68 to 72 Railway Parade and 2 to 2A, 4 to 10 Oxford  
Street, Burwood. My name is Diane Leeson, and I am the chair of this IPC panel.  
Joining me on the panel is Chris Wilson. The other attendee of the meeting is  
Matthew Todd Jones from the IPC Secretariat.

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In the interests of openness and transparency and to ensure the full capture of  
information, today's meeting is being recorded and a full transcript will be produced  
and made available on the Commission's website. This is a new practice for the  
Commission. This meeting is one part of the Commission's decision-making  
20 process. It is taking place at the preliminary stage of this process and will form one  
of several sources of information upon which the Commission will base its decision.  
It is important for the Commissioners to ask questions of attendees and to clarify  
issues whenever we consider it appropriate. If you are asked a question and are not  
in a position to answer, please feel free to take the question on notice and provide  
25 any additional information in writing, which we will then put on our website. So  
now we will begin. Laura, are you hearing everything okay?

MONITOR: Yes.

30 MS LEESON: Okay. Terrific. Thank you. So as I say, thanks, thanks again for  
coming along. We've introduced ourselves. I think what we'd like to do today is get  
through a few things while we've got the time. We'd like you to outline to us,  
basically, the process that we've been – that you've been through to date, the  
strategic context of Burwood, Strathfield and where this site sits within that, and then  
35 we'll get into some other things about the role of the planning panel and the strategic  
merit, lack of or otherwise around the site as well.

So to begin, can you clarify for us the process that has been undertaken to date. I'm  
happy to paraphrase what I think has occurred is that the proponent put in a request  
40 for an 18-storey development at 58 metres, that council staff engaged an independent  
consultant, Cardno, to do a review of that, which we take to be mostly an urban  
design review of the site itself. There appears to be then some toing and froing or,  
you know, reiteration of the work, and council staff then put to council a revised  
proposal, or thoughts of a revised proposal from the proponent to bring it back to 12,  
45 10 and nine storeys.

MS A. HARVEY: Correct, yes.

MS LEESON: Okay. And that council essentially rejected those recommendations to – for that height and the recommendation that the general manager and the  
5 independent consultant be asked to sign off on something. So wanted to see it come  
back. And then this is where I get a bit hazy in particular. Then there were, I think,  
some toings and froings around procedural matters and why it's now come back at an  
18-storey development. So if I'm right to that point, do you want to pick up the  
10 threads from there and explain - - -

MS HARVEY: You can take the detail and I'll follow you.

MR K. WALSH: Yeah.

15 MS LEESON: Does that make sense to everybody?

MR WALSH: Yeah.

MS HARVEY: Yeah.

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MS LEESON: Yeah.

MS HARVEY: Yeah, there's - - -

25 MR WALSH: Yeah, you're right. In terms of – yeah, originally, it was 18-storey,  
the original proposal. The council then engaged Cardno just to go over again to do  
an independent assessment of that. That independent assessment came back with a  
maximum of 12 storeys, 10 and nine storeys to each side. That ..... council staff  
30 recommendation to the council meeting in July last year stating that it should – they  
think it should be amended to meet that recommendation from Cardno, who went to  
the council meeting and the council has refused the proposal. Then the proponent  
attempted to amend the proposal to be in line – this is what they've stated to us – to  
be in line with the Cardno recommendation and submit that as an amended planned  
35 proposal.

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Then the council staff – there was an internal review procedure at council which is  
unique to Burwood, I think, so maybe they can comment on that in terms of their  
own internal process. But in some circumstances, I think they allow amended  
40 planned proposal – no, sorry, they – in some circumstances they allow a review of –  
whether it's development application or planning – I think it's called planning  
proposals, where there's a small fee that is charged in each case.

MS LEESON: That's the \$1500 fee?

45 MR C. WILSON: That's the \$1500 fee.

MS LEESON: Yeah. Okay.

MR WALSH: In this case they didn't this it was appropriate for that to occur in the circumstance because they were – it was a different planning proposal that was being considered. It wasn't - - -

5 MR WILSON: Yeah.

MR WALSH: So - - -

MR WILSON: It wasn't substantially the same.

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MR WALSH: I assume that was the reason. So they advise the proponent that they need to lodge it as a new planning proposal, and then the proponent attempted to lodge a rezoning review with the department reflecting the amended planning proposal, and then the department procedures are that we – it needs to be – the rezoning review needs to reflect what was considered by council and what went to the council meeting, and it hadn't been amended prior to that council meeting to reflect the amended proposal. So our advice to them was we can only consider the original proposal at 58 metres.

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20 MS LEESON: Right.

MS HARVEY: And I'll clarify that the proponent was willing to accept the Cardno recommendations and to amend the proposal as was proposed by the council officers to the council.

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MS LEESON: Okay. Okay. I mean, it's interesting, the planning panel looked at the original proposal and they also made comment on the lower developments. This will bring us to the strategic merit - - -

30 MS HARVEY: Yes.

MS LEESON: - - - issue, I think, but they also made a comment that they didn't think that was appropriate at the smaller scale. So that's possibly for another time. Then can you outline for us the strategic context in which Burwood and Strathfield sit and how this relates to that strategy.

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MR WALSH: Yeah, well, I guess there's no specific strategic plan at the moment for this site and this area. At the moment, the department's urban renewal team is – has announced the Burwood, Homebush, Strathfield planned precinct, and that's still in early phases at the moment where they are currently doing traffic studies, urban design studies. The boundaries of that precinct haven't been clarified or released yet, so we don't know what they are. This site is halfway between Strathfield and Burwood, so we don't know whether it will be ..... planned precinct. That potentially could be something in the future, but it's not something we can consider at the moment. The Parramatta Road corridor is about 800 metres to the north of the site, so this site is outside the Parramatta Road transformation – urban corridor transformation strategy. The Eastern District Plan identifies Burwood as a strategic

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centre, and that's all we can really advise, I guess, in terms of strategic planning at the moment.

5 MS HARVEY: And we're not aware of any council local strategies either being prepared or in motion.

10 MS LEESON: No. Okay. Okay. Then the current controls for Burwood and Strathfield in concert give us two centres with lower-scale development between them, and this site is actually between – you know, in the middle of - - -

MS HARVEY: It's equidistant from the station.

MS LEESON: Equidistant.

15 MR WILSON: Yeah, about 500 metres.

MS HARVEY: 500 metres from one and - - -

20 MR WALSH: Yeah.

MS HARVEY: - - - 500 from the other.

MS LEESON: Yeah.

25 MS HARVEY: So it's smack in - - -

MS LEESON: So does the department have views on the LEP controls or the DCP controls in terms of those heights, you know, being at a lower level than the two centres? So gradation to a lower point in the middle.

30 MS HARVEY: I think just to be clear, when the department is asked to do rezoning review, we don't actually provide an opinion or a recommendation to the planning panel when a rezoning review is considered. That was the case previously when we did pre-Gateway reviews.

35 MS LEESON: Okay.

40 MS HARVEY: But now with the rezoning review process, we basically provide the information to the panel as proposed by the proponent and what the views are of the council and to provide the information about what the LEP and any other relevant controls that relate to the site. So we haven't actually, in any of the documentation that you've got before you, including our report, doesn't actually include any recommendations or any - - -

45 MS LEESON: No.

MS HARVEY: - - - opinions about what may or may not be appropriate for the site. So I put it on notice that we can't comment because of the procedure. But if you want us to, we'd have to consider that.

5 MS LEESON: Okay. Okay. I mean, on the planned precincts, are we right in understanding that they are like – and this is about planned precincts generally, that they're based around mass transit nodes with high densities at a 400-metre range?

MS HARVEY: I think the planned precincts are more than just because it's near a station. I think the planned precinct process is a bit more nuanced now, not just because it's closer to mass transit. It's also considering the infrastructure and other needs of the development that might – you know, the additional development that might come from a planned precinct, and we're seeing that with a number of the planned precincts at the department and the councils are involved in. I can't  
10 comment particularly on this one what the main key factors are, but across the board it's a balance of determining what uplift might be appropriate based on the capacity for those other things to occur. But the incentive is that, yes, some of them do – are either getting new mass transit or have existing good access, and that has been one of the factors when determining a planning proposal or planning – planned precinct,  
15 rather.  
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MR WILSON: Okay. Just trying to – yeah, just trying to understand. So – I mean, you've asked the questions that I was thinking of.

25 MS LEESON: Yeah.

MR WILSON: So I guess we don't want to ask you to provide an opinion or advice in relation to the street, but – so what we're saying – what we're seeing at the moment, we don't see any strategic plans that have advanced or point which we can  
30 consider in considering this. So that's correct?

MS HARVEY: Correct, yes.

MR WILSON: So there's a PP, I understand, for Burwood, planning proposal. Is it  
35 Burwood Place?

MS LEESON: Burwood Place, yeah.

MR WALSH: Yeah, Burwood Place. It's got a gate - - -  
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MR WILSON: Is – what's the status of that?

MR WALSH: It's got a Gateway approval. So - - -

45 MR WILSON: And sorry, can I just ask what the heights of that were and where it is.

MR WALSH: I think it's about 140 or 144 metres at the moment .....

MR WILSON: It has a Gateway determination, does it?

5 MR WALSH: It has a Gateway determination of four buildings.

MR WILSON: Yep.

MR WALSH: The highest being, I think, 144 metres, I think.

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MR WILSON: And that's in – right in Burwood Town Centre?

MR WALSH: That's right, to the south of the station, yes.

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MR WILSON: Okay.

MR WALSH: In the middle of the town centre, yeah.

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MR WILSON: Right. So – okay. That gives some strategic indication of what's happening in Burwood. Okay.

MR WALSH: Yeah.

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MR WILSON: Thanks.

MS LEESON: Are you able to give a comment on precedent that this project would entail if it was to go ahead at 18 storeys? Is - - -

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MR WALSH: I mean, I think the rezoning review process is purely looking at the strategic and site-specific merit, so I guess each new proposal that comes in, we'd have to look at that as well.

MS LEESON: Yeah.

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MR WALSH: So I think we'd be pre-empting a decision in future if they were going to use this as a precedent or not, but - - -

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MS HARVEY: And whether there'd be a catalyst for other proponents or other landowners to consider the same.

MR WALSH: Yeah.

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MS HARVEY: We wouldn't know, and we haven't had any conversations with any developers in the vicinity of the site, immediate that is, that have contemplated additional uplift also, so that might give you some idea, but you've got to look at the context. The school is next door: I can't see them developing it unless something else happens, but it's in an unusual sort of position, because you've got the railway to

the north, school to the south and there's not a great deal of, I suppose, opportunity sites on either side from that, but that would be the only comment I would make.

MS LEESON: Okay. Thanks.

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MR WALSH: Yes. I mean, I think the tallest building at the moment in the vicinity would be just south of Oxford Street. I think it's about eight storeys, so - - -

MR WILSON: And that's consistent with the controls – the current controls.

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MR WALSH: Yes. Yes.

MS LEESON: Yes. And from what I could see, when I had a very quick look at council's – Burwood Council's website, it does appear that most current applications – or a couple of current applications are in the eight-storey range, which is going to the control.

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MR WALSH: I mean, the council would also be able to comment on an existing DA for the site this side of .....

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MR WILSON: Yes. Yes. Which is one of those questions.

MS LEESON: Yes. Yes. We will be talking to council next.

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MR WALSH: Yes. Okay.

MS LEESON: So that's okay. Okay.

MR WILSON: So is there a timeframe for the priority precinct. There's not really, is there? It's just so early it's - - -

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MR WALSH: No.

MR WILSON: Yes.

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MR WALSH: I mean, I believe maybe next – some time mid-next year there may be a draft release, but – yes, yes.

MR WILSON: Yes. No. I appreciate that. Okay. And that the process is there's a draft and that draft is exhibited with controls and so forth.

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MS HARVEY: Correct. Yes.

MR WALSH: Yes. Yes.

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MS HARVEY: So nothing has been out in the public domain to give any indication  
- - -

MR WILSON: Yes.

MS LEESON: Other than the announcement of the - - -

5 MS HARVEY: Correct.

MR WALSH: Yes.

10 MR WILSON: Yes. Yes.

MS LEESON: - - - precinct process.

MS HARVEY: And, as we've intimated, that there's no boundary even to say that this site would even be ..... out of that planned precinct.

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MR WILSON: Yes. So – okay – so outside priority precincts – and this may not be a question you can answer – outside priority precincts, then whose responsibility is it for – is it then – subject to the region plans or district plans, is it then subject to council to prepare housing strategies to deliver the - - -

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MS HARVEY: Correct.

MR WILSON: Yes. Okay.

25 MS HARVEY: So just to sort of, I suppose, take a big step back and look at the strategic framework now in place as a consequence of the region plan, that's obviously derived via district plans, of which this one sits in one of those, and that's the East District.

30 MR WILSON: Yes.

MS HARVEY: That East District plan is, I suppose, our guide as a department, as the delegates of the GSC, to implement and give effect to that district plan. So when our planning proposal comes in for any site, whether it's in a plan precinct or not for that matter, I will just clarify, that proposal has to give regard, and should be – or expect to be consistent with that district plan. The additional steps beyond the district plan is that the councils all now have to do an LEP review where they're doing an audit of how their LEP and other planning policies align with that district plan and they're going through that process now.

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We haven't had Burwood Council's LEP review, so I can't comment where there may be alignment and where there may be misalignment with the district plan as yet, and there's a number of plan priorities in that district plan that they have to consider. Once that process is done, they will then go through – the LEP review will be reviewed by us at the department and assured by the GSC to see how they're tracking, and a report will be provided as to whether or not they have identified the right misalignments and/or alignment with the district plan and given some guidance,

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and that guidance will be taken by the council to prepare a local strategic planning statement and that statement is to do two things.

5 Firstly, it's to work with a local housing strategy that the council have got to do and that's fundamental for all the councils in Sydney at the moment, that they're to look at their housing targets, both for five, and 10 and 20-year timeframes, to try and identify opportunities in their local area to see where housing could be accommodated. The other part of it and the nuance is also housing diversity and choice. So initial indications by the GSC is that we should be reasonably on target.  
10 We're certainly on target for five-year targets for most councils in Sydney, and 10 years is looking reasonably comfortable. I can't comment particularly on Burwood, because I don't know, but one of the challenges will be to look at that diversity and choice as one of the requirements for that local strategic planning work for the local housing strategy.

15 That work will inform the local strategic planning document. Now, that document is the abridging version between the district plan and the LEP, and it's going to be really important, because it's going to actually tell the community, as much as anyone else, how the council are aligning themselves with the district plan, and it  
20 may not necessarily have all the LEP amended to reflect that district plan, but it will also just show an action plan about what work they may have to do and we're hoping that each of the councils will focus on a priority of what's important: not just housing, but other things. For Burwood, it may be, I don't know, open space or whatever, and we don't know that yet, because we haven't done their LEP review,  
25 but it will certainly be an opportunity for them to get some work done and an LEP amendment might ensue from that process.

The LES – sorry – LSPS will also provide a bit of an action plan to say and signal to us and the community, “We've still got work to do. We might need to do a heritage  
30 review. We might need to do, you know, an economic or employment study or ..... study to, again, address and look at more closely the district plan priorities and try and get our LEP and our planning policies aligned with that. So that's really just sort of next step that the council has to do.

35 MR WILSON: Yes. Has that – does the district plan dictate timeframes or not?

MS HARVEY: No. It doesn't, but we have set some timeframes as a government to the councils to actually complete that. The LSPS first draft should be made by  
40 mid-next year.

MR WILSON: Okay.

MS HARVEY: They're currently on a program to provide a draft LEP review by 31  
45 October this year and then the final LSPS should be made by the end of the year where the - - -

MS LEESON: Sorry. The LEP review is by October this year?

MS HARVEY: Yes. So that's the first audit.

MS LEESON: Yes.

5 MS HARVEY: That's an LEP. Just an audit to see how they're tracking or not with that particular – with the district plan. But, in the - - -

MS LEESON: And did you say you're not sure if Burwood has – where Burwood is in that audit process?

10 MS HARVEY: No. They're doing well.

MS LEESON: ..... Okay.

15 MS HARVEY: They're on track, as we understand, to meet 31 October deadline to get us that. We haven't seen a first draft or anything at this stage. So, again, we don't know what – how they view - - -

MS LEESON: No.

20 MS HARVEY: - - - themselves in alignment with that district plan, but I think there's a lot for them to do, but I think it's a good opportunity for them to sit back and reframe. They have also got to take into account the plan precinct work and that's difficult obviously at this stage to know what that amount - - -

25 MR WILSON: Yes. That's the top, isn't it.

MS HARVEY: You know, what that amounts to in terms of contributing to the housing strategies - - -

30 MR WILSON: That's right.

MS HARVEY: - - - but hopefully, over time – and it's not that we're expecting these LSPSs to have all the answers, but it's something that they know is on their radar and they're working alongside the department to actually – to culminate a plan precinct outcome and then later on they can update their LSPS as it goes along, and they're required to update that LSPS every seven years to give effect to the district plan and that generally – or should align with the refresh or the revisions to the district plan which will also occur just before that time.

40 MS LEESON: Thank you.

MR WILSON: So I'm just interested in relation to the relationship between the precinct plan process and those - - -

45 MS LEESON: Local .....

MR WILSON: - - - local strategies - - -

MS HARVEY: Yes.

5 MR WILSON: - - - because the precinct planning process does a fair bit of the heavy lifting, doesn't it, in terms of housing supply?

MS HARVEY: Yes. I think the other thing with the plan precinct is it is a more holistic – well, the attempt is a more holistic - - -

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MR WILSON: Yes, yes. I understand that. Yes.

MS HARVEY: Yes. But I think, coming back to your original question about how does – how would a council or, for that matter, how would the department, as  
15 delegate for the GSC, view a planning proposal in the context of the district plan, and they are already having an effect now. So, as we make a gateway determination for a planning proposal, we are very conscious of looking at all the aspects of that district plan to see where they do or don't achieve the outcomes and we have had some where they're – not in this instance for this particular proposal, but we have had  
20 others that are contradictory to the district plan.

MS LEESON: Okay.

MR WILSON: Okay. Look, I don't have any further questions, Dianne.  
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MS LEESON: No. No. Nor do I. I mean, I have found that very useful, that explanation of the hierarchy of the documents and where they're at with preparing precinct plans and the local strategic plans. So that gives, I think, a better context than I have had. Is there anything else that you wanted to give us a heads-up on that  
30 the department considers important in this particular case?

MR WALSH: I don't think so. Not from my end.

MS HARVEY: No. I think the documentation that we've provided will hopefully  
35 be enough, and that is our general expectation when we do put our rezoning review report to the panel, but it will be hopefully full enough and adequate to provide you all with the basic information to then form an opinion about the proposal.

MS LEESON: Yes. It does. Yes.  
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MS HARVEY: Yes.

MR WILSON: No. I think that's all I had.

45 MS LEESON: Okay. No. That's fine.

MS HARVEY: Okay.

MS LEESON: Matt, have we covered enough - - -

MR M. TODD-JONES: Yes.

5 MS LEESON: - - - from your perspective?

MR TODD-JONES: Yes.

10 MS LEESON: Yes. Okay.

MS HARVEY: Good. Okay.

MS LEESON: Look, thank you so much for - - -

15 MR WILSON: Thank you.

MS LEESON: - - - coming to the Commission today. We will be meeting with council and the proponent and doing a site visit this afternoon.

20 MR WALSH: Okay.

MS LEESON: And then we will get down to tin tacks and report writing.

25 MR WALSH: Okay.

MS LEESON: Thank you very much.

MR WILSON: Thanks.

30 MR WALSH: Yes. Thanks a lot.

MS HARVEY: Can I ask how long will it take to write just so - - -

35 MS LEESON: We're hoping to have this wrapped up at the end of next week.

MS HARVEY: Fantastic. Thank you.

**RECORDING CONCLUDED**

**[9.19 am]**