

COUNCIL BRIEFING REPORT

Panel Reference	
DA Number	DA 2021/44
LGA	Burwood
Proposed Development	DEMOLITION OF EXISTING STRUCTURES, CONSTRUCTION OF PUBLIC DOMAIN, 3 STOREY PODIUMS CONTAINING COMMERCIAL TENANCIES AND MIXED USE DEVELOPMENT AND THE CONSTRUCTION OF 5 TOWERS ABOVE PODIUMS RANGING IN HEIGHT FROM 12 TO 42 STOREYS CONTAINING 1041 UNITS AND 6 LEVELS OF BASEMENT PARKING CONTAINING 1799 CAR SPACES.
Street Address	42-50 & 52-60 RAILWAY PARADE, WYNNE AVENUE & CLARENDON PLACE BURWOOD
Applicant/Owner	Burwood Tower Holdings Pty Ltd
Report prepared by	Dylan Porter – Director City Strategy on behalf of the Burwood Place Design Review Panel
Report date	7 September 2022

Burwood Place Design Review Panel

Based on early feedback and request from the SECPP a special Burwood Place Design Review Panel was established to support the assessment of the Burwood Place application. Whilst the remit of the panel was broad in terms of assessment of urban design and architectural outcomes, the panel was asked to consider two specific elements covering:

- Assessment of the achievement of design excellence as per the criteria contained in clause 6.5 of the Burwood LEP
- Ability of the applicant to demonstrate compliance with the SEP65 and ADG.

The panel selected via an invited EOI process comprised the following members:

- Mary-Lynne Taylor –Bartier Perry Lawyers (Chair)
- Jon Johannsen - Architects Johannsen + Associates Architects
- Matthew Taylor – Taylor Brammer Landscape Architects
- Paul Walter – Atlas Urban Design & Strategy

A total of seven Design Review Panel (DRP) meetings were held over an 8 month period. The format of the meetings varied between briefing sessions lead by the applicant, workshop sessions to interrogate specific issues and guided presentations testing responsive changes made based on the DRP feedback.

The Holdmark Design Team engaged pro-actively throughout the sessions, made available additional resources such as live 3D models and participated in active debate on the critical design issues raised.

Preliminary Feedback

The DRP raised a number of key feedback points based on the originally submitted scheme. These are outlined in detail in the meeting minutes but in summary include:

Contextual Assessment: The DRP requested a greater degree of detailed contextual analysis to demonstrate that there is a proper understanding, and therefore design response to, the Burwood Town Centre and its immediate and broader surroundings. This was requested to cover both the south and north sides of Burwood as well as more detail on sites to the east and west.

This was to ensure that there is an appreciation of this overall character and form of Burwood as a place and the project positively contributes to a strong and unique identity.

Built Form: There was intensive investigation of the built form of the development and the extent to which the design would contribute to a positive public domain was questioned. There were very strong concerns raised in relation to the dominance of the towers into the streetscape and public realm.

- The dominance of the towers extending beyond the two storey podium was challenged as a key design issue. In particular, as to whether the view that the appearance and benefit of the podiums was diminished by the tower and supporting structure elements within the public domain.
- The use of brick within the podium elements was seen as complementary but the extent to which the design and pattern book for the podium adequately complemented the Burwood built form character or provided sufficient design variety.
- The interface between the residential tower and commercial tower was challenged as to whether it represented an acceptable design outcome or outlook for future residents.
- While the rationale of the tower forms and their façade detail to improve environmental and visual impacts was appreciated, some refinements were recommended to improve scope for ADG compliance, communal amenities and visual coherence.

Wind and Micro Climate: There were environmental concerns regarding wind effects and solar access that will determine whether the public realm would comprise pleasant, meaningful spaces and connections. There is concern regarding the extensive use of glazed canopies required to mitigate down drafts generated by the towers and the negative effect this would have upon the sense of public space.

Public Domain: A core focus on the assessment by the DRP and topic of consideration through the panel meetings was public domain and the contribution to sense of place. This extended to consideration of both the user experience for pedestrians at street level but also the extent to which the scheme would promote and contribute to the positive identity of the Burwood Town Centre as a unique place.

A particular theme of the panel was to seek the 'gestalt gesture' that would represent the core elements of design excellence and also contribution to a unique sense of place. The areas of focus included:

- Treatment of Railway Parade must recognise its multiple-roles, at the formal "Avenue of Flags", also as the as a primary route and thoroughfare within the town centre and more appropriate treatment of driveway cross overs to manage negative impacts upon the public realm.
- The extent of grade separation was seen to undermine both the amenity and potential enjoyment of the public space in a number of locations within Railway Parade and Wynne Avenue.
- Wynne Avenue was seen as the heart of this project by the DRP but did not consider the initial design as acceptable. The role and function of the space was unclear and features such as the escalators reduced the impact of the space and undermined the quality of the environment.
- Request from the panel to consider the extent of tree canopy in Burwood, the extent to which this contributes to city image and the need to extend that canopy cover through the project, and to help mitigate urban heat island effects.

- The panel also sought a greater level of acknowledgement of linkages between proposed open spaces and lanes within the scheme with existing external pedestrian links and desire lines to neighbouring sites and destinations beyond.
- The panel also sought review of the fine grain nature of the proposal, in particular how distinct places would be created throughout the development. Offering contrast between Clarendon Place, Wynne Avenue and the proposed Burwood Lane.
- There was also considerable testing of a number of key elevations in the scheme. In particular the treatment and design of a colonnade proposed to Railway Parade and the interface between the western elevation and the proposed Burwood Urban Park.
- There was also continued concern that there was insufficient design resolution to the scheme, which called into question the deliverability of the project as a whole and the intended design outcomes to which the design team was asked to respond.

Key Amendments

Many changes to the scheme that have occurred, and it is assumed that these will be addressed in detail by the assessment team. However, there are a number of key changes which the DRP would like to highlight.

Railway Parade – East



Changes here have addressed previous concerns regarding the negative aspects of the proposed colonnade and vertical support structures for the upper level tower. Additional emphasis and legibility has been given to the residential lobby entrance through use of an extended canopy.

Railway Parade – West



The negative aspects of this elevation have been improved through the better integration of driveway entrances into the façade of the building, improved surface treatment giving priority to pedestrians and additional landscaping.

Wynne Avenue



Wynne Avenue has been consolidated as an area of urban civic space. Appropriate deep soil allows for tree planting, and whilst careful species selection is still needed, there is a strong landscape element to this space. Previous clutter such as the escalators have been removed and the space is consolidated as a whole with consideration of through traffic and servicing needs

Residential and Commercial Tower Interface



This elevation has been extensively amended with a new brick tower element which wraps around the Wynne Avenue, Burwood Lane and adjoining elevation. The facing brick used is fractured and expresses the corner in a unique & recognisable element and design feature of the building. This design gesture has also helped open up and reinforce a clear line of sight extending along the length of the proposed Burwood Lane.

Western Elevation



The elevation facing the urban park has been given a civic scale colonnade appropriate to the public setting of the adjoining space and return into Burwood Lane. This includes ground plane activation throughout the colonnade and removal of lobby entrances to avoid dead frontages.

Clarendon Place



The treatment of the Clarendon Place elevation went through a number of iterations responding to changing levels and uses across this elevation. The incorporation of the brick arches is a specific reference to local vernacular character found on other shop fronts on the Burwood High Street.

The images above relate to the presentation made during the DRP process and there may have been further refinement to the design development for the DA package.

Concluding Comments from the Panel

In finalizing their consideration of the scheme, the DRP was able to provide their support to the proposal and provided the following final comment.

Achievement of Design Excellence

Based on the design detail provided in the final presentation, the DRP is able to support the scheme, but insisted that the design resolution shown be continued through all elements of the scheme and into any revised DA drawings.

The DRP commented that it was pleasing to see how far the scheme has come – it has elements of joy and architectural fun and place creation that the panel had been advocating from the applicant.

However, the DRP is only able to assess what they can see in the concept drawings presented to them. In offering support to the scheme, the panel is also empowering the Assessment Team to review and ensure the same level of detail resolution is achieved in the re-submitted application for determination.

In addition, the DRP recommend that a Design Integrity Review mechanism should be established to ensure that design excellence is maintained from planning to construction stages of the project. The Assessment Team is requested to research appropriate condition wording, precedent for the use of such a condition and suitable process.

There are still elements that need review. In particular landscaping is an integrated part of the scheme and contributes to the established character of Burwood. The DRP would like to seek a scientific / evidence-based approach to plant and tree selection as well as coordination with a nursery expert to ensure that selected species are able to thrive and survive within the prevailing and anticipated future conditions on the site. This is noting access to sun, shade and climate conditions and is something that the DRP will be requesting via a recommended condition.

There are other architectural elements that need to be settled. The corner of Clarendon and Railway Parade does not have a settled rhythm. This should be part of a final design team review before submission back to Council. Other items which should be reviewed include:

- Review of the awning detail to Unity Lane and creation of a horizontal break or accent device.
- Review of the corner treatments to ensure the placement of columns is balanced, consistent and well resolved.
- Review of soffit details and upper-level voids as an opportunity for public art, hanging art or lighting detail.

The DRP recognises that the potential for urban art is very strong and there is a range of historical, First Nations stories, European and more recent migrants' stories that can be told. Again this is something that needs to be developed with the next level of details as part of the public art plan for public engagement. The panel requested that general locations for public art be highlighted (such as that shown on the laneway between Burwood Lane and Unity Place) as part of the detailed application response. Noting that this will be subject to further refinement.

The DRP recommended specific conditions to ensure a robust public art strategy is curated and delivered.

ADG Compliance Review – Final Comments

The DRP received a specific presentation on matters related to solar access and compliance with ADG standards at several of the DRP workshops. Paul Walter and Jon Johannsen provided further closer assessment of the submitted supporting material in relation to ADG compliance on behalf of the DRP. The further commentary provided the following concluding statements.

Much work has been done to clarify and expand on the DA submission as it has evolved in response to review by Council's independent assessment team, advisors, and the Design Review Panel (DRP). The focus of this input is to give assurance that:

- Appropriate due diligence and process has been applied by the Applicant's team with the aim to achieve a best possible outcome within the ADG and SEPP 65 framework,
- Amended DA minimises environmental impacts where particular non-compliances occur and with necessary justification for compensation or alternatives available,
- Based on the information available the DRP members (PW + JJ) are confident that the requisite standard of design excellence can be achieved.

The DRP accepts that there is justification for the reference to the site-specific DCP on such issues as solar access, and where divergence with ADG guidelines may be appropriate.

ADG p.9

Objectives, design criteria and design guidance in Parts 3 and 4 of this Apartment Design Guide that are referred to in SEPP 65 will prevail over any inconsistent DCP control. Parts 3 and 4 set out objectives, design criteria and design guidance for the siting, design and amenity of residential apartment development.

There are extensive studies referenced in Section 5.0 relating to the extent of solar access compliance and non-compliance, and references to the digital tools and methodology indicate this work has engaged with highly competent consultants and used current best practice approaches. It is assumed these explanatory exercises to support the amended DA have been fully checked and are numerically correct, so the focus is on whether the bases for assessments are valid and whether the areas of non-compliance are reasonable in the dense urban context of the Holdmark development.

As has been clearly detailed in the Amended Statement of Environmental Effects (aSEE) (24 June 2022) there have been extensive amendments made to the original DA that resulted from both DRP and council's independent assessors, and the DRP considers that these changes have resulted in significant improvements to the level of design excellence achieved.

It is also noted that (as per aSEE p.14):

'other developments, such as Emerald Square and Burwood Grand, to the south of the site, were approved without considering the redevelopment likelihood of the subject site. There is, therefore, consequential impact on these buildings in terms of solar access. Such impacts were anticipated prior to the approval of the Planning Proposal and acknowledged and planned for in the Site-Specific DCP. However, design amendments to the project through discussions with the DRP have mitigated as far as possible impacts on adjoining buildings.'

Considering ADG compliance across the whole Burwood Place project shows a high level of compliance (and justification for non-compliances where needed), and for the neighbouring sites of Burwood Grand and Emerald Square where solar access loss occurs there has been impact analysis in detail to clarify the extent (eg. with 15 min interval studies) and show how the amended DA for Burwood Place mitigates adverse outcomes where possible.

With particular focus on solar access issues, it is apparent from the ADG compliance schedule that the amended DA scheme has required substantive further work to clarify ADG target guidelines.

- for units can be met (70% with 2hrs from 9am to 3pm at winter solstice)
- for overall communal open spaces can be exceeded (based on min 2hrs from 9am to 3pm)

In the case of solar access impacts on surrounding developments (Burwood Grand and Emerald Square), the intent of ADG objectives are able to be met where the collective communal open spaces and units across all towers on these sites are considered (however taken in isolation there are shortfalls in some instances). Where there are marginal results for some units, inclusion of more detail on floor plans and combined am and pm solar access supports improved outcomes.

Nevertheless based on the following excerpt from the aSEE there is justification to consider alternatives with site specific DCP.

'It is acknowledged that the ADG takes precedence over a Development Control Plan (DCP), however the purpose of the ADG is to guide developments across NSW. The purpose of the Site-Specific DCP, however, was to provide site- specific provisions for this development in its existing context, taking into account site constraints and surrounding context, whilst acknowledging the potential impacts from the development.'

While there are view impacts on both Burwood Grand and Emerald Square clearly identified in the amended SEE, there is a strong case presented for how Burwood Place tower locations and separation would allow reasonable view sharing, and capable of satisfying the Tenacity principles applicable to such cases. There is also potential improvement for outlook to landscaped communal and public open spaces from the affected units that provide some compensation in terms of immediate views and access to a significantly better civic realm.

Conclusion

The design is the product of a lengthy process of strategic planning, design development and review. This is a very large site at the heart of a Strategic Centre that also anchors the Urban Renewal Area that extends from Parramatta to Burwood (refer to the Greater Sydney Regional Plan).

The massing evidently strives to balance the competing objectives of density and amenity. The overall massing is acknowledged as being the product of extensive analysis and investigation (completed prior to the advent of the design review panel). The building form reduces the impact on existing nearby developments by sculpting the forms and creating building separation and thereby achieving a reasonable balance between density and amenity in the surroundings and within the development.

The design review process has seen very significant improvements in design quality. This relates to precinct-scale considerations, such as wayfinding, and public/civic character. It also relates to

the quality of places and architectural expression. The result is a well-considered outcome that will elevate the quality of the built environment in Burwood.

Recommended Conditions

In summary, the following conditions are recommended to the Assessment Team for inclusion in any final determination of the application:

- **Design Integrity Review:** It is recommended that a condition be imposed that would establish a design integrity review process to monitor progress of the project from planning to construction phases. The review process should consider:
 - Use of the soon to be established Burwood Design Review Panel for the purposes of an integrity review.
 - Comparison review between approved for DA drawing and construction drawings / specifications.
 - This should include review of proposed construction materials, landscape schedules and other comparable technical specifications.
 - Consideration should be given to ensuring the current lead architect, being COX, remain as the lead project for the duration of the project unless otherwise agreed with the integrity review panel or Burwood Council.
- **Landscape Species Selection:** A condition be imposed that requires reporting on the selection of tree and planting species.
 - The report should be scientific and evidence based taking into account prevailing environmental conditions and access to sunlight in species selection.
 - The report should be prepared in consultation with Nursery providers and suitably qualified horticulturalist
- **Public Art Strategy:** Recommended as a condition of consent is the provision of a public art strategy for consideration and approval by Burwood Council. The opportunity for urban art is very strong and should reference the range of historical, First Nations stories, European and more recent migrants' stories that are unique to Burwood within both the building fabric and landscape / civic realm of the project.

END BRIEFING NOTE