

**Property:** No. 39-47 Belmore Street, 6-14 Conder Street and 11-19 Wynne Avenue, Burwood

**DA No:** 31/2013

**Proposal:** Demolition of all existing structures, construction of mixed use development with 3 basement levels, retail floor space totalling 2,185m<sup>2</sup> and 3 residential towers (Building A containing 90 Serviced Apartments, Buildings B and C containing 332 residential units in total)

**Owner:** Kapau Holdings Pty Limited

**Applicant:** Kapau Holdings Pty Limited

## **ADDENDUM REPORT**

This report forms an addendum to the Development Assessment Report in relation to DA 31/2013 for mixed use development at No. 39-47 Belmore Street, 6-14 Conder Street and 11-19 Wynne Avenue, Burwood, prepared by Planning Ingenuity, consultant town planners.

Following finalisation of the Development Assessment Report in relation to this matter, Planning Ingenuity has been instructed by Burwood Council that the Sydney East Joint Regional Planning Panel has requested clarification in relation to assessment of proposed floor space ratio (FSR) and height variations.

In relation to the proposed FSR variation, we refer to pages 20 to 23 of the Assessment Report which provide detailed assessment of the applicant's request for variation pursuant to Clause 4.6 of Burwood LEP 2012. In addition to a detailed written response, the Clause 4.6 variation statement within the applicant's Statement of Environmental Effects included "massing comparison models" comparing a compliant scheme with the proposal. On the basis of the applicant's submission, it is considered that sub-clauses 4.6(3) and 4.6(4) have been satisfied, namely that:

- The applicant has submitted a written request for variation;
- It has been demonstrated that compliance with the development standard is unreasonable or unnecessary as the objectives of the standard and objectives of the zone are met despite non-compliance; and,
- there are sufficient planning grounds to justify contravening the development standard and the proposed development will be in the public interest.

In relation to the proposed height variation, we refer to pages 18 to 20 of the Assessment Report which provide assessment of the applicant's request for variation pursuant to Clause 4.6 of Burwood LEP 2012 (contained in the Statement of Environmental Effects submitted with the application). The Panel has queried whether lift overruns and roof top plant breach the height controls that apply to the site. We note that the proposal incorporates varied design and treatment to roof top plant for Buildings A and B. In some cases, it is our view that these elements have been incorporated as part of the architectural roof design.

Arguably, upon further review when analysing each section and elevation, there may be roof top components that do not constitute architectural roof features.

We note in any case that the applicant's Clause 4.6 variation addresses all aspects of the building that breach the height requirement and therefore does not rely on provisions relating to architectural roof features. Further, it is considered that these roof top elements will not be widely visible in the public domain due to the height of the buildings and will not contribute any additional shadow on surrounding buildings.

On the basis of the applicant's submission, it is considered that sub-clauses 4.6(3) and 4.6(4) have been satisfied, namely that:

- The applicant has submitted a written request for variation;
- It has been demonstrated that compliance with the development standard is unreasonable or unnecessary as the objectives of the standard and objectives of the zone are met despite non-compliance; and,
- there are sufficient planning grounds to justify contravening the development standard and the proposed development will be in the public interest.