

## COUNCIL ASSESSMENT REPORT

Panel Reference	2017SCL021 – SUPPLEMENTARY REPORT
DA Number	BD.2017.027
LGA	Burwood
Proposed Development	23 Level Mixed Use Development containing basement parking for 92 vehicles, mechanical car lift, ground floor retail, Child Care Centre, 101 room motel and 36 residential apartments.
Street Address	17 Deane St Burwood
Applicant/Owner	Urbis Pty Ltd/City Park Properties Pty Ltd
Date of DA lodgement	28 February 2018
Number of Submissions	Nil
Recommendation	Refusal
Regional Development Criteria (Schedule 4A of the EP&A Act)	N/A
List of all relevant s79C(1)(a) matters	<p>i.e. any:</p> <ul style="list-style-type: none"> <li>• <b>environmental planning instruments</b></li> <li>• Burwood Local Environmental Plan 2012</li> <li>• SEPP 65 – Design Of Residential Flat Buildings</li> <li>• SEPP 55 – Contaminated Land</li> <li>• <b>relevant development control plan</b></li> <li>• Burwood DCP</li> <li>• Apartment Design Guidelines</li> <li>• VPA adopted by Council 30 October 2018</li> </ul>
List all documents submitted with this report for the Panel's consideration	Supplementary Information from Urbis submitted to Council and the Panel Secretariat by email 24 October 2018
Report prepared by	Planning Ingenuity Pty Ltd
Report date	12 November 2018

### Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?

**Yes**

### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

**Yes**

*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

**Yes - Original Report**

### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)?

**No**

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

### Conditions

Have draft conditions been provided to the applicant for comment?

**No**

*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

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## ATTACHMENTS

Attachment 1 –Refusal Notice

Attachment 2 – Applicant’s Additional Information Letter dated 24 October 2018

**Property:** 17 Deane Street, Burwood  
Lot 1 DP 1215989  
**DA No:** BD 27/2017  
**Date Lodged:** 28 February 2017  
**Cost of Work:** \$31,431,597.00  
**Owners:** Citypark Properties Pty Ltd  
**Applicant:** Urbis Pty Ltd

<b>PROPOSAL</b>	<p>Mixed Use development comprising:</p> <ul style="list-style-type: none"> <li>- Three (3) levels and one half level of basement extending across the entire site with capacity for 92 car parking spaces, back of house, storage, plant and service equipment;</li> <li>- Two car lifts;</li> <li>- Two (2) retail tenancies on the ground floor fronting George Street and Mary Street and a hotel shop fronting Deane Street</li> <li>- Three (3) ground floor (separate) dedicated lobbies for services relating to residential units, hotel and child care;</li> <li>- Child care centre on Levels 2 and 3;</li> <li>- 101 hotel rooms located on Level 1 and Levels 5 – 12;</li> <li>- 36 residential apartments from Levels 14 – 23.</li> </ul> <p>The application has been submitted with a voluntary planning agreement.</p>
<b>ZONE</b>	B4 – Mixed Use zones.
<b>IS THE PROPOSAL PERMISSIBLE WITHIN THE ZONE</b>	Yes – the proposal is best described as a mixed use development which comprises commercial premises, office premises and a residential flat building. Each use is permissible with consent from Council.
<b>IS THE PROPERTY A HERITAGE ITEM</b>	No
<b>BCA CLASSIFICATION</b>	Classes 2, 3, 6, 7a, 7b, 9b
<b>NOTIFICATION</b>	Notified 16 March 2017 to 6 April 2017 – No submissions were received.

## EXECUTIVE SUMMARY

On 14 June 2018 the Sydney Eastern City Planning Panel considered an assessment report on Development Application DA27/2017 (2017SCL021). The assessment report recommended refusal of the application, noting that from an urban design point of view the application was generally considered to be acceptable. However, non-compliances with floor space ratio and the required parking provision were not considered reasonable nor acceptable in the circumstances. Additionally, Council's Traffic and Transport assessment did not support the non-compliance with parking provision and use of the proposed mechanical car parking system and could support the proposed application.

The Panel deferred the determination of the application, stating that:

*“The matter is deferred until the terms of a VPA are agreed and adopted by Council.*

*The Panel noted that, based on the information provided at the meeting, the Panel members were minded to accept the proposed hydraulic system, subject to the provision of some further information about its operation.*

*The Panel would also like to hear further from the Council and the Applicant about the hotel parking shortfall.*



*Once the VPA is agreed between the applicant and the Council, the Panel will hold a further public meeting to determine the matter.”*

At its meeting on 30 October 2018, Council resolved to enter into a VPA for 17 Deane Street Burwood for the provision of a monetary contribution of \$1,208,550 (dollar value dependent on the final determination of the DA) towards public facilities.

The applicant provided Council with additional information (**Attachment 2**) regarding the hydraulic lift and further information regarding the hotel parking shortfall.

Council's Traffic and Transport assessment of the additional information continues to oppose the non-compliance with parking provision and use of the proposed mechanical car parking system and cannot support the proposed application. Accordingly, given this fundamental issue in relation to car parking, the application is not supportable and in the circumstances and refusal of the application is recommended subject to the Refusal Notice (**Attachment 1**).

This supplementary report is to be read in conjunction with the original assessment report.

### **ADDITIONAL INFORMATION**

The applicant submitted a letter to Council and the Panel on 24 October 2018 which sought to address the Panel's request for additional information on the proposed hydraulic system and the hotel parking shortfall. The letter attached the following documents:

- Comparison of Hotel Parking Rates (dated 9 July 2018) – prepared by Bitzios Consulting;
- Traffic Impact Assessment (dated 5 December 2017) – prepared by Bitzios Consulting; and
- Draft Voluntary Planning Agreement (VPA) and explanatory note (dated 2 August 2017).

The additional information has been reviewed and an assessment is provided below.

### **ASSESSMENT OF ADDITIONAL INFORMATION**

#### Voluntary Planning Agreement (VPA)

The proposal is accompanied by a VPA pursuant to Section 7.4 of the Environmental Planning and Assessment Act, 1979. The VPA seeks additional floor space (10% variation) on the basis of providing additional contributions towards community facilities over and above those set out in Council's adopted Section 94 and Section 94A Contributions Plan.

The offer of a VPA aligns with Council's policy titled 'Carrying out Bonus Development in the Public Interest' (the 'Bonus Policy') (as amended) adopted by Council on 21 August 2018 and effective from 1 September 2018. At its meeting on 30 October 2018 Council resolved:

*“1. That Council enter into the VPA for 17 Deane Street Burwood for the provision of a monetary contribution of \$1,208,550 (dollar value dependent on the final determination of the DA) towards public facilities after the granting of the consent for DA BD.2017.027, which would include a condition on the consent requiring that the VPA be entered into prior to the issuing of any Construction Certificate.*

*2. That Council authorise the General Manager to sign the VPA and any related documentation under his Power of Attorney.*

*3. That Council authorise the General Manager to endorse the minor revisions of the VPA documents prior to execution.*

*4. That the Developer pay the monetary contribution on or before the execution of the VPA.”*

Given the agreement of Council to the VPA, the first reason for deferral of the determination by the Panel at its meeting on 14 June 2018 has been satisfied.



### Proposed Hydraulic System

The applicant's additional information letter dated 24 October 2018, provides details of existing Hercules car parking fully automated systems within Australia and New Zealand, restates information regarding the system timing and useability and seeks to address Council's concerns regarding the system.

As discussed in detail below (Internal Referrals), Council's Manager of Traffic & Transport has reviewed the additional information and concluded that there still has not been sufficient information provided to address Council's concerns. As such, the second reason for deferral of the determination by the Panel at its meeting on 14 June 2018 has not been satisfied.

### Hotel Parking Shortfall

The information provided by the applicant in their letter dated 24 October 2018 regarding the hotel parking rates did not expand on the applicant's previously provided analysis of comparative hotel parking rates in other local government areas. Council's Traffic and Transport assessment (discussed in Internal Referrals below) includes a review of other Strategic Centres surrounding Burwood such as Campsie, Bankstown and Kogarah. Council's assessment found that all, but two, other Strategic Centres share the same parking rate as Burwood. As such adequate justification has not been provided to demonstrate how the parking rate selected is appropriate to this site.

The third reason for deferral of the determination by the Panel at its meeting on 14 June 2018 has not been satisfied (noting however that Council has undertaken the additional assessment required).

## **STATUTORY PLANNING FRAMEWORK**

The additional information submitted (as detailed above) does not substantially change the previous assessment of the proposed development with the relevant Environmental Planning Instruments (EPIs), Development Control Plans (DCPs), Codes and Policies as previously detailed in the original assessment report to the Panel on 14 June 2018.

However, Council's resolution to enter into a VPA for the provision of a monetary contribution towards public facilities has resulted in Clause 4.4A(6) now been satisfied by the application and the consent authority is able to grant consent to the proposed exceedance in floor space. This is discussed further below.

## **BURWOOD LOCAL ENVIRONMENTAL PLAN 2012**

### Clause 4.4 – Floor Space Ratio (FSR) and Clause 4.4A Exceptions to Floor Space Ratio

Clause 4.4 to BLEP 2012 prescribes maximum floor space ratios of 6:1 for the site. However, Clause 4.4A (5)-(9) (inserted into BLEP by Amendment No 12 gazetted 17 November 2017) provides that:

- “ (5) Despite clause 4.4, the floor space ratio for a building on land in Area 1 or Area 2 may exceed the floor space ratio shown for the land on the Floor Space Ratio Map if:*
- (a) the floor space ratio for the building does not exceed:*
    - (i) 6.6:1—if the building is in Area 1, or*
    - (ii) 4.95:1—if the building is in Area 2, and*
  - (b) the gross floor area of the part of the building used for the purpose of residential accommodation does not exceed the following percentage of the gross floor area of the building:*
    - (i) 40 percent—if the building is in Area 1, or*
    - (ii) 70 percent—if the building is in Area 2.*
- (6) Subclause (5) applies in relation to proposed development only if:*
- (a) the proposed development on the land includes development resulting in community infrastructure or the use of land as community infrastructure, and*
  - (b) the consent authority is satisfied that the community infrastructure is appropriate for the Burwood Town Centre, taking into account the nature of the community infrastructure and its value to the community working or residing in the Burwood Town Centre.*
- (7) Subclause (3) does not apply in relation to a building in Area 1 or Area 2 if subclause (5) is applied to the building.*

(8) *For the purposes of this clause, land is in Area 1, Area 2, Area 3, Area 4, Area 5, Area 6, Area 7 or Area 8 if the land is identified as “Area 1”, “Area 2”, “Area 3”, “Area 4”, “Area 5”, “Area 6”, “Area 7” or “Area 8”, respectively, on the Floor Space Ratio Map.*

(9) *In this clause, community infrastructure means any of the following:*

- (a) a recreation area,*
- (b) a community facility,*
- (c) an information and education facility.*

The proposed development has an FSR of 6.6:1 and includes 39% of the gross floor area as residential accommodation and is thus consistent with subclause (5). However, as noted by subclause (6), subclause (5) only applies in relation to proposed development if the proposed development includes development resulting in community infrastructure or the use of land as community infrastructure and the consent authority is satisfied that the community infrastructure is appropriate for the Burwood Town Centre.

In this regards, at Council's meeting on 21 August 2018, Council resolved to adopt the draft amended Policy “Carrying Out Bonus Development in the Public Interest”. The amendments to the Policy were required as a result of Amendment No. 12 which now provides a statutory mechanism for consideration and approval of bonus development.

The amended Policy now includes a “Part B” to the policy which “provides guidance on how Council may be satisfied that a development will provide community infrastructure in the Commercial Core and Middle Ring areas of the BTC”.

Section 3 of Part B is entitled “What is satisfactory community infrastructure” and provides:

*Under the policy, Council may determine at its absolute discretion that subclause (6) and (9) of Clause 4.4A have been satisfied for a development having regard to whether:*

- Community infrastructure of the kind(s) specified in subclause (9) of Clause 4.4A is provided on site as part of the development or on another site within the Burwood Town Centre free of cost to Council. Also that infrastructure has to be assessed as appropriate for the Burwood Town Centre, taking into account the nature of the community infrastructure and its value to the community working or residing in the Burwood Town Centre or*
- Land is dedicated free of cost to Council for the provision of community infrastructure within the Burwood Town Centre of the kind(s) specified in subclause (9) of Clause 4.4A. Also that land has been assessed and determined as appropriate for the Burwood Town Centre, taking into account the nature of the community infrastructure and its value to the community working or residing in the Burwood Town Centre or*
- Any combination of the above or*
- A monetary contribution is voluntarily offered and accepted by Council for the provision of community infrastructure within the Burwood Town Centre of the kind(s) specified in subclause (9) of Clause 4.4A*

Part B, Section 4 of the draft amended Policy (as presented to Council) states:

*“Where a monetary contribution is offered, the amount will be determined in accordance with the dollar rate per square metre of GFA that is approved as additional development under BLEP Clause 4.4A(5). The dollar rate per square metre for bonus development in the Commercial Core and Middle Ring areas will be determined from time to time by Council resolutions.”*

At its meeting on 30 October 2018 Council resolved to enter into the VPA for the provision of a monetary contribution of \$1,208,550 (dollar value dependent on the final determination of the DA) towards public facilities after the granting of the consent for DA BD.2017.027.

The monetary contribution was voluntarily offered and accepted by Council for the provision of community infrastructure within the Burwood Town Centre of the kind(s) specified in subclause (9) of Clause 4.4A.

As subclause (6) has now been satisfied by the application a consent authority is able to grant consent to the proposed exceedance in floor space under the provisions of Clause 4.4A(5) – (9).

## BURWOOD DEVELOPMENT CONTROL PLAN 2013

### Parking

As parking remains as a reason for refusal the parking assessment from the original assessment report (14 June 2018) is reproduced below for ease of reference.

*The table below sets out the required and proposed parking spaces in accordance with the Burwood DCP. For completeness the required and proposed parking for the residential apartments is also included in the table (as assessed under the RMS Guide).*

Parking Spaces	Quantity	Parking Rate	Required Spaces	Proposed
<b>Resident parking spaces</b> (based on RMS Guide to Traffic Generating Development)				
<b>Total Residential</b>	-		31.5	36
<b>Visitor Parking Spaces</b>		1 space per 5 units	7.2	8
			38.7	44
<b>Hotel (Rooms) Burwood DCP 2013</b>				
Room	101	1 space per room	101	33
Employees	-	2 spaces per employee	2	2
<b>Total</b>			<b>103</b>	<b>35</b>
<b>Hotel (Rooms) Utilising rate of 0.3 parking space per room (see discussion below) Note:</b> Hotel parking rate is based on RMS Guide to Traffic Generating Development				
Room	101	0.3 space per room	30.3	33
Employees	-	2 spaces per employee	2	2
<b>Total</b>			<b>32.3</b>	<b>35</b>
<b>Retail Burwood DCP 2013</b>				
152m2	-	1 space per 400m <sup>2</sup>	1	1
<b>Total</b>			<b>1</b>	<b>1</b>
<b>Child Care Centre</b>	50	1 space per 4 children	15	8
<b>Staff</b>	4	1 space per staff member	4	4
<b>Total</b>			<b>19</b>	<b>12</b>

*The proposed development is compliant with parking spaces for the residential apartment (as per RMS Guide) and the provision of parking spaces for the retail use under the BDCP 2013. However, the proposed mechanical parking system is not supported by Council's Manager Traffic and Transport, in addition to other issues raised in assessment of the application (see Internal Referrals below). The proposal includes residential visitor parking and hotel guest parking within the automated parking system which is considered unacceptable as these users would not have received any training in the use of the system and are therefore likely to default to on-street parking.*

*The proposal is deficient in regards to hotel parking (68 spaces) and the child care centre (7 spaces) when assessed under the rates provided in BDCP 2013.*



In regard to the hotel parking provision, the applicant proposes a rate of 0.3 parking space per room rather than the Burwood DCP rate of 1 space per room citing that the reduction in parking for the hotel component is comparable to the Marrickville DCP which requires 0.2-0.5 spaces per hotel room in their town centres. However, Council's Manager Traffic and Transport has advised that Marrickville may not be the most suitable LGA to compare to Burwood based on its proximity to the City only. Other comparable DCPs such as Willoughby, which is a strategic centre like Burwood, and Strathfield each require 1 space per room.

In terms of the parking provision for the child care centre, the Traffic Impact Assessment provided with the application argues for a parking provision in accordance with a study conducted by the Roads and Traffic Authority (now RMS) in 1992, RTA Traffic Generation Surveys and Analysis – Child Care Centres 1992. The study developed a peak parking rate formula based on the capacity of the child care centre as follows:

Peak Parking Accumulation (LDC) =  $1.198 + 0.205C$   
C- capacity of child care Centre

Based on this formula the proposed child care centre with 50 children would require 12 parking spaces.

The proposal provides 12 parking spaces, including 8 within Basement 1 and 4 within Basement 3 which would be for staff and accessible via the mechanical car lift.

Council's Traffic and Transport assessment has found that whilst a shortfall in parking for the child care centre may be acceptable, the mechanical parking system is not supported. Additionally, the design of the "parent parking" for the child care centre within Basement 1 of the car park is considered to be unsatisfactory as it requires parents to walk through the car park aisles to access the child care lobby, placing pedestrians in direct conflict with moving traffic.

## CONSULTATION

### Internal Referrals

#### Parking & Traffic

In regards to the parking provision, Council's Manager of Traffic & Transport has assessed the additional information provided by the applicant (Attachment 2) and provided the following comments:

#### Hotel Parking Rates

The applicant has undertaken a comparison of hotel parking requirements of several Council's DCP's including Strathfield, Willoughby, North Sydney, Ryde, Parramatta and Hurstville. Of these only three contain Strategic Centres such as Burwood, being Willoughby Council (Chatswood), City of Ryde (Macquarie Park) and Georges River (Hurstville).

Comparisons to North Sydney and Parramatta are not considered to be acceptable given their status as Metropolitan Centres.

Whilst not a Strategic Centre, Strathfield is the closest Town Centre to Burwood and shares a number of similar characteristics to Burwood and so has been considered as part of the comparison process.

Other Strategic Centres surrounding Burwood such as Campsie, Bankstown and Kogarah have been reviewed by Council to determine their parking requirements.

Strategic Centre	Parking Rate	Required Spaces
Burwood	1 space per room + 2 spaces for employees	103
Bankstown (Canterbury Bankstown)	1 car space per unit + 1 car space per 2 employees.	103
Campsie (Canterbury Bankstown)	1 space per room + 2 spaces for staff	103



Strategic Centre	Parking Rate	Required Spaces
Chatswood (Willoughby)	1 space per room + 1 space per 2 employees	103
Hurstville (Georges River)	1 space per 5 rooms	21
Kogarah (Georges River)	1 space for each room/unit, + 1 space per 2 employees	103
Macquarie Park (Ryde)	1 space per 1.5 rooms	68
Strathfield (Not a strategic centre)	1 space per 3.5m <sup>2</sup>	101

As can be seen from the table above all but two other Strategic Centres share the same parking rate as Burwood. While the Macquarie Park parking requirement is less than Burwood it is still double what is being proposed by the application. Only one of the eight DCP's reviewed requires less parking than what is proposed by the application.

The rate used by the majority of LGA's is based upon the RMS Guide to Traffic Generating Developments which specifies "1 space for each motel unit, plus 1 space per 2 employees". Whilst the applicant has provided some detail on parking provided within existing hotels in Strathfield and Chatswood, no analysis has been undertaken based upon actual parking usage to determine if the on-site parking which has been provided is adequate to meet the demand of those hotels. It is also noted that some of the examples provided are for serviced apartments and not hotels and therefore should not be compared.

Ultimately no justification has been provided as to why a rate of 0.3 parking spaces per room has been applied by the applicant or why it should be accepted by Council or the Panel.

Whilst a reduced parking rate may be acceptable, adequate justification must be provided to demonstrate how the rate has been selected which has not been provided. It appears as though the applicant has simply allocated the remaining parking within the proposed mechanical car parking system to the hotel component without any rationalisation.

#### Mechanical Parking System

The concerns raised by Council in relation to a mechanical parking system were raised with the applicant on multiple occasions throughout the DA process. To date there has still not been sufficient information provided to address the concerns as detailed below.

#### **1. Potential for adverse impacts arising from slow operation causing vehicle queuing.**

The assessment undertaken by the applicant does not take into consideration real world use of a user's parking experience.

The documentation submitted allocates 5 seconds for users to exit their vehicle and walk over to the control panel once it has been parked. The claim of "a parking rate of 31 vehicles per hour and a retrieval rate of 36.4 vehicles per hour" per lift therefore assumes no extenuating factors such as users' needs to load and unload goods to and from a vehicle such as groceries, mobility devices, prams, luggage, etc. nor does it appear to have taken into consideration delays associated with infants and young children which require assistance to enter and exit a vehicle, or users with mobility issues who rely upon devices for mobility.

Similarly a retrieval time of 12 seconds has been assumed for users to walk to their vehicle, unlock it and start it before driving out, neglecting to take into consideration any of the above which would severely impact upon the alleged vehicle parking and retrieval times.

No queuing analysis has been undertaken to verify if the two waiting bays provided are sufficient to cater for the system which is to cater to 84 parking spaces.

## **2. Vehicle size constraints.**

*The applicant has clarified that the system is able to cater for a large B99 percentile vehicle however no clarification has been made for other vehicle types such as motorcycles which given their different wheel base configuration may not be able to be used within the system.*

## **3. Unreliability in cases of mechanical, hydraulic or electrical failure.**

*The provision of two lifts does help to reduce issues surrounding mechanical and hydraulic failure of the system, however no details have been provided in relation to electrical failure. At the previous Panel meeting the concern was raised and the applicant advised that a battery generator could be provided to power the system in the event of electrical failure, however no details have been included in the applicants latest response including the practicality of providing a battery to power such a large mechanical device.*

## **4. Potential for increased impact on on-street parking resulting from non-use due to user's lack of familiarity and/or confidence in the system.**

*The documentation provided by the applicant advises that users will require a unique swipe card to use the system. No details have been provided for users who are not residents or regular tenants of the building such as residents visitors or hotel guests.*

*At the previous Panel meeting the issue of non-use by residential visitors and hotel guests was specifically identified as a concern of Council given these users unfamiliarity with the system. The applicant advised that residential visitors would be able to access the visitor parking by pre-registering via a smartphone application. Council raised concerns regarding the need for users to have to rely on a separate device in order to simply access the visitor parking spaces. Which would discriminate against those who do not have or are not tech savvy with a smart phone.*

*In the event that the application is approved by the panel with the mechanical parking system it should be limited to residents and commercial tenants only. Traditional parking spaces similar to those provided to the childcare centre for pick up and drop off of children should also be provided to resident visitor and hotel parking spaces. Alternately hotel parking may be considered within the mechanical parking system with a condition that its use be limited to a valet and dedicated hotel guest waiting bays be incorporated into the design.*

Given the parking remains as fundamental issue, the application is not supportable and refusal of the application is recommended.

## **CONCLUSION**

This application has been assessed having regard to the Heads of Consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of SEPP 55 (Remediation of Contaminated Land); SEPP 65 (Design Quality of Residential Flat Development), SEPP (Building Sustainability Index: BASIX) 2004, Burwood LEP 2012 and all relevant Council DCPs, Codes and Policies. The proposed development is generally considered to display a high quality of architectural design and consistency with the design principles and criteria of the ADG.

However, as detailed in this report Council's Traffic and Transport assessment remains unsupportive of the parking provision shortfall or the use of the proposed mechanical car parking system and cannot support the application.

Accordingly, given the parking provision is not supported and is fundamental to the proposal, refusal of the application is recommended subject to the Refusal Notice provided at Attachment 1.

## **ATTACHMENT 1 – REFUSAL NOTICE**

### **REFUSAL NOTICE**

**THAT** the development application to demolish the existing building and erect a 23 storey mixed development consisting of commercial suites, retail shops, child care centre, restaurant, hotel rooms, conference facilities, and residential units over basement car parking be **REFUSED** for the following reasons:

- a) The proposal is unsatisfactory pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning & Assessment Act 1979 in that the proposed development does not comply with the parking requirements of Burwood DCP 2013. In particular the proposed mechanical parking system is not supported by Council for the following reasons:
  - i. Adverse impacts arising from slow operation causing vehicle queuing.
  - ii. Vehicle size constraints.
  - iii. Unreliability in cases of mechanical, hydraulic or electrical failure.
  - iv. Potential for increased impact on on-street parking resulting from non-use due to user's lack of familiarity and/or confidence in the system.
  - v. Users not being able to access their vehicle for activates such as minor maintenance, cleaning interiors, etc. again potentially impacting upon on-street parking
  - vi. Residential visitor parking and hotel guest parking within the automated parking system which is considered unacceptable as these users would not have received any training in the use of the system and are therefore likely to default to on-street parking. If residents/hotel staff are expected to meet visitors/guests within the basement to operate the system for their visitors this will only add to the delays and queuing for other users.
  - vii. Residential visitor parking spaces within a mechanical parking system are unable to be monitored for abuse by residents who may want to park their second or third additional vehicles within the development removing the ability for visitors to the site to park on-site. Additionally residents visitors are unable to identify if visitor parking spaces are available for use.
- b) The proposal is unsatisfactory pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning & Assessment Act 1979 in that the proposed development does not provide sufficient parking in accordance with Burwood DCP 2013 and the RMS Guide to Traffic Generating Development.
- c) The proposal is unsatisfactory pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning & Assessment Act 1979 in that the proposed development does not provide safe pedestrian access for parents and children for utilising the parking spaces within Basement 1.
- d) The proposed development is not in the public interest.



**ATTACHMENT 2 – APPLICANT’S ADDITIONAL INFORMATION LETTER DATED 24  
OCTOBER 2018**

