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To Brian,

BD.2018.125: AMENDED APPLICATION

I write on behalf of the Uniting Church in Australia Property Trust (NSW) "Applicant" regarding development application BD.2018.125. The application seeks consent for a Concept Development Application, "Concept DA", for the proposed redevelopment of land at 134A-134C Burwood Road and 29A-33A George Street, Burwood, "the site", to accommodate a mixed-use development.

In accordance with Clause 55 of the *Environmental Planning & Assessment Regulations 2000*, this letter and supporting documentation seeks to support a formal amendment to the application in response to feedback from Council in July 2020.

The amended application has been assessed against Section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act) and will provide the following benefits:

- Support the ongoing demand for mixed community, commercial and residential land uses in Burwood Town Centre; and
- Improve the design responsiveness to local heritage items.

This letter should be read in conjunction with the attached supported documentation, comprising:

- Architectural Plans, Design Report, Shadow Analysis and Streetscape Analysis prepared by Turner Studio (Appendix A);
- Supplementary Statement of Heritage Impact (Appendix B);
- Amended Clause 4.6 Statement (Appendix C);
- Amended Apartment Design Guideline Table (Appendix D) and
- Documentation previously submitted to Council.

1. PROPOSED AMENDMENTS TO APPLICATION

In response to Council's assessment of the application, the proposed development has been amended. The key amendments comprise:

- Amendments to Building 1 (Mixed Use Tower)
 - Creation of two distinct elements to the upper tower form providing an appropriate and improved response to the heritage items;
 - Realignment and reduced depth of the tower slot-cut, to improve the articulation of the tower and subtly define the 'heritage' (northern) and 'contemporary' (southern) zones of the tower mass;
 - Reduced height of the 'heritage' (northern) tower mass to provide an improved sympathetic backdrop to the heritage listed site; and
 - The western façade of the southern tower form has been angled south-east.
- Amendments to Building 2 (Student Accommodation Building)
 - Realignment of the awning (as a horizontal element) to the sill and spire window of the church.

No changes are proposed to Building 3 (Church Administration Building) or public domain as Council have provided in-principle support for the previously submitted design outcomes.

2. PROPOSED DEVELOPMENT

The amended application has been submitted by the Uniting Church in Australia Property Trust (NSW) under Division 4.4 of the *Environmental Planning and Assessment Act 1979 (the Act)*. The Applicant is requesting the application be treated as a Concept DA in accordance with section 4.22(3) of the Act.

The concept proposal, as amended, comprises a mixed-use development including the following key features:

- Retention of the existing Burwood Uniting Church for its continued use as a place of public worship with conservation works to facilitate its preservation and ongoing use.
- Retention of the existing Church Hall and adaptive re-use as a 'food and drink premises' with training and employment opportunities associated with church outreach programmes and community activities.
- Building envelopes for three new buildings to be constructed to the west, south and north of the heritage listed buildings, including maximum heights ranging from 5.33 metres (Building 3) to 91.5 metres (Building 1).

Total floorspace of 19,833sqm gross floor area (**GFA**) comprising both existing and new buildings and accommodating a range of land use activities, including:

- 282sqm for a place of public worship
- 1,027 sqm for ancillary offices and meeting spaces
- 1,037sqm centre-based child care centre floor space

- 1,372sqm medical centre
- 2,316sqm of commercial floor space, including retail premises and office premises
- 12,269sqm of residential floor space, including apartments and student accommodation
- The proposed maximum heights, land use activities and floorspace for each of the three buildings are outlined within Table 1 and depicted within the reduced size plan extract at **Figure 1**.
- Ancillary private communal open spaces for the residential apartments (Building 1) and student accommodation (Building 2), including above-ground spaces accessible to building occupants and oriented to maximise solar access and amenity.
- Ancillary car parking and service areas located across five basement levels below Building 1 and providing sufficient capacity to accommodate all existing and future land use activities to be accommodated on the site.
- Vehicle access arrangements include limited access for church activities from Burwood Road and general vehicle access to the basement carpark via George Street.
- Publicly accessible space and a through-site connection will be provided from Burwood Road, complemented by landscaping, bespoke furniture and outdoor dining, activating the ground plane and strengthening relationships between the church and local community (refer to **Figure 5**).
- East-west through-site link from Burwood Road to north-south through-site link on 29 George Street, further strengthening the offer of existing and proposed Council-led through-site links.

The Architectural Plans and Design Report prepared by TURNER are attached at **Appendix A**. The Landscape Concept Report prepared by Place Design Group was previously submitted with the application and remains unchanged.

2.1. NUMERICAL OVERVIEW OF PROPOSED DEVELOPMENT

The numerical overview of the proposed development, as amended, is detailed in Table 1 and pictured in Figure 1.

Table 1 - Numerical Overview of Proposed Development (Source: TURNER, 2020)

Element	Proposed Development
Site Area	5,028sqm
Total GFA	19,833sqm
Total FSR	3.94:1
Residential GFA	13,799sqm (including residential apartments and student housing)
Residential FSR	2.76:1
Building Setbacks	3 metres to George Street (Building 1)
(ground level)	0 metres to Burwood Road (Building 2)

Element	Proposed Development	
	18 metres to Burwood Road (Building 3)	
Boundary Setbacks	6.11 metres from the Level 4 and Level 5 apartments to the northern boundary 9.1 metres from the upper level apartments to the western boundary 9.505 metres from the Level 4 terraces to the eastern boundary 9.405 metres from the upper level apartments to the southern boundary/George Street 13.53 to 14.1 metres from the upper level apartments to the eastern boundary	
Building Heights (maximum)	Building 1 - 91.28 metres Building 2 - 25 metres Building 3 – 5.33 metres	
Building Podium Heights	8.5 metres to Burwood Road (Building 2) 15 metres to George Street (Building 1)	
Building 1	Retail	128sqm
	Child-care centre	1,307sqm
	Medical centre	1,372sqm
	Commercial offices	1,219sqm
	Residential apartments	12,269qm
Building 2	Retail/Restaurants	605sqm
	Student Accommodation	1,530sqm
Building 3	Ancillary offices for church activities, including training rooms and gathering space (also available for use by local community groups)	1,027sqm
Church	Place of Public Worship	282sqm
School Hall	Restaurant	300sqm
Apartment Mix (Indicative of Envelope Capacity)	15x 1 Bedroom Apartments (12%) 94x 2 Bedroom Apartments (78%) 12x 3 Bedroom Apartments (10%)	

Element	Proposed Development
Boarding House (Indicative of Envelope Capacity)	Total 64

Figure 1 – Land Use Activities (Source: TURNER, 2020)



2.2. FUTURE DETAILED PROPOSALS

Further development application(s) will be prepared and lodged in accordance with the Concept DA, seeking development consent for the detailed works, including:

- Demolition, excavation and construction works
- Floor layouts, mix and number of dwellings and allocation of car parking spaces
- Detailed design of building exteriors, including façade and roof treatments.

3. RESPONSE TO COUNCIL MATTERS

The Applicant received comments from Burwood Council (and CityPlan regarding the Heritage referral) on 28th July and 6th August which has resulted in a number of minor design changes. A formal response to each of the issues raised by Council is outlined within Table 3.

Table 2 Response to Council Comments

Item	Applicant Response
Correspondence Dated 28th July and 6th August 2020 (Heritage)	
Building 2: Student Accommodation Building (Horizontal Awning Alignment)	The proposal has been modified so the awning aligns with the sill of the spire window. This has a positive heritage impact compared to the earlier proposal as it creates greater visual sympathy with the Church. We understand CityPlan has confirmed this will allay their concerns on this matter.
Building 1: Tower Building (The Slot)	<p>The 'slot' provided to articulate the tower massing has been greatly reduced in depth. The slot splits the mass into two vertical elements to achieve greater sympathy with the Church and spire, reducing the apparent mass behind the heritage building. The amended depth is sufficient to create this visual perception and considered acceptable from a heritage perspective.</p> <p>Our understanding is that CityPlan has confirmed to Council that this is an appropriate solution of this concern and can be further detailed at DA stage as an engineered solution.</p>
Building 1: Tower Building (Height of the North Section)	It has been clarified that 'the north-western wing' refers to the whole section north of the 'slot', which we refer to as 'the north section' of the tower. This section of the tower has been reduced in height to that of 29 George Street.
Building 1: Tower Building (Footprint the North Section)	The 'slot' is to be realigned to address the passage between the Church and Building 2. This has reduced the footprint of the 'north section' compared to the previous proposal. The

Item	Applicant Response
	<p>proposed amendment will have positive heritage impacts compared to the earlier proposal, including:</p> <ul style="list-style-type: none"> - The north section of the tower, standing behind the Church and spire will be 'slimmer' and more vertical in proportion, providing a more sympathetic mass as a backdrop when seen from Burwood Road. - The south section of the tower is angled to face south-west rather than west, reducing the horizontal and vertical mass behind the Church and presenting less mass to Burwood Road. This is achieved through the realignment of the 'slot' on the western façade. <p>The amendment proposal provides two subtly defined zones:</p> <ul style="list-style-type: none"> - A 'heritage' northern zone including both heritage buildings, the low-scale Building 3 and the slimmer north section of the tower as a backdrop; and - A 'contemporary' southern zone including Building 2, the south section of the tower and the other tall buildings in George Street. <p>The realignment of the 'slot' and the modified footprint of the north section of the tower will have a positive heritage impact compared to the earlier proposal. Our understanding is that CityPlan has confirmed to Council that this is acceptable from a heritage perspective.</p>
Correspondence Dated 6th August 2020 - Planning	
Total Number of Apartments	<p>As a Concept DA, the number of apartments is currently indicative and will be subject to future detailed Development Applications.</p> <p>Indicatively, the illustrative plans suggest the envelope is capable of:</p> <ul style="list-style-type: none"> - 15 x One-Bedroom Apartments - 94 x Two-Bedroom Apartments - 12 x Three-Bedroom Apartments

Item	Applicant Response
“Upper Levels” plans No. 013 & 014	Option/Plan 014 has been removed from the final architectural set.
Apartment layouts (Plan 007 & Plan 008)	The two-bedroom units on Plan 007 and 008 are two-storey two-bedroom maisonettes with internal stairs. An annotation to reflect this has been included on the relevant illustrative floor plans.

4. SECTION 4.15 ASSESSMENT

The amended proposal has been assessed against each of the relevant requirements of Section 4.15(1) of the Act. This assessment is outlined below.

4.1. ENVIRONMENTAL PLANNING INSTRUMENTS

The amended proposal has been assessed against the following environmental planning instruments:

- *Environmental Planning and Assessment Act 1979 (the Act)*
- *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Burwood Local Environmental Plan 2012*
- Burwood Development Control Plan
- Burwood Draft Local Strategic Planning Statement

In accordance with section 4.15 of the Act an assessment of the amended proposal against the provisions of each of the aforementioned environmental planning instruments demonstrates compliance.

It is noted that the proposal as amended remains consistent with the NSW State Priorities, Greater Sydney Region Plan: A Metropolis of Three Cities – connecting people and Our Greater Sydney 2056: Eastern City District Plan, Burwood 2030 Community Strategic Plan as articulated in the original Statement of Environmental Effects.

It is important to recognise the way in which a Concept DA is assessed in accordance with the relevant planning controls. Section 4.22(5) of the Act states:

The consent authority, when considering under section 4.15 the likely impact of the development the subject of a concept development application, need only consider the

likely impact of the concept proposals (and any first stage of development included in the application) and does not need to consider the likely impact of the carrying out of development that may be the subject of subsequent development applications.

Further development application(s) will be prepared and lodged in accordance with the Concept DA, seeking development consent for the detailed works.

4.2. STATE ENVIRONMENTAL PLANNING POLICY NO 65 – DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT

The Concept DA has been assessed in accordance with the Design Quality Principles within Schedule 1 of SEPP 65 and considering the relevant requirements of section 4.22(5) of the Act. Each of these matters has also been addressed by TURNER in their Architectural Design Report attached as **Appendix A**.

Table 3 – Assessment of Design Quality Principles

Principle	Concept Proposal Response	Complies
<p><i>Principle 1: Context and neighbourhood character</i></p> <p><i>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</i></p> <p><i>Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</i></p> <p><i>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</i></p>	<p>The concept proposal has been designed to accommodate the retention of the existing Church and School Hall buildings and their heritage significance. The three new buildings have been carefully located to maintain sightlines to the existing buildings, including the church steeple, while optimising the floorspace that can be delivered on the site, consistent with the transitioning character of the locality.</p> <p>Detailed consideration has been given to the site context and the existing, approved and proposed buildings within the surrounding area. The proposed built form and scale has been designed to be compatible and consistent with the existing and likely future development, as well as providing for a satisfactory amenity outcome, including solar access/overshadowing, visual privacy, etc.</p> <p>The site is well-located within a town centre environment, close to high-frequency public transport, employment, services and educational establishments.</p> <p>The proposed mixed-use development, including residential apartments, is</p>	YES

Principle	Concept Proposal Response	Complies
	considered entirely appropriate for the site context and the character of the neighbourhood.	
<p>Principle 2: Built form and scale</p> <p><i>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</i></p> <p><i>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</i></p> <p><i>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</i></p>	<p>The proposed built form and scale is consistent and compatible with the existing and desired future character of the street and surrounding buildings. Detailed consideration is given these issues within Section 4.11.1 as well as the clause 4.6 request that has been prepared in support of the proposed variation to the maximum building height (refer to Appendix C).</p> <p>The siting and configuration of the concept building envelopes will facilitate the optimal delivery of the future residential floorspace in a manner that protects the heritage significance of the existing buildings, while providing for additional housing supply. The potential environmental impacts have been assessed in detail and it is considered that the future buildings will make a positive contribution to the city skyline. Further the proposed landscape works and through-site connection will enhance the pedestrian experience and improvements to the public realm.</p>	YES
<p>Principle 3: Density</p> <p><i>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</i></p> <p><i>Appropriate densities are consistent with the area's existing or projected population.</i></p> <p><i>Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</i></p>	<p>The future detailed DA(s) will document the level of amenity that will be achieved for residents and each apartment. However, the concept proposal has been designed to facilitate future compliance in accordance with the design principles and the ADG.</p> <p>The proposed floorspace complies with the maximum and residential FSR controls prescribed by the LEP.</p>	YES

Principle	Concept Proposal Response	Complies
<p>Principle 4: Sustainability</p> <p><i>Good design combines positive environmental, social and economic outcomes.</i></p> <p><i>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</i></p>	<p>The general configuration and layout of the building envelopes as shown within the concept proposal have been designed to maximise access to natural daylight, natural cross ventilation and passive thermal design.</p> <p>The future detailed DA will outline the specific measures to be incorporated regarding sustainability. Consideration has been given to the potential operational waste of the individual land use activities, as outlined in Section 4.11.8.</p>	YES
<p>Principle 5: Landscape</p> <p><i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</i></p> <p><i>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</i></p> <p><i>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</i></p>	<p>A Landscape Concept Report has been prepared by Place Design Group which outlines the overall landscape concept for the development site. This includes a through-site link that will improve the pedestrian permeability of the site and bespoke furniture and landscaping to encourage the use of the central open space as a place for spiritual pause and reflection.</p> <p>The proposed landscape design also includes the treatment of the communal spaces on the upper floors of Buildings 1 and 2 which will accommodate residential apartments and student housing. The proposed layout and concept design seeks to embrace the site orientation, as well as the future building design.</p> <p>An Access Review has been completed which demonstrates the future detailed proposal(s) will be able to achieve equitable access. All detailed works, including ongoing maintenance, will be documented within the future DA(s).</p>	YES

Principle	Concept Proposal Response	Complies
<p>Principle 6: Amenity</p> <p><i>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.</i></p> <p><i>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</i></p>	<p>The configuration and layout of the building envelopes have been designed to achieve a satisfactory level of amenity for the future residential apartments, as well as the amenity of existing, approved and proposed uses within the immediate locality. This has been demonstrated by the illustrate layouts.</p> <p>Detailed apartment layouts will be shown with the detailed proposal and subject to further detailed assessment in association with the related future DA.</p>	YES
<p>Principle 7: Safety</p> <p><i>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</i></p> <p><i>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</i></p>	<p>The proposed mix and location of the various land use activities have been designed to provide for the activation of the ground plane and the natural surveillance of the public domain and through-site pedestrian link. The retail/restaurant uses and associated dining area will be oriented to the street and the central part of the site, with clear and legible wayfinding to the various buildings on the site.</p> <p>The proposed landscape concept has been designed to facilitate the public use of the site, including furniture and spaces that embrace and encourage greater interaction between the church congregation and the local community.</p>	YES
<p>Principle 8: Housing diversity and social interaction</p> <p><i>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</i></p> <p><i>Well designed apartment developments respond to social context by providing</i></p>	<p>The future detailed proposal will document that proposed mix of apartment sizes and housing choice suitability for the locality. The illustrate floor plans demonstrate that the appropriate mix can be achieved.</p> <p>The proposed ground level and upper level open spaces provide opportunities for future residents to engage with other occupants across the site and the local</p>	YES

Principle	Concept Proposal Response	Complies
<p><i>housing and facilities to suit the existing and future social mix.</i></p> <p><i>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</i></p>	community, as well as residents within their own building.	
<p>Principle 9: Aesthetics</p> <p><i>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</i></p> <p><i>The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</i></p>	The concept proposal provides a commitment to design excellence. The detailed architectural design elements will be resolved and shown within the detailed proposal and associated DA.	YES

The updated Concept DA has also been assessed in accordance with the relevant provisions of the Apartment Design Guide (ADG) as outlined within the compliance assessment table held as **Appendix D**.

The table outlines the way in which the concept proposal has responded to relevant matters within the ADG in accordance with the Act. The detailed design requirements will be addressed in the future detailed DA for the residential apartment building in accordance with section 4.22(5) of the Act.

4.3. STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

The proposal as amended will continue to satisfactorily facilitate compliance of the future detailed proposal with the relevant requirements of the SEPP. A BASIX Certificate will be required with the future detailed DA(s) to demonstrate achievement of the relevant water and thermal performance ratings.

4.4. STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009

The proposal as amended satisfactorily responds to the relevant requirements of the *Affordable Rental Housing SEPP 2009*. The detailed design requirements will be addressed in the future DA for the affordable rental accommodation in accordance with section 4.22(5) of the Act.

4.5. STATE ENVIRONMENTAL PLANNING POLICY (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017

The proposal as amended satisfactorily responds to the relevant requirements of the Education SEPP. The detailed design requirements will be addressed in the future DA for the child care centre facility in accordance with section 4.22(5) of the Act.

4.6. STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The proposal as amended continues to be defined as a 'traffic generating development' that must be referred to Transport for New South Wales for comment. However, it is noted that the amendments result in a minor reduction of the traffic generation impact.

4.7. STATE ENVIRONMENTAL PLANNING POLICY NO 55 – REMEDIATION OF LAND

The proposal as amended does not alter the Preliminary Site Investigation for Contamination was prepared by Douglas Partners and is submitted with the original application.

Each of the identified recommendations can be incorporated as conditions of consent and implemented as part of the future detailed DA(s) as considered appropriate.

4.8. BURWOOD LOCAL ENVIRONMENTAL PLAN 2012

Burwood Local Environmental Plan 2012 (BLEP) is the principal environmental planning instrument relevant to the site. An assessment of the proposal against the relevant controls is provided within the following table.

Table 3– Compliance with Burwood LEP 2012

Requirement	Concept Proposal Response	Complies
Clause 2.3 Zone Objectives and Land Use Table Zone B4 Mixed Use <ul style="list-style-type: none"> <i>To provide a mixture of compatible land uses.</i> <i>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.</i> Permitted with consent include: <ul style="list-style-type: none"> Boarding houses Centre-based child care facilities 	The proposal as amended, maintains the land use activities of the original submission. These uses are permitted with consent and consistent with the B4 land use objectives as: <ul style="list-style-type: none"> The proposal comprises a mix of compatible uses. The existing place of public worship will be retained and complemented by non-residential activities on the ground and lower levels of the existing and proposed buildings to activate the town centre and the streetscape, provide employment and training opportunities and the expansion of the existing community services. 	YES

Requirement	Concept Proposal Response	Complies
<ul style="list-style-type: none"> Commercial premises Community facilities Medical centres Residential flat buildings Shop top housing Any other development not specified in item 2 or 4 <p>Places of public worship are not listed in item 2 or 4 and accordingly, are permitted with consent</p>	<p>The proposal also includes residential apartments and student housing, providing for a diverse residential population.</p> <ul style="list-style-type: none"> The proposal provides for employment-generating development and residential dwellings in an appropriate and accessible location, close to high-frequency public transport including heavy rail, and local and regional bus services. The site improvements works include a through-site link which will improve pedestrian and cycle connections to and through the Burwood Town Centre. 	
<p>Clause 4.3 Height of Buildings</p> <p>Maximum of 60 metres</p> <p><i>(a) to establish the maximum height of buildings to encourage medium density development in specified areas and maintain Burwood's low density character in other areas,</i></p> <p><i>(b) to control the potentially adverse impacts of building height on adjoining areas.</i></p>	<p>The proposal comprises three new buildings, with the following maximum building heights:</p> <ul style="list-style-type: none"> Building 1 - 91.28 metres Building 2 - 25 metres Building 3 – 5.33 metres <p>The proposed maximum building height of 91.28 metres represents a proposed variation of 31.28 metres (or 52%) to the southern tower zone of Building 1, and 76.08 metre maximum height to the northern tower zone, which represents a proposed variation of 16.07 metres (or 26.8%). The other two buildings are significantly less than the maximum – Building 2 is 35 metres less than the maximum while Building 3 is 54.67 metres less than the maximum height.</p>	<p>NO – justified under clause 4.6 as submitted with this Statement</p>
<p>Clause 4.3A Building Height Plane</p> <p><i>(a) to focus greater building height in the inner part of the Burwood Town Centre</i></p>	<p>The proposal as amended, continues to comply with the maximum Building Height Plane as originally submitted.</p>	<p>YES</p>

Requirement	Concept Proposal Response	Complies
<p><i>and to provide a transition in heights towards the edge of the Burwood Town Centre,</i></p> <p><i>(b) to mitigate any adverse effects on the amenity of existing and future residents living adjacent to the Burwood Town Centre,</i></p> <p><i>(c) to limit building heights to facilitate adequate solar access to land adjoining the Burwood Town Centre.</i></p>		
<p>Clause 4.4 Floor Space Ratio</p> <p>4.5:1 base FSR</p> <p><i>(a) to enable development density and intensity of land use to achieve an appropriate urban form,</i></p> <p><i>(b) to focus higher development density and intensity of land use in the inner part of the Burwood Town Centre and to provide a transition in development density and intensity of land use towards the edge of the Burwood Town Centre.</i></p>	<p>The proposal has a total FSR of 3.94:1 which is 0.56:1 less than the maximum FSR control, and a reduction of 0.15:1 to the previously submitted documentation.</p>	YES
<p>Clause 4.4A Exceptions to Floor Space Ratio</p> <p>3:1 residential FSR</p> <p><i>(a) to limit the density of residential development in certain business zones to ensure that it does not dominate non-residential development in those zones,</i></p> <p><i>(b) to limit the floor space of serviced apartments in certain business zones to ensure that they do not dominate service-providing and employment-generating commercial premises in those zones.</i></p>	<p>The proposal has a residential FSR of 2.76:1, including the residential apartments and student housing, which complies with the maximum control. This is a reduction of 0.14:1 to the previously submitted documentation.</p>	YES
<p>Clause 4.6 Exceptions to Development Standards</p> <p>Written request required to justify contravention to a development standard</p>	<p>The proposed non-compliance of Tower 1 with the maximum height of building control has been addressed within the written Clause 4.6 Request provided in August 2019.</p>	YES

Requirement	Concept Proposal Response	Complies
<p>(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,</p> <p>(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</p>		
<p>Clause 5.10 Heritage Conservation</p> <p>(a) to conserve the environmental heritage of Burwood,</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(c) to conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p>	<p>Lot 1 DP795259 is listed as a local heritage item - I20 – ‘Congregational (Uniting) Church and Church Hall’. The site is also close to other local heritage items.</p> <p>An assessment of the potential impact of the proposal, as amended, on the heritage significance of the site and surrounding heritage items has been undertaken by GBA Heritage and is considered acceptable.</p> <p>Refer to Section 4.11.3 of this letter.</p>	YES
<p>Clause 6.1 Acid Sulfate Soils</p> <p>Class 5</p> <p>To ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</p>	<p>The proposal, as amended, does not alter the assessment and recommendations of Report on Geotechnical Investigation and Waste Classification Assessment prepared by Douglas Partners submitted as part of the original application. Any detailed construction requirements will be addressed within the future detailed proposal</p>	NA
<p>Clause 6.2 Flood Planning</p> <p>(a) to minimise the flood risk to life and property associated with the use of land,</p> <p>(b) to allow development on land that is compatible with the land’s flood hazard, taking into account projected changes as a result of climate change,</p> <p>(c) to avoid significant adverse impacts on flood behaviour and the environment.</p>	<p>The proposal, as amended, does not alter the assessment and recommendations of Civil Engineering Report prepared by TTW as part of the original application. The future detailed design will address the required freeboard for basement and building floor level entries.</p>	YES

Requirement	Concept Proposal Response	Complies
Clause 6.3 Active Street Frontages <i>to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B4 Mixed Use.</i>	<p>The proposal, as amended, continues to be designed to provide an active street frontage to Burwood Road, including:</p> <ul style="list-style-type: none"> Retail/restaurant floorspace with covered awning and associated outdoor dining area at the ground level of Building 2 Retention of the existing place of public worship and public gathering spaces, including heritage significant features 	YES
Clause 6.5 Design Excellence in Zones B2 and B4 <i>(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),</i> <i>(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,</i> <i>(c) how any streetscape and heritage issues have been addressed,</i> <i>(d) whether the amenity of the surrounding area, including any view corridors, vistas or landmark locations, will be adversely affected,</i> <i>(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,</i> <i>(f) whether any adverse effect on pedestrian movement and experience will be avoided (and whether the public</i>	<p>The Architectural Design Report prepared by TURNER (and attached as Appendix A) demonstrates the way in which the concept proposal commits to the delivery of design excellence within the future detailed proposal. The concept proposal has been carefully considered to enable all relevant matters to be addressed in the detailed architectural design, including:</p> <ul style="list-style-type: none"> The siting of the proposed new buildings has been carefully considered regarding the existing and likely future development within the surrounding area, including compatibility of the building height, scale, shadow impacts and the like. The proposed buildings have also been designed to respect and maintain the heritage significance of the existing Church and School Hall buildings, including the existing sightlines and streetscape. The amenity of the surrounding area has been addressed, including the potential view impacts, visual privacy and solar access and 	YES

Requirement	Concept Proposal Response	Complies
<p><i>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),</i></p> <p><i>(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,</i></p> <p><i>(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,</i></p> <p><i>(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.</i></p>	<p>overshadowing impacts, including future compliance with the detailed requirements in SEPP 65 and the ADG.</p> <ul style="list-style-type: none"> • Traffic, access and car parking issues have been resolved, including the location of the proposed vehicle access and basement car park entry on George Street, as well as the through-site link that improves the existing permeability of the site and town centre connectivity • Safe and direct access is provided to encourage pedestrian movements through the site and to Burwood railway station • The proposed mixed-use development includes a variety of compatible land use activities with an active ground plane that complements the proposed uses and is compatible with the town centre, as well as aboveground communal open spaces that meet the needs of future residents • The bulk, mass, modulation, separation, setbacks and height of buildings have been carefully considered within the context of the site and the locality, including both existing and proposed buildings. The proposed built form is considered entirely consistent and compatible with the transitioning built form within the town centre and will make a positive 	

Requirement	Concept Proposal Response	Complies
	<p>contribution to the streetscape and the city skyline</p> <ul style="list-style-type: none"> The concept proposal has considered ecologically sustainable design principles, including building envelopes that will facilitate access to natural daylight and ventilation and the opportunity to minimise energy use <p>The future detailed proposal and associated DA for the construction of the buildings will further outline the way in which design excellence will be achieved through the selection of appropriate materials, detailing and the like.</p>	

The concept proposal, as amended, complies with each of the LEP controls apart from the maximum height of Building 1. The proposed departure from the maximum height of building control is considered appropriate based on the specific circumstances of the case and has been fully justified within a written request lodged with this Amended Planning Statement in accordance with the provisions of Clause 4.6 (**Appendix C**).

4.9. BURWOOD DEVELOPMENT CONTROL PLAN

Burwood Development Control Plan (BDCP) provides detailed controls for specific development types and locations. An assessment of the proposal against the key controls of the BDCP is provided within the following table.

Table 2 Compliance with Burwood DCP

Control	Concept Proposal Response	Complies
<p>3.2.1 - Building Design</p> <p>Building design must represent architectural design excellence in the following ways:</p> <ul style="list-style-type: none"> The form and external appearance of any development should significantly improve the 	<p>The proposal, as amended, includes a commitment to design excellence, including:</p> <ul style="list-style-type: none"> The proposed buildings have been carefully located and designed to enhance the quality and amenity of the public domain, including active street frontages, outdoor dining and through-site connection The proposed mixed-use development responds positively to the environment 	YES

Control	Concept Proposal Response	Complies
<p>quality and amenity of the public domain.</p> <ul style="list-style-type: none"> The development should respond positively to the environment and context. <p>Appropriate consideration must be given to the existing or likely potential development of adjoining sites.</p>	<p>and context, including retention and preservation of the heritage significance of the existing buildings and sightlines to and from the public domain</p> <ul style="list-style-type: none"> The building envelopes have been designed to respond to the existing, approved and proposed buildings within the surrounding locality, including solar access and overshadowing impacts, visual privacy and the like <p>The future DA(s) will demonstrate the way in which this commitment will be implemented and achieved in accordance with the DCP.</p>	
<p>3.2.4 - Street Front Activities and Building Access</p> <p>Separate and clearly identifiable entrances must be provided from the street for pedestrians and cars, and different uses (residential and non-residential).</p> <p>Building entrances must have a direct physical and visual connection with the street.</p>	<p>The proposal, as amended, continues to be designed to comply with the relevant setbacks for Burwood Road and George Street. The future detailed design and associated DAs will demonstrate compliance with the DCP controls.</p>	YES
<p>3.2.19 - Access and Mobility</p> <p>Ensure development is designed to facilitate access by the whole community, including those with mobility impairment.</p>	<p>The proposal, as amended, continues to comply with the recommendations of the Access Review Report prepared by MGAC in the original submission. The proposal continues to demonstrate an appropriate degree of accessibility and can comply with the relevant statutory, subject to the implementation of a range of design recommendations within the future detailed proposal(s) and associated DA(s).</p>	YES
<p>3.3.2 - Podium Height</p> <ul style="list-style-type: none"> Burwood Road: maximum 13 metres 	<p>The proposal, as amended, complies with the following podium heights:</p> <ul style="list-style-type: none"> Burwood Road: 8.5 metres 	YES

Control	Concept Proposal Response	Complies
<ul style="list-style-type: none"> George Street: maximum 15 metres 	<ul style="list-style-type: none"> George Street: 15m 	
3.3.2 - Street Front Setbacks <ul style="list-style-type: none"> Burwood Road: zero setback George Street: 3 metre setback 	The proposal, as amended, has been designed to comply with the relevant setbacks for Burwood Road and George Street.	YES
3.3.2 - Secondary Setbacks <u>Along Burwood Road:</u> The development above 13m is to be setback a minimum of 8m <u>Along George Street:</u> The development above 15m is to be setback a minimum of 6m	The proposal, as amended, has been designed to comply with the relevant setbacks for Burwood Road and George Street. The future detailed design and associated DAs will demonstrate compliance with the DCP controls.	YES
3.3.2 - Side and Rear Setbacks + Building Separation/Frontage To comply with the building separation distances of the ADG.	The proposal, as amended, has been designed to comply with the relevant setbacks for Burwood Road and George Street. The future detailed design and associated DAs will demonstrate compliance with the DCP controls.	YES
3.3.2 - Communal Open Space Podium areas are required to be made accessible as communal open space. Landscaping is required to be provided within communal open space. This landscaping must have a minimum of 0.6m soil depth for at least 50% of the area.	The proposal, as amended, includes communal open spaces on the upper levels of the residential apartment and student housing buildings. The future detailed design and associated DAs will demonstrate compliance with the DCP controls.	TBC
3.7.2 – Transport and Parking in Burwood Town Centre Provide on-site car parking spaces for each proposed land use in accordance with Table 2	The proposal, as amended, includes a revised Traffic and Parking Impact Assessment prepared by TTP&A. This confirms the proposed traffic generation, vehicle access and on-site car parking can accommodate the land use activities proposed within the Concept DA.	YES

Control	Concept Proposal Response	Complies
	The future detailed DAs will address the compliance of each component with the relevant car parking requirements.	
3.8 - Heritage in Centres and Corridors A Heritage Impact Statement is required to be submitted for development applications which affect a heritage listed building.	A Support Statement of Heritage Impact has been prepared by GBA Heritage. The proposal, as amended, incorporates all recommendations. The future detailed DAs will need to address the compliance of the detailed design with the recommendations within the report.	YES
3.9.1 - Public Domain and Amenity (Burwood Town Centre) and 3.9.3 - Pedestrian Links Council's Public Domain Strategy identifies a north-south pedestrian link between Deane Street and Victoria Street East and an east-west connection from Elsie Street to Burwood Road	The proposal, as amended, includes a through-site pedestrian link that connects Burwood Road to George Street and the existing north-south pedestrian link from George Street to Victoria Road. This improves the existing pedestrian permeability of the site and facilitating connections with other planned pedestrian links on adjoining and surrounding properties within the town centre. It is noted that this is not a DCP requirement, but a public benefit offered as part of the proposal to Council.	YES
5.3 - Child Care Centres The DCP outlines the approvals process for obtaining development consent, including local development controls and other relevant provisions	The proposed child care centre, as amended, is compatible with neighbouring land uses, capable of maintaining the amenity of neighbours and is accessible by public transport. The future DA will assess the compliance of the detailed proposal with the relevant provisions	YES
5.4 - Boarding Houses The DCP outlines the broad objectives for the delivery of boarding houses, including other relevant legislation, building form and appearance and detailed development requirements	The proposed student accommodation, as amended, is considered suitable and entirely appropriate for the site. The proposed development will provide a high quality design and a satisfactory appearance within the Burwood Road streetscape. The future DA will assess the compliance of this component of the mixed-use development with the relevant detailed DCP requirements	YES

Control	Concept Proposal Response	Complies
6.2 - Waste Management Reduce the demand for waste disposal through waste separation and resource recovery in demolition, design, construction and operation of buildings and land use activities. Design waste and recycling storage systems in buildings and land use activities which are hygienic, accessible, quiet to operate, adequate size and visually compatible with their surroundings.	The proposal, as amended, continues to comply with the Operational Waste Management Plan submitted in the original application. The demolition and construction waste management requirements will be addressed within the future detailed DA(s).	YES
6.3 - Acid Sulfate Soils An Acid Sulfate Soils Plan should be prepared.	The proposal, as amended, continues to comply with the Report on Geotechnical Investigation and Waste Classification Assessment prepared by Douglas Partners submitted in the original application. Any detailed construction requirements will be addressed within the future detailed proposal.	NA

4.10. DRAFT BURWOOD LOCAL STRATEGIC PLANNING STATEMENT

Burwood Council has prepared a draft Local Strategic Planning Statement (LSPS) that sets out a 20-year vision for the area and identifies priorities and actions for Council to make Burwood more liveable, productive and sustainable in the future.

The proposed development, as amended, seeks to revitalise a key site within the Burwood Town Centre. The development as amended, will include a new east-west through-site link that integrates within existing pedestrian thoroughfares in the Burwood Town Centre. The through-site link will enable a significant improvement in pedestrian connectivity and permeability, providing public access to a site previous private development site.

The proposed development seeks to balance a mixed-use development that is responsive to on-site local heritage items, activation of Burwood Road as the spine of the town centre, and the appropriate streetscape and visual quality appropriate for a dense town centre.

4.11. IMPACT ASSESSMENT OF AMENDMENTS

4.11.1. Built Form & Urban Design

The Design Statement prepared by TURNER (refer to **Appendix A**) outlines the key design influences underpinning the concept proposal, as amended, including the location and general configuration of the envelopes for the three new buildings to be delivered in the future detailed proposal(s).

The concept proposal maintains the composition of buildings as exhibited. Based on refinement between the Applicant and Council each building making a specific contextual response that respects the heritage significance of the Church and School Hall buildings as well as the site's broader context within Burwood Town Centre. The building envelopes have also been designed to facilitate their future architectural design treatment and considering the range of land use activities that are expected to be accommodated.

The amendments to the Tower 1 building envelope include the refinement of the illustrative built form into two distinctive elements with a reduced central slot on the Burwood Road façade. The curvature of the tower form to the south improves the access to open sky, increasing and reducing the perception of the tower's bulk and scale in proximity to the heritage significant items.

The refined design will enable the perceived bulk and scale of the tower element to align with the proposed context of the Burwood Town Centre skyline. The illustrative architectural plans show a simplified façade treatment to the podium and tower can establish an increasingly sympathetic backdrop to the Church and School Hall. This is achieved by the upper tower form which presents a subtle definition between two zones - the 'heritage' northern zone (which forms a sympathetic backdrop to the heritage listed church and school hall) and the 'contemporary' southern zone which is slightly taller and aligns to the emerging Burwood skyline. The detailed design would be subject to future detailed development applications.

The Tower will provide a distinct podium, with an additional setback on Level 9 that removes the "belly" and provides a more slender tower form. The amended built form reduces the perceptions of crowding of the heritage significant buildings and aligns to the urban context of Burwood Town Centre. The amendments of the tower will facilitate future compliance with the Apartment Design Guide, including solar access, cross ventilation and private and communal open spaces.

The retention of the existing Church building and Building 3 envelope will facilitate the continuation and expansion of the existing church activities. In accordance with feedback from Council, minor amendments have been incorporated into the Burwood Road façade of Building 3. The amended façade includes a sympathetic gable design that matches the pitches of the Church's main building and northern porch. The design addition will soften the visual bulk and form of Building 3 as seen from Burwood Road. The design linkage seeks to reinforce the kinship, yet difference, of the two buildings and their proposed functions.

Building 2 includes a minor amendment to ensure the retail awning aligns to the sill and spire window of the heritage listed Church. The inclusion of a small balcony and setback improves sightlines for pedestrians and vehicles traveling north-bound on Burwood Road, while maintaining visual access to the and improved sightlines from Burwood Road. It also delivers an improved solid-to-height ratio which was supported by Council. This is achieved by the curvature of the façade in proximity to the Church. The southern façade of Building 2 will be detailed in future DAs including materiality to dissipate the bulk from Burwood Road and George Street. Options to be explored include variations in brick patterns, visual art on the wall and introduction of landscaping.

Overall, the concept proposal provides a holistic response to the key features of the site and local context, as well as embracing the heritage significance of the existing buildings and the aspirations of the Burwood-Croydon Uniting Congregation to continue and strengthen their role and engagement with the local community.

4.11.2. Residential Amenity

A comprehensive assessment of solar access and overshadowing of the proposed amendments has been completed by Turner Studios. In summary,

- A small portion of 7 floors on 9-15 Deane Street is impacted with only 1 hour and 50 minutes of solar access on 21st July. The additional height beyond 60m would not result in an amended solar access outcome as this area is already impacted as a result of 29 George Street.
- The proposed development will overshadow the apartments at 39 George Street during winter solstice until 12pm, as illustrated in the additional sun eye diagrams provided by Turners. It is noted that these apartments are non-compliant with ADG with an internal layout and balconies of a 1.1m depth that would not meet the necessary requirements for cross ventilation, solar access and private and communal open space. A significant reduction in height of the student accommodation building, which is already well below the requirements of the Burwood LEP 2012. Similarly, a significant reduction in height of Tower 1, also currently compliant with the Burwood LEP 2012 would be required, beyond the 60m control to have an impact. It is deemed that given the non-compliance of the existing residential development, that will likely be redeveloped, that the overshadowing is appropriate the context of the Burwood Town Centre.
- Overshadowing of Burwood Road is limited to 9:00am and 9:30am. The analysis demonstrates that a reduction in the height of Building 1 to 60m in accordance with the LEP would not reduce this impact, and that the extent of shadowing to the main street is consistent with that cast by adjoining developments to the north.
- The proposed built form, as amended, does not result in any overshadowing or solar access impacts to the Church or School Hall. The School Hall's solar access is limited to Clerestory windows which will continue to be able to provide solar access appropriate for an adaptive re-use.

4.11.3. Heritage

The supplementary Heritage Impact Statement prepared by GBA Heritage concludes that the heritage impacts of the application as amended are supportable in that they seek to enhance the sympathy of the heritage items and the broader development. Specifically,

- The amendments to the tower can provide a sympathetic backdrop of the Church and spire from Burwood Road through the amendment to create a 'heritage' zone and 'contemporary zone' to the Building 1 upper form.
- The amended location of the slot and reduced nature improve the solid to void ratio of the Building 1 tower and podium form enhances the legibility of and clarifies the relationship between the heritage and contemporary buildings.
- The alignment of the awning to the Church sill and spire window provide an improved horizontal alignment that is visually sympathetic.

It is noted the Council's proposed conditions of consent are supported by the Applicant for a Concept DA approval.

4.11.4. Landscape Design & Tree Preservation

The siting and layout of the concept proposal, as amended, has not resulted in any substantial change to the Landscape Concept Plan prepared by Place Design Group and submitted as part of the August 2019 submission.

The development's landscape design continues to be carefully considered to facilitate the retention of existing significant trees and heritage features, including along the streetscape and within the boundaries of the site.

4.11.5. Traffic, Parking & Access

The March 2020 submission included a revised Traffic Report prepared by TTP&A that identified how the Applicant addressed the key traffic, parking and access issues raised by Council in the amended proposal.

No further changes are proposed to the traffic, parking and access approach or impacts as a result of the amended design. The basement envelope can accommodate maximum car parking numbers required by the proposed envelope amendments.

4.11.6. Infrastructure

The amended proposal does not alter the conclusion of TTW that there is no demand upstream or eastwards for a stormwater line as a result of recent re-development and modified stormwater infrastructure. A stormwater easement is therefore not required.

A main sewer line running east -west and serving properties upstream/eastwards will be required. The Applicant is in consultation with Sydney Water to seek approval for a deviation design prepared by Warren Smith & Partners prior to construction (refer to Appendix D). Ongoing consultation with Sydney Water will enable this matter to be resolved prior to submission of the detailed DA(s).

4.11.7. BCA Compliance & Access

The proposal, as amended, will not alter the ability to achieve compliance with the Building Code of Australia and relevant accessibility standards, subject to the implementation of a range of design recommendations within the future detailed proposal.

4.11.8. Waste Management

The proposal, as amended, will not alter the ability to achieve compliance with the Operational Waste Management Plan prepared by Elephants Foot and submitted as part of the August 2019 submission by the Applicant.

The recommendations will be incorporated into a detailed Operational Waste Management Plan for lodgement with the future detailed proposal(s) and associated DA(s).

4.11.9. Social & Economic Impacts

The amended mixed-use development has been designed to achieve an overall vision for the redevelopment of the site established by the Uniting Church in Australia Property Trust (NSW) and the Burwood-Croydon Uniting Church congregations. The proposal has been focussed on clear objectives and desired outcomes as outlined within the original application and as summarised below:

- Public domain and site improvement works, including the delivery of additional publicly accessible open space for spiritual space/pause and a through-site pedestrian link, improve existing access to George Street and Victoria-East Street.
- Significant increase in the capacity of the existing child care services from 40 children per day to 120 children per day, accommodating the needs of local families.
- Delivery of additional community facilities, including education and training spaces that meet the needs of the church and local community groups and importantly are in proximity to the Church 'sanctuary'.

- Creating additional accommodation and expanding existing services to meet the existing and changing needs of the local community, including an Aboriginal Worker, Children's Ministry Worker, Chinese Language Minister, Social Worker and Tertiary Chaplains.
- Delivering low cost housing for students, including a string network of support with mentoring and opportunities for community engagement.
- Enhancing and improving emergency support service and providing employment support and training opportunities

The achievement of the above objectives and outcomes would result in significant social benefits for the local community, particularly regarding the delivery of additional affordable housing and community facilities, including the child care facility and use of meeting spaces by local community groups. The adaptive re-use of the existing School Hall building for the Ministry Café offers increased training and employment opportunities.

The potential social impacts of the proposal, including its future construction and operations, have also been identified and assessed. It is considered that the potential impacts can be appropriately mitigated, minimised or managed through the detailed DA process, including the development of a comprehensive Construction Management Plan and Traffic Management Plan.

The proposal includes 5,083sqm of employment generating floorspace including retail/restaurant tenancies, commercial offices, a medical centre, child-care facility and expansion of the existing church-related administration activities. The project has an estimated cost of almost \$100 million and represents a substantial investment in the Burwood Town Centre, with significant construction and operational jobs likely to be generated through the future phases of the development.

The proposal also provides for an ongoing revenue stream for the Burwood-Croydon Uniting Church, allowing for the ongoing conservation of the heritage listed buildings and the continuation and expansion of the existing services to the local community.

4.12. SUITABILITY OF THE SITE

The site is considered suitable for the proposal, as amended, for the following reasons:

- The site is zoned B4 Mixed Use under the BLEP. The proposed development is permissible with consent and consistent with the land use objectives of B4 zoning.
- The proposed redevelopment of the existing church and three single detached dwellings houses to accommodate a mixed-use development with an expanded range of services and facilities with residential accommodation above is considered entirely consistent with strategic planning policies.
- The character and built form of the surrounding locality is transitioning to facilitate a range of high-density mixed-use developments with similar scale and density. The proposed development is consistent with approved and proposed developments within the immediate locality including:
 - 82.24m mixed-use development at 9-15 Deane Street and 18-20 George Street, Burwood;
 - 78.4m mixed-use development at 180-186 Burwood Road and 7-9 Burleigh Street, Burwood;
 - 72m high mixed-use development at 39-47 Belmore Street, Burwood; and
 - 76.45m mixed-use development at 121-133 Burwood Road and 38-40 Railway Parade, Burwood.

- Adequate infrastructure is available to service the proposed development including electricity, water and sewage, as well as surrounding services including retail, commercial, education, community, public open space and transport.
- There are no environmental constraints which cannot be satisfactorily managed or mitigated to avoid significant adverse impacts on the amenity of the site or adjoining properties.

4.13. SUBMISSIONS & PUBLIC INTEREST

The proposal was publicly notified in accordance with Burwood Development Control Plan. Submission received during the public exhibition period and raising planning matters pursuant to Section 4.15 of the Act should be considered in the assessment of the proposal. These have been addressed by the Applicant in correspondence issued 16th August 2019. The proposed amendments to the design have an improved outcome and accordingly, should not require further notification and advertisement to the public.

The proposal, as amended, is in the public interest for the following reasons:

- The proposal satisfies the objectives of the relevant environmental planning instruments and achieves a high level of planning policy compliance. The proposed variation to the maximum height of building control has been fully justified and is considered appropriate in accordance with Clause 4.6 of the LEP. The proposal will deliver a high-quality mixed-use development that will revitalise the site and make a positive contribution to the streetscape and the objectives for the Burwood Town Centre in accordance with State and local strategic planning policies.
- The environmental impacts have been assessed in detail and are considered acceptable, including the potential effects of the proposed works on the visual appearance of the site and streetscape, heritage significance of the Uniting Church and School Hall buildings and potential amenity impacts on surrounding properties, including solar access/overshadowing, visual privacy and the like.
- The proposal will result in positive social and economic outcomes to benefit the immediate locality and the broader community by:
 - Expanding housing choice within Burwood, including affordable housing suitable for students.
 - Providing additional housing opportunities close to existing services, employment opportunities and high-frequency public transport.
 - Delivering additional local employment opportunities and jobs closer to home, during both the construction and operational phases of the development.
 - Maintaining and increasing access to essential community services, including a childcare centre, medical centre, meeting rooms available for use by local community groups and support services delivered by the Burwood-Croydon Uniting Church.
 - Providing affordable housing supported by mentoring programmes and opportunities to participate within the local community.
 - The proposal will provide publicly accessible open space and a through-site link that encourages greater community engagement, pedestrian permeability and connectivity within the Burwood Town Centre.

5. CONCLUSION

This letter and supporting documentation for the amended application in accordance with Clause 55 of the Regulations has been prepared on behalf of the Applicant to respond to each of the additional matters raised by Council for BD.2018.125.

The proposed development has been assessed in accordance with the relevant matters for consideration listed in section 4.15 of the Act, as summarised below:


- **The proposal is consistent with state and local strategic planning policies:** The layout and design of the proposed development has been specifically planned to respond to both existing and desired future development within the locality.
- **The proposal satisfies the applicable state and local planning controls:** the proposal is consistent with the objectives of the state and local planning controls and substantially complies with their relevant requirements. While the proposal does not fully comply with the numerical height of building control, the section 4.6 exception demonstrates that the built form is acceptable and justified on planning merits.
- **The proposal will avoid unacceptable environmental impacts and provide social and economic benefits:** the careful siting and design of the proposed new buildings will avoid any unacceptable impacts on the site or surrounding properties, while the proposed land use activities will facilitate the retention and expansion of existing services and provide for increased economic development and employment opportunities.
- **The proposal is suitable for the site:** the proposed mixed-use development is compatible and consistent with the transitioning character of the Burwood Town Centre. The existing church building and associated services will be retained to maintain their ongoing commitment to the health and well-being of the local community. The site is also ideally located close to existing services, educational establishments and high-frequency public transport to accommodate new housing and employment opportunities.
- **The proposal is in the public interest:** the proposal is permitted with consent in the B4 Mixed Use zone, compatible with existing and likely future development and has been designed to avoid unacceptable impacts and optimise its potential benefits. Accordingly, the proposal is considered to be in the public interest.

Having considered all relevant matters, the proposal represents a sound development outcome that fulfils the vision to transform Burwood Town Centre into a high-quality mixed-use precinct that respects its heritage and engages with the local community.

Considering this, the amended proposal is considered well-worthy of Council support and ultimately approval by the Sydney Eastern City Planning Panel, subject to the appropriate conditions.

If you have any questions please don't hesitate to contact the undersigned or Jennifer Cooper on (02) 8233 9900.

Kind regards,

A handwritten signature in cursive script, appearing to read "JHD" followed by a flourish.

Jocelyn
Senior Consultant
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