



7 November 2017

Mr Brian Olsen
Manager Planning and Development
Burwood Council
PO Box 240
Burwood NSW 1805

Dear Brian,

DA/2017/85 – CLUB BURWOOD RSL STAGE 1 (CONCEPT) DEVELOPMENT APPLICATION – RESPONSE TO REQUESTS FOR INFORMATION

We write on behalf of Burwood RSL Club Ltd (the Applicant) to provide additional information and respond to the matters raised by Council in their assessment of the DA/2017/85.

This letter and accompanying attachments responds to the comments made by Planning Ingenuity and the matters raised at our meeting with yourself and GMU Urban Design & Architecture (GMU) at our meeting on 23 November 2017. A response is also provided to the comments made by Council's:

- Heritage Advisor;
- Manager Environment Health; and
- Tree Management Officer.

A response to the matters raised by Council's Traffic Engineer is being prepared by Parking and Traffic Consultants (PTC) and will be issued to Council separately.

This submission is to be read in conjunction with the following, which are appended to this correspondence:

- Amended Control Drawings, prepared by The Buchan Group (Buchan) at **Attachment A**;
- Amended Conceptual Architectural Drawings, including 'parti' diagrams, prepared by Buchan at **Attachment B**;
- Landscape Concept Sketch, prepared by Buchan at **Attachment C**;
- Comparison Drawing, prepared by Buchan at **Attachment D**; and
- Updated Clause 4.6 Variation at **Attachment E**.

1. BACKGROUND

On 28 September 2017, a response to the comments made by GMU was submitted to Council. This was supported by revised Control Drawings and Conceptual Architectural Drawings. Comments from Planning Ingenuity were forwarded to Urbis on 6 November 2017.

A meeting with Council and GMU was held on the 23 November 2017. In preparation for this meeting, an agenda and amended Conceptual Architectural Floor Plans and Elevations were forwarded to Council for discussion. Jeff Mead from Planning Ingenuity was not able to attend this meeting, however, Council advised that he would be briefed on the outcome.

The key matters discussed at this meeting and the agreed approach is summarised below:

Clause 4.6

- A diagram demonstrating the massing between a building that complied with the 60m height control under the *Burwood Local Environmental Plan 2012* (LEP 2012) and the proposed building that exceeded the height control (but not the angled height plane) was tabled.
- A variation to the 60m height control allows for a slenderer tower. There was agreement that a tall slender tower was a better urban design outcome than a tower, or two towers that strictly complied with the 60m height control. Resolution of the urban design/envelope was necessary for the clause 4.6 variation to be supported.
- It was confirmed that an architectural roof feature is excluded from the calculation of building height, however this could not breach the angled height plane.
- Urbis was to prepare a new clause 4.6 variation request with additional justification. This was to be based on the amended scheme submitted to Council.

Podium and Tower Design

- Council and GMU supported the proposed massing, including the height of the podium and the height of the tower.
- The conceptual elevations were to be replaced by 'parti' diagrams. These 'diagrams were to:
 - Emphasise the verticality of the tower through a shadow line.
 - Break up the podium up through vertical segments.
 - Reduce the floorplate of Level 3 slightly.

Heritage

- The heritage referrals recommended several conditions be imposed on the development consent.
- GMU recommended that the porte-cochere elevation to George Street have a vertical emphasis. This could be achieved through creating bays with vertical elements that extended to the ground floor.
- Above the porte-cochere it was agreed that the podium levels could be brought to the street and were not required to be setback.

Interface with 63 Shaftesbury Road

- Council and GMU did not have an objection with the proposed setbacks to this property. An area capable of accommodating screen landscaping had been provided for in the control drawings.
- GMU advised that the Stage 2 DA will need to articulate the façade and avoid blank expanses of walls. Screen landscaping would need to be provided in the setback area.

Landscaping

- The roof on Level 3 should be landscaped. Active uses and soft landscaping on the roof is encouraged by Council and required by the Burwood Development Control Plan 2013 (DCP 2013). A detailed landscape plan is to be provided with the Stage 2 DA.
- Buchan agreed to prepare a conceptual landscape plan for Level 3 to demonstrate how landscaping, Club uses and plant equipment can be integrated to achieve a green roof.
- To accommodate an active rooftop, the control drawings would need to permit lightweight roof structures at this level.

Setback to Deane and Marmaduke Streets

- GMU did not have an issue with a 1.5m setback to Deane and Marmaduke Street if this was finished with materials to match Council's public domain requirements and the footpath was upgraded to the kerb. A Public Domain Landscape Plan is required to be submitted with the Stage 2 DA.
- Urbis were requested to provide additional justification to demonstrate how the 1.5m setback achieves the control objectives.

2. RESPONSE URBAN DESIGN COMMENTS

A response to the written feedback provided by GMU on the drawings that were submitted with the DA was provided to Council on 29 September 2017. As identified above, the urban design issues have now been addressed.

The amended Control Drawings and Conceptual Architectural Drawings address all the urban design comments:

- An average 20m street wall height is proposed. The sloping topography of the site and the commercial floor to ceiling heights required for the Club's operation are both barriers to achieving a consistent 20m street wall height across the site. It is understood that the proposed podium height is supported by both Council and GMU.
- Whilst consent for the external finishes is not sought, the 'parti' elevation diagrams demonstrate that the podium will include a substantial vertical rhythm of well-articulated segments. The vertical rhythm extends along George Street in the location of the porte-cochere.
- Above the porte-cochere, Levels 1 and 2 have been brought forward to be consistent with the predominant George Street setback.

- The footprint of Levels 4 & 5 is now contained within the tower envelope above. As suggested at the meeting, Level 3 has been setback slightly from the tower above. The reduction in floorspace at these levels is a significant compromise for the Club.
 - To provide access to all Club levels glazed lifts are proposed on the eastern elevation. These are significantly setback from the street and are unlikely to be visible from the street.
- The 'parti' elevation diagrams demonstrate that the tower will appear as a slender built form above the podium. The verticality of the tower is emphasised on all elevations through use of a shadow line. The architectural roof feature ensures the tower is proportional to the podium.
- We understand that the height of the tower is supported on urban design grounds. As illustrated at **Attachment D**, the provision of one slender tower that exceeds the 60m height control (but not the angled height plane) has several benefits to two towers that comply with the maximum height control and comply with the 45m length and width control in the DCP 2013 (refer Section 3).
- As discussed in Section 6, a landscaped roof terrace is now proposed on Level 3.

3. RESPONSE TO PLANNING REFERRAL

A response to the comments provided by Planning Ingenuity is provided below:

- Additional justification to support the use of clause 4.6 is provided at **Attachment E**. This demonstrates that the proposed building height is a superior urban design outcome than a development that strictly complied with the 60m height control under LEP 2012.
 - The proposed variation to the 60m height control allows for a taller slender tower to be provided on the site. An envelope that has a similar GFA and complies with the 60m height control and 45m maximum length or width control in the DCP 2013 has been submitted to Council previously. Whilst numerically compliant, this is not considered the optimum design outcome for the site.
 - During the pre-DA process, Council and GMU encouraged the Applicant to exceed the 60m height control to achieve a tall slender tower. The 'parti' elevation diagrams demonstrate that a future tower will appear as a slender built form above the podium. We understand from the meeting that the massing, including the height is supported by Council and GMU.
 - The proposed envelope complies with the angled height plane established under clause 4.3A of LEP 2012. This will ensure the amenity of residents in the lower density residential areas to the east will be protected.
 - The control drawings have been amended to nominate an 'architectural roof feature/plant zone' between RL 99.82 (Level 17) and RL 118 (maximum height). As confirmed at the meeting, an architectural roof feature is excluded from the calculation of building height. An architectural roof feature is not excluded from the operation of clause 4.3A. When this is taken into consideration, the proposal has a maximum height of 77m.

- The shadow diagrams identify in blue hatch the shadow cast by the areas of the building that exceed the 60m height control. These demonstrate that the additional shadow impact is not significant, noting:
 - Between 9am and 11am additional shadow falls on the mixed use/residential buildings to the south-west. However, solar access is available to these properties between 12noon and 3pm.
 - From 12noon to 3pm, most of the additional shadow falls onto the railway reservation or street.
- A maximum of 37,173sqm GFA is permitted on the site. The conceptual architectural drawings have a total GFA of 37,170sqm. Compliance is achieved with the FSR standard under LEP 2012.
- The proposed envelope provides a 1.5m setback to Deane Street and Marmaduke Street, in lieu of the 3m setback required by the DCP 2013 (Control 3.3.2.3 Figure 4). The 1.5m setback is consistent with the 'street front setback' objectives. We understand that GMU support the proposed setbacks.

O1 To develop and create a strong definition of streets and public spaces.

- The ground level setback will be finishes at-grade with Council's footpath and will be finished with materials and finishes to match Council's public domain requirements. This will allow for the widening of the footpaths along Deane Street and Marmaduke Street.
- As discussed in Section 6, a Public Domain Landscape Plan will be provided with the Stage 2 DA. This will include the treatment of Deane and Marmaduke Streets and will extend to the face of the building.

O2 To ensure that the built form assists in forming the character of the public urban space.

- It is desirable for the Club building to address the street and create an active frontage. The requirement to setback the podium 3m limits the potential to activate the street edge.
- With the exception of 63 Shaftesbury Road, the development occupies the area bound by George Street, Shaftesbury Road, Deane Street and Marmaduke Street. A consistent street setback will be maintained into the future as a result.

O3 To provide wider footpaths and improved pedestrian access at identified streets.

- A 1.5m setback allows for the existing footpaths (1.5m) to be widened to 3m. This provides sufficient width to accommodate pedestrian movements, in addition to street furniture and street trees.

4. RESPONSE TO HERITAGE REFFERAL

A response to the Heritage referral, received 13 October 2017 is provided below:

- Council's Heritage Officer recommends additional investigations and assessments be undertaken and submitted with the Stage 2 DA. This includes
 - An assessment on the visual catchment of the Burwood Railway Station Group (Item 68). As this item is also listed on the State Heritage Register (SHR) as an item of State Heritage Significance (SHR ID 01106), Council's Heritage Officer recommends that this be referred to the Heritage Council for concurrence.
 - Photo archival recording and further research and preparation of an interpretation plan for the former Burwood Library and Health Centre buildings.
 - Demonstrating through drawings and 3D modelling that the proposed porte-cochere elements respond sympathetically to the locally listed terraces at 9-11 George Street.
- As confirmed at our meeting, the height of the George Street podium is supported. It was agreed that the podium levels above the porte-cochere could be brought forward and that a sympathetic response to the terraces at 9-11 George Street can be achieved through materials and finishes. This included breaking up the podium using vertical bays. As the design of the building exteriors including facades is not sought as part of this DA, this detail will be provided with the Stage 2 DA.
- The additional investigations and assessments identified by Council's Heritage Officer can be undertaken and submitted with the Stage 2 DA. It is expected that conditions to this effect can be included on the Concept Approval.

5. RESPONSE TO ENVIRONMENTAL HEALTH REFERRAL

The Concept DA is supported by Council's Manager Environment Health subject to the imposition of conditions relating to environmental management, health and waste management. These reports/investigations can be undertaken and submitted with the Stage 2 DA.

6. RESPONSE TO TREE MANAGEMENT REFERRAL

A response to the Tree Management referral, received 13 October 2017 is provided below:

- This Concept DA does not seek approval for the demolition of the existing buildings or the removal of the trees on the site. Approval for the demolition of the buildings on the site and removal of the trees will be sought as part of the Stage 2 DA.
- A Public Domain Landscape Plan will be submitted with the Stage 2 DA. This will have regard to Council's Public Works Elements Manual (Public Works Manual). The Public Works Manual outlines the requirements for paving, street trees and street furniture. This has detailed provisions relating to street trees, requiring street tree pits to be located at 20m nominated centres.
- The Public Works Manual is very detailed and therefore a conceptual landscape plan is not necessary at this stage. A condition requiring a Public Domain Landscape Plan be submitted with the Stage 2 DA can be imposed on the Concept Approval.

- A Landscape Plan for the private domain will be submitted with the Stage 2 DA. The conceptual landscape plan provided for Level 3 demonstrates how this roof level can be landscaped to include trees, shrubs and ground covers. This will significantly enhance the visual amenity of the rooftop, support ESD principles and offer an enhanced experience for Club patrons and hotel guests.
- Detailed Landscape Plans must be prepared prior to making a commitment on the number, species and planting sizes of new trees. This detail will be submitted with the Stage 2 DA.
- An Arboricultural Impact Assessment (AIA) will also be prepared and submitted with the Stage 2 DA. This will address the matters outlined in the RFI.

7. NEXT STEPS

Thank you for the opportunity to provide a response to the comments raised in the assessment of the DA. All of the issues raised in the assessment have been addressed or are cable of being addressed through conditions on the Concept Approval.

As discussed at our meeting, it is important that the DA be determined by the Sydney Eastern City Planning Panel in December. We would appreciate if you could conclude your assessment as a priority to allow determination of the DA this year.

If you have any questions please don't hesitate to contact me on (02) 8223 7678 or Sam Down on (07) 3007 3536.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Clare Brown", with a stylized, cursive script.

Clare Brown
Director