

Additional Information DA16/103 at 180-186 Burwood Road
Neighbouring Site Submission No 3 14th November 2017

General Manager, Burwood Council,

Further to the recent JRPP meeting October 19 & subsequent discussions with Council, we provide attached herewith this Additional Submission on the Consent Authorities concerns regarding the practicable and equitable site development of the neighbouring southern commercial property at 188-192 Burwood Rd Burwood.

We extract in tabular format below copies of relevant recent information, plans, meetings and correspondence between Urban Apartments and the neighbour Double Happy P/L since the date this project commenced and the Applicants works to assist the collaborative & equitable development process of the neighbouring southern commercial property.

It is our respectful submission that this Development Application does not raise the issue of Site Isolation for neighbouring properties & their owners due to the zoning, the size of the site & properties, streetscape and most importantly that property surrounding our site are developable as commercial site in their own right or with other surrounding & neighbouring property. Most of the sites are already developed and fit for existing & future uses.

Nevertheless, Urban Apartments has a policy of continuing the consultation with all owners of neighbouring properties during the initial to final development assessment on new projects and to assist with drawings & options for site development of these properties.

Double Happy P/L the owner of 188-192 Burwood Road have since recent contact with them in September 2017 maintained that they do not wish to negotiate on the sale or site amalgamation-see attached materials. They have however through their planning consultants made out a case to be involved in the development and we have engaged with them & Council in this respect. In discussions with the director / owners of 188-192 Burwood Road it has always been the case that this property is kept for long term investment in its current form and the owners do not wish to sell or otherwise interfere with the long leases of the property and its commercial tenancies.

We extract herewith two (2) pages of sketch drawings of two (2) design options indicating the pedestrian link upgrades following the design set by Councils DCP in an agreed fair & reasonable fashion and draft of an easement for vehicular access through the proposed basement. We understand that the neighbours have commissioned respected local architectural firms of Mr Albert Auyeung of MGA Architects & UrbanLink P/L to complete working drawings of the development on the neighbouring property in line with design amendments for the subject site. Draft site development plans indicated that the full amount of the Floor Space ration of 6.0:1.0 is available and design controls are met including DCP proposed pedestrian link between the two sites as per Council's DCP.

The coloured & marked survey sketch gives an indication of the developable areas of this adjacent property in the future with the current proposal via a proposed underground right of carriageway to be registered with the development strata plan.

In our respectful submission the issue of site amalgamation has been addressed over a long period of time and Council can be satisfied there has been full compliance with all policies and guidelines in regard to site amalgamation and that the equitable & practical development of the southern neighbouring properties in the future is maintained.

We also understand all other design items for the subject site & concerns from external consultants discussed at last week's meeting in terms of required architectural plan amendments will be this week provided to Council.

Thanks Burwood Council for your considerations of this application. Should Council require any further information or materials to assist the early & efficient finalisation of this DA and reports to JRPP please do not hesitate to contact the writer. Thanks again

Materials Extracted

Date in 2017	Document	Notes
17 July	Email from neighbours agent Mr Simon Alam	Confirms the property is not for sale and kept for investment by owners
28 August	Plans # 1, 2 & 3	Pedestrian Link, Access Easement & Massing Plans
31 October	Meeting Agenda	Applicant, Neighbour Owners & Consultants
2 November	Architectural drafts	Options 1 & 2 for double Happy provided
8 November	Memorandum of Understanding	MoU provided to neighbours attached meeting minutes & draft survey easement plans

From: Simon Alam [mailto:simon@townandcountry.com.au]
Sent: Monday, 17 July 2017 3:53 PM
To: Tony Jreige <Tony@urbanlink.com.au>
Subject: 180-192 Burwood Road Burwood

Hi Tony,

Hope you are well,

Thanks for the chat over the phone, and sorry for the delay in responding to you.

I had bad slip 3 weeks ago and required hospitalisation, am back on deck ~~now~~.

On behalf the owners of 188-192 Burwood road Burwood, I can confirm that the owners are genuinely interested in working together with the owners of 180-186 Burwood road to achieve the best outcome for both parties. They aren't interested in selling their property but definitely in developing together and would want to keep their site.

I suggest that both you and their unofficial architect meet to discuss how best can the properties be developed together.

Looking forward to hear back from about suitable times.

Assuring you of our best attention all times

Yours Faithfully
Town & Country Real Estate

Simon Alam
Manager

[illegible]

Plan #2 Access EASEMENT

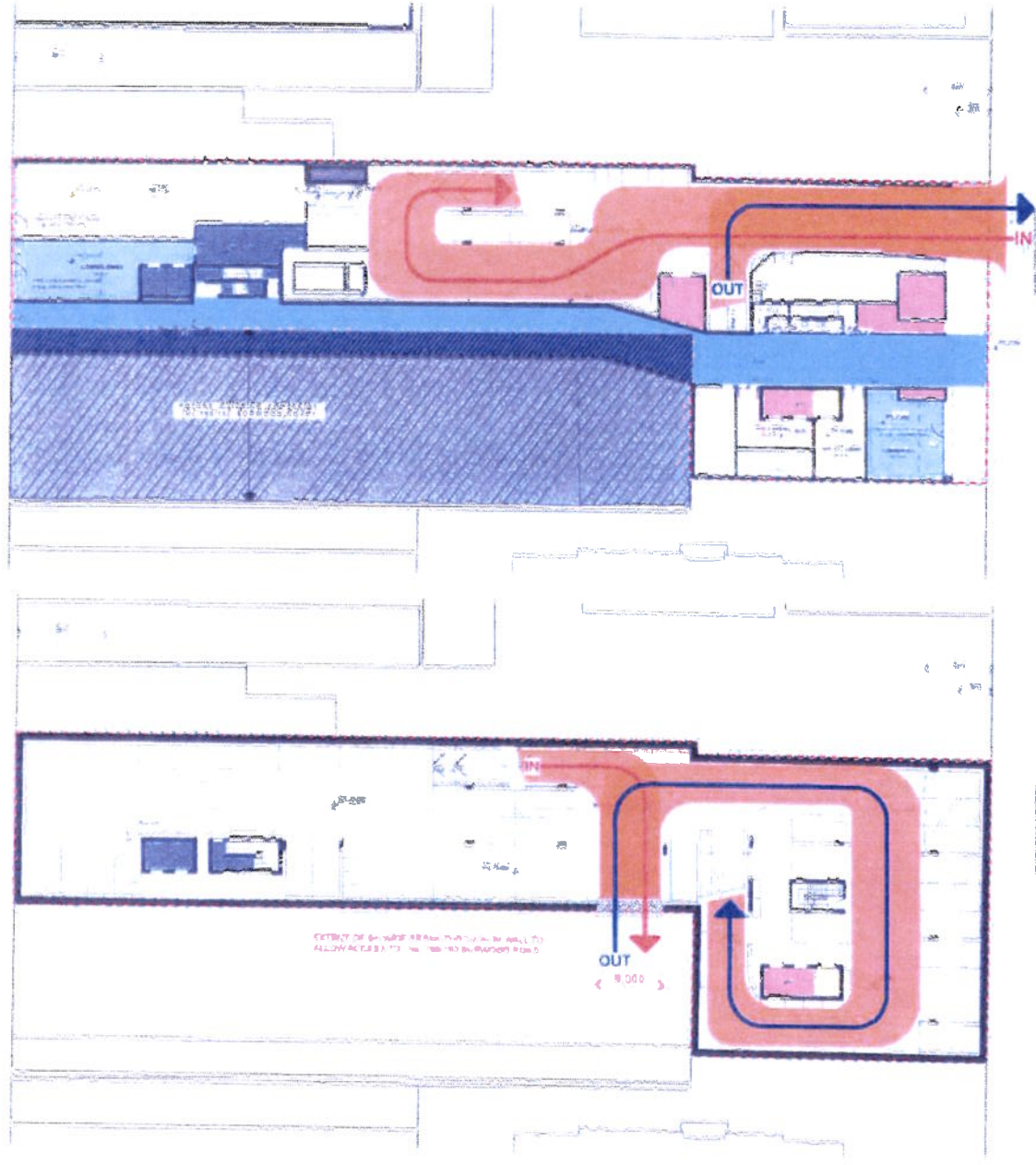
28/8/10

GROUND LEVEL
100.00

UNIMPAVED ROAD

UNIMPAVED ROAD

UNIMPAVED ROAD



LEGEND



PROPOSED TRAVEL FOR NEW PARKING



OUT

PROPOSED TRAVEL FOR NEW PARKING



IN

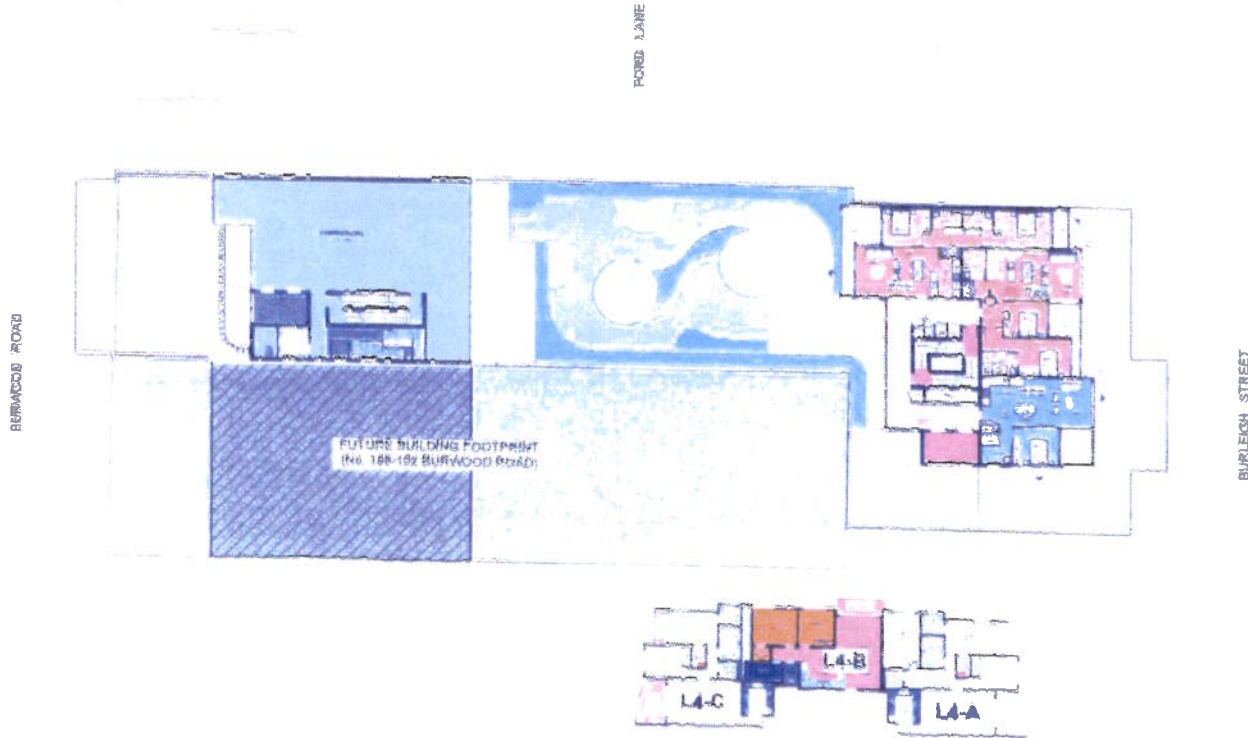
PROPOSED TRAVEL FOR NEW PARKING

URBAN LINK

DEVELOPMENT APPLICATION

Project Name	URBAN LINK	Project No	15.131
Project Address	15.131	Project No	04-000
Project Description	URBAN LINK	Project No	04-000
Project Status	URBAN LINK	Project No	04-000

Ph. # 3
 Developed Design
 Concept 28/10/17



Plan

URBAN LINK

DEVELOPMENT APPLICATION

15/1/17

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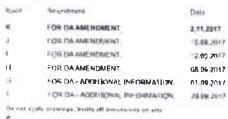
MEETING AGENDA FOR DEVELOPMENT PROPOSALS for 188-192 BURWOOD RD BURWOOD

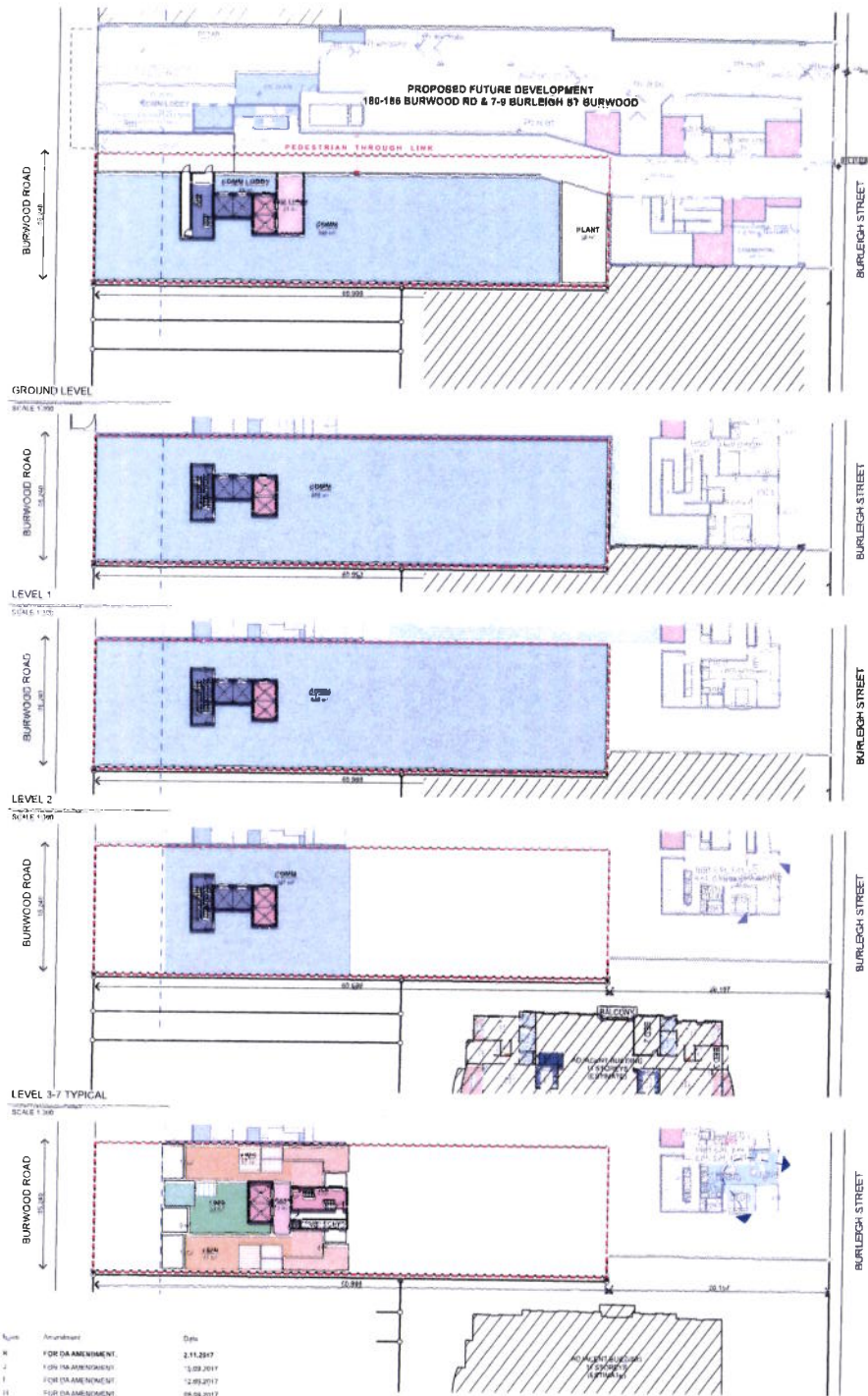
HELD: 8.30 PM TUESDAY 31/10/2017 Urban Offices Level 10, GM Tower, Deane St BURWOOD

ATTENDANCES: Architect Albert Auyeung, MGA Architects, South Strathfield, Owner Dr Darley,
Owners Agent Simon Alam & Urban CEO George Elias

ITEMS FOR DISCUSSIONS & NOTES:

- 1 MIXED USE DEVELOPMENT PROPOSAL FOR 188-192 BURWOOD ROAD BURWOOD OWNED BY DOUBLE HAPPY P/L FOR LOT 30 DP 939716 & LOT 1 DP 61707 ("THE SITE")
- 2 THE DEVELOPMENT PROPOSAL TO BE PREPARED BY ARCHITECTURAL FIRM WELL AWARE OF COUNCIL CONSIDERATIONS IN THE AREA TO ACHIEVE HIGHEST & BEST USE & POTENTIAL FLOOR SPACE RATIO ON THE SITE
- 3 THE DEVELOPMENT PROPOSAL BE LODGED AS SOON AS POSSIBLE AS A DEVELOPMENT APPLICATION ("DA") TO BURWOOD COUNCIL SEEKING APPROVAL FOR THE SITE TO BE DEVELOPED ON ITS OWN AS DOUBLE HAPPY P/L WISHES TO KEEP THE SITE AS A LONG TERM INVESTMENT WITH THE DEVELOPMENT TO PROCEED ONCE THE EXISTING LONG TERM TENANTS VACATE THE LEASED PREMISES
- 4 DISCUSSIONS COMMENCED WITH URBAN APARTMENTS IN SEPTEMBER 2015 RELATING TO A COLLABORATIVE APPROACH TO DEVELOPMENT OF NEIGHBOURING SITES AND URBAN APARTMENTS WILL ASSIST THE DA ON THE SITE WITH ACCESS OPPORTUNITY THROUGH ITS DEVELOPMENT UNDER APPLICATION 103 OF 2016 AT BURWOOD COUNCIL BY MEANS OF A RIGHT OF CARRIAGEWAY IN THE STRATA PLAN BASEMENT AREA-Plan provided as supplied to Council
- 5 URBAN APARTMENTS TO ASSIST THE ARCHITECT SO THAT DESIGN FEATURES OF THE NEIGHBOURING SITES WITH VEHICULAR & PEDESTRAIN ACCESS IS EQUITABLY SHARED BETWEEN THE 2 SITES IN TERMS OF SETBACKS, ORIENTATION, SHADOWING ETC
- 6 THE PARTIES AGREE ON THE TERMS OF A MEMORANDUM OF UNDERSTANDING BETWEEN THEM AS TO THE PROCESS FOR DEVELOPMENT OF THE SITE AND SUPPLY OF DOCUMENTATION FOR THE RIGHT OF CARRIAGEWAY VIA THE STRATA PLAN
- 7 DOUBLE HAPPY P/L GIVE URBAN APARTMENTS THE FIRST OPPORTUNITY TO PROVIDE A BUILDING CONSTRUCTION CONTRACT ON THE DA FOR THE SITE ONCE APPROVED BY BURWOOD COUNCIL

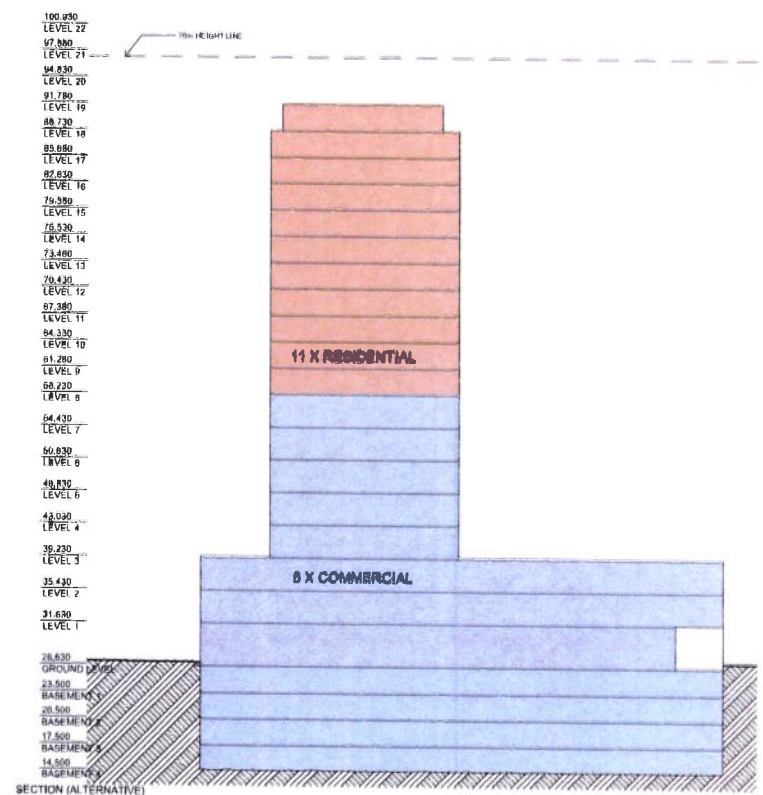




Item	Description	Date
1	FOR DA AMENDMENT	2.11.2017
2	FOR DA AMENDMENT	1.08.2017
3	FOR DA AMENDMENT	12.09.2017
4	FOR DA AMENDMENT	28.08.2017
5	FOR DA - ADDITIONAL INFORMATION	11.08.2017
6	FOR DA - ADDITIONAL INFORMATION	29.08.2017

Site Area	930m ² (to be checked by survey)
MAX Residential	2.6:1
Commercial	4:1
	2418m ²
	3720m ²

	Commercial	Residential	1Bed	2Bed	3Bed
Ground	589m ²	21m ²			
Level 1	848m ²				
Level 2	848m ²				
Level 3	287m ²				
Level 4	287m ²				
Level 5	287m ²				
Level 6	287m ²				
Level 7	287m ²				
Level 8		224m ²	1	2	
Level 9		224m ²	1	2	
Level 10		224m ²	1	2	
Level 11		224m ²	1	2	
Level 12		224m ²	1	2	
Level 13		224m ²	1	2	
Level 14		224m ²	1	2	
Level 15		224m ²	1	2	
Level 16		224m ²	1	2	
Level 17		224m ²	1	2	
Level 18		157m ²	1	2	1
Level 19					
Level 20					
Level 21					
Total	3720m ²	2418m ²	11	20	2
					33



George Elias

From: George Elias
Sent: Wednesday, 8 November 2017 11:29 AM
To: 'simon@townandcountry.com.au'; Diann Li
Cc: 'a.auyeung@mga-arch.com.au'
Subject: MoU Double Happy
Attachments: 3295_001.pdf

Hi Simon,

It's a

Further to discussions I am pleased to know that you have commissioned the architect to proceed with your development application for Double Happy P/L.
As per our discussions please find attached the MoU for your consideration .

Kind Regards,

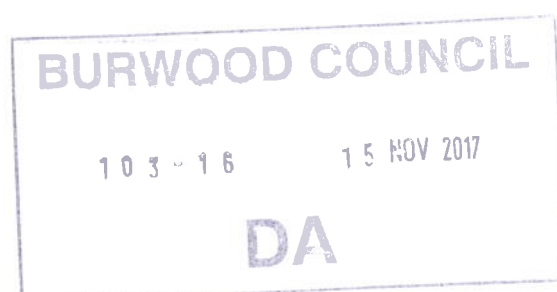
George Elias
Managing Director

Direct Line +61 2 8319 4722
www.urbanapartments.com.au



Level 10, 11-15 Deane St, Burwood NSW 2134
P.O Box 2226, Burwood North NSW 2134

www.urbanapartments.com.au



Memorandum of Understanding ("MoU")

This document represents an Agreement between

Urban Apartments P/L ("Urban") A.C.N. 096 925 423

and

Double Happy P/L ("Happy") A.C.N. 060 188 356

RE: Development of 188-192 Burwood Road Burwood

Description of Collaborating Organisations

Urban Apartments Pty Ltd is a development company registered & working in Burwood NSW A.C.N. 096 925 423 and undertakes property development and construction in NSW and has agreed with Happy to assist with development options on certain Urban property & Happy property, as defined in Burwood, both properties for the purposes of a multi storey mixed commercial & residential use with separate Development Consents and design collaboration.

Objectives and Scope

The objectives of the parties association are for Urban to assist to develop & upgrade the property owned by Happy with the Urban neighbouring property, as defined below, in accordance with a current Development Application to Burwood Council and with a new application prepared and designed in part by Urban and Happy with Architects retained by Happy to be submitted on behalf of Happy and include the form of a draft Strata Plan & Easement as per *Schedule One* hereto for vehicular access via basement area and compatible building designs on both properties.

The Nature and Extent of the Collaboration

The association and agreements between the parties as set out in this MoU was initiated meetings on the project and is now limited to the collaborative application for mixed use & residential Development Consent for the Happy property by Happy to Burwood Council as per meeting Agenda *Schedule Two* hereto and in consideration of the parties entering this agreement and completing all agreed terms of this agreement all and any agreements and association between the parties hereto will be completed with assistance provided by Urban to Happy.

Definitions and Interpretations in this MoU agreement

Urban Property: 180-186 Burwood Road & 7-9 Burleigh Street at Burwood being respectively Lots 100/1046417 & 2/741809,

Happy Property: 188-192 Burwood Road Burwood being Lots 30/939716 & 1/61707

Council: Burwood Council or other responsible consent authority

Development: Development Application for Happy Property to Council for the mixed commercial & residential use collaborating with Urban property development - 15

Strata Plan: Schedule One hereto

Payment: Schedule Three hereto



DRAFT**NOW THIS DEED WITNESSES THE AGREEMENT AND THE PARTIES HEREBY COVENANT AND AGREE AS FOLLOWS:-****1 The Terms of the Agreement**

This agreement is subject the parties signing a formal heads of Agreement reciting these terms as prepared by the legal advisers for Urban and submitted to lawyers representing Happy. This MoU will inform the terms of the formal agreement which will regulate the parties development relationship, responsibilities and payment required to be made to Urban by Happy for co ordinating the development of the parties properties in Burwood including access to Burleigh Street via Urban property basement for the Happy property proposed basement area as per draft in *Schedule One* hereto.



2 Organisation and Management of the Agreement

Urban will have the sole responsibility to undertake the preparation and submission to Happy of the Right of Carriageway over the Urban property as per the draft Strata Plan & Instrument in *Schedule One* hereto. Happy consents to supply Urban with all its current proposed architectural plans and reports via its architects and town planners so that the Urban and its consultants are able to assist Happy consultants with a development design & proposal to Burwood Council that is compatible with design of the development on the Urban property including vehicular basement access way & pedestrian access way with all survey and Strata plan costs associated with this easement on the Urban property to be paid by Urban.

Urban will meet all its development costs, fees and consultants expenses and will prepare its easement & strata plans. Happy will complete at its expense all architectural plans & consultants reports for its separate proposal & Development Application to Burwood Council. Plans or documentation submitted by Urban to Happy for consideration must be returned approved or amended within one month of being submitted for approval by Urban to Happy.

3 Financial Arrangements

Payments will be made by Happy to Urban as follows:

A An amount to represent the time taken to assist with the Happy proposal in the sum of  hundred dollars (\$00.00).

B An amount to Urban for compensation for the access way to be valued & agreed by Happy as payment for the development value of the basement vehicular access way.

C Payments for works by Urban to build a purpose built removable basement wall to be removed by & cost to Happy when required for vehicular access to the Happy property.

It is a fundamental terms of all agreements between the parties hereto that there is agreed to be no financial contribution or commitment or bank borrowings or guarantees to be made by Happy to the development or constructions or to Urban other than as set out A, B & C above. It is agreed that the parties are not related in any joint venture, there will be no consolidation of titles, no joint or related development applications with Happy property & the Urban property and with each party being responsible for their own legal costs.

4 Effective dates and signatures

This agreement will operate as at the date the agreement is signed by the authorised representatives of Urban & Happy.

.....

Signed by the authorised representative
Urban-Farah Elias in the presence of

Signed by the authorised representative of
of Happy- in the presence of:

Schedule One

Strata Plans & Easement

Schedule Two

Meeting Agenda & Minutes

Schedule Three

Payment Schedule

Payments will be made by Happy to Urban as follows:

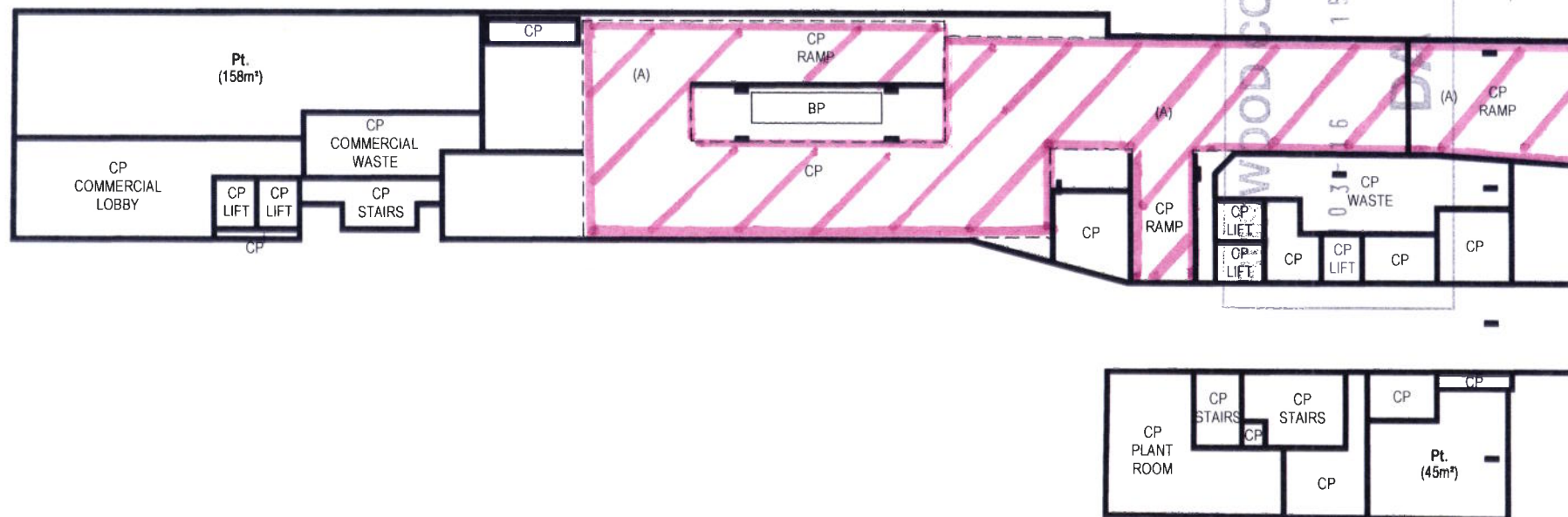
A An amount to represent the time taken to assist with the Happy proposal in the sum of ~~Two~~ hundred dollars (\$~~100~~00.00).

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C Payments for works by Urban to build a purpose built removable basement wall to be removed by & cost to Happy when required for vehicular access to the Happy property.

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DRAFT PLAN - SUBJECT TO FINAL SURVEY



(A) RIGHT OF CARRIAGEWAY VARIABLE WIDTH

CP - COMMON PROPERTY
BP - BICYCLE PARKING (CP)

GROUND FLOOR PLAN

Surveyor:
VICTORIA TESTER
Date of Survey: 01/11/2017
Surveyor's Ref: 6891

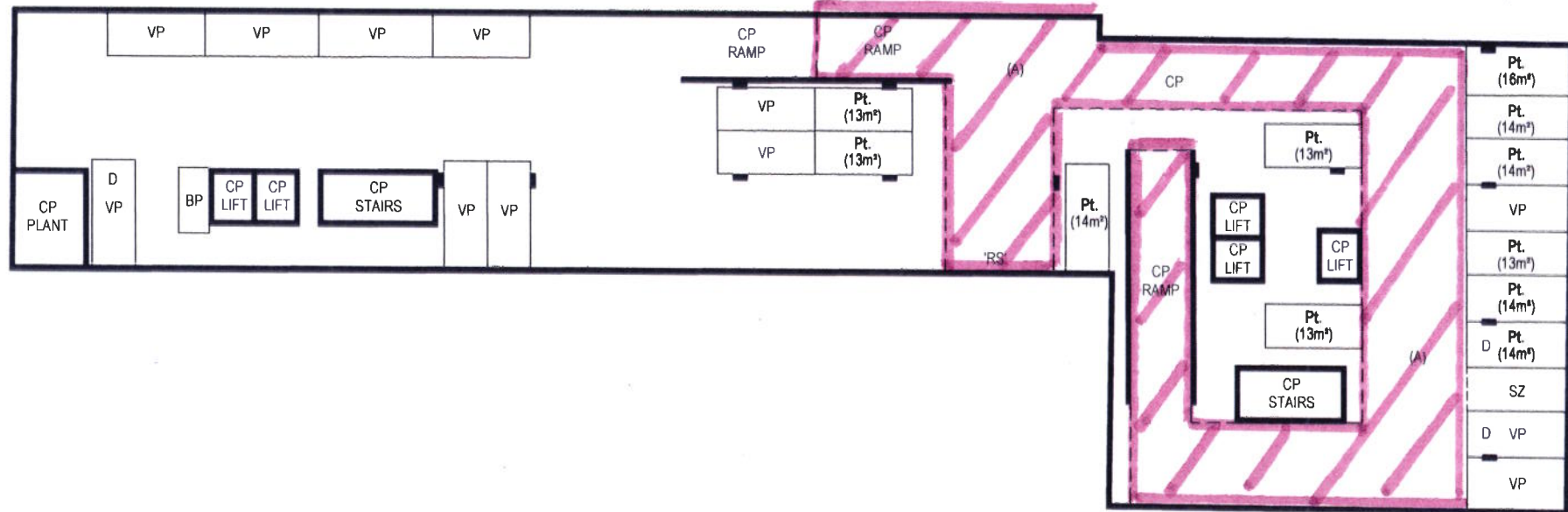
PLAN OF SUBDIVISION OF LOT 100 IN DP 1046417
& LOT 2 IN DP 741809

L G A: BURWOOD
Locality: BURWOOD
Reduction Ratio 1:250
Lengths are in metres.

THE DRAFT STRATA PLAN
HAS BEEN PREPARED BY
SDG
LAND DEVELOPMENT SOLUTIONS
WWW.SDG.NET.AU

SP DRAFT

DRAFT PLAN - SUBJECT TO FINAL SURVEY



(A) RIGHT OF CARRIAGEWAY VARIABLE WIDTH

'RS' denotes REMOVABLE STRUCTURE

CP - COMMON PROPERTY
 BP - BICYCLE PARKING (CP)
 D - DISABLED
 SZ - SHARED ZONE (CP)
 VP - VISITOR PARKING (CP)

BASEMENT 1 FLOOR PLAN

Surveyor:
 VICTORIA TESTER
 Date of Survey: 01/11/2017
 Surveyor's Ref: 6891

**PLAN OF SUBDIVISION OF LOT 100 IN DP 1046417
 & LOT 2 IN DP 741809**

LGA: BURWOOD
 Locality: BURWOOD
 Reduction Ratio 1:250
 Lengths are in metres.

THE DRAFT STRATA PLAN
 HAS BEEN PREPARED BY

 LAND DEVELOPMENT SOLUTIONS
 WWW.SDG.NET.AU

SP DRAFT

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS, RESTRICTION ON USE AND POSITIVE
COVENANT INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF THE
CONVEYANCING ACT 1919 AND SECTION 38(1) OF THE STRATA SCHEMES
DEVELOPMENT ACT 2015**

Lengths are in metres

(Sheet 1 of 5 sheets)

Plan: Plan of subdivision of Lot 100 in DP1046417 & Lot 2 in DP741809 covered by Strata Certificate No.

Full name and address of the owner of the land: Giant Project Group Pty Limited
Level 10, 11-15 Deane Street
BURWOOD NSW 2134

PART 1

No. of item shown in the intention panel on the plan	Identity of easement, restriction and positive covenant to be created and referred to in the plan	Burdened lot(s) or parcel(s)	Benefited lot(s) or Prescribed Authorities
1	Right of Carriageway Variable Width (A)	CP	30/939716 & 1/61707

APPROVED BY BURWOOD COUNCIL

.....
Authorised Officer

Schedule 2

MEETING AGENDA FOR DEVELOPMENT PROPOSALS for 188-192 BURWOOD RD BURWOOD

HELD: 8.30 PM TUESDAY 31/10/2017 Urban Offices Level 10, GM Tower, Deane St BURWOOD

ATTENDANCES: Architect Albert Auyeung, MGA Architects, South Strathfield, Owner Dr Darley,
Owners Agent Simon Alam & Urban CEO George Elias

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