

COUNCIL ASSESSMENT REPORT

Panel Reference	2017SCL042
DA Number	85/2017
LGA	Burwood
Proposed Development	Concept approval for a building envelope to facilitate a mixed use building comprising registered club, hotel accommodation, commercial premises, entertainment facilities, function centre and indoor recreation facility with basement parking for up to 1250 car spaces
Street Address	2 George St Burwood
Applicant/Owner	Urbis Pty Ltd/Burwood RSL Limited
Date of DA lodgement	29 June 2017
Number of Submissions	2
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 4A of the EP&A Act)	Capital Investment Value >\$20million and lodged prior 1 March 2018
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none"> • Burwood Local Environmental Plan 2012 • SEPP Infrastructure 2007 • SEPP State & Regional Development 2011 • SEPP 55 Remediation of Contaminated Land • Burwood Development Control Plan
List all documents submitted with this report for the Panel's consideration	<ol style="list-style-type: none"> 1. Statement of Environmental Effects 2. Clause 4.6 Submission 3. Building Control Drawing Set 4. Indicative Architectural Set 5. Design Process & Response Concept Package 6. Response to Council Issues 7. Vehicle Access Plan 8. Heritage Impact Statement 9. Traffic Report 10. Social Impact Assessment
Report prepared by	Planning Ingenuity on behalf of Burwood Council
Report date	13 December 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**

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? **Yes**

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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Panel Reference: 2017SCL042 DA

Property: **Shaftesbury Road, George and Deane Streets, Burwood**
Lot 30 DP 1231727

DA No: 85/2017

Date Lodged: 29 June 2017

Cost of Work: \$228,208,219 (Hotel component: \$61,047,950)

Owners: Burwood RSL Club Ltd

Applicant: Urbis Pty Ltd

PROPOSAL	<p>Concept Development Application (Concept DA) in accordance with Section 4.22 seeking approval for building envelopes to facilitate a future mixed use development comprising:</p> <ul style="list-style-type: none"> - registered club, hotel or motel accommodation, commercial premises, entertainment facilities, function centre and recreation facility (indoor); - basement parking for a maximum of 1,250 car spaces <p>The proposed building envelope has a tower with a maximum height 94.66m (RL 118.36) and a podium of up to 4 storeys.</p> <p>An indicative scheme provided with the application demonstrates that the envelope is capable of accommodating a gross floor area (GFA) of 37,170m²</p>
ZONE	B4 – Mixed Use
IS THE PROPOSAL PERMISSIBLE WITHIN THE ZONE	Yes – the proposal is best described as a mixed use development which comprises a registered club, hotel or motel accommodation, commercial premises, entertainment facilities, function centre and recreation facilities (indoor). Each use is permissible with consent from Council.
IS THE PROPERTY A HERITAGE ITEM	No
NOTIFICATION	Notified 18 July 2017 to 8 August 2017 – Two submissions were received.
RECOMMENDATION	The concept DA is recommended for approval, subject to conditions of consent

EXECUTIVE SUMMARY

This report provides an assessment of DA (85/2017) seeking concept approval for a building envelope to facilitate a future mixed use development comprising a registered club, hotel or motel accommodation, commercial premises, entertainment facilities, function centre and recreation facility (indoor) at Shaftesbury Road, George and Deane Streets, Burwood. Subsequent Development Applications will be lodged for the demolition of the existing structures, detailed design and construction of the proposed development.

In particular, this application seeks approval for:

- a building envelope comprising a 16 storey tower (94.66m) above a 4 storey podium (approximately 23m).
- Maximum GFA across the site of 37,170m²
- Vehicle access points; and
- A maximum of 1,250 car spaces provided within the basement envelope.

The site is known as Shaftesbury Road, Burwood and has a legal description of Lot 30 in DP 1231727.

Planning Ingenuity Pty Ltd, has been engaged by Burwood Council to provide the Sydney Eastern City Planning Panel with an independent town planning assessment of this application, including the preparation of this report. Planning Ingenuity Pty Ltd has been assisted in this process by GM Urban Design and Architects (GMU) to provide an independent assessment of the proposal in relation to urban design related matters.

From an urban design point of view the application is considered to be acceptable and design principles for further DA/s have been included as part of the conditions of consent.

The proposal has been assessed with regard to impacts on surrounding development, including overshadowing and traffic. As the proposal relates to a building envelope, it is considered that the detailed design on the building is capable of providing acceptable outcomes in relation to amenity, streetscape, wind impacts, transport and parking, and construction impacts.

The proposal will deliver a new club for Club Burwood RSL including new eateries, a theatre, conference facilities, entertainment facilities and hotel accommodation in Burwood Town Centre with excellent access to public transport.

Subject to recommendations provided in this report and subsequent conditions, the applicant is recommended for approval.

BACKGROUND AND ASSESSMENT HISTORY

Development Application BD85/2017 was lodged on 29 June 2017. The application was notified between 18 July and 8 August 2017. Two submissions were received.

Council engaged Planning Ingenuity in collaboration with GM Urban Design and Architecture (GMU) to undertake independent assessment of the development application on behalf of Council. A brief timeline of key meetings and additional information requests and responses is provided below:

- 28 September 2017- response to the initial urban design comments made by GMU was submitted to Council by the applicant. This was supported by revised Control Drawings and Conceptual Architectural Drawings.
- 23 October 2017 – meeting held with applicant, Council and GMU to discuss urban design comments, planning comments and referrals,
- 6 November 2017 – planning comments forwarded to Urbis on 6 November 2017.
- 7 November 2017 - amended Building Control Drawings and Indicative Concept Drawings were provided to Council. This included a submission outlining how each of the points raised at the meeting on 23 October 2017 had been addressed. A response to the Heritage, Environmental Health and Tree Management referrals was also provided.
- 28 November 2017 - GMU provided comments (including sketches) on the amended plans relating to the podium levels, tower element, proposed material and podium roof landscape design.
- 12 December 2017 - meeting with applicant, Council and GMU was held. At this meeting comments were made about the need for the podium and tower to demonstrate vertical articulation, including breaks in the building massing.
- 12 January 2018 - amended Building Control Drawings and Indicative Concept Drawings were provided to Council.
- 23 February 2018 – GMU provided further comments regarding further resolution of the proposal, to demonstrate that the proposed scheme was informed by the context of the site and streetscape and would be capable of providing a slender and balanced tower form.
- 2 July 2018 - amended Indicative Concept Drawings and a Design Process Response Package were submitted to Council for consideration.
- 10 July 2018 - meeting was held with applicant, Council and GMU to discuss the Indicative Concept Drawings and Design Process Response Package.

- 29 July 2018 - advice was given to applicant that the level of documentation in relation to urban design was acceptable would allow completion of the assessment of the DA and that further urban design work was not required. The applicant was requested to provide an overlay of the indicative building form on the Building Control Drawings and more closely align the envelope with the proposed floor plates. This modelling exercise was undertaken and the Building Control Envelopes with the indicative tower form overlaid were submitted to Council on 30 August 2018.
- 12 September 2018- modified set of Building Control Drawings which reflected the 'winged' shape of the tower shown on the concept architectural plans were submitted to Council.
- 28 September 2018 – applicant provided with response from Council advising that the Building Control Drawings were acceptable. A set of design principles were also provided to applicant. The development consent for the concept DA it to include a condition referring to these principles. The principles will direct the assessment of the future DA to achieve the expected level of design excellence.

THE SUBJECT SITE AND CONTEXT

The subject site is located within the Burwood Town Centre. The site is bounded by George Street to the north, Shaftesbury Road to the east, Deane Street to the south and Marmaduke Street to the west. The site includes the area of Waimea Street between Shaftesbury Road and Marmaduke Street, as well as the portion of Marmaduke Street directly to the west of the site. The site excludes 59-63 Shaftesbury Road, at the south-eastern corner of the block. The site is known as Shaftesbury Road, Burwood, and is legally described as Lot 30 in DP1231727. The site is irregular in shape and has a total area of 9,248m². The site is highlighted in Figure 1 below.



Figure 1 Site Location Plan

The site currently contains detached dwelling houses and two and three storey residential flat buildings.



Figure 2 Site viewed from George Street



Figure 3 Site viewed from corner of Shaftesbury Road and George Street



Figure 4 Site viewed looking east up Deane Street



Figure 5 Site viewed from Marmaduke Street

Adjoining the eastern (and a portion of the southern) boundary, but not forming part of the site is No.63 Shaftesbury Road, a three storey residential flat building (see Figure 6).

The subject site is located in Burwood Town Centre as shown in Figure 7 below. Burwood Railway Station is approximately 250m walking distance to the south-west. The site is in close proximity to a variety of established retail facilities within Burwood Town Centre and is within safe, convenient, and mostly level walking distance to these facilities along formed footpaths. Public transport is available by bus and train and the site is within 30 minutes travelling time to Sydney CBD by private and public transport.

The Burwood Town Centre is undergoing significant transformation to taller and more dense built forms under the planning controls introduced with Burwood LEP 2012 and the Burwood DCP.



Figure 6 No.63 Shaftesbury Road (adjoining site to east)



Figure 7 Location of subject site within Burwood Town Centre (Source: Burwood DCP)

To the north of the site are a number of medium density residential buildings, and Westfield Burwood further to the north.

To the east of the site on the opposite side of Shaftesbury Road are a number of low density residential uses that are located outside the Burwood Town Centre. Immediately to the east of the site is 59-63 Shaftesbury Road, comprising a three storey residential flat building.

To the south is the railway reservation.

To the west is Burwood Railway Station and Burwood Town Centre, including shop top housing fronting Burwood Road and a number of large scale commercial and residential developments.

THE PROPOSAL

The proposal involves development consent for a Concept Development Application (Concept DA) made in accordance with Section 4.22 seeking approval for building envelopes to facilitate a future mixed use development comprising:

- registered club, hotel or motel accommodation, commercial premises, entertainment facilities, function centre and recreation facility (indoor);
- basement parking for a maximum of 1,250 car spaces

The proposed building envelope comprises of a podium level, which due to the topography of the site has a height of 3 storeys at George Street, Shaftesbury Road and Deane Street and 4 storeys at Marmaduke Street (average height of 20m). Above the podium is a 16 storey tower (94.66m) which is located in the western portion of the site. The building envelopes are proposed to accommodate a gross floor area (GFA) of 37,170m².

The proposal seeks consent for the basement car parking envelope to accommodate a maximum of 1,250 car spaces. The basement envelope as proposed can accommodate six levels of basement car parking. The basement would be accessible via a vehicle ramp from Marmaduke Street and a secondary ramp from Shaftesbury Road. The loading dock and service vehicle access has been provided via a ramp off Deane Street.

The following land uses are proposed:

- Basement 1/Loading Dock Area
 - food and beverage tenancy fronting Deane Street (loading dock level);
 - food and beverage tenancy fronting the corner of Marmaduke and George Street (loading dock level); and
 - kitchen, back of house facilities, storage and loading dock facilities (below existing ground level due to sloping site).
- Ground Floor
 - Vehicle entry/exit from Marmaduke Street;
 - Port-cochere accessible from George Street;
 - Club reception and hotel lobby;
 - Food and beverage areas, club bar, indoor and outdoor gaming facilities;
 - Vehicle entry/exit from Shaftesbury Road; and
 - Loading dock entry/exit from Deane Street.
- Level 1
 - Food and beverage areas (restaurants); and
 - Outdoor terrace
- Level 2
 - Conference facilities;
 - Theatre;
 - Pre-function circulation spaces; and
 - Back of house facilities and amenities.
- Level 3
 - Club facilities; and
 - Roof terrace including pool
- Level 4 – 19
 - Hotel; and

- Club facilities

A summary of the proposed scheme is provided in Table 1 below and illustrated in Figure 8 – 15 below.

Table 1 Key Components of the Development		
Component	Proposal	
	Podium	Tower
Site Area	9248m ²	
Gross Floor Area (GFA)	37,170m ²	
Proposed FSR	4:1	
Building Height	20 metres (average)	94.6m (maximum)
Number of Storeys	4	16 (+ plant)
Minimum Setbacks		
George Street	3.66m (to accommodate road widening)	11.334m
Shaftesbury Road	3m (to accommodate road widening)	31.64m – 73m
63 Shaftesbury Road	3m – 13m	31.64m – 38.6m
Deane Street	1.5m	11.5m
Total Car Spaces	1,250 spaces	

The proposed scheme is illustrated in Figures 8 to 15 below.

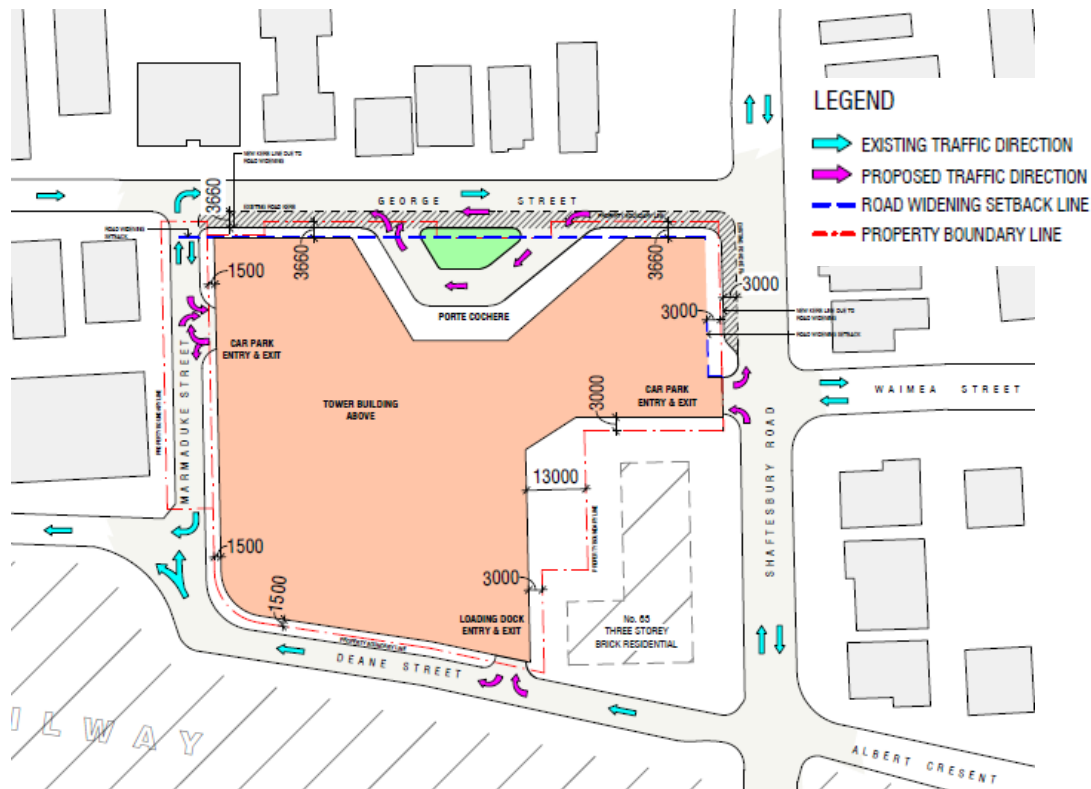


Figure 8 Vehicle Access Plan

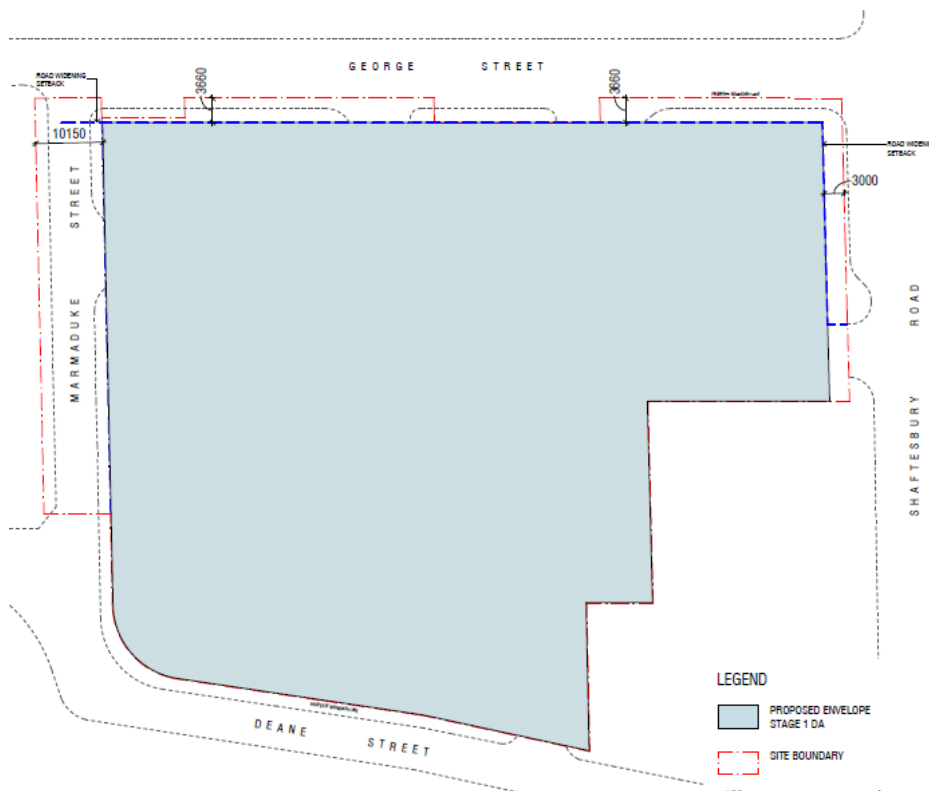


Figure 9 Basement levels

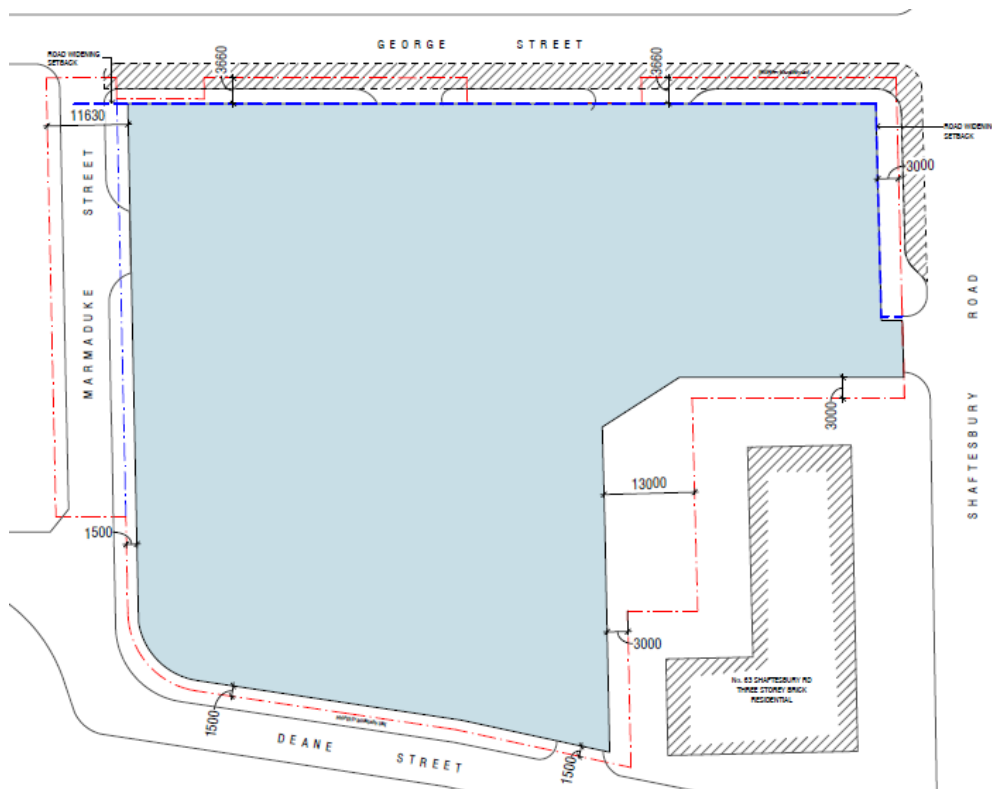


Figure 10 Podium Levels

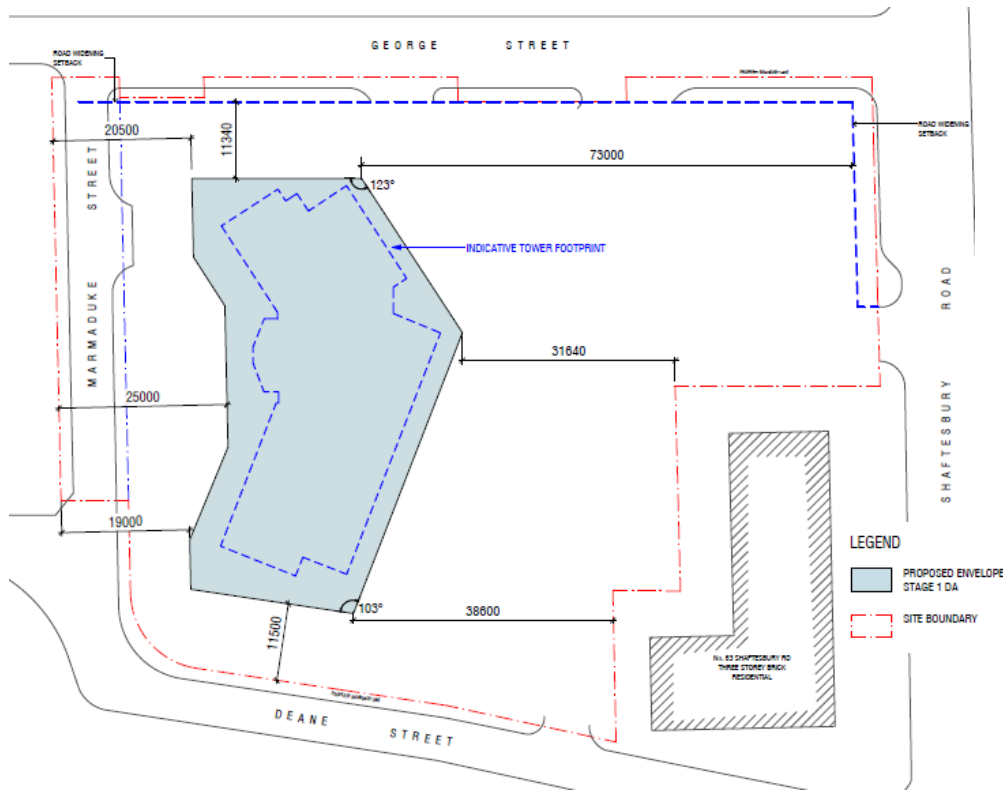


Figure 11 Levels 4 – 15 (footprint reduces at each level above)

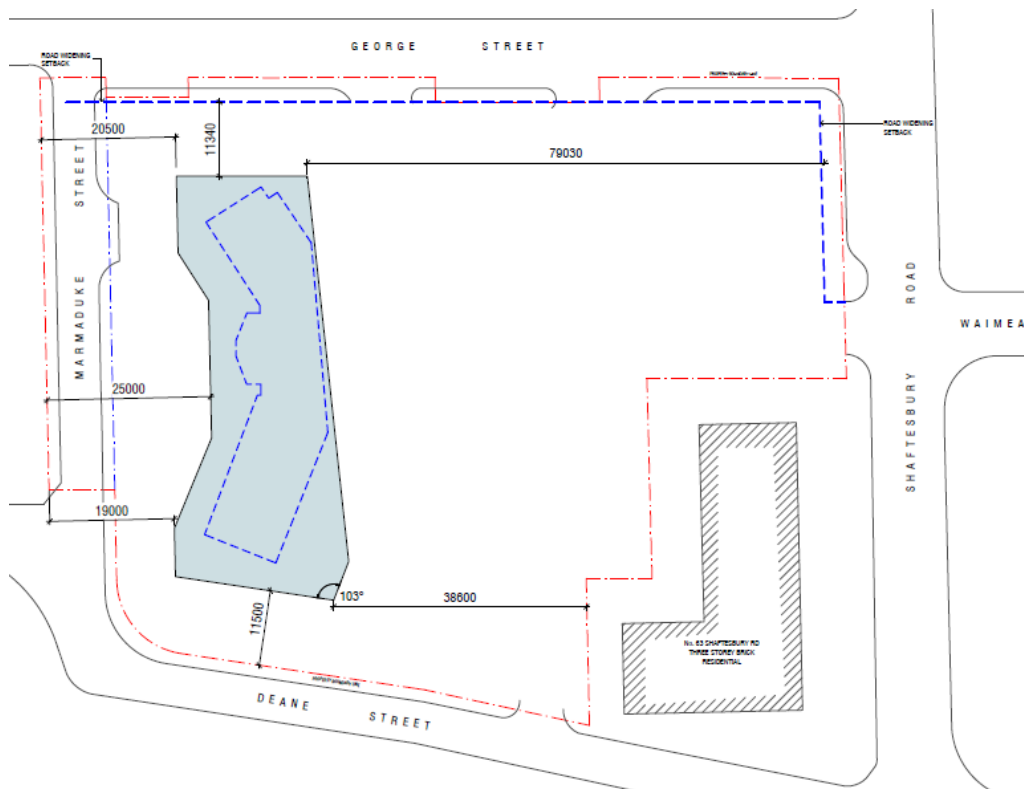


Figure 12 Level 19

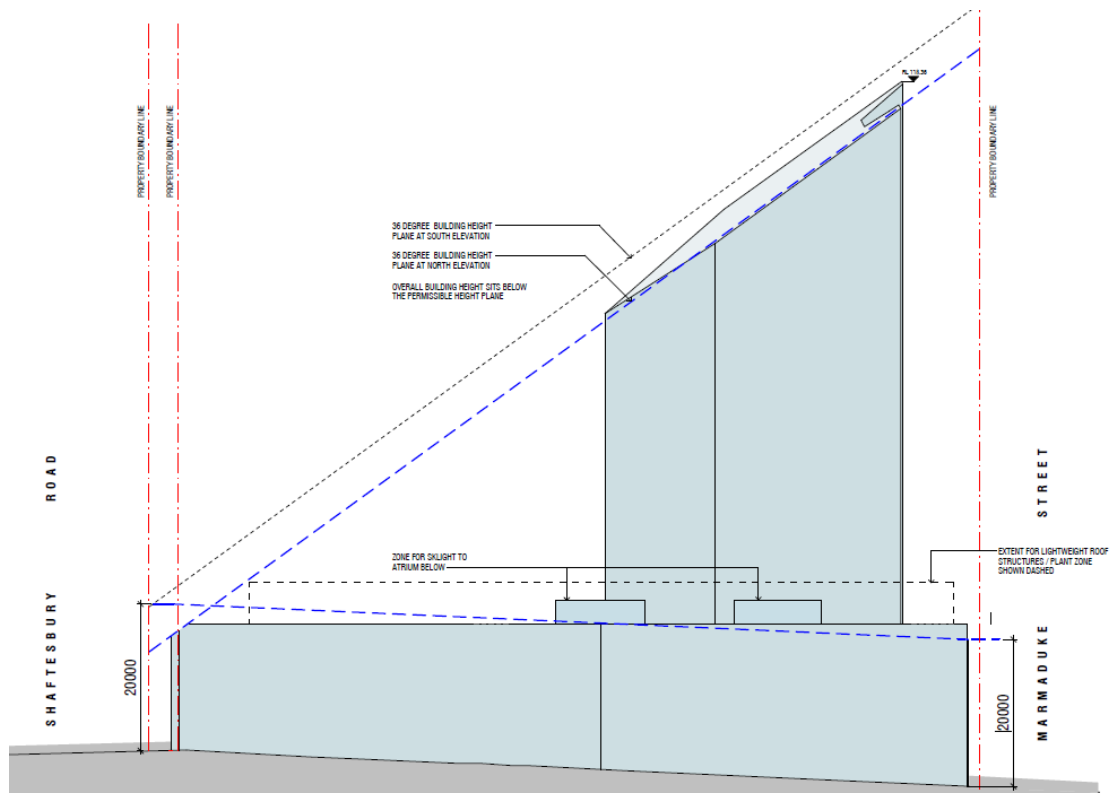


Figure 13 North Elevation

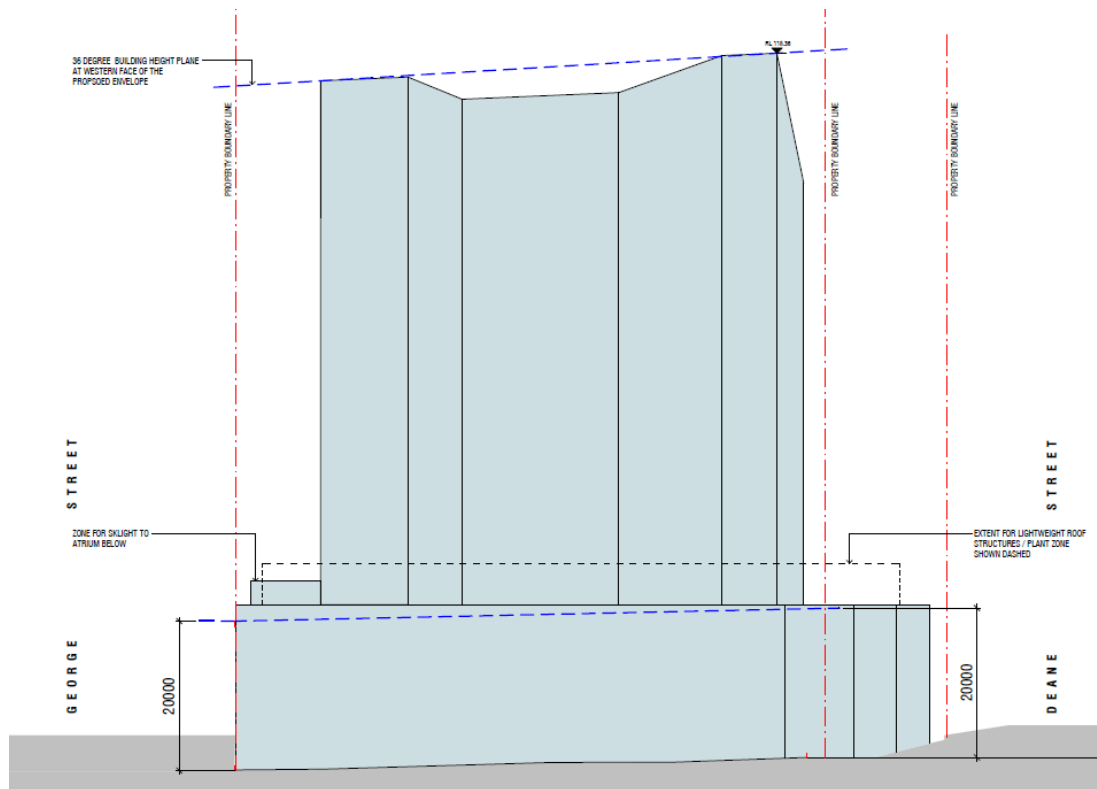


Figure 14 West Elevation

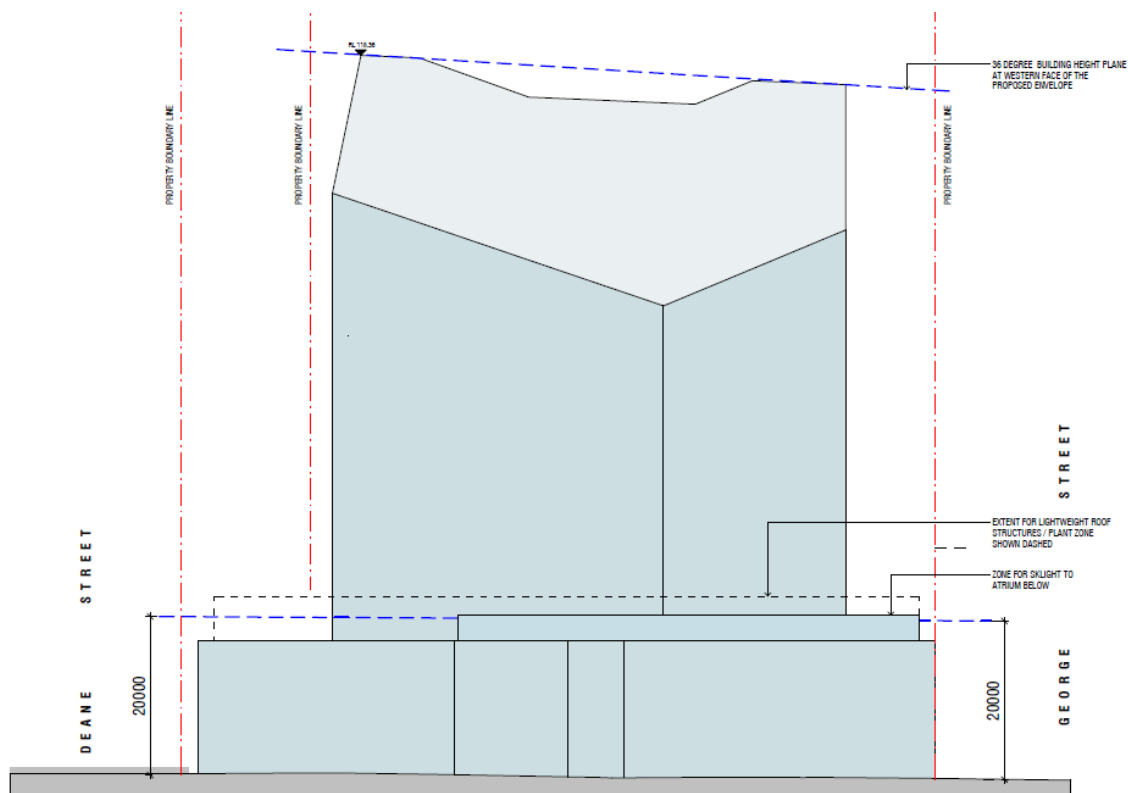


Figure 15 East Elevation

STATUTORY PLANNING FRAMEWORK

The proposed development is subject to the following Environmental Planning Instruments (EPIs), Development Control Plans (DCPs), Codes and Policies and Draft EPIs and DCPs:

- State Environmental Planning Policy No. 55 – Remediation of Contaminated Land;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (State & Regional Development) 2011;
- Burwood Local Environmental Plan 2012; and
- Burwood Development Control Plan.

STATE ENVIRONMENTAL PLANNING POLICY NO 55 – REMEDIATION OF CONTAMINATED LAND

This policy provides a framework for the assessment, management and remediation of contaminated land. Clause 7(1) of the Policy prevents Council from consenting to development unless:

- a) It has considered whether the land is contaminated, and
- b) If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- c) If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

A Stage 1 Preliminary Environmental Site Assessment prepared by Environmental Investigation Services (Reference: E29398KHrpt-rev1 and dated 23 June 2017) was submitted with the development application. The report concludes that there is moderate/high potential for site contamination. The report recommends a Stage 2 Detailed Site Investigation (DSI) to be undertaken. Given that the proposal is a Concept DA detailed matters in respect of

contamination and the remediation of the site will be further addressed as part of the future DA/s. A condition of consent requiring a Stage 2 DSI to be submitted with the first detailed DA forms part of the conditions of consent.

STATE ENVIRONMENTAL PLANNING POLICY (STATE & REGIONAL DEVELOPMENT) 2011

The proposal is development nominated in Part 4 of this Policy, being development that has a capital investment value exceeding \$30 million. Consequently the Sydney Eastern City Planning Panel is the consent authority for this application.

The development is not State Significant Development (SSD) under Clause 13 of Schedule 1 of State Environmental Planning Policy (State & Regional Development) 2011. Whilst the development includes development for tourist related purposes (hotel accommodation), the cost of works for the hotel component does not exceed \$100 million. The applicant submitted additional information clarifying that the CIV for the hotel is \$61,047,950 and thus under the SSD threshold of \$100 million.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

Clause 86 - Excavation in, above, below or adjacent to rail corridors

The application is subject to Clause 86 as the development is adjacent to a rail corridor.

The application was referred to Sydney Trains for concurrence in accordance with Clause 86 of the Infrastructure SEPP as the proposal involves excavation to a depth greater than 2m within 25m of a rail corridor. Concurrence was granted by Sydney Trains in a letter dated 18 October 2017, subject to conditions.

Clause 104

The application is subject to Clause 104 of the SEPP as the proposed development is development specified in Column 1 of the Table to Schedule 3 that involves more than 200 car parking spaces. RMS has reviewed the application and provided comment (see "External Referrals" below).

BURWOOD LOCAL ENVIRONMENTAL PLAN 2012

The Burwood Local Environmental Plan 2012 came into effect on 9 November 2012. It replaced (and consolidated) the Burwood Planning Scheme Ordinance (BPSO) and the Burwood Town Centre (BTC) LEP 2010.

The subject site is located in the *B4 – Mixed Use* zone under the Burwood Local Environmental Plan 2012. The proposed development is best described as a mixed use development which comprises a registered club, hotel or motel accommodation, commercial premises, entertainment facilities, function centre and recreation facilities (indoor). These components are permissible with consent in the zone. The objectives for development in *Zone B4* are as follows:

- *"To provide a mixture of compatible land uses; and*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling."*

The proposal provides a range of appropriate land uses comprising registered club, commercial, hotel, entertainment and recreation uses that are compatible with the location of the site within the Burwood Town Centre.

Clause 4.3 Height of Buildings and Clause 4.3A Exceptions to height of buildings

A maximum building height of 30m in the eastern portion of the site and 60m applies to the western portion of the site pursuant to clause 4.3 and the Height of Buildings Map of BLEP 2012 (see Figure 16 below). The site is also subject to clause 4.3A which requires that the height of buildings on the site is not to exceed the building height plane established by the projection of a 36 degree angle cast one metre above the existing ground level on the eastern side of Shaftesbury Road.

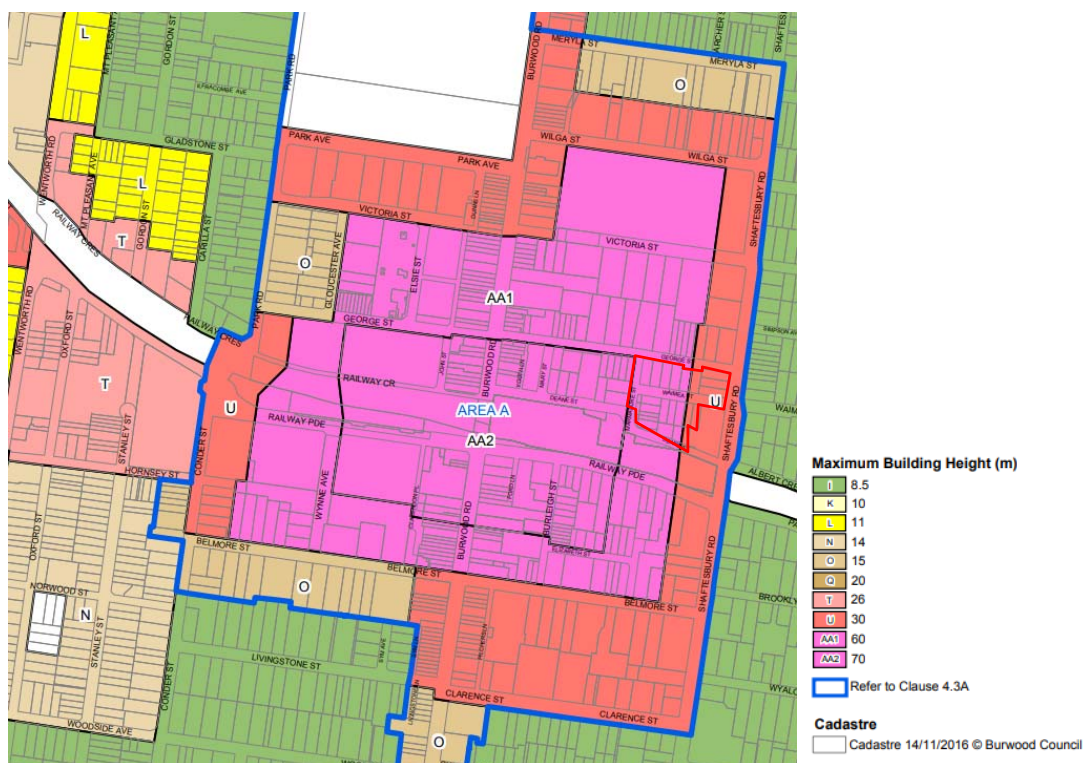


Figure 16 Height Map Extract BLEP 2012

The podium has a maximum height of 25.25m and is thus compliant with the maximum building height applying to the eastern portion of the site. The tower has a maximum building height of 94.66m and therefore fails to comply with the height of buildings development. The proposal involves a variation of up to 58% standard of BLEP 2012. The applicant submitted legal advice that as the proposed height conforms to the envelope which is permissible under clause 4.3A of BLEP 2012 a clause 4.6 variation is not required. However, for abundant caution a written request in accordance with Clause 4.6 (Exceptions to Development Standards) of BLEP 2012 has been submitted by the applicant. That request is discussed below under the heading “Clause 4.6 - Exceptions to Development Standards – Height of Buildings”.

Clause 4.4 – Floor Space Ratio (FSR)

Clause 4.4 to BLEP 2012 prescribes a maximum floor space ratios of 4.5:1 for the western portion of the site and 3:1 in the eastern portion of the site. With a consolidated site area of 9,248m² this equates to a maximum gross floor area of 37,173m². The proposed building envelope has a maximum gross floor area of 37,170m².

Clause 4.6 – Exceptions to Development Standards

Clause 4.6 of the BLEP 2012 provides authority and procedures for consent authorities to consider, and where appropriate grant consent to, development even though the development would contravene a particular development standard. The objectives of Clause 4.6 are to provide an appropriate degree of flexibility in applying development standards, and to provide better outcomes for and from development by allowing flexibility. The provisions of Clause 4.6 may be applied to the maximum building height development standard of BLEP 2012 pursuant to Clause 4.6(6)&(8).

In accordance with Clause 4.6(3), for Council to consent to an exception to a development standard it must have considered a written request from the applicant that seeks to demonstrate that:

- “
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.”

Request to vary Maximum Height of Buildings Development Standard

The applicant has submitted a written variation request under Clause 4.6. The submitted request presents an adequate justification that has regard to the objectives of the height limit standard in BLEP 2012, and the objectives of the B4 zone. It also addresses relevant case law concerning variations to development standards, whether non-compliance is reasonable and necessary in the circumstances of the case, the planning grounds to justify the contravention, and the public interest. Based on the request, the following reasons support approval of the departure from the development standard.

- High density development has been encouraged in this part of the Burwood Town Centre. The height proposed by the concept DA is compatible with the scale and character of existing and likely future development in the vicinity of the site.
- The proposed concept DA envelope is contained within the angled height plane established under clause 4.3A of BLEP 2012. The objectives of the angled height plane, as stated in clause 4.3A(1) are to mitigate any adverse impacts on the amenity of residents living adjacent to the Burwood Town Centre and to ensure adequate solar access is maintained. Compliance with the angled height plane mitigates potential adverse impacts.
- The tower has been located within the western half of the site, the Burwood Town Centre. The additional shadow cast by the part of the building that exceeds the 60m height control predominantly falls onto the railway reservation.
- The proposed height variation allows achievement of the planned density for the site. The proposal complies with the FSR control established under clause 4.4 of BLEP 2012.
- The increase in building height will result in an improved urban design outcome by permitting a more slender tower envelope that would otherwise be achieved under a scheme that complied with the maximum FSR and height controls.

It is accepted that the building height exceedance as proposed will not result in a development that is visually out of character and scale with what is reasonably anticipated in the town centre. In addition, the height exceedance in itself does not result in any unreasonable amenity impacts on the adjoining properties in comparison to a compliant scheme.

The assessment argues that the non-compliant height is acceptable in the circumstance as the building will accommodate employment and entertainment facilities in a location that is well served by urban infrastructure. Insisting on strict compliance would not yield an improved building outcome. A tall, slender tower is more appropriate for the site than a lower, broader tower. This assessment concurs with those arguments and the applicant has demonstrated that the proposed height of the building results in a building which is appropriate in terms of the urban design outcome.

In accordance with Clause 4.6(4)(a)(i), the applicant's written request has satisfactorily addressed the matters required by subclause (3) as the written request seeks to justify the contravention of the development standard by demonstrating:

- that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- that there are sufficient environmental planning grounds to justify contravening the development standard.

It is considered that the proposed development will be in the public interest because it is consistent with the objectives of the maximum height standard and the objectives for development within B4 zone.

On this basis, the requirements of Clause 4.6(3) are satisfied and the variation supported.

Clause 5.1A – Development on land intended to be acquired for public purposes

Land adjacent to George Street and Shaftesbury Road is identified as land to be acquired for the purposes of roads. The proposed envelope has been setback to permit the future acquisition of this land.

Clause 5.9 – Preservation of trees or vegetation

The proposal involves the removal of 43 trees from the site. Council's tree management officer has raised no objection to the removal of the trees, requiring a detailed Landscape Plan to be submitted for Stage 2 of the Development Application.

Clause 5.10 – Heritage Conservation

The subject site does not contain a heritage item nor is it located within a heritage conservation zone. However, the site is within the vicinity and visual catchment of items of environmental heritage (being Burwood Railway Station Complex and a pair of two terrace houses situated on the northern side of George Street at Nos 9 & 11

A Statement of Heritage Impact prepared by Urbis, dated June 2017 was submitted with the development application and has been reviewed by Council's Heritage Advisor along with the development.

Council's Heritage Advisor has advised that the impacts of the proposed DA are not supported unconditionally and that it would be expected that subsequent DA's for this project, with more developed designs, would attract conditions relevant to the further detail designs provided.

Clause 6.5 Design Excellence in Zones B2 and B4

Clause 6.5 of BLEP 2012 was inserted into the LEP as part of Amendment No.12 (gazetted 17 November 2017). The clause applies to the erection of a new building of 3 or more storeys on land in Zone B2 Local Centre or Zone B4 Mixed Use and the objective of the clause is to deliver the highest standard of architectural, landscape and urban design. Clause 6.5(3) provides:

"(3) Development consent must not be granted for development to which this clause applies unless the consent authority is satisfied that the development exhibits design excellence."

And subclause (4) sets out the matters which the consent authority must have regard to in deciding whether the development exhibits design excellence. These matters and a response are set out on the table below.

Table 2: Design Excellence Provisions

Clause	Response	Complies
a) whether a high standard of architectural, landscape and urban design has been achieved (including in the materials used and in detailing appropriate to the location, building type and surrounding buildings)	The concept proposal has been assessed by GMU and after undergoing a number of redesign iterations, the final concept plans have been found to achieve a high standard of urban design. Detailed architectural design and landscape proposals will be the subject of future development application/s.	Yes
(b) whether the form and external appearance of the proposed building, and ground level detailing, will significantly improve the quality and amenity of the public domain,	The proposed building envelope demonstrates that a future form of development which improves the quality and amenity of the public domain can be achieved.	Yes
(c) how any streetscape and heritage issues have been addressed,	The proposed building envelope permits a future development which will provide an activated streetscape for all four frontages. Heritage issues are deemed to be appropriate as discussed in relation to Clause 5.10 of the BLEP 2012.	Yes
(d) whether the amenity of the surrounding area, including any view corridors, vistas or landmark locations, will be adversely affected,	The amenity of the surrounding area is not adversely affected by the proposed building envelope. The slim tower form is a superior urban design outcome.	Yes
(e) how traffic circulation and vehicular access will be addressed and whether the proposed development supports the provision of high quality pedestrian, cycle and service access,	The proposed vehicle access off Shaftesbury Road and Marmaduke Street (with service access from Deane Street) is the most efficient location and enables pedestrian movements to be maintained on all other frontages. A porte-cochere is proposed along the George Street frontage at the location of the main Club entrance. Coaches are able to access this porte-cochere.	Yes

Clause	Response	Complies
(f) whether any adverse effect on pedestrian movement and experience will be avoided (and whether the public transport interchange as the focal point for pedestrian movement in the surrounding area will be reinforced and the ease of pedestrian access to and from that interchange will be facilitated),	The site is located within 250m walking distance from Burwood Train Station. The proposed envelope allows for widening of footpaths to Marmaduke Street, Deane Street and George Street. A public domain landscape plan will be required as part of the future detailed development applications.	Yes
(g) whether the development supports an integrated land use mix in Zones B2 and B4, including a diversity of public open spaces at the ground level, as well as the roof and other levels of buildings,	The proposal supports a mix of hotel, retail and entertainment facilities. A public domain landscape plan will be required as part of the future detailed development applications.	Yes
(h) how the bulk, mass, modulation, separation, setback and height of buildings have been addressed and whether they are appropriate in the context of existing and proposed buildings,	As discussed throughout the report and in particular in regards to the submitted Clause 4.6 variation request for the maximum height variation the proposed building is appropriate in its context in relation to urban design requirements (scale, setbacks and modulation). Design principles are to be adhered to in the future development applications are included as part of the conditions of consent,	Yes
(i) whether a high standard of ecologically sustainable design (including low-energy or passive design) will be achieved and overshadowing, wind effects and reflectivity will be minimised.	<p>It is expected that ESD initiatives will be incorporated into the proposal as part of the detailed design forming part of the future development application/s.</p> <p>In relation to overshadowing, the proposed building envelope maintains a compliant level of solar access to surrounding residential properties in accordance with the Burwood DCP 2012. The overshadowing caused by this development is predominantly over the Burwood railway station and roads.</p>	Yes

BURWOOD DEVELOPMENT CONTROL PLAN 2013

Burwood Development Control Plan (DCP) was adopted by Council on 12 February 2013 and came into effect on 1 March 2013. Compliance with the relevant DCP controls is summarised in Table 3. The site is located within the Middle Ring and Perimeter areas. Only the controls relevant to the concept DA are considered below.

Table 3: Relevant provisions of Burwood Development Control Plan

Control	Requirement	Proposed	Complies
3.2.1 Design Excellence	<p>Represent architectural design excellence by:</p> <ul style="list-style-type: none"> - Form and external appearance to improve the quality and amenity of the public domain - building elements and finishes to reflect use and structure - Respond positively to the environmental context - Considering development potential for adjoining sites 	Design excellence has been considered in detail under Clause 6.5 of BLEP 2012. The proposed building envelope is able to achieve design excellence and future development applications will need to comply with the design principles prepared by GMU.	Yes

Control	Requirement	Proposed	Complies
3.3.2. Burwood Town Centre	Podium Height 15m	The proposed podium has a height of 25.25m. The height of the podium has been considered by GMU and is acceptable subject to future development applications complying with the urban design principles which form part of the conditions of consent.	On merit
3.3.2.3 Middle Ring	<p><u>Street front setbacks</u></p> <p>Development must be built to the street front boundary except where a minimum of 3m, 6m or 8m setback is required (3m to Marmaduke and Deane St)</p> <p>Ground level setbacks to be finished at grade with Council's footpath and finishes and materials to match Council's Public Domain Requirements</p> <p>Secondary setbacks – the part of the development above 15m to be set back at least 5m from the street front boundary</p> <p>Other street front development up to 15 metres in height must be built to the side boundary and may be built to the rear boundary.</p> <p>For all development refer to building separation provisions of the ADG.</p> <p>Building separation requirements must be shared equally with adjoining development across a boundary. Applicant must demonstrate that daylight access, urban form, open space and visual and acoustic privacy can be achieved.</p> <p>Maximum length of any part of a building parallel to the street above 15m in height is 45m. This portion must be articulated.</p>	<p>The proposed building envelope provides 1.5m setbacks to Deane Street and Marmaduke Street (a 1.5m variation to the required 3m). The proposed setbacks are considered acceptable given that the setbacks allow for future public domain works to be provided and enable the provision of an active street edge. The proposal provides a consistent setback to all street frontages.</p> <p>Details to be provided in future development application/s.</p> <p>The tower (that part of the development above 25m) is setbacks 11.3m from George Street, a minimum of 19m from Deane Street and 11.5m from Deane Street.</p> <p>The tower is setback a minimum of 31.64m from the adjoining development at Nos. 59 – 63 Shaftesbury Road and 73m from the boundary with Shaftesbury Road.</p> <p>The setbacks of the building envelope from Nos. 59 – 63 Shaftesbury Road is in accordance with the ADG (3F) visual separation requirements. Further assessment of visual separation will be required as part of the future DA/s.</p> <p>The tower portion of the building envelope (i.e. that part of the building above 25m) has building lengths less than 45m and are required to be articulated as part of the urban design principles forming part of the conditions of consent.</p>	<p>On merit</p> <p>On merit</p> <p>To be addressed in future DA/s</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
3.3.2.4	Street front setbacks 3m from Shaftesbury Road	The proposed building envelope for the podium provides a 3m setback to Shaftesbury Road and 0m following	On merit



Control	Requirement	Proposed	Complies
Perimeter and Transition Areas		road widening. Street. The proposed setback is considered acceptable given that the setbacks allow for future road widening and enable the provision of an active street edge.	
3.7 Transport and Parking in Centres	See parking discussion below	See parking discussion below	Yes
3.7.2 Burwood Town Centre	Loading and servicing areas to maintain and enhance the integrity of the streetscape		
3.8 Heritage in Centres and Corridors	Heritage Impact Statement required Retain appropriate setting for continued appreciation of integrity Ensure heritage item is not visually obscured or adversely altered Setbacks to achieve sight lines for significant buildings	Refer to heritage referral comments below.	Yes – subject to conditions
3.9.5 Treatment of Street Front Setbacks – Middle Ring	Street front setbacks to be treated consistent with the adjoining public domain and a right of pedestrian way and vehicle movement created by way of easement in accordance with Section 88B to the <i>Conveyancing Act 1919</i> placed on the title of the land	A public domain landscape plan will be required as part of the future detailed development applications.	

The proposal complies with most of the relevant provisions of Burwood DCP and where minor departures to numerical controls result, sufficient justification has been provided in the table above. Detailed discussion on the proposed parking provision and compliance is provided below.

Parking

Council's transport and traffic officer initially raised concerns with the proposed provision of 1,250 parking spaces. The applicant's traffic engineer provided additional information and justification for the proposed parking provision and Council is now satisfied with the proposed parking provision. Specific conditions from Council's transport and traffic officers will be addressed as part of the Stage 2 DA.

Overshadowing

It is noted that Council's DCP does not include a control in relation to overshadowing of nearby properties in the Burwood Town Centre, nor does the ADG.

To assess the potential impacts of overshadowing, the applicant has provided shadow diagrams and elevations. The applicant has provided the following analysis of overshadowing:

“Due to the sites proximity and orientation to the railway line (directly south), the majority of overshadowing falls on the railway reservation.

Shadow impacts are predominantly limited to the RFB at 63 Shaftesbury Road. The following observations are made:

- *On June 21, the east elevation of the RFB at 63 Shaftesbury Road will receive solar access between 9am and 11am.*



The shadow diagrams also confirm that the proposal will not result in any additional overshadowing to significant public open space areas.

The analysis by the applicant is supported. Overall, the shadow created by the proposal is considered reasonable for a high density mixed use environment on the edge of the town centre. Of relevance, in the Land & Environment Court case *The Benevolent Society v Waverley Council* [2010] NSWLEC 1082, Senior Commissioner Moore commented that the protection of sunlight is made more difficult as densities increase and that the expectation to retain it in a dense urban environment should not be as strong.

In this respect it must be recognised that in light of Council's Town Centre controls, the height and density proposed reflects the scale of built form anticipated and encouraged by Council. Therefore, in line with the above planning principle, the expectation that existing solar access would be fully protected is unrealistic and the proposed slimmer tower form whilst above the maximum height is considered a better outcome in regards to shadow impacts than a wider and bulkier built form. As such the proposed shadow impacts are considered reasonable.

CONSULTATION

External Referrals

Sydney Trains – NSW Government

The application was referred to Sydney Trains for concurrence in accordance with Clause 86 of the Infrastructure SEPP as the proposal involves excavation to a depth greater than 2m within 25m of a rail corridor. Concurrence was granted by Sydney Trains in a letter dated 18 October 2017, subject to conditions.

Water NSW

The application was referred to Water NSW for concurrence under Section 4.47 of the Environmental Planning and Assessment Act 1979 as the proposal has groundwater implications. Concurrence was granted by Water NSW in a letter dated 24 August 2017, subject to conditions.

Roads and Maritime Services

The application was referred to RMS and the following comments were received:

Roads and Maritime has reviewed the submitted development application and does not support the proposed development in its current form as it seeks to provide a four-way priority-controlled intersection for the site access on Shaftesbury Road and Waimea Street within proximity to future traffic signals (as indicated within Council's S94 Contributions Plan). This is likely to result in unacceptable road safety risks having regard for the traffic generation of the development, the vehicular conflicts at this intersection (all movements permitted) and traffic volumes along Shaftesbury Road.

Furthermore, Roads and Maritime provides the following advice to Council to assist with the assessment of this development application:

- 1. Any access from Shaftesbury Road should be left-in/left-out only as per pre-DA comments provided by Roads and Maritime to the proponent's traffic consultant.*
- 2. Any proposed traffic signals at Waimea Street/Shaftesbury Road and the site access would not be supported due to the proximity of nearby (planned, noted in Council's S94 Plan) traffic signals at Shaftesbury Road and George Street.*
- 3. The proponent should assess an access scenario whereby relevant road network changes (as shown in Council's S94 Plan) do not occur prior to occupation of the proposed development. It is noted that the proponent could facilitate some of the planned changes, however it is recognised that other changes (such as George Street widening between Marmaduke Street and Burwood Road) would require property acquisition.*

4. *The proponent should provide a road network capacity analysis of the Saturday midday peak with development traffic. This scenario would coincide with peak retail traffic volumes generated by surrounding land uses.*
5. *The proponent should clarify as to whether the proposed development would trigger the need for the signalisation of relevant intersections or intersection improvements to accommodate development traffic. At existing overcapacity intersections, the proponent should demonstrate any improvements required to ensure no further increases in delays generated by development traffic.*
6. *The proponent should consider the pedestrian accessibility to the site via the surrounding locality. In particular, pedestrian crossing points across Shaftesbury Road to/from the east. It is noted that there is an existing multi-lane raised pedestrian crossing near Waimea Street. However, this crossing is currently a safety concern as there have been six (6) pedestrian accidents over the past 5 years as indicated by Roads and Maritime crash data. Furthermore, this crossing no longer complies with Roads and Maritime standards or Guidelines. As such, this pedestrian crossing should be removed and alternative pedestrian crossing facilities should be provided to facilitate pedestrian movements to the proposed development.*
7. *The proponent should provide swept path analysis of the porte cochere for use by 14.5m coaches having regard for the proposed coach access arrangements to the external road network.*

Following a response from the applicants traffic engineer the RMS are satisfied with the proposal.

GM Urban Design and Architecture

As detailed in the background section of this report, there was ongoing discussion between the applicant, Council and GMU and various iterations of plans prepared to address the above urban design issues. Urban design principles for future Stage 2 Development Applications have been prepared by GMU and agreed to by the applicant (via email on 18 October 2018).

The urban design principles have been included as conditions of consent (see Attachment 1).

Internal Referrals

Traffic

Council's Traffic and Transport officer originally raised concerns with the proposed parking provision. However, following a response from the applicant traffic engineer the officer is satisfied with the proposal. A more detailed assessment including traffic and parking conditions will form part of the Stage 2 DA.

Heritage Advisor

The application has been reviewed by Council's Heritage Advisor who provided the following comments:

"A Heritage Impact Statement (HIS) is provided with the application together with extensive documentation of the proposed development. There is almost no analysis of potential impacts to the Burwood Railway Station Group in the HIS although the development would clearly be highly visible within the visual catchment of this State Heritage Item.

In the absence of a view / impact analysis in relation to the State Heritage Item, it is recommended that subsequent DA's for this development be referred to the Heritage Council for S60 concurrence.

This HIS does contain an assessment of the Former Burwood Council Library and Baby Health Centre which concludes that these have little or no significance and that may be demolished with no heritage impacts. There appears to be insufficient research to fully justify this conclusion.

- *There is no citation of the standard historical reference for Burwood Council, "Harvest of the Years" by Eric Dunlop – 1973 which details the history of these facilities on pages 137 through 139 and contains an illustration on page 140.*

- *There is no substantiation of the “number of alterations over time which have diminished the original aesthetic qualities of the building.*
- *There is no comparative study of other post-war modernist buildings within the Burwood Local Government Area to substantiate the authors’ overall assessment that there are “better examples extant throughout Burwoodwith a higher degree of intactness and which better represent their respective period of construction.*
- *Notwithstanding community use of these buildings for 57 years, the HIS concedes only “some degree” of attachment to the building for its community service function”.*

A different assessment may conclude that the Former Burwood Library and Health Centre building was built in a Post War International Style by Morrow & Gordon Architects. It served the Burwood community from 1952 to 2009 and would have sufficient historical and social significance to justify photo archival recording; further research and an interpretation plan. Preservation of any foundation stones or other memorial features should also be incorporated into the proposed development.

In relation to the terrace house item situated opposite the proposed development in George Street, the HIS concludes:

- *Heritage items in the vicinity will be wholly retained, and the proposed works will have no significant impact on the heritage significance of nearby items*
- *The proposed works will occur in the vicinity of heritage items. The works have, however, been designed and sited in a manner that is as sympathetic to the significance and setting of nearby heritage items as possible.*
- *The overall proposed building form has been designed to include a lower podium level to all four boundaries, and then a tower form well-set-back from the street-front, to reduce the immediate physical and visual impact of a large-scale development adjacent to local heritage items, particularly regarding local heritage item 56 (Victorian Semi-Detached Houses) located on George Street opposite the Study Area.*
- *Within this proposed podium form, a porte cochere is proposed to be located along George Street at street-level. While final design and location of this feature is yet to be determined, the drawings provided and listed herein at Section 3, propose that this feature is located directly opposite heritage item 56, and that the porte cochere will provide for a recessed building form, thereby drawing the immediate building mass away from the heritage item.*

While the decision to locate the proposed porte cochere opposite the terrace item offers some opportunities for a local reduction in scale within the context of the item, the 3D model and photomontages provided do not demonstrate that this potential mitigation would be realised in the developed design.

The podium component of the development as indicated is of three storey scale and the proposed porte cochere maintains that scale across the “recessed building form” by use of a full three storey perforated screen. As a result there would be little or no benefit to the context of the terrace item resulting from the proposed porte cochere “indent”.

The intended effect appears to be monumental in scale rather than to provide a local lowering of the scale in the location directly opposite the terraces item. It is unlikely that the stated intention “that the porte cochere will provide for a recessed building form, thereby drawing the immediate building mass away from the heritage item” would be met or result in the stated local reduction in scale opposite the terraces item.

Recommendation:

For the reasons outlined in the body of this assessment the impacts of the proposed DA are not supported unconditionally.



It would be expected that subsequent DA's for this project, with more developed designs, would attract conditions relevant to the further detail designs provided.

Appropriate conditions of consent reflecting the above comments have been included as part of the determination.

Tree Management

Council's Tree Management officer reviewed the application and provided the following comments:

"A detailed Landscape Plan is required to be submitted for Stage 2 of the Development Application. The Landscape Plan must address planting details for the private property and the public domain. The Landscape Plan must provide plant species, numbers, and container sizes of all new plants and trees, for the public domain and on site. Street trees must be planted in soil vaults using suspended pavements over non compacted soils incorporating water sensitive urban design and City Green® Strata Vault® modular root cell units, or similar approved by Council. The landscape plan must be prepared by a qualified Landscape Architect or Landscape Designer and must satisfy the principles and requirements of Burwood Council's Landscaping Code and Development Control Plan with consideration of Council's Public Works Elements Manual."

Appropriate conditions of consent reflecting the above comments have been included as part of the determination.

Health

The application has been reviewed by Council's Health Officer and found to be acceptable subject to suitable conditions of consent.

Neighbour notification

The subject development application was notified under Council's Notification Policy. Two submissions were received in response to the notification, and are addressed in the tables below.

Unit 8, 17 George Street, Burwood

Issue	Response
Location of front entrance and Porte Cochere causes maximum noise disturbance to residents living opposite front entrance.	The Porte Cochere is inset within the front façade and the pedestrian entrance setback 25m. The Porte Cochere will be utilised for pedestrian access the hotel lounge as well as the Club and for coach drop off and pickup. However, pedestrian access is also provided off Marmaduke Street and Deane Street and vehicle access off Shaftesbury Road and Marmaduke Street. In this regards pedestrian and vehicle movements are dispersed over the various site frontages. A Plan of Management will be required as part of future development applications to address the management of noise (amongst other management issues) from the Club and associated uses.
Coaches utilising the Porte Cochere will cause noise disturbance.	A Plan of Management will be required as part of future development applications to address the management of noise. The Plan of Management will be required to address avoiding noise disruptive in terms of idling motors, appropriate times of drop off and pick up of visitors and staggering of bus & coach in order to minimise acoustic impacts.
Patrons exiting the front entrance (particularly intoxicated) will cause noise disruption, safety concerns and bad model behaviour.	The future stage 2 development applications will be required to address social impacts and a detailed plan of management is to accompany the applications for use.
Ground floor to Level 3 facilities have large glass frontages to George Street causing privacy intrusion. Bright commercial lighting will shine into living areas.	A schedule of materials and finishes does not form part of the concept DA and will be required to be resolved as part of the future applications.



Traffic causing noise pollution and safety hazard.	The proposed impacts on traffic movements within the local road network has been assessed by RMS and Council's traffic and transport engineer as being appropriate in the circumstances. Further traffic and pedestrian safety will be assessed in future development applications.
Loss of on-street parking for residents with parking permits.	The proposed parking provision has been assessed by Council's traffic and transport engineer as being appropriate.
The front entrance should be relocated to Deane Street to reduce impacts on residents of George Street. Redesign recreational facilities to face Deane Street.	The proposal includes entrances (vehicle and pedestrian) off Deane Street. Ingress and egress will be dispersed amongst the four street frontages.

59-63 Shaftesbury Road, Burwood

Issue	Response
Insufficient time and limited access to provide comment on application.	The DA was notified for a period of 21 days as per Council's Notification Policy.
Overshadowing caused by proposal.	Overshadowing impacts are discussed above and the schematic shadow of the building envelope is considered reasonable in the circumstances.
Setback of development to 59-63 Shaftesbury Road.	The setbacks to Nos. 59 – 63 Shaftesbury for the podium levels are a minimum of 3m and a maximum of 13m. At levels 3 and above the setbacks increase to provide a minimum setback of 31m. The building envelope includes entry and exit driveways adjoining the northern and western boundaries of Nos. 59 – 63. The future DA's will need to demonstrate that proposed uses (including window placement at the podium levels) ensure visual and acoustic amenity Nos. 59 – 63 is maintained.
Excavation destabilising neighbouring site.	Excavation does not form part of the Concept DA. Geotechnical and Dilapidation reports will be required as part of the Stage 2 Development Applications.
Loss of privacy	The future DA's will need to demonstrate that proposed uses (including window placement at the podium levels) ensure visual and acoustic amenity Nos. 59 – 63 is maintained.
Loss of views/outlook	There are no existing significant local or district views identified as being available from No.59 – 63 Shaftesbury Road which will be impacted upon by the proposed development.
Traffic congestion resulting from development.	The proposed impacts on traffic movements within the local road network has been assessed by RMS and Council's traffic and transport engineer as being appropriate in the circumstances.
Social impact of gambling as a result of the proposal.	The future stage 2 development applications will be required to address social impacts and a detailed plan of management is to accompany the applications for use.
Possible bias and conflict of interest of Burwood Council.	The assessment of the DA has been undertaken by Planning Ingenuity.

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), Burwood LEP 2012 and all relevant Council DCPs, Codes and Policies.



The proposal generally complies with the Burwood LEP 2012 and Burwood DCP 2012. Proposed variations have been discussed throughout the report and conditions are recommended where required.

Accordingly, it is recommended that consent be granted to Development Application No. DA 85/2017, subject to conditions provided at Attachment 1.



CONDITIONS OF CONSENT

(1) APPROVED DEVELOPMENT

(a) Development must be in accordance with Development Application No. 87/2015 and the following drawings:

Plan Number	Issue	Prepared by	Date
A-DA1-0000	F	Buchan	12-09-2018
A-DA1-0100	E	Buchan	12-09-2018
A-DA1-1001	E	Buchan	12-09-2018
A-DA1-1002	E	Buchan	12-09-2018
A-DA1-1003	E	Buchan	12-09-2018
A-DA1-1004	E	Buchan	12-09-2018
A-DA1-1005	E	Buchan	12-09-2018
A-DA1-1006	I	Buchan	12-09-2018
A-DA1-1007	H	Buchan	12-09-2018
A-DA1-1008	F	Buchan	12-09-2018
A-DA1-1009	H	Buchan	12-09-2018
A-DA1-1010	F	Buchan	12-09-2018
A-DA1-1011	F	Buchan	12-09-2018
A-DA1-2001	K	Buchan	12-09-2018
A-DA1-3001	K	Buchan	12-09-2018
A-DA1-3002	J	Buchan	12-09-2018
A-DA1-3003	K	Buchan	12-09-2018
A-DA1-3004	K	Buchan	12-09-2018

(b) And any details on the application form and on any supporting information received with the application (including the *Design Process & Response – Concept Package* dated June 2018 Rev B) except as amended by the following conditions.

(2) MATTERS NOT APPROVED

The following items are not approved and do not form part of this Stage 1 development consent:

- (a) Public Domain works along Deane Street, Marmaduke Street, Shaftesbury Road or George Street;
- (b) the precise quantum of floor space;
- (e) any demolition, construction, refurbishment and/or excavation; and
- (f) the layout and number of hotel rooms.

(3) BUILDING ENVELOPES

(a) Subject to the other conditions of this consent, the building envelope is only approved on the basis that the ultimate building design, including services, balconies, shading devices and the like will be entirely within the approved envelopes and provide an appropriate relationship with neighbouring and approved buildings.

(4) FLOOR SPACE RATIO –

The following applies to Floor Space Ratio:

- (a) Precise details of the distribution of floor space shall be provided with the future Stage 2 development applications.

(5) URBAN DESIGN PRINCIPLES

Future Stage 2 development applications are to demonstrate compliance with the following urban design principles:

A. Podium/Street Wall Design

- (a) The podium levels will exhibit an innovative design concept that responds to the existing and evolving context and provides a distinct treatment to each segment or elevation i.e. George Street, Marmaduke Street, Deane

Street and Shaftesbury Road whilst at the same time achieving an expression for all the elements are identifiable of being of the same family or architectural expression. However, the proposal should attempt to achieve homogeneity but not repetition of elements as to avoid any two elevations being identical, in line with the concept presented as part of the document titled *Design Process & Response – Concept Package* dated June 2018 Rev B pages 23 -24.

- (b) The overall street-wall height will reinforce a 'human scale' with emphasis on vertical and individual elements to create a sense of 'fine grain' rather than emphasising horizontality.
- (c) The street wall height will present a dynamic and sculptural built form with pedestrian entries and vehicular entries being well integrated into the overall design of the elevations.
- (d) The street wall height will present added visibility and legibility to the pedestrian entry points with potential breaks in the overall podium mass in line with the concept presented in the lower (right hand side) vignette of page 25 of the document titled *Design Process & Response – Concept Package* dated June 2018 Rev B (henceforth Design Process & Response Rev B).
- (e) Points of interest of particular angles in the podium elevation should respond to the termination of vistas especially the views shown on pages 41 and 44 of *Design Process & Response Rev B*.
- (f) The materiality of the podium needs to reflect the correct proportions and tectonics as to suggest a part of the building that it is anchoring the tower to the ground. The robust element in the precedent image on page 21 of *Design Process & Response Rev B* should be reflected in the final tectonic quality of the podium elevations.
- (g) Articulated/active frontages will be a continuous characteristic of the lower levels across all areas that interface with the public domain.

B. Tower Design

- (a) The eastern and western facades are to implement mechanisms by which the overall extent of the façade is broken into two distinguishable treatments and avoid monotonous single plane elevations.
- (b) A high level of sculpting will be introduced to all elevations, but with a particular emphasis on the eastern and western elevations to create the perception of having 2 slender towers joined at the centre rather one single and continuous bulk. The butterfly effect needs to be also emphasised through materiality where one half of the elevation expresses lighter materials and the other the opposite. A single unifying treatment for these elevations will be strongly discouraged. Each half of the tower will present a unique personality.
- (c) The Façade shall be articulated to break up the bulk of the eastern and western tower zones into distinct visually separate forms. The Façade should consider /respond to orientation and strive to provide a variable façade typology to avoid a monotonous consistency
- (d) The centre of the wings or "butterfly" floorplates will be accentuated to assist in creating separation rather than continuation.
- (e) The proposed elevations will use differentiated materials, themes, textures and/or colours to assist in creating a perception of two different halves of each elevation in order to break the extent of the western and eastern facades i.e. recessive/darker colours versus bright/lighter colours, solid vs permeable, fluid vs static, rectilinear vs curvilinear, primary vs secondary, etc.
- (f) The tower will emphasise balance but avoid symmetry.
- (g) Height at the corner of the tower visible on Perspective 07 shown on page 44 of the Design Process & Response Rev B will attempt to maximise the applicable height to achieve an elegant and slender proportion. The tower as well as the podium need to create a termination to important vistas on this vantage point.
- (h) Visible areas above podium need to be treated with a comprehensive landscape plan and avoid being cluttered with plant and service equipment. Where this is inevitable, these elements need to be encapsulated and concealed.

(6) CONTAMINATION

A Detailed Environmental Site Assessment will be required to be carried out in accordance with the NSW EPA Contaminated Sites guidelines, certifying that the site is suitable (or will be suitable, after remediation) for the proposed use and submitted with the relevant Stage 2 Development Application. Note: Where the Detailed Environmental Site Assessment states the site is suitable for the proposed use it is to be peer reviewed by a NSW EPA accredited site auditor and a Site Audit Statement submitted to Council prior to granting any consent, certifying that the site is suitable for the proposed use.

(7) PUBLIC DOMAIN PLAN

A Public Domain Plan must be prepared by an architect, urban designer or landscape architect and must be lodged with the relevant Stage 2 development application.

(8) SYDNEY TRAINS

Due to the proximity of the works proposed in the Concept Plan to the existing Rail Corridor and its assets, prior to lodgement of future staged work development applications:

- (a) The applicant is requested to consult with Sydney Trains prior to the lodgement of the application.
- (b) As part of the lodgement of any future application, the Applicant shall prepare and submit with the application for concurrence by Sydney Trains the following items:
 - i. Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.
 - ii. Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
 - iii. Cross sectional drawings showing the development relation to the rail corridor and the centre of the closest track; sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
 - iv. Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and rail corridor land (including up to the first platform and first track, and including the Shaftsbury Road Bridge).
 - v. A Services Search report establishing the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling.
 - vi. If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

(9) WATER NSW

- (a) A Water Supply Work Approval from WaterNSW must be obtained prior to commencing dewatering activity on the proposed site. Please complete an Application for approval for water supply works, and/or water use.
- (b) An application for a Water Supply Works Approval will only be accepted upon receipt of supporting documentation, and payment of the applicable fee (see Application fees for New or amended Works and/or Use Approvals). The information required for the processing of the water supply work application may include preparation of a dewatering management plan. Please refer to checklist attached.
- (c) If approved, the Approval will be issued for a period of up to 24 months to cover the dewatering requirements during the construction phase. It will include conditions to ensure that impacts are acceptable and that adequate monitoring and reporting procedures are carried out. The Approval will be issued subject to the proponent meeting requirements of other agencies and consent authorities. For example, an authorisation by either Sydney Water or the local Council, depending where the water will be discharged. If contaminants are likely, or are found to be present in groundwater, and are being discharged to stormwater, including high salinities, a discharge licence under the Protection of the Environment Operations Act 1997 (NSW) may also be required.

- (d) WaterNSW prefers “tanking” (ie. total water proofing below the seasonal high water table) of basement excavations, and avoids the ongoing extraction of groundwater after the initial construction phase. It is also advised to adopt measures to facilitate movement of groundwater post construction (eg. a drainage blanket behind the water-proof membrane).
- (e) If the basement is not “tanked”, the proponent will require a Water Access Licence (WAL) and need to acquire groundwater entitlements equivalent to the yearly ongoing take of groundwater. Please note: Acquiring groundwater entitlements could be difficult, and may cause delay in project completion. If a WAL is required, please complete an Application for a new water access licence with a zero share component.

(10) LANDSCAPE PLAN

- (a) A detailed Landscape Plan is required to be submitted for Stage 2 of the Development Application.
- (b) The Landscape Plan must address planting details for the private property and the public domain.
- (c) The Landscape Plan must provide plant species, numbers, and container sizes of all new plants and trees, for the public domain and on site. Street trees must be planted in soil vaults using suspended pavements over non compacted soils incorporating water sensitive urban design and City Green® Strata Vault® modular root cell units, or similar approved by Council.
- (d) The landscape plan must be prepared by a qualified Landscape Architect or Landscape Designer and must satisfy the principles and requirements of Burwood Council’s Landscaping Code and Development Control Plan with consideration of Council’s Public Works Elements Manual.

(11) HERITAGE

- (a) Substantiation in a further HIS, by means of 3D or other views analysis, that the proposed development would not impact the visual catchment of the Burwood Railway Station Group (Local and State Heritage Item).
- (b) Mitigation of impacts to the Historical and Social Significance of the Former Burwood Library and Health Centre Buildings by means of:
 - I. photo archival recording;
 - II. further research and an interpretation plan
 - III. preservation of any foundation stones or other memorial features by incorporation into the proposed development.
- (c) In the design development phase, ensure that “the porte cochere will provide for a recessed building form, thereby drawing the immediate building mass away from the heritage item”. This must be demonstrated by drawings and 3D modeling shown street level relationships between the Terraces Item at Nos 9 – 11 George Street within the context of the proposed development and its porte cochere entry area. These must demonstrate that the scale of the proposed porte cochere elements respond sympathetically to the two story form of the terraces item.

(12) ACOUSTIC ASSESSMENT

- (a) A detailed Acoustic Assessment is to be undertaken and submitted with the Stage 2 Development Application to quantify the compliance with the NSW noise and vibration legislation, policies and guidelines.

(13) WASTE MANAGEMENT

- (a) A detailed Waste Management Plan is to be prepared and submitted to Council for approval with the Stage 2 Development Application.