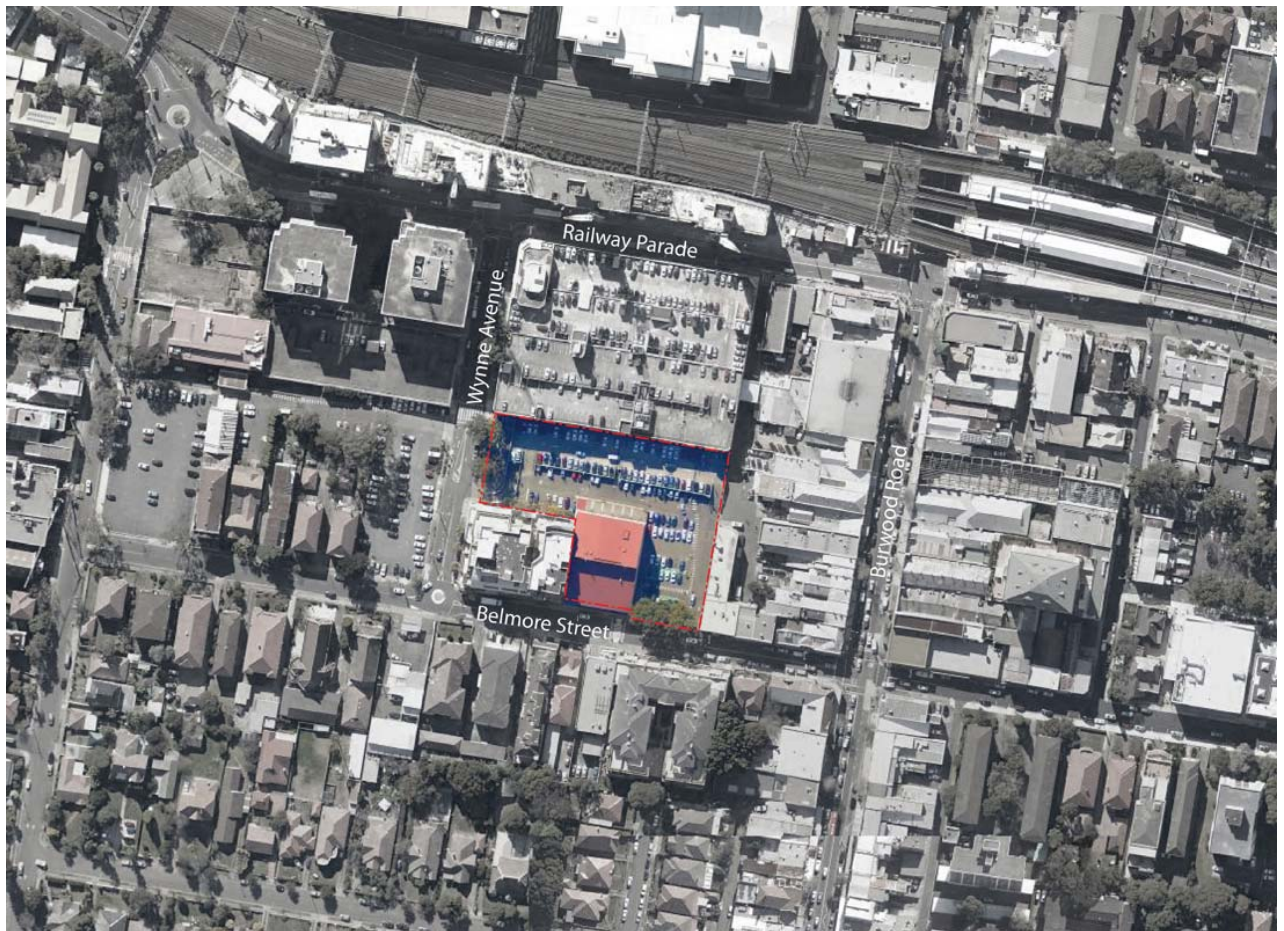


# Urban Design Assessment

Council Ref. N/A  
GMU Ref. 12032



Proposed Mixed Use Development at  
**27-31 Belmore Street, Burwood**

November 2012



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## 1.0 Introduction

GM Urban Design & Architecture (GMU) has been appointed by Burwood Council to undertake a SEPP 65 assessment and urban design review of the proposed mixed use development for 27-31 Belmore Street, Burwood. These sites are legally described as Lot 3 in DP816606 and Lot 1 in DP817913 respectively.

The purpose of this report is to evaluate amendments to the original development proposal and provide a final assessment with regards to its performance against applicable controls, SEPP 65 and the principles of the Residential Flat Design Code (RFDC), as well as its likely impacts on adjoining existing and future development.

Prior to this assessment, GMU has already completed a preliminary review of the Pre-DA drawings submitted to Council in April 2012 and provided a subsequent report dated September 2012. While the amended DA plans are discussed in more detail on the subsequent sections of this report, GMU has already analysed the proposal's overall context and response to surrounding heritage as per previous reports dated April and September 2012, and therefore they will not be repeated in this report.

### 1.1 Proposed Development

The proposal consists of three residential towers on top of a 3-storey podium containing commercial/retail tenancies located at the south western part of the block bounded by Railway Parade to the north, Belmore Street to the south, Burwood Road to the east and Wynne Avenue to the west. A 6-storey underground basement car park is provided (basement levels 1 to 4 having full site coverage and basement levels 5 and 6 having partial site coverage). The three residential towers consist of 222 residential units with the proposed maximum height being approx. 60m. The proposal has a non-residential FSR of 1.36:1 and residential FSR of 3.14:1, with a total FSR of 4.50:1 which complies with the allowable total FSR for the site of 4.5:1 and the 1.5:1 requirement for commercial FSR. However, the proposal's residential FSR of 3.14:1 exceeds the maximum allowable by 0.14:1.

### 1.2 Documents Reviewed

In preparing this report, GMU has reviewed the following documents describing the development proposal:

- Architectural drawings by Allen Jack+Cottier, dated 14 November 2012 (received on 19 Nov 2012)
- Design Report by Allen Jack+Cottier, dated 14 Nov 2012

Other documents previously reviewed include:

- Planning Agreement by HWL Ebsworth Lawyers, dated 30 March 2012 (received on 30 July 2012)
- Statement of Environmental Effects by Urbis Pty Ltd, dated July 2012 (received on n/a)
- Appendices include (received on n/a):
  - Survey Plan by Lockley Land Title Solutions, dated 15 August 2011
  - Landscape Report by Oculus, dated June 2012
  - Traffic Flow Diagram by James Taylor Associates, dated 23 July 2012
  - Site Contamination Assessment by Douglas Partners Pty Ltd, dated March 2012
  - SEPP 65 Compliance Table (provided with the application)
  - Heritage Impact Statement by Urbis Pty Ltd, dated July 2012
  - DCP Compliance Table (provided with the application)
  - DA Noise Assessment by Acoustic Logic Consultancy Pty Ltd, dated 26 March 2012
  - Traffic Assessment by Transport and Traffic Planning Associates (Rev B), dated July 2012
  - Crime Prevention Through Environmental Design by Urbis Pty Ltd, dated July 2012
  - Accessibility Report by Morris-Goding Accessibility Consulting (Final v3), dated 20 July 2012
  - BCA Capability Statement by Vic Lilli and Partners, dated 23 July 2012

- Waste Management Plan by Elephant Foot Waste Compactors Pty Ltd, dated 12 June 2012
- Demolition Report by James Taylor and Associates (Rev1), dated July 2012
- BASIX Certificates (428058M, 424652M, 426921M), dated 9 July 2012
- Geotechnical Investigation Report by Douglas Partners Pty Ltd, dated March 2012
- Electrical Services Concept by Ausgrid, dated 27 April 2012
- Quantity Surveyor's Report by Altus Group Cost Management Pty Ltd, dated 23 July 2012

GMU has reviewed the following controls relevant to the development proposal:

- Burwood Town Centre LEP 2010
- Burwood Town Centre DCP Part No. 36, 2010
- SEPP 65 and the Residential Flat Design Code (RFDC).

## 2.0 Analysis

### 2.1 Summary of Issues Previously Discussed

As part of GMU's preliminary analysis, a number of issues were raised and presented to Council on the report dated September 2012. These were subsequently discussed with the Applicant at various meetings held at Council offices. These issues mainly included aspect of the proposal's response to the DCP and the RFDC, which are discussed in the following sections of this report.

#### 2.1.1 Responses to the DCP

A summary of the most relevant issues with regards to the proposal's response to the DCP identified in GMU's preliminary overview is provided below. Please note that parking issues are being dealt by a separate consultant and therefore will not be repeated here. The most relevant issues were:

- As Burwood Town Centre DCP refers to the RFDC for compliance with separation distances. The proposed development did not meet the minimum RFDC's building separation requirements to the west (common boundary with 33-35 Belmore Street) for Tower A, which located balconies directly on the boundary for Levels 10 -15. This is in direct contravention of the DCP which requires towers above podium levels to observe separation distances as per RFDC.
- Tower B along the eastern tower encroached into the required building separation distances and failed to achieve equal sharing of building separation distance to the common boundary resulting in some visual and acoustic privacy, solar access and outlook issues with the adjacent site located at No. 25 Belmore Street.
- Tower B also failed to comply with the maximum building length with a 50m long elevation resulting in unattractive facades accentuated by long horizontal bands along the eastern elevation.
- The proposal also encroached on to the northern separation distances with site currently occupied by Burwood Plaza failing to achieve equal sharing of building separation distance to the common boundary.
- The secondary setback for the southern elevation encroached into the 6m setback zone, resulting in bulk issues when perceived along Belmore Street.
- Inadequate setback/separation to the northern side boundary of 33-35 Belmore Street resulting in compromised amenity to the existing units along that facade especially on Level 1.
- The communal open space dedicated for residential use on Level 4 failed to meet the minimum required area as per RFDC. The playground located to the south of eastern tower has poor amenity during the afternoon throughout most of the year.
- There was no indication of accessible units.
- Undesirable streetscape response to Wynne Avenue.
- Poor visibility and level treatment to the required 9.5m wide pedestrian way linking Wynne Avenue to Clarendon Place.

## 2.1.2 Responses to the RFDC

Based on the proposal's response to the objectives of SEPP 65, GMU identified in its report dated September 2012 the following issues:

### Building Design & Configuration

- Overlooking issues between balconies and bedroom of units in the southern tower as well as between the western balconies of the eastern tower and the bedrooms in the eastern part of the southern tower. This contributed to overlooking from upper to lower units.
- No passive surveillance for the forecourt and pedestrian link on ground level due to overhanging podium elements.
- Residents in the northern tower entering from the pedestrian way were required to transfer between lift cores on Level 4 eroding levels of safety and security.

### Internal amenity

- Some dual aspect units exceeded the recommended maximum width to maintain access to daylight and natural ventilation.
- Recessed balconies to the east of the eastern tower appear to be too narrow to contribute positively to the amenity of the single aspect units.
- The percentage of residential units achieving daylight access and natural cross ventilation did not meet the RFDC's minimum requirements.

### Aesthetics

- The overall massing of the proposal was box-like with an overwhelming scale due to insufficient setback distances. There was no setback towards the upper levels and this resulted in inappropriate bulk and scale. Protrusion of balconies crowning the top of the towers increased their perceived bulk.
- Tower B employed planar facades of up to 50m in length resulting in unattractive long walls accentuated by long horizontal bands along the facades.
- Roof design lacked visual interest.
- Insufficient information was provided in terms of external materials finishing and colours.

## 2.1.3 Issues addressed

Upon discussion of the issues raised by GMU, other consultants and Council's officers, the Applicant has provided updated drawings and a project design report for Council's consideration. GMU has reviewed the updated drawings dated 14 November 2012 to assess changes made to address previous comments and their level of compliance with the applicable controls. A number of the issues raised previously have been addressed and this is a positive outcome. These include the following:

- The overall activation and treatment at Ground Level along Wynne Avenue has improved due to the inclusion of a residential entry point for Tower C and the overall improvement of the opening to the pedestrian link adjacent to the northern boundary.
- The addition of a dedicated lobby entrance directly off the street for Tower C ameliorates safety and security issues for residents of Level 4, due to the residents and visitors' ability to use a dedicated entrance.
- The overall articulation of Tower B has been modified to remove previous blade details and to add a more vertical expression, which helps diminish its overall bulk and scale. Notwithstanding the above, GMU is still concerned about the level of exposure of this facade from the surrounding public domain to the east in the short to medium term or until development of the sites to the east takes place.
- The modifications to the servicing area along the north boundary of 33-35 Belmore Street have allowed a better relationship to the private open spaces of the existing units. Overall issues of overshadowing to these units will be discussed later in this report.

- Overall amendments to the pedestrian link along the northern boundary including the relocation of the lift present a better response and improved visibility as seen from Wynne Avenue.
- Reduced privacy issues between Tower A and B with the introduction of screening devices.
- Facade treatments for most towers, especially to Wynne Avenue appear well considered except for the latest changes to the tower elevations facing Belmore Road. These facades will be discussed in the following section of the report.

## 2.1.4 Outstanding Issues

### Building Design & Configuration

- To the north, the proposal's Level-5 residential uses run parallel with the northern boundary with a length of approx. 87m. This level is setback approx. 7.6m from the common boundary. This fails to comply with the minimum RFDC's equal sharing of the separation distance (9m) to the boundary to achieve a total of 18m building separation distance with the potential future redevelopment of Burwood Plaza. This setback distance results in an encroachment of approx. 1.9m into the 9.5m wide easement for the pedestrian way as mentioned in the DCP's Public Domain Strategy. This encroachment does not comply with the DCP Clause 4.1.3 Provision P2 where the pedestrian way must be unobstructed by buildings and open to the sky for all of their width. A similar situation occurs on Levels 6 to 16 of the northern tower where the facade is setback approx. 7.6m to the northern boundary. The project Design Report (page 45) provides two sectional diagrams showing a hypothetical future development scenario for Burwood Plaza. The diagrams show how the proposal provides a 9.5m separation for the podium levels facing the pedestrian link and only a 7.9m separation for all the tower levels above, when, in fact, Tower C and B should provide an additional separation distance of up to 9m between the fifth and the eighth storey (25 metres) and up to 12m for the ninth storey and above.
- To the east, the proposal's eastern residential tower is setback between 5m and 5.4m to the eastern boundary. The podium levels are setback between 5m and 5.6m for an easement of a vehicular ramp except for Level 4 which has a setback of 3 - 3.5m. The southern half of the eastern boundary is abutted by a 2 storey commercial building (25 Belmore Street) which is approx. 10m in width along two thirds of its length. The tower levels above have private open spaces as close as 4.47m to the boundary, which compromises the redevelopment potential of the adjacent site to the east. The Applicant's Project Design Report shows (page 44) a potential redevelopment scenario for No. 25 Belmore Street where the proposal on that site has been forced to provide blank walls along its western facade with potential redevelopment to the east abutting that elevation as well. Should that development be allowed to do exactly the same as the proposal, it will have private open spaces facing its western boundary with the proposal as close as 3.5m for Level 4 resulting in private open spaces facing each other no farther than 6m apart. This would be a very negative outcome. A setback of 5.4m to the common boundary line for residential levels 5-17 falls short of the RFDC's minimum required setbacks of 6m (up to level 3/ 12m), 9m (for levels 4-7/ up to 25m) and 12m (for levels 8-17/ over 25m) in order to achieve corresponding building separation distances of 12m, 18m and 24m between balconies/habitable rooms. GMU considers this as a serious non-compliance that can set a negative precedent of borrowed amenity over side boundaries to neighbouring sites, poor privacy and no outlook.

- A similar extent of encroachment into the setback zone occurs on levels 4 to 17 to the western boundary against 33-35 Belmore Street. Tower A has secondary bedrooms looking onto the side boundary setback of approx. 2.35m away from a blank wall for levels 4-15. This is a poor outcome since these habitable rooms depend on borrowed amenity over side boundaries for outlook and solar access. A number of balconies above Level 10 also depend on borrowed amenity. According to the RFDC's building separation distances, the minimum separation distances required between balconies/habitable rooms is 24m for levels 8-17/ over 25m. For levels 10 to 15, the balconies of units 1002, 1102, 1202, 1302, 1402 and 1502 have zero setback to the western boundary. This fails to provide any setback and therefore, it does not comply with the building separation distances. The lack of setbacks at higher levels adds to the perception of bulk and scale. The tower encroaches into the minimum setback arguing that the redevelopment potential of that site is minimal. It is GMU's opinion that this is unacceptable as the proposal hinders the opportunity of 33-35 Belmore Street to redevelop up to its 60m allowable LEP height and this could establish a dangerous precedent for future development in Burwood.

## Amenity

- The proposal has significant impacts with regards to solar access to adjacent units, in particular to No. 33-35 Belmore Street. The north facade of the existing 7-storey mixed use development at 33-35 Belmore Street is setback approx. 1.5m to the common boundary. This report acknowledges that 33-35 Belmore Street fails to provide 50% of the required separation distance as this development pre-dates the RFDC. It will be unfair not to recognise this site's own issues with borrowed amenity over the proposal's site. However, the proposal is expected to provide a reasonable interface between its loading area and the private open space of the affected residential units with the aim of providing adequate outlook and to maximise solar access.
- While the proposal tried to provide an adequate response in terms of outlook and visual amenity to the lower units on Ground level and Levels 1 and 2 at no. 33-35, the proposal still has a considerable impact in terms of solar access to the units facing the common boundary. As per the Project Design Report (Page 95) the existing condition is 6 hours of solar access to the glass and to the private open space of the top floor units at no. 33-35. The rest of the units on the lower floor vary between 0-2 hours of to the glass and 4-6 hours to the private open space. The resulting solar access after the proposal is in place will be approximately 1-2 hours to the glass of the upper units with 2-4 hours to the private open space. 0-45 minutes of solar access to the glass of the lower level units with some private open spaces (7 units) having as little as 15 min and some having zero (2 units) to the private open space. Other units range between 1-3 hours (6 Units) for the private open space for those located closer to the western end of that elevation as seen in page 96 of the Project Design Report. For the units located at the lower levels of no. 33-35 Belmore Road the impact is considered to be devastating as the total reduction of solar access is equivalent to 95-100% loss. This is a significant impact on the amenity of all the units facing the common boundary that cannot be ignore as it will directly affect a large number of residents at No. 33-35 Belmore Street.
- A couple of options in terms of rearranging the massing for the connected lower levels between Tower B and C were discussed with the Applicant in the hopes to improve the solar access to the affected units at no. 33-35, however the Applicant argues in its Project Design Report (Preface) that amendments discusses will only afford an improvement of 15-30 minutes to the lower apartments and therefore the Applicant chose to leave the massing unchanged. It is GMU's opinion that a willingness to improve the solar access to the lower units from a devastating impact to at least having some level of solar penetration would have been seen as a proactive gesture.

- The proposal also has overshadowing impacts to large areas of the public domain to the south and to residential buildings across Belmore Street including 32, 40, and 42 Belmore Street. While there is a level of impact as evidenced by the Daylight Access Studies of the report (pages 63-72), the Applicant has only provided detail solar access figures between a compliant development and the proposal, so the total impact between existing levels of solar access with those of the proposal cannot be ascertained. However, the proposal's site is located on the southern edge of the 'Middle Ring Area' with a height limit of 60m where the area to the south is the 'Transition Area' with a height limit of 15m. The level of impact to the units to the south is in part due to the built form generated by Council's controls and therefore it is up to Council's discretion to evaluate the proposal's overshadowing impact based on the merits of the proposal against a compliant development with the height and setback controls for this portion of the proposal.
- The issue discussed above could be minimised through adjusting the proposal's tower form to increase the southern setback and also introducing setbacks and built form transition on the roof and top levels (as outlined in previous GMU's assessment report). Other measures suggested included reducing the width of the proposal's tower forms in an east-west direction to encourage fast moving shadows and respecting the tower setback requirement to the western boundary with 33-35 Belmore Street, therefore reducing the overshadowing impact to the south.
- As discussed in the previous section, the proposal has a detrimental impact to the lower units facing north at 33-35 Belmore Street. Insufficient information has been provided in order to assess the total or percentage of daylight that will be lost for those units. A detailed overshadowing study is required to assess the impact to those units.

### Visual Privacy

- There are visual privacy issues due to the encroachment into the RFDC's building separation distances as described above.

### Aesthetics

- While there has been an overall effort to articulate the facades, especially along the eastern boundary, the elevational treatment of the tower facades facing Belmore Street needs further consideration.
- While amendments to the eastern elevation of Tower B provide a relief to its previous overwhelming horizontal expression, this tower still has a building length of approx. 50m along the Clarendon Place frontage, which exceeds the DCP's maximum recommended building length. GMU still concerned on its overall visual impact when seen from prominent public domain areas from the east. We note that the Applicant has not provided a photomontage showing the full extent of the proposal in the short to medium term without a projection of the future development on the sites to the east. This information is necessary in order to make an appropriate assessment.



### 3.0 Final Recommendation

GMU considers that the proposal has resolved a number of significant issues with regards to its approach to Wynne Avenue and the pedestrian link as well as issues including the level of safety, security and internal way-finding. However, it is GMU's opinion that the proposal has not yet properly addressed the separation and setback issues with adjacent properties mainly for levels above the podium which lead to lack of privacy, overlooking and compromised amenity for current and future residents. The proposal has also failed to address the overshadowing issues to the neighbouring properties namely those located along the northern boundary of 33-35 Belmore Road. The impact to this property in terms of total loss of solar access is too significant to be ignored. It puts in question the overall planning and distribution of built form above the proposed podium levels.

The Applicant has provided a number of justifications as to why these non-compliances should be assessed upon merit; however, it is GMU's opinion that the cumulative effect of all the non-compliances with regards to separation and setbacks will set the wrong precedent for future development in the Burwood CBD, if this proposal were to be approved in its current form. For this proposal to be fully supportable, it is paramount that these issues are better resolved, especially in areas where amenity i.e. privacy, overshadowing and outlook to adjacent and future developments is compromised. The following sketch illustrates a number of suggested design modifications in order to address the issues discussed above with regards to the separation distances.

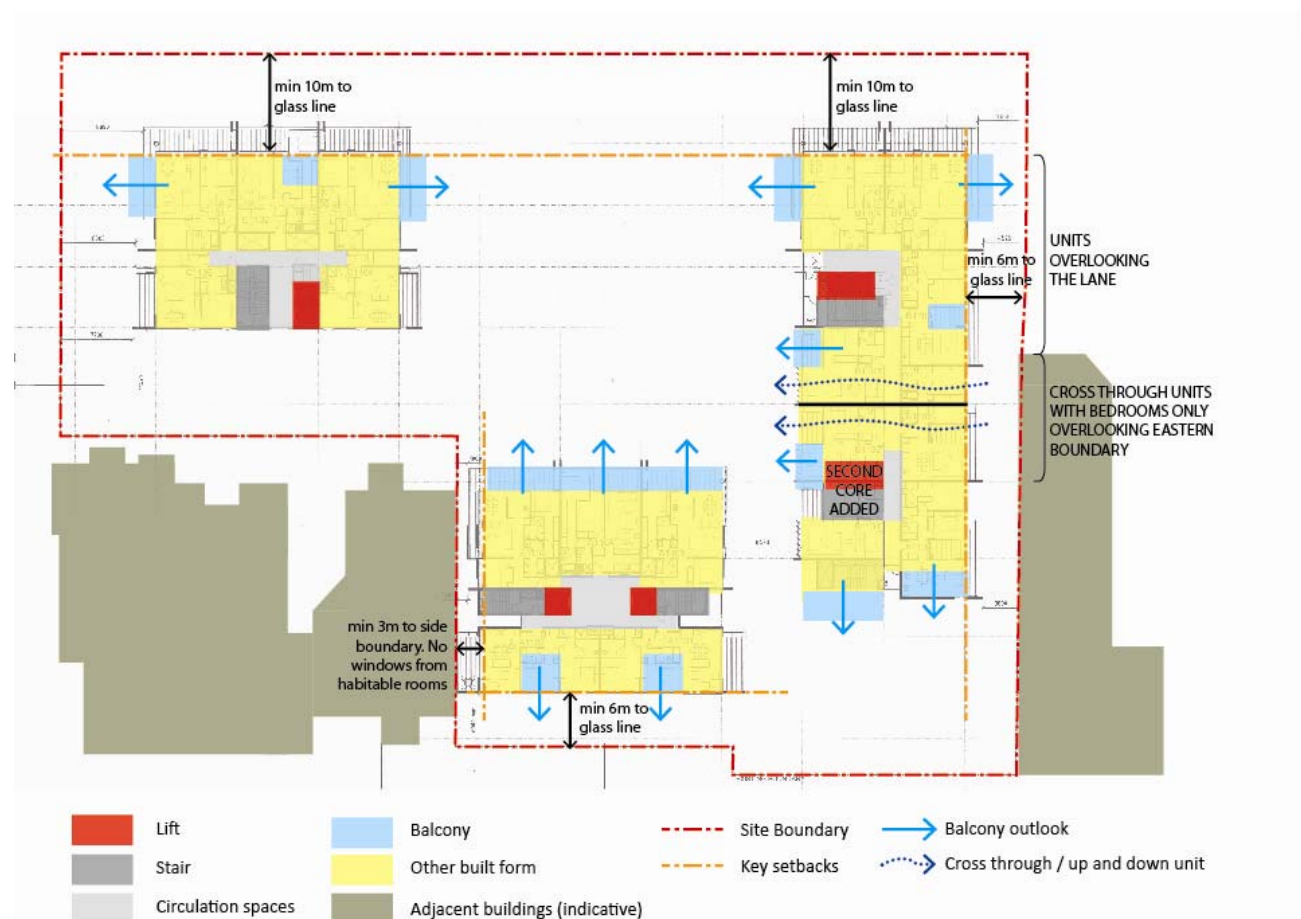


Figure 1 Suggested design modifications

An explanation of the suggested changes is provided below for each of the towers.

#### **Tower A**

- To be located at least 3m from the western boundary with no habitable windows overlooking the side boundary to 33-35 Belmore Rd.
- Outlooks from balconies and main living areas are to be oriented to the north and south. No balconies to overlook the western boundary.
- Side boundary treatment to be attractive and display design excellence.
- 6m setback to Belmore Street to be maintained throughout the extent of the tower with no private open spaces projecting into the setback.

#### **Tower B**

- Southern units to look to Belmore Street.
- Addition of a second core to allow for cross through units or up and over units that have main living areas oriented to the landscaped courtyard and only bedrooms looking at the side boundary. The building envelope is to provide a 6m setback to the eastern boundary to the glass line with no balconies encroaching on the 6 metres, unless directly overlooking the lane. For the northern units of this tower, an east-west outlook for the private open space is preferred in order to avoid privacy issues with potential development to the north.
- Northern boundary to achieve at least 10m separation to the glass line by redirecting the balconies to the east and west with no private open space projecting into the setback. Living areas can maintain a northerly outlook behind the 10m line.
- North-facing façade to be well articulated.

#### **Tower C**

- Re-orient all proposed balconies looking north to east and west to achieve at least 10m separation distance to the glass line from the northern boundary. North-facing façade to be well articulated.
- All private open space from units that cannot re-orient their private open space are to be contained within the building envelope to achieve a 10m separation from the boundary.

#### **Overshadowing**

- Reconfiguration of garden units on levels (units 404-406 and 504-506) to the north of the landscaped courtyard to ensure improved solar access to north-facing units on 33-35 Belmore Street for units with a total loss or low percentage of solar access.

In summary, the outstanding issues include inadequate tower separation distances to adjacent properties and the solar access impact to 33-35 Belmore Street. The proposal not only impacts onto the amenity of 33-35 Belmore Street along its northern facade, but it also compromises its redevelopment potential by building right to its eastern boundary with proposed units and balconies borrowing amenity over the affected site's side boundary.

While the proposal has resolved a number of significant issues, the outstanding separation and overshadowing issues should be addressed prior to any consideration for approval.