

A background graphic featuring a dark blue diagonal band across the middle of the page. To the right of this band is a grayscale image of a city skyline with several tall buildings. Overlaid on the entire background are numerous white, 3D wireframe cubes of varying sizes, some of which are slightly offset from each other, creating a sense of depth and architectural structure.

Statement of Environmental Effects

Mixed use development


28, 28A-30 & 32-34 Victoria Street, Burwood

Submitted to Burwood Council

On Behalf of VSD Investments Pty Ltd

September 2019

REPORT REVISION HISTORY

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Disclaimer

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APPENDICES

	Document	Prepared by	Date / version
1	Clause 4.6 (Clause 4.3 Height)	City Plan	September 2019
2	Clause 4.6 (Clause 4.4 FSR)	City Plan	September 2019
3	QS Report	Construction Consultants	18 September 2019
4	Site and Contour Detail Survey	Geometra Consulting	July 2019
5	Arboricultural Impact Assessment	TALC	16 August 2019
6	Geotechnical Study	STS GeoEnvironmental	April 2019
7	Aboriginal Artist Cooperative Correspondence		19 September 2019
8	Architectural Plans	Urban Link	2 September 2019, Rev A
9	Stormwater Plans	Alpha Engineering and Development	18 September 2019
10	NaTHERS	Greenworld Architectural Drafting	17 September 2019
11	Design Verification Statement and SEPP 65 Compliance Table	Urban Link	2 September 2019
12	BASIX Certificate	Greenworld Architectural Drafting	17 September 2019
13	Soil Assessment	FIMA	28 May 2017
14	Design Excellence Report	Urban Link	
15	Design Excellence Peer Review	DKO Architecture	September 2019
16	DCP Compliance Table	City Plan	September 2019
17	Heritage Impact Statement	Weir Philips Heritage and Planning	August 2019
18	BCA Report	Certified Building Specialists	27 August 2019
19	Accessibility Report	Access Link Consulting	19 September 2019
20	Wind Report	Synergetics	18 September 2019
21	Acoustic Report	Acoustic, Vibration and Noise Pty Ltd	6 August 2019
22	Traffic Impact Assessment	Road Delay Solutions	4 May 2019
23	Waste Management Plan	Dickens Solutions	September 2019
24	CPTED Report	City Plan	September 2019
25	Landscape Plan	Turf	4 September 2019

26	Landscape Report	Turf	September 2019, Issue A
27	Landscape Renders	Turf	
28	Section 10.7 Certificates	Burwood Council	March 25 2019

1. EXECUTIVE SUMMARY

1.1. Introduction

This Statement of Environmental Effects (SEE) has been prepared by City Plan Strategy & Development (City Plan) to accompany a Development Application (DA) to Burwood Council. The DA relates to land at 28, 28A-30 & 32-34 Victoria Street, Burwood (subject site). The proponent is VSD Investments Pty Ltd.

This SEE has been prepared pursuant to Section 4.12 of the *Environmental Planning and Assessment Act, 1979* and Clause 50 of the *Environmental Planning and Assessment Regulation, 2000*. The purpose of this SEE is to:

- describe the proposed development and its context;
- assess the proposal against the applicable planning controls and guidelines; and
- assess the potential environmental impacts and mitigation measures

1.2. Proposed Development

The proposal is for a mixed use development comprising commercial, retail and office tenancies catering to a range of local and specialist businesses in a 3 storey podium, together with modern, affordable residential units in a slender tower form above.

The proposed built form has a total of thirty (30) levels. The podium offers a total of 6,296m² of gross floor area (GFA) for retail and/or commercial uses. The remaining twenty-seven (27) levels represents a residential tower comprising of 179 one, two and three bedroom dwellings. Three (3) basement levels provide a total of 318 parking spaces for residents, employees and visitors, together with storage and waste facilities.



Figure 1: Perspective image of proposal (Source: Urban Link)



Figure 2: Perspective image of proposal (Source: Urban Link)

Public domain enhancements are a defining feature of the proposal, with a safe, high amenity pedestrian through site link providing a continuous pathway between George Street and Victoria Street. The link has been designed to integrate with the site immediately to the west, as well as a recently approved development to the rear. A flexible meeting space has been provided on the podium level adjacent to the communal open space for use by community groups.

A detailed description of the proposal is provided in **Section 3** of this SEE.

1.3. Summary of Environmental Assessment

The subject site is located within the middle ring of the Burwood Town Centre, an area currently undergoing growth and change. The proposal is permissible with consent and complies with the objectives of the B4 - Mixed Use zone under the Burwood LEP 2012. Future development is guided by height and floor space controls, as well as an overall building height plane. The proposal takes advantage of incentive bonus provisions which are available for certain development in the Burwood Town Centre, where community infrastructure is provided.

The proposed tower element is below the building height plane established in Clause 4.3A(2) of Burwood LEP 2012, however at a maximum height of 100.98m it exceeds the 60m height of buildings development standard prescribed by Clause 4.3 of the Burwood LEP 2012. Accordingly, a request under Clause 4.6 has been prepared to seek a variation to this development standard.

The proposal relies on the 4.95:1 FSR allowed by Clause 4.4A(5) as the site is located in Area 2 and the residential GFA does not exceed 70% of the total. The proposal also complies with the provisions of Clause 4.4A(6) in the provision of a tenancy to the Boomalli Aboriginal Artists Co-operative, compliant with the relevant provisions in Clause 4.4A allowing for exceptions to FSR.

For abundant caution, a written request for variation pursuant to Clause 4.6 of the Burwood LEP 2012 is sought from Clause 4.4.

Compliance is achieved with the commercial / residential land use mix established in Clause 4.4A(5)(b) of the Burwood LEP 2012. That is, of the total 20,990m² GFA proposed, 14,694m² (or 70% of the total GFA) is for residential purposes and 30% is dedicated for commercial/retail purposes.

The proposal satisfies SEPP 65, and the design verification statement prepared by Ziad Boumelhem from Urban Link (registration number 8008) indicates compliance with the recommendations of the ADG with the exception of deep soil provision. Full compliance is achieved with the ADG's recommendations for building separation, solar access and natural ventilation. The proposed residential floor plate will deliver a high level of amenity as all dwellings are generously sized, achieve good solar access and ventilation. Generous communal open space is provided for residents at various levels of the proposed development.

Section 4 of this SEE provides a detailed assessment of the proposal against the relevant environmental planning framework.

The proposed at grade, through site link offers a significant public benefit in terms of enhanced access through the town centre, providing improved pedestrian accessibility from the Burwood train station to Westfield. It is designed to a high standard, with its spacious feeling, integration with adjoining retail/commercial tenancies, as well as high quality hard and soft finishes ensuring activation and vibrancy. Importantly, as the proponent for this DA retains control over land at 36 Victoria Street and 23-27 George Street, delivery of the link can be assured.

In conclusion, the assessment contained in this SEE identifies that the proposal achieves a high degree of compliance with the relevant planning framework, is without unreasonable environmental impacts, and is suitable for the subject site. In our view, the proposal is considered to be in the public interest, and warrants development consent.

The capital investment value (CIV) of the project is estimated at \$67.25m (excl GST), as provided in the CIV report at **Appendix 3**. In accordance with Clause 20 of State Environmental Planning Policy (State

and Regional Development) 2011 (SRD SEPP) and Section 2.15 of the *Environmental Planning & Assessment Act, 1979* (EP&A Act), the DA will be assessed by Council, but determined by the Sydney Eastern City Planning Panel.

2. SITE ANALYSIS

2.1. Site Address and Legal Description

The subject site comprises three adjoining land parcels, commonly referred to as 28, 28A-30 & 32-34 Victoria Street, Burwood. It is formally recognised as SP 49414, SP 4241, and SP 4711.

An aerial view of the subject site is provided in **Figure 4**.

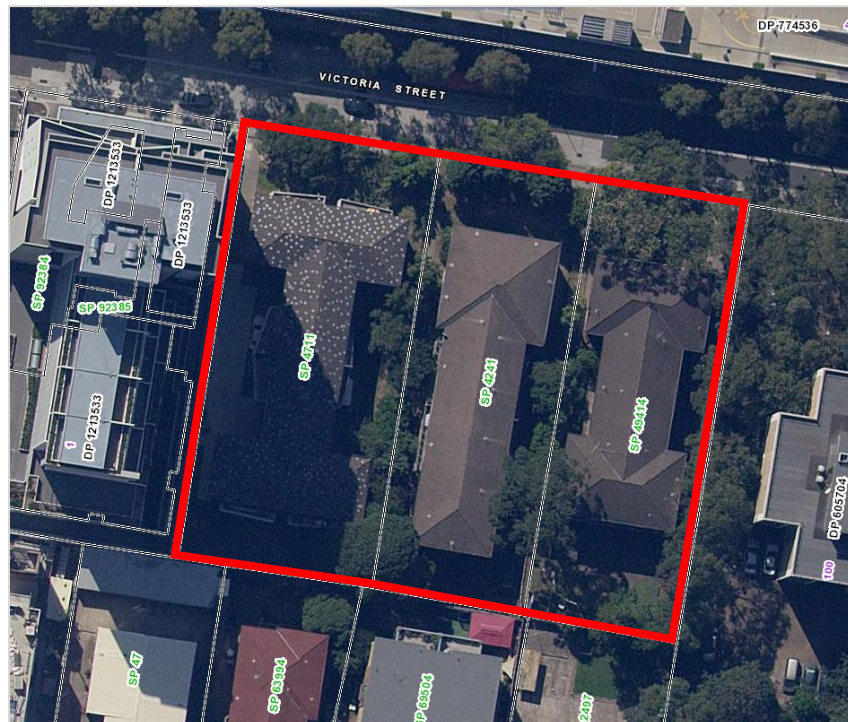


Figure 3: Aerial view with subject site outlined red (Source: SixMaps)

2.2. Site Dimensions & Area

The dimensions and area of each lot are provided in **Tables 1 - 3** below. **Table 4** describes the dimensions and area of the combined development site.

Table 1: Site dimensions - SP 49414 or 28 Victoria Street

Boundary	Location	Dimension (m)
North	front	21.64
East	side	61.145
South	rear	21.64
West	side	61
Site area		1311.6m2

Table 2: Site dimensions - SP 4241 or 28A-30 Victoria Street

Boundary	Location	Dimension (m)
North	front	22.25
East	side	61.145
South	rear	22.25
West	side	61
Total site area		1308.7m2

Table 3: Site dimensions - SP 4711 or 32-34 Victoria Street

Boundary	Location	Dimension (m)
North	front	18.81
East	side	60.41
South	rear	18.81
West	side	60.41
Site area		1620.3m2

Table 4: Combined site dimensions

Boundary	Location	Dimension (m)
North	front	70.235
East	side	61.145
South	rear	62.7
West	side	60.41
Total site area		4,240.6m2

2.3. Existing Improvements

Each of the lots contains a residential flat building, typical of medium density development constructed in Sydney during the 1980's. They are 'walk up' style flat buildings constructed with masonry walls and a pitched, tiled roof.

Each of the sites contain reasonably generous front, side and rear setbacks, most of which is occupied by either low scale landscaping or impervious vehicular manoeuvring areas. Vehicular parking for each existing flat building is located on the ground floor, either as part of the building footprint or within the side or rear setback.

Table 5: Site photos

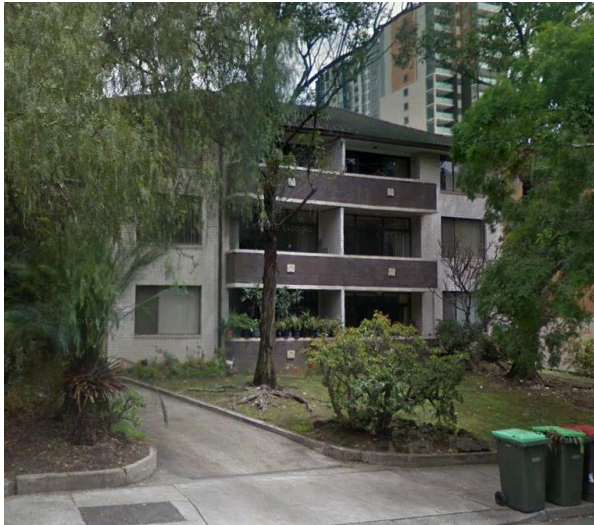


Figure 4: Existing 3 storey 'walk up' at 28 Victoria Street
(Source: Google Maps)



Figure 5: Existing 4 storey 'walk up' at 28A-30 Victoria Street
(Source: Google Maps)

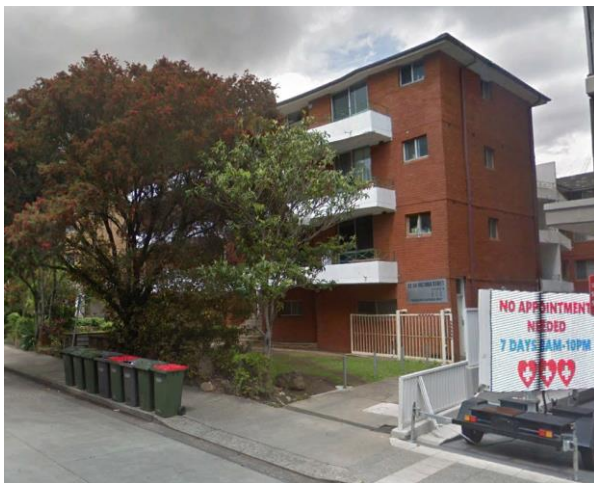


Figure 6: Existing 4 storey walk up at 32-34 Victoria Street
(Source: Google Maps)

2.3.1. Topography

The site appears relatively flat from Victoria Street and surrounding allotments. The survey plan by Geometra Consulting (**Appendix 4**) indicates a cross fall of approximately 2.5 metres rear to front, specifically from the south eastern (rear) corner to the north western (front) corner of the site.

2.3.2. Trees

The Arboricultural Impact Assessment (AIA) by TALC at **Appendix 5** identifies a total of thirty-three (33) trees located on or in close proximity to the subject site. Specifically, ten (10) existing trees are located on

immediately adjoining allotments, including two (2) trees within the street verge. An extract of TALC's tree location plan is provided in **Figure 8**.

The trees are of various sizes, species and general condition, predominantly located along each of the allotment's boundaries. Eighteen (18) of the existing trees are nominated as being in either poor condition or over mature in age, with the remainder nominated as being in fair condition. .

Tree related potential impacts are discussed in detail in **Section 6** of this SEE.

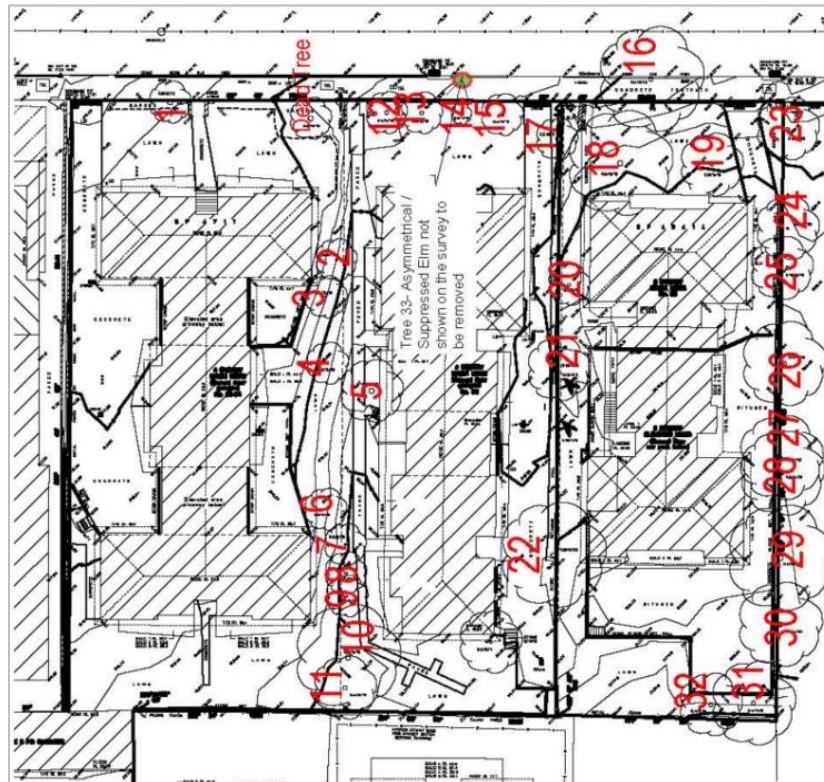


Figure 7: Tree location plan (Source: AIA, TALC, page 15)

2.3.3. Ecology

The subject site is not located within an ecologically sensitive area. Given its suburban nature and sparsity of trees, it is not likely to support any ecologically sensitive flora or fauna.

2.3.4. Hazards

The subject site is not affected by any major hazards such as bushfire, flooding, land slip, contamination, or the like.

2.3.5. Heritage

The subject site is not listed as an item of environmental heritage in the NSW State Heritage Register, or in Schedule 5 of the Burwood LEP 2012. The site does not form part of a heritage conservation area.

Several items of environmental heritage, as listed in Schedule 5 of the BLEP 2012, are in relatively close proximity to the subject site, including:

- I223 - "Ely House", first floor façade, at 122 - 126 Burwood Road;
- I20 - Congregational (Uniting) Church and Church Hall, 134A Burwood Road; and
- I56 - Victorian semi-detached houses, at 9 and 11 George Street East.

Figure 9 illustrates the location of heritage items and their relationship to the subject site.

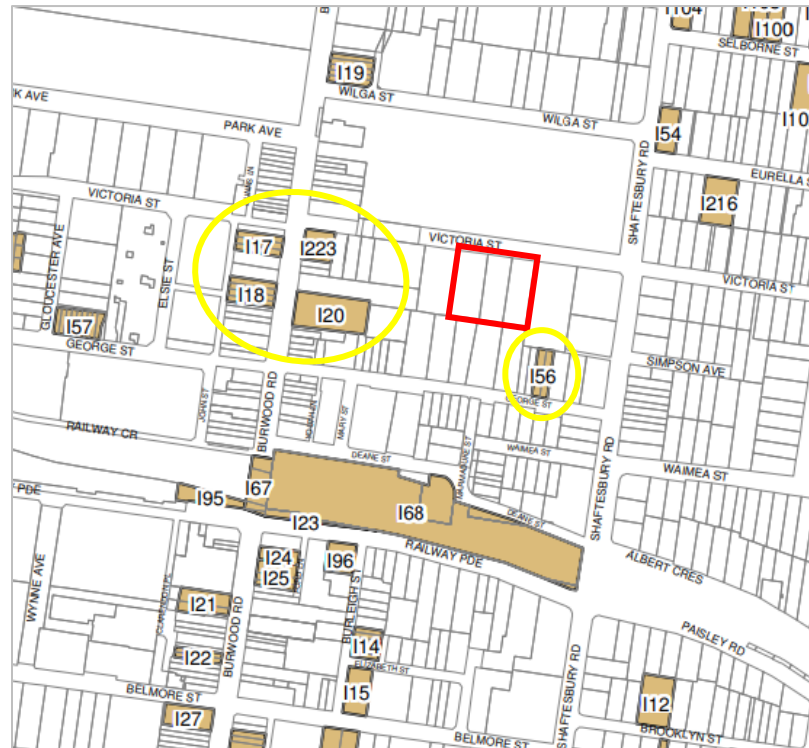


Figure 8: Extract of BLEP 2012 Heritage Map with subject site outlined red and nearby heritage items shown yellow
(Source: BLEP 2012/City Plan)

2.3.6. Soils and Geotechnical Conditions

A geotechnical assessment prepared by STS GeoEnvironmental Pty Ltd, is provided at **Appendix 6**. The assessment concludes that the site's conditions are fairly typical. It also provides that groundwater is not expected to be encountered. A soil assessment undertaken by FIMA concludes in **Appendix 13** that the "site is not a contamination risk" and is suitable for residential use.

2.3.7. Stormwater

Stormwater generated by the existing development drains to Council owned infrastructure within Victoria Street.

2.3.8. Parking, Access and Transport

Vehicular access to existing development is provided from Victoria Street. Each existing residential apartment building benefits from a driveway directly to/from Victoria Street.

2.4. Surrounding Development

2.4.1. Overview

A variety of land uses and built form currently exist in the immediate vicinity of the subject site. Given Burwood Town Centre's designation as a 'strategic centre' according to the Greater Sydney Region Plan 2018 (GSRP), land uses are expected to remain mixed.

A number of existing developments are under developed according to the provisions of the BLEP 2012 as well as demand for development within the Sydney metropolitan area generally. In this case, it is likely that a number of taller building envelopes will eventuate.

Westfield Shopping Centre

To the north of the subject site, or on the opposite side of Victoria Street, is the Westfield Shopping Centre (98A-114 Burwood Road). It is a conventional suburban shopping complex being approximately 4 storeys in height, occupying the entire block bounded by Wilga Street, Shaftsbury Road, Victoria Street, and Burwood Road.

Most of the pedestrian activity associated with the Westfield Shopping Centre is concentrated towards the Burwood Road frontage. Vehicular access is primarily to/from Victoria Street and Wilga Street.

As indicated previously, its built form is equivalent to approximately four (4) storeys. The envelope adopts 'zero setbacks' to each street frontage, whilst most glazing is limited to the Burwood Road and Shaftsbury Road elevations. The remainder of the elevations are characterised by concrete panels as well as architectural aluminium cladding.

24-26 Victoria Street

Immediately to the east of the subject site is a nine (9) storey, established residential apartment development. The footprint adopts particularly generous front, side and rear setbacks, which is occupied either by landscaping, a driveway as well as at grade parking. Landscaping is in the form of turf, shrubs, as well as numerous tall trees, several of which are located along the shared boundary with the subject site.

We understand the development is owned by the NSW Department of Family & Community Services and is operated for the purposes of social housing. The site remains a single allotment, and is not strata titled.

17-27 George Street

Immediately to the south (rear) of the subject site are four (4) separate allotments, each containing well established strata titled residential apartment developments. Their building envelopes range from three (3) to five (5) storeys in height. Setbacks for each envelope are relatively modest, being approximately 5 metres from the front boundary, 4 - 6 metres from side boundaries, and 6-8 metres from the rear boundary shared with the subject site. Setbacks are occupied by a combination of low to medium height landscaping, or driveways.

36 Victoria Street

Immediately to the west of the subject site is a recently constructed mixed use development. It comprises of shops, offices premises, serviced apartments as well as dwellings. Its built form includes a total of nineteen (19) storeys, within a three (3) storey podium and a sixteen (16) storey tower above. Parking is provided within a multi-level basement, accessible from Victoria Street.

The building footprint varies in depth and width, but generally provides for modest boundary setbacks. The front ground floor setback, for example, is approximately 4m, whilst ground floor side boundary setbacks range from 0m to 8m, and the rear ground floor setback is approximately 4m. The setbacks are occupied by low scale soft landscaping, as well as impervious surfaces primarily for the purposes of pedestrian accessibility.

36 Victoria Street also provides an interface to the proposed through site link. In order to mediate changes in levels between this site and the subject site and to provide additional amenity by 'opening up' the through site link, the existing fence will be removed and an urban plinth seating area will be provided.

2.4.2. Photos of Surrounding Uses

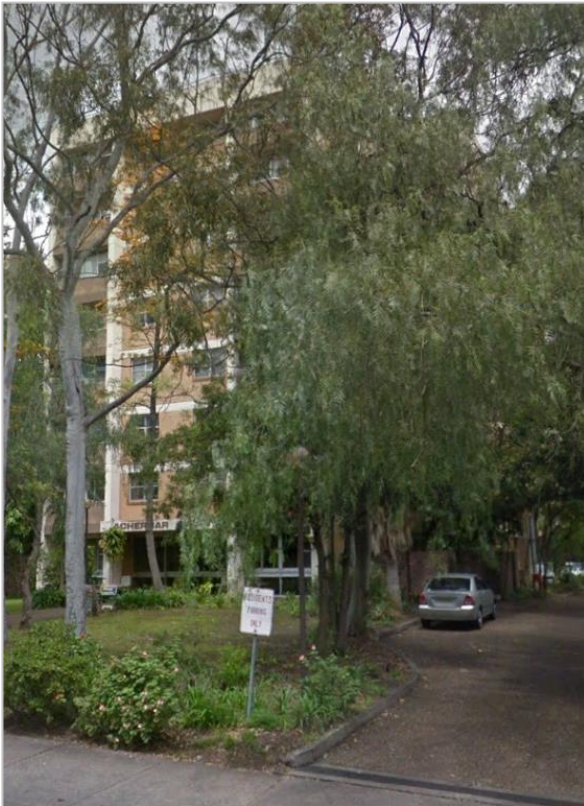


Figure 9: Existing residential apartment development immediately to the east of the subject site (Source: Google Earth)

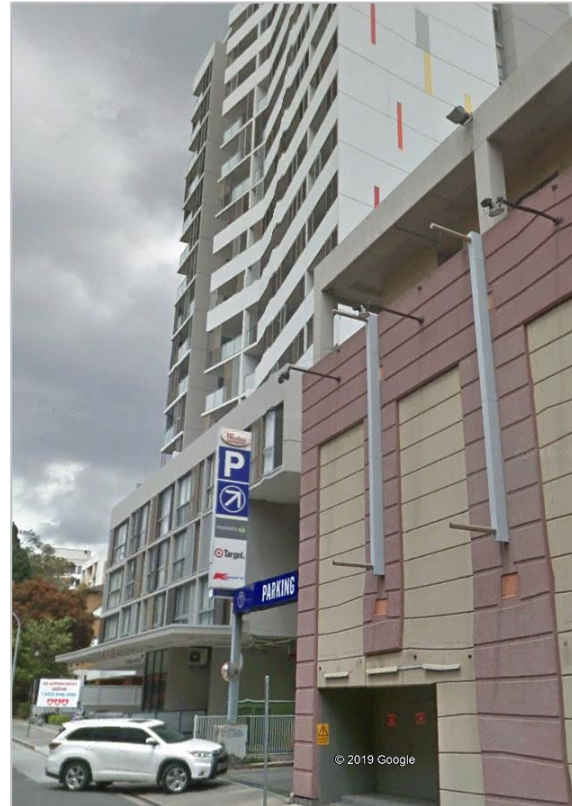


Figure 10: Recently constructed mixed use development immediately to the west of the subject site (Source: Google Earth)



Figure 11: Existing elevation of the Westfield Shopping Centre to the north of the subject site (Source: Google Earth)



Figure 12: Existing strata titled apartment developments immediately to the rear of the subject site (Source: Google Earth)



Figure 13: General Victoria Street streetscape, looking east to west (Source: Google Earth)

2.5. Local Context

The subject site is located within the Burwood Town Centre. The location is an established town centre within the Sydney metropolitan area. The town centre is generally bounded by Meryla Street and Comer Street to the north, Shaftsbury Road to the east, Clarence Street and Woodside Avenue to the south, and Park Road and Conder Street to the west.

It is characterised by a 'main street', being Burwood Road, which extends from approximately Parramatta Road to the north to Woodside Avenue to the south. The main street includes a variety of land uses and built forms, including traditional two (2) storey commercial terraces, a public park, Burwood Railway Station, as well as recently constructed commercial or shop-top-housing developments generally up to eight (8) storeys in height.

Beyond the main street, but within the previously mentioned town centre boundaries, heights of new developments are generally up to twenty (20) storeys. In recent times, there has, in fact, been a number of recent redevelopments generally in the form of shop-top-housing in response to recent demand for new housing.

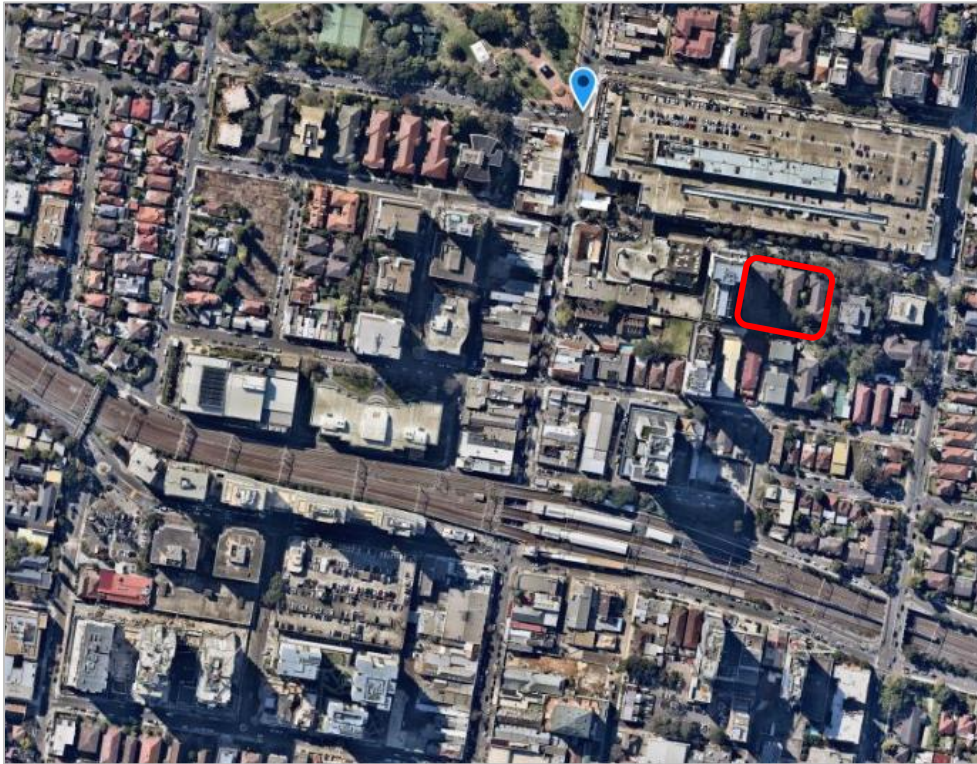


Figure 14: Contextual aerial view with subject site outlined red (Source: Near Map/City Plan)

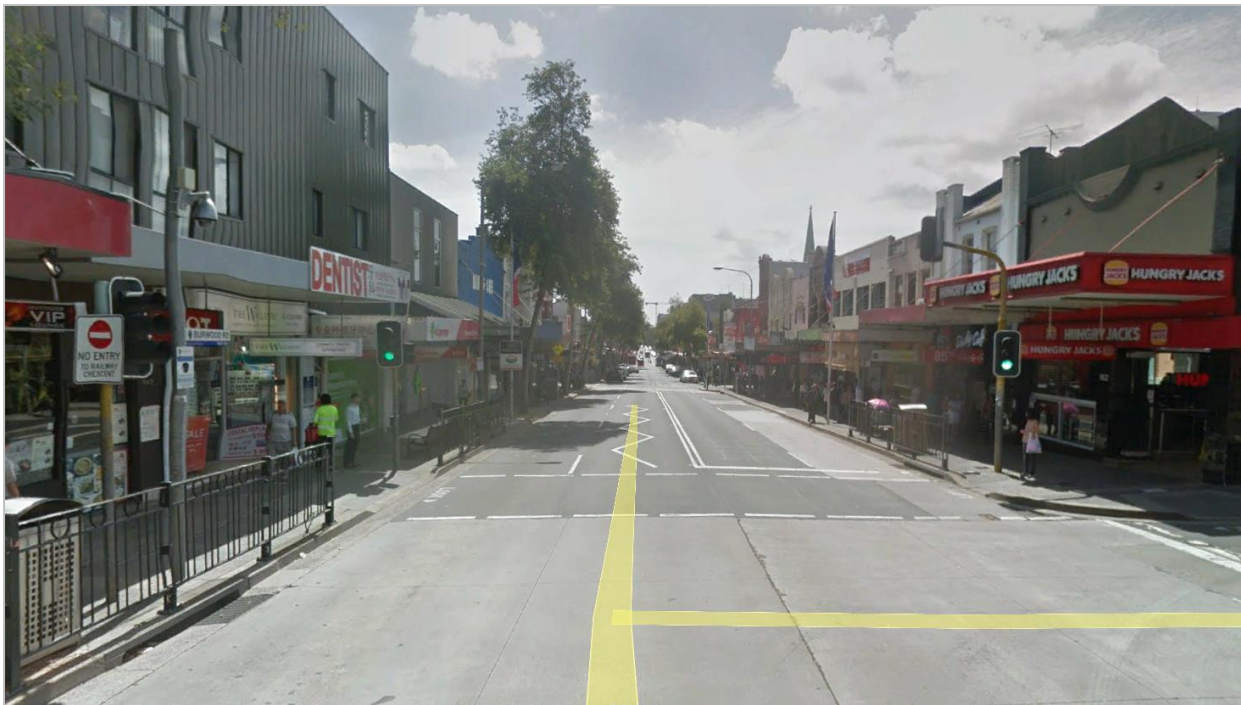


Figure 15: Example of Burwood Road 'main street' streetscape (Source: Google Earth)

2.6. Regional Context

Burwood is nominated as a Strategic Centre in the Greater Sydney Region Plan (GSRP) and the Eastern City District Plan (ECDP), as shown in **Figure 17**.

In broad terms, strategic centres are expected to accommodate demand for residential and commercial floor space. They are expected to provide dwellings in close proximity to major employment nodes, such as the Parramatta and Sydney CBD, so as to minimise employment related commuting. They are also expected to provide commercial floor space to satisfy convenience related needs from residents, as well as for additional professional enterprises.

Burwood is also nominated as part of an 'urban renewal area'. This recognises development potential in the locality, as well as additional capacity created by planned transport infrastructure, such as the proposed Parramatta to Sydney CBD light rail which traverses through North Burwood.

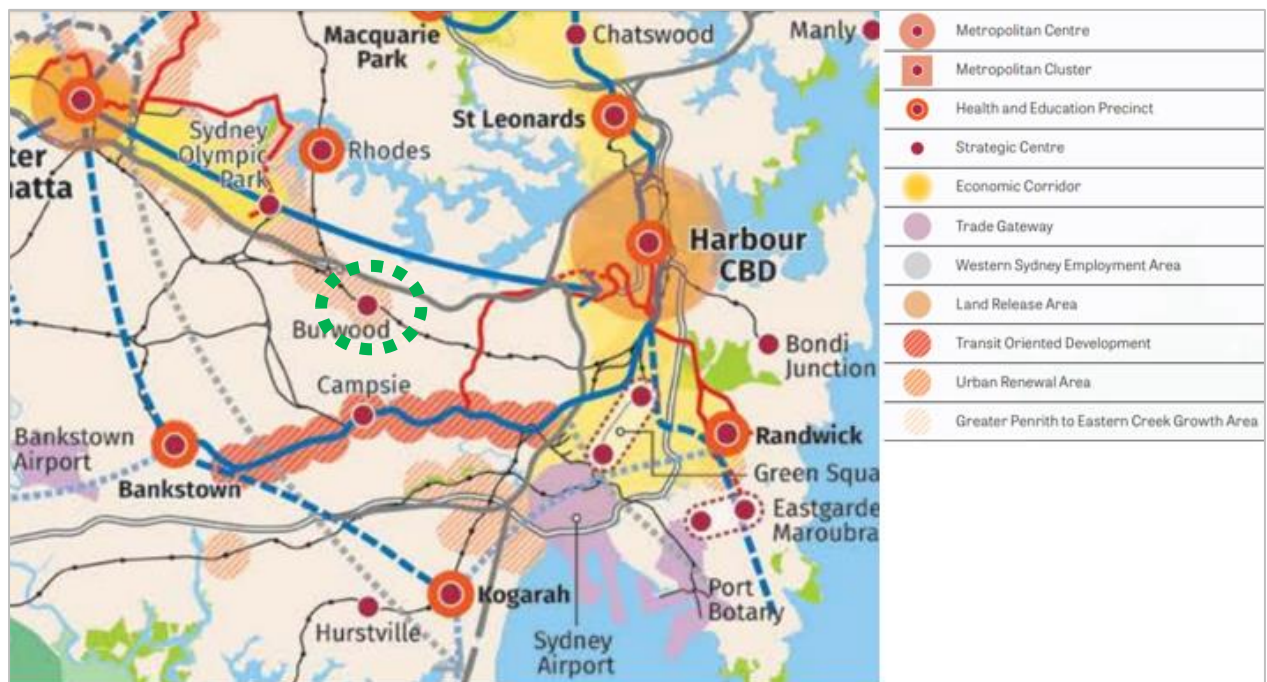


Figure 16: Extract of GSRP with Burwood outlined green (Source: GSRP/City Plan)

3. DESCRIPTION OF DEVELOPMENT

3.1. Overview

The proposal involves the construction of a thirty (30) storey shop-top-housing development, with three (3) basement levels. The proposal includes 6,296m² of commercial/retail gross floor area (GFA), a residential tower containing a total of 179 dwellings, as well as a total of 318 onsite parking spaces for residents, employees and visitors.

3.2. Detailed Description

The following provides a detailed description of each proposed level:

Basement Level 3

- A total of 123 resident's parking spaces including nine (9) accessible spaces;
- 60 bicycle spaces;
- 4 motorcycle spaces;
- Vehicular ramps to upper basement levels;
- Secure access to four (4) lifts;
- Storage space for residents;
- Two (2) emergency stair wells; and,
- Vertical ducts for services.

Basement Level 2

- A total of 106 resident's parking spaces including twelve (12) accessible spaces;
- Vehicular ramps to upper basement levels;
- Secure access to four (4) lifts;
- Storage space for residents;
- Two (2) emergency stair wells;
- Plant room;
- Bulky waste storage room (29.81m³); and,
- Vertical ducts for services.

Basement Level 1

- A total of 89 parking spaces including three (3) accessible spaces for retail/commercial use;
- Vehicular ramp to Victoria Street;
- Four (4) dedicated and secure lifts for residents and three (3) dedicated and secure lifts to the commercial tenancies;
- Travelators to the retail tenancies on the ground floor;
- Storage space for residents;
- Two (2) emergency stair wells;
- Plant room;
- Residential waste storage room (65.33m²);
- Bulky waste storage room (29.96m³); and,
- Vertical ducts for services and the like.

Ground Floor -

- Level and stair pedestrian access directly to ground floor retail tenancies;
- Level pedestrian access to a 'through site link';
- A total of 1,853m² of retail/commercial floor space. The floor space is currently indicated to be provided in nine (9) separate tenancies and is likely to accommodate typical retail as well as food and beverage uses, although, this will be subject to future approval;
- Secure and dedicated residential lobby providing access to four (4) lifts;
- Three (3) lifts for access to/from the Level 2 commercial level;
- Travelators providing access to/from basement level 1, ground floor and retail tenancies on Level 1;
- Direct vehicular access to a 218m² loading dock as well as the basement levels;
- A dedicated goods lift providing access to/from the loading dock and the Level 1 commercial/retail level;
- Electrical substation, fire control room and ducts for vertical services;
- Bathrooms for public use;
- Commercial waste (14 x 1100L bins) and recycling (6 x 1100L bins) storage room, with direct access to the loading dock;
- Residential recycling (22 x 240L bins) storage room, with direct access to the loading dock;
- Two (2) emergency stairwells; and,
- A total of 302m² of landscaping, including 172m² of deep soil landscaping.

Level 1

- 2,655m² of commercial/retail GFA, 1,672m² of which is likely to be used as a supermarket with the remainder available for other retail, commercial uses, including food and beverage uses (subject to separate approvals);
- Dedicated access to three (3) lifts;
- Travelators providing access to/from basement level 1 to ground floor;
- Bathrooms for public use;
- Ducts for vertical services;
- A dedicated goods lift providing access to/from the loading dock; and,
- Two (2) emergency stairwells;

Level 2

- 1,788m² of commercial floor space intended for office suites and the like, inclusive of a 30m² community facility (room);
- Outdoor communal open space for the commercial suites (866.42m²)
- Dedicated access to three (3) lifts;
- Bathrooms for public use;
- Ducts for vertical services; and,
- Two (2) emergency stairwells;

Level 3 -

- A total of eight (8) dwellings comprising of:
 - 2 x 3 bedroom dwellings;
 - 3 x 2 bedroom dwellings; and,
 - 3 x 1 bedroom dwellings.
- Three (3) dedicated residential communal open spaces totalling 907m² in area;

- Four (4) secure and dedicated lifts;
- One (1) emergency stair well; and,
- Vertical ducts for services including disposal of waste and recyclable products.

Level 4 to 20 -

- A total of eight (8) dwellings per level comprising of:
 - 1 x 3 bedroom dwelling;
 - 5 x 2 bedroom dwellings; and,
 - 2 x 1 bedroom dwelling.
- Four (4) secure and dedicated lifts;
- One (1) emergency stair well; and,
- Vertical ducts for services including disposal of waste and recyclable products.

Level 21 -

- A total of five (5) dwellings comprising of:
 - 1 x 3 bedroom dwelling;
 - 3 x 2 bedroom dwellings; and,
 - 1 x 1 bedroom dwelling.
- Four (4) secure and dedicated lifts;
- 214m² of communal open space;
- One (1) emergency stair well; and,
- Vertical ducts for services including disposal of waste and recyclable products.

Level 22 -

- A total of five (5) dwellings comprising of:
 - 1 x 3 bedroom dwelling;
 - 3 x 2 bedroom dwellings; and,
 - 1 x 1 bedroom dwelling.
- Four (4) secure and dedicated lifts;
- One (1) emergency stair well; and,
- Vertical ducts for services including disposal of waste and recyclable products.

Level 23 -

- A total of four (4) dwellings comprising of:
 - 1 x 3 bedroom dwelling;
 - 2 x 2 bedroom dwellings; and,
 - 1 x 1 bedroom dwelling.
- Four (4) secure and dedicated lifts;
- 209m² of communal open space;
- One (1) emergency stair well; and,
- Vertical ducts for services including disposal of waste and recyclable products.

Level 24 to 27 -

- A total of four (4) dwellings per level comprising of:
 - 1 x 3 bedroom dwelling;
 - 2 x 2 bedroom dwellings; and,

- 1 x 1 bedroom dwelling.
- Four (4) secure and dedicated lifts;
- One (1) emergency stair well; and,
- Vertical ducts for services including disposal of waste and recyclable products.

Level 28 to 29 -

- A total of three (3), double storey dwellings comprising of:
 - 2 x 3 bedroom dwellings; and,
 - 1 x 2 bedroom dwelling;
- Each dwelling includes a dedicated private terrace for open space purposes, ranging in size from 54m² to 90m².
- Two (2) secure and dedicated lifts;
- One (1) emergency stair well; and,
- Vertical ducts for services including disposal of waste and recyclable products.

Rooftop -

- Plant room

3.3. Development Statistics

The key statistics and elements of the project are shown in the table below:

Table 6: Development Statistics.

Element	Proposal
Site Area	4,240.6m ²
Gross Floor Area	20,990m ²
Retail / Commercial GFA	6,296m ² (30% of total GFA)
Residential GFA	14,694m ² (70% of total GFA)
Maximum Height	100.98m
Total number of storeys	30 including: <ul style="list-style-type: none"> ▪ 3 levels, being ground level, Level 1 and Level 2 (i.e. the podium) for commercial and/or retail purposes; and, ▪ Level 3 to 29 for residential purposes.
Total dwellings	179 including: <ul style="list-style-type: none"> ▪ 47 x 1 bedroom dwellings (26%) ▪ 105 x 2 bedroom dwelling (59%) ▪ 27 x 3 bedroom dwellings (15%) ▪ 18 adaptable dwellings (10%)
Total number of basement levels	3
Total Parking	318 onsite car spaces including: <ul style="list-style-type: none"> ▪ 229 spaces for residents (36 of which are visitor spaces);

Element	Proposal
	<ul style="list-style-type: none"> 89 spaces for commercial tenants and visitors; and, A total of 23 accessible spaces. 4 onsite motorcycle spaces. 60 onsite bicycle spaces.
Basement storage	A total of 1392m ³ for residents and 820m ³ for commercial/retail tenancies
Landscaping	A total of 1,138m ² including footpaths, and the like. This area includes: <ul style="list-style-type: none"> 401m² as impervious landscaping; and, 172m² as deep soil landscaping.
Communal open space	Total of 1,600m ² of communal open space is provided (38% of site area), including: <ul style="list-style-type: none"> 866m² for commercial tenants; and; 907m² for residents

3.4. Design Intent

With an area in excess of 4,000m², and being located within a major suburban centre, it was recognised that the site has the opportunity to play an important role in Burwood's ongoing development. As a result, it was recognised that the opportunities of the subject site and its immediate locality required careful consideration. Urban Link, DKO and City Plan collaborated to undertake this level of analysis, together with relevant senior staff from Burwood Council.

Some of the key principles which emerged from this collaborative site and locality analysis include:

- Understanding prescriptive and merit based controls in the Burwood LEP 2012, in particular, controls for amenity, built form, as well as commercial and residential floor space;
- Recognising that the subject site as well as the proponent's interests in an adjoining western allotment (i.e. 23-27 George Street, Burwood), provide an ideal opportunity for a pedestrian through site link between George Street and Victoria Street. This link would offer far greater amenity, and a higher likelihood of being delivered, compared to the link nominated in the Burwood DCP 2012;
- Recognising that the site area offers an opportunity to make a significant contribution to the supply of housing and commercial floor space in an accessible location;
- Adding to the existing vibrancy, in particular the night-time economy, which is arguably becoming a feature of Burwood Road;
- Recognising that the site area and current planning controls allow for a sizeable building envelope, that requires careful consideration to ensure amenity and visual impacts are satisfactory; and,
- To ensure a high degree of amenity for residents of the development, with particular regard to internal ventilation, internal solar access, and adequate access to communal open space.



Figure 17: Perspective image of proposal (Source: Urban Link)

3.5. Demolition

Demolition of all existing built structures on the subject site is proposed as part of this application. Reference can be made to the demolition plan included as part of the architectural plans at **Appendix 8**, as well as the Waste Management Plan at **Appendix 23**, for further information regarding the exact nature of proposed demolition.

3.6. Tree Removal

A total of thirty-three (33) trees are located on or in the immediate vicinity of the subject site. Of these trees, twenty-three (23) are located within the boundaries of the subject site, eight (8) are located on adjoining private allotments, and two (2) are in the Victoria Street verge.

Twenty-five (25) of the abovementioned trees are proposed to be removed as part of the DA. Twenty-three (23) of such trees are located entirely on the subject site, whilst two (2) are located within the Victoria Street verge. No trees proposed to be removed are located on adjoining private allotments.

Eight (8) existing trees on the subject site are proposed to be protected, retained and incorporated as part of proposed landscaping for the development.

For further information regarding tree removal, retention and associated impacts, reference can be made to the AIA at **Appendix 5** as well as **Section 6** of this SEE.

3.7. Excavation and Filling

Excavation primarily for the purpose of site preparation and three (3) basement levels, is proposed as part of the DA. The maximum depth of excavation is approximately ten (10) metres, and equivalent to approximately 4,000 cubic metres.

3.8. Materiality and Façade Treatment

The materials and finishes proposed complement the streetscape on Victoria Street and are sympathetic in relation to the proposed mixed use development. A schedule of external finishes is provided within the Architectural Plans at **Appendix 8**. It relies predominantly on precast panels, aluminium frames, brickwork and glazing. Note the extract of the materials and finishes schedule in **Figure 18** below.



Figure 18: Perspective image of proposal (Source: Urban Link)

3.9. Landscaping, Communal Open Space and Public Domain

The proposal includes a combination of impervious and deep soil landscaping, at both ground level as well as on podiums. The following table outlines the proposal's landscaping and communal open space provisions:

Element	Proposal
Site Area	4,240.6m ²
Total landscaped area (including through site link)	1,138m ²
Total deep soil landscaping	172m ²

Element	Proposal
Total impervious landscaping	401m ²
Total ground level landscaping (including through site link)	573m ²
Total landscaping and CoS provided on podium	1,987m ²

3.10. Access

3.10.1. Vehicular Access

Vehicular access to/from the site for residents, resident's visitors, onsite employees and/or shoppers is proposed via a driveway from Victoria Street, in the north eastern corner of the subject site. Service vehicles are also proposed to use this driveway, although a separate, and dedicated loading dock is provided for such vehicles.

3.10.2. Pedestrian Access

A key feature of the proposal is the opportunity to enhance pedestrian accessibility and connectivity through the Burwood Town Centre. This project provides a significant contribution through:

- Maximising at grade access from the existing Victoria Street verge to the site. Only a small number of steps are proposed in the north western corner of the site;
- Providing two (2) key pedestrian entries to within the development, one being midway along the site's Victoria Street frontage, and the other in the northern eastern corner of the subject site; and
- Including a 6m wide pedestrian through site link which extends the entire length of the subject site's western boundary. Due to the proponent's interests in the adjoining allotment, being 23-27 George Street, it is intended that the through site link will extend from George Street through to Victoria Street, as shown in the image on the following page (subject to future DAs).

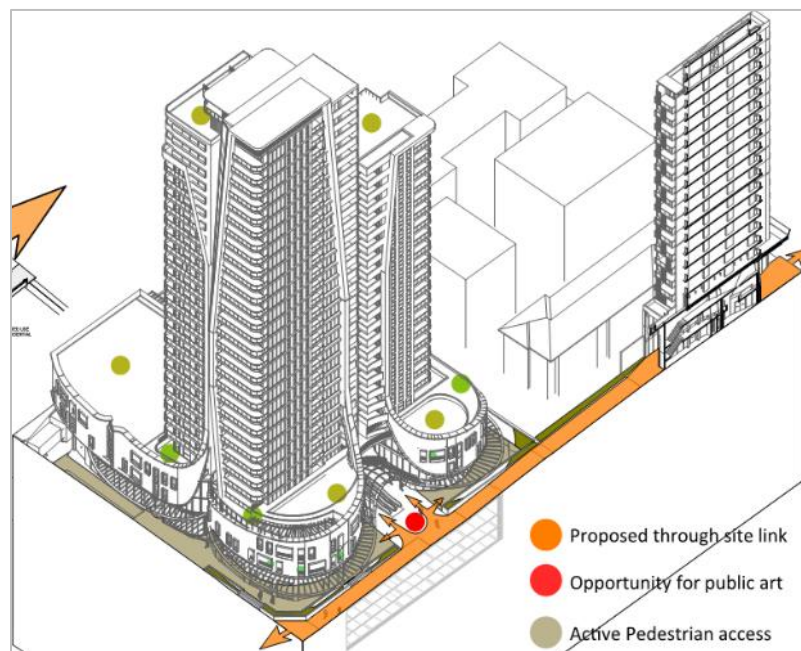


Figure 19: Proposed Victoria Street to George Street link shown orange (Source: Urban Link)

3.10.3. Construction Access

A Construction Management Plan (CMP) would be prepared as a condition of any consent. The CMP would outline, amongst other items, how construction related vehicles would access the site. Although, at this stage, Shaftsbury Road is likely to be the main route to/from the site.

3.11. Infrastructure and Utility Works

3.11.1. Stormwater Management

The drainage plans at **Appendix 9** prepared by Alpha Engineering and Development demonstrate how stormwater during and post construction at the site will be managed. During construction, typical erosion and sediment control measures will be adopted. Post construction, a comprehensive system will be adopted, including two (2) onsite detention tanks and connection to Council's stormwater system on Victoria Street.

3.11.2. Other utilities

The subject site is currently serviced by all essential services. It is expected that such services can be upgraded to suit the proposal. This can be confirmed post any consent as the proponent is typically required to secure separate authority approvals at this stage.

3.12. Hours of Operation

Operational hours for future commercial and/or retail tenancies will be determined as part of separate DAs. Operational hours will be dependent on the specific operational nature of each prospective use, and their potential impacts.

3.13. Capital Investment Value

The capital investment value (CIV) of the project is estimated at \$67.25m (excl GST), as provided in the QS report at **Appendix 3**. In accordance with Clause 20 of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) and Section 2.15 of the *Environmental Planning & Assessment Act, 1979* (EP&A Act), the DA will be assessed by Council, but determined by the Sydney East Planning Panel.

3.14. Development Plans and Supporting Documentation

This SEE has been prepared with regard to the following plans and technical reports which accompany the application:

- Site and contour detail plan by Geometra Consulting;
- Architectural plans, including shadow plans, by Urban Link;
- Verification Statement, SEPP 65 Design Statement and Apartment Design Guide Assessment by Urban Link;
- Design Excellence Assessment by DKO Architecture;
- Landscape plans and Design Statement by Turf;
- Stormwater Concept Plan and Sediment & Erosion Management Plan by Alpha Engineering & Development;
- Demolition, Construction and Operational Waste Management Report by Dickens Solutions;

- BASIX Certificate prepared by Greenworld Architectural Drafting;
- BCA Capability Statement by Certified Building Specialists;
- Access Report by Access Link Consulting;
- Traffic and Parking Assessment Report by Road Delay Solutions;
- Geotechnical Investigation by STS GeoEnvironmental;
- Heritage Impact Statement by Weir Phillips Heritage and Planning;
- Preliminary Contamination Investigation Report by FIMA
- Arboricultural Impact Assessment by Tree and Landscape Consultants;
- Acoustic and Vibration Impact Assessment by Acoustic, Vibration and Noise Pty Ltd;
- Wind Comfort Study by Synergetics; and,
- QS Report by Construction Consultants.

CPSD have relied on the information in these reports, prepared by professionals in their field, for the preparation of this SEE.

4. ENVIRONMENTAL PLANNING FRAMEWORK

The environmental planning framework against which the proposal will be assessed includes:

- *Environmental Planning and Assessment Act, 1979;*
- *Environmental Planning and Assessment Regulation 2000;*
- Biodiversity Certification Act 2016;
- State Environmental Planning Policy No. 19 - Bushland in Urban Areas;
- State Environmental Planning Policy No. 55 - Remediation of Land;
- State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development and the supporting Apartment Design Guide;
- State Environmental Planning Policy No. 70 - Affordable Housing (Revised Schemes)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;
- Draft State Environmental Planning Policy No. 66 - Integrating Land Use and Transport
- Draft Environment SEPP
- Draft Remediation of Land SEPP
- Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005;
- Burwood Local Environmental Plan 2012;
- Burwood Development Control Plan 2012; and
- Section 7.12 Local Infrastructure Contributions Plan for Burwood Town Centre.

The proposal's compliance, or otherwise, with the relevant framework is provided in **Section 5** of this SEE.

5. ENVIRONMENTAL PLANNING ASSESSMENT

5.1. Environmental Planning and Assessment Act 1979

Section 1.3 – Objects

The *Environmental Planning and Assessment Act*, 1979 (the Act) is the principle planning and development legislation in New South Wales. In accordance with Section 1.3, the objectives of the Act are:

1.3 Objects of Act

The objects of this Act are as follows:

- (a) *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) *to promote the orderly and economic use and development of land,*
- (d) *to promote the delivery and maintenance of affordable housing,*
- (e) *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) *to promote good design and amenity of the built environment,*
- (h) *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) *to provide increased opportunity for community participation in environmental planning and assessment.*

The proposal is consistent with the objects given:

- it replaces development which is well below maximum development potential, and in so doing, provides additional in demand commercial floor space as well as additional housing opportunities;
- the site is without any significant natural constraints and can, therefore, accommodate the proposal;
- the character and/or nature of the proposal is consistent with the existing and emerging surrounding character; and,
- the proposal delivers design excellence, including attractive architecture, good internal amenity for prospective residents, a pedestrian through site link, as well as a range of environmental sustainability measures.

Section 2.15 - Functions of Sydney district and regional planning panels

In summary, this section provides that a Sydney district panel has the functions of the consent authority under Part 4 of the EP&A Act for 'regionally significant development'. As has been outlined earlier as well as below in this SEE, the proposal represents 'regionally significant development'. In this case, the application will be submitted to and assessed by Burwood Council, but determined by the Sydney Eastern City Planning Panel.

Section 4.15 – Evaluation

Section 4.15(1) of the Act as amended specifies the matters which a consent authority must consider when determining a development application. The relevant matters for consideration under Section 4.15 of the Act are addressed in the Table below.

Table 7: Section 4.15 of EP&A Act 1979.

Section	Comment
Section 4.15(1)(a)(i) Any environmental planning instrument	Consideration of relevant instruments is discussed in Section 5 .
Section 4.15(1)(a)(ii) Any draft environmental planning instrument	Consideration of relevant instruments is discussed in Section 5 .
Section 4.15(1)(a)(iii) Any development control plan	Consideration of relevant the development control plan is discussed in Section 5.16 .
Section 4.15(1)(a)(iiia) Any planning agreement	N/A - the DA does not include a VPA.
Section 4.15(1)(a)(iv) Matters prescribed by the regulations	Refer to Section 5.2 .
Section 4.15(1)(b) - (e), impacts, site suitability, public submissions, and public interest	Refer to Section 6 of this SEE.

Section 4.46 – Integrated Development

This section of the Act defines integrated development as matters which require consent from Council and one or more approvals under related legislation. In these circumstances, prior to granting consent Council must obtain from each relevant approval body their General Terms of Approval (GTA) in relation to the development.

The proposal does not necessitate separate approvals, or approvals which have not been delegated to Council. For example, the proposal does not include works to a heritage item, does not necessitate an environmental licence, is not within a bushfire prone area, and is not within proximity to a water body nor will it affect ground water. In this case, the proposal does not represent Integrated Development.

5.2. Environmental Planning and Assessment Regulation 2000

Clause 50 – How must a development application be made

Clause 50 (1A) of the Environmental Planning and Assessment Regulation 2000 (the Regulation) requires that a DA for a residential apartment building must be accompanied by a design verification statement from a qualified designer, which confirms:

- (a) *that he or she designed, or directed the design, of the development, and*
- (b) *provide an explanation that verifies how the development:*
 - (i) *addresses how the design quality principles are achieved, and*
 - (ii) *demonstrates, in terms of the Apartment Design Guide, how the objectives in parts 3 and 4 of the guide have been achieved.*

This Verification Statement as well as the Apartment Design Guide (ADG) compliance table has been prepared by Ziad Boumelhem from Urban Link (registration number 8008) and accompanies this SEE at **Appendix 11**.

In addition, Clause 50 references Schedule 1 of the Regulation, which provides that any DA for residential apartment development to which State Environmental Planning Policy No 65—Design Quality of Residential Flat Development applies, must also be accompanied by certain information. These submission requirements, being a Design Verification Statement and a BASIX Certificate, are submitted in support of this application (refer to **Appendices 11 and 12**).

Clause 92 – Demolition

All demolition work will be undertaken in accordance with Clause 92 of the Regulation requiring the consent authority to consider AS 2601 - 1991: The Demolition of Structures.

Clause 98 – Compliance with the BCA

Pursuant to the prescribed conditions under Clause 98 of the Regulation, any building work *"must be carried out in accordance with the requirements of the Building Code of Australia"*.

The DA is also accompanied by a Building Code of Australia (BCA) assessment report by Certified Building Specialists concluding that the proposal is capable of complying with the BCA and the National Construction Code (NCC)

5.3. Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act* 2016 (BC Act) lists and protects threatened species, populations and ecological communities that are under threat of extinction in NSW. Impacts to threatened species and endangered ecological communities listed under the BC Act are required to be assessed in accordance with Section 7.3 of the BC Act and Applicants must also consider whether their proposal will exceed the following Biodiversity Offset Scheme Development Thresholds:

1. Exceeding the clearing threshold on an area of native vegetation;
2. Carrying out development on land included in the Biodiversity Values Land Map; or
3. Having a 'significant effect' on threatened species or ecological communities.

The accumulated land to be cleared is far less than 0.25ha, the threshold applicable to sites which are less than 1 hectare in total size. The subject site is not located in the Biodiversity Values Land Map, and nor would the proposed tree removal have a significant effect on threatened species or ecological communities. In this case, the proposal does not necessitate biodiversity offsets. Given the small scale of tree removal, the proposal would not be inconsistent with the intent of the act.

5.4. State Environmental Planning Policy No. 19 - Bushland in Urban Areas

Clause 2 - Aims, objectives etc

In summary, the aims of SEPP 19 are to protect bushland within urban areas which contribute to natural heritage, or provide aesthetic, recreational, educational and scientific value.

Clause 3 - Application of Policy

The Burwood local government area is listed in Schedule 1 to the SEPP and, therefore, the SEPP applies to the subject site.

Clause 4 - Interpretation

"Bushland" is defined in this clause as "...land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and floristics of the natural vegetation."

It is considered that the subject site does not contain bushland vegetation, which is a remainder of the natural vegetation or the remaining vegetation is of a poor condition or overmature that it is no longer representative of natural vegetation, as discussed in the AIA by TALC in **Appendix 5**.

Clause 6 - Consent to disturb bushland zoned or reserved for public open space; and

Clause 9 - Land adjoining land zoned or reserved for public open space

The subject site is not zoned bushland or reserved for public open space, neither is it adjoining such land. Therefore, consent to remove existing vegetation on the subject site is not required pursuant to this clause. In this case, no other clauses of SEPP 19 apply to the DA.

5.5. State Environmental Planning Policy No 55 – Remediation of Land

Clause 2 - Object of this Policy

In summary, SEPP 55 aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Clause 7 - Contamination and remediation to be considered in determining development application

This clause requires that a consent authority must not grant consent to a development unless it has considered whether a site is contaminated, and if it is, that it is satisfied that the land is suitable (or will be after undergoing remediation) for the proposed use.

A soil assessment prepared by FIMA is provided as **Appendix 13** to this SEE which aimed to quantify the site soil contaminants. In summary, contamination at the site is below the adopted assessment criteria limits and no soil sample extracted from across the site was noted as failing against the criteria. It can be concluded *"that the site is not a contamination risk ... and is suitable for residential use"*.

In this case, Council can be satisfied that the site will be suitable for the proposal and the obligations of SEPP 55 are addressed.

5.6. State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development

Clause 2 - Aims, objectives etc

SEPP 65 relates primarily to residential apartment developments. In summary, it seeks to achieve development which is socially and environmentally sustainable and is of high quality internal and external design.

It will be demonstrated that the proposal strictly complies with most of the recommended controls of the related Apartment Design Guide (ADG), and, therefore, the proposal satisfies the objectives of the SEPP. Generally, however, it is worth noting that the proposal achieves a good internal amenity, provides diverse housing, as well as a high standard of communal open space.

Whilst the proposal achieves a high degree of compliance with the ADG's controls and guidelines, it is acknowledged that minor non-compliances occur in relation to deep soil provision at ground floor level. As discussed below, these are considered to be minor non-compliances which on merit are considered acceptable, and the proposal is generally compliant with the controls and guidelines of the ADG.

Clause 28 - Determination of development applications

Prior to determining a DA, sub clause 2 prescribes that a consent authority must evaluate whether the proposal satisfies the nine (9) design principles prescribed in Schedule 1 of the SEPP 65. The consent authority must also evaluate the proposal with respect to the ADG.

The proposal has been designed by Urban Link who has prepared a SEPP 65 Design Verification Statement (**Appendix 11**) demonstrating how the proposal satisfies the design quality principles, as well as the relevant design criteria of the ADG.

The following table demonstrates the proposal's relationship with the building separation recommendations in Part 2F.

	Eastern (side) boundary	Western (side) boundary	Southern (rear) boundary
Up to 4 storeys (Ground Floor and Level 1-2 not strictly applicable given commercial uses in podium, however it adjoins residential uses). Strictly applicable to Level 3.			
6 - 12m (commercial)	Non-habitable room to habitable Min 7.8m - non-compliance	Non-habitable room to habitable Min 9.2m - complies	Non-habitable room to habitable Minimum 7.1m - non-compliance
6 - 12m (residential)	Min 33.6m - complies	Min 21m - complies	Min 17m - complies
5 - 8 storeys			
9 - 18m	36m - complies	27m - complies	19m - complies
9 storeys and above			
12 - 24m	Not applicable - no building is located at or above a height of 9 storeys to the east	27m - complies	Not applicable - no building is located at or above a height of 9 storeys to the south

The following table demonstrates the proposal's relationship with the setback criteria of Objective 3F-1(1).

	Eastern (side) boundary	Southern (rear) boundary	Western (side) boundary
Up to 4 storeys			
Min 6m habitable rooms and balconies	25.5m separated by COS on top of podium - complies	8.5m - complies	18.4m separated by POS on top of podium - complies
Min 3m non-habitable rooms	0m - non-compliance, although proposal adopts a blank wall along eastern (side) boundary.	Min 0m - non-compliance, although proposal adopts a blank wall along eastern (side) boundary.	6m - complies
5 to 8 storeys			
Min 9m habitable rooms and balconies	Min 28m - complies	Min 11.9m - complies	Min 17m - complies
Min 4.5m non-habitable rooms	N/A - habitable rooms with windows on all elevations.	N/A - habitable rooms with windows on all elevations.	N/A - habitable rooms with windows on all elevations.
9+ storeys			

	Eastern (side) boundary	Southern (rear) boundary	Western (side) boundary
Min 12m habitable rooms and balconies	Min 28m - complies	Min 11.9m - complies	Min 17m - complies
Min 6m habitable rooms and balconies	N/A - habitable rooms with windows on all elevations.	N/A - habitable rooms with windows on all elevations.	N/A - habitable rooms with windows on all elevations.

Compliance with remaining provisions is as follows:

Objective	Comment	Comply
3D Communal and public open space	Objective 3D-1(1) of the ADG prescribes a minimum communal open space (COS) area of 25% of the site area. The subject site area is 4,231m ² in area, in which case, 1,058m ² of COS is required. The proposal includes a total of 1,121m ² of COS (or 26% of site area), 907m ² of which is located on the podium (level 3) and 214m ² is provided at levels 25 and 26.	Yes
	Objective 3D-1(2) of the ADG recommends a minimum of 50% direct sunlight to the principal usable part of the communal open space (COS) for a minimum of 2 hours between 9 am and 3pm on June 21. The main COS area is located on the northern boundary and is well separated from the Westfield shopping mall development to the north of the site across Victoria Street to be sufficient for over 50% of the podium level COS to achieve at least 2 hours sunlight between 9 am to 3 pm at June 21, with in excess of 90% of the COS achieving solar access between 9am -12pm.	Yes
3E Deep soil zones	Objective 3E-1(1) of the ADG recommends a minimum of 7% of the site area for deep soil purposes, although it also noted that it may not be possible to achieve this design criteria in town centre locations. The proposal includes 172m ² of deep soil area, which equates to 2% of the site area. Due to the location of the site in the Burwood Town Centre, and the provision of basement parking it is not reasonable to provide deep soil zones at ground floor level to the building.	No
4A Solar and daylight access	Objective 4A-1(1) provides that living rooms and private open space (POS) of at least 70% of dwellings receive a minimum of 2 hours direct sunlight between 9am - 3pm at mid-winter. The proposal includes a total of 179 dwellings, 136 (76%) of which receive 2 hours direct sunlight between 9 am and 3 pm at mid-winter.	Yes
	Objective 4A-1(3) provides that a maximum of 15% of proposed dwellings receive no direct sunlight between 9 am to 3 pm at mid-winter. The proposal includes no dwellings (0%) which would not receive direct sunlight between 9 am - 3pm at mid-winter, in compliance with the recommendation.	Yes
4B Natural ventilation	Objective 4B-3(1) provides that at least 60% of apartments are naturally cross ventilated in the first 9 storeys of a development. Dwellings at 10 storeys and above are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be	Yes

Objective	Comment	Comply
	fully enclosed. 87.5% of dwellings in the first 9 storeys are naturally cross ventilated and 89% of total dwellings (159/179) are naturally cross ventilated.	
4C Ceiling heights	Objective 4C-1(1) prescribes minimum 2.7m ceiling heights for habitable rooms. The proposal includes a minimum ceiling height of 2.9m for proposed dwellings. Ceiling heights of 3.5m are also prescribed for commercial tenancies on Levels 1 and 2. The proposal includes 4.5m ceiling heights for ground floor tenancies, all of which are proposed within the podium.	Yes
4D Apartment size and layout	Objective 4D-1(1) prescribes minimum internal areas for apartments. The proposal includes: <ul style="list-style-type: none"> 1-bedroom dwellings, with a single bathroom only, with a minimum area of 52m². The ADG recommends a minimum area of 50m² or 55m² if an additional bathroom is provided. 2-bedroom dwellings, all with a bathroom plus ensuite, with a minimum area of 75m². The ADG recommended minimum area for 2-bedroom dwellings is 70m² or 75m² if an additional bathroom is provided. 3-bedroom dwellings, all with a bathroom plus ensuite, with a minimum area of 95m². The ADG recommended minimum is 90m² or 95m² if an additional bathroom is provided. 	Yes
	Objective 4D-2(2) provides that the maximum depth of habitable rooms is 8m (measured from a window). The maximum distance of any point of a unit's habitable rooms from a window of the proposal's dwellings is 6.6m, as demonstrated on the plans.	Yes
4E Private open space and balconies	Objective 4E-1(1) of the ADG provides minimum balcony areas. The proposal includes: <ul style="list-style-type: none"> 1-bedroom dwellings with a minimum Private Open Space (POS) area of 13m² (ADG recommended minimum is 8m²). 2-bedroom dwellings with a minimum POS area of 10m² (ADG recommended minimum is 10m²). 3-bedroom dwellings with a minimum POS area of 28m² (ADG recommended minimum is 12m²). 	Yes
4F Common circulation and spaces	Objective 4F-1(1) of the ADG recommends a maximum 8 dwellings from a single circulation core. The proposal complies with this recommendation given it includes 1 core, with 4 lifts, which serve a maximum of eight (8) dwellings per level.	Yes
	Objective 4F-1(2) of the ADG recommends a maximum of 40 dwellings being served by a single lift in developments of 10 storeys or greater. The proposal includes 179 dwellings, in 25 storeys. 4 lifts are proposed, which complies with the design recommendation. Separate lifts are proposed for the commercial tenancies, including dedicated goods lifts for the proposed supermarket.	Yes

Objective	Comment	Comply
4G Storage	<p>Objective 4G-1(1) of the ADG prescribes minimum storage for apartment dwelling types.</p> <p>The proposal includes:</p> <ul style="list-style-type: none"> 6m³ of storage space for 1-bedroom dwellings, which complies with the ADG's recommended minimum of 6m³. 8m³ of storage space for 2-bedroom dwellings, which complies with the ADG's recommended minimum of 8m³. 10m³ of storage space for 3-bedroom dwellings, which complies with the ADG's recommended minimum of 10m³. <p>In each case, 50% of the required storage is located within the proposed dwelling.</p>	Yes
4K Apartment mix	Of the 179 dwellings proposed, 47 are 1-bedroom dwellings, 105 are 2-bed dwellings, and 27 are 3-bedroom dwellings.	Yes
4Q Universal design	Objective 4Q-1 of the ADG recommends that at least 20% of proposed dwellings incorporate silver level universal design features. The proposal includes 36 dwellings, or 20%, with universal design features, in compliance with the ADG.	Yes

5.7. State Environmental Planning Policy No. 70 - Affordable Housing (Revised Schemes)

In summary, SEPP 70, in conjunction with Section 7.32 of the EP&A Act, allows a consent authority to impose a condition on a consent requiring the delivery of affordable housing. The condition may require a monetary contribution towards affordable housing, or that it be included as part of the development the subject of the consent.

According to Section 7.32(3)(b) of the EP&A Act, however, such a condition may only be imposed if it is authorised by the relevant local environmental plan. The Burwood LEP 2012 does not authorise the delivery of affordable housing, however. In this case, such a condition cannot be applied to this particular proposal.

5.8. State Environmental Planning Policy (Building Sustainability Index: BASIX) – 2004

The aim of this Policy is to establish a scheme to encourage sustainable residential development (the BASIX scheme). This on-line assessment tool calculates the dwelling's energy and water scores based on a range of design data.

SEPP BASIX requires the submission of a BASIX certificate to accompany an application for development consent for any "BASIX affected building". A BASIX certificate (1039439M) for the residential component of the development is provided at **Appendix 12**.

5.9. State Environmental Planning Policy (Infrastructure) 2007

Clause 1 - Aim of Policy

The aim of this Policy is to facilitate the effective delivery of infrastructure across the State, including electricity and road infrastructure.

Clause 4 - Land to which policy applies

This Policy applies to the State and thus the subject site.

Clause 45 - Determination of development applications - other development

In summary, this clause requires a consent authority to seek comments from the relevant electricity supply authority in relation to any DA which involves:

- the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,
- development carried out:
 - within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or
 - immediately adjacent to an electricity substation, or
- within 5m of an exposed overhead electricity power line,
- installation of a swimming pool any part of which is:
 - within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or
 - within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,
- development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.

The proposal does not involve any of the abovementioned works and is located away from existing electricity infrastructure. Clause 45 is not applicable to the proposal.

Clause 104 - Traffic-generating development.

This clause applies to development identified as traffic generating development to be referred to the Roads and Maritime Services (RMS) in Schedule 3 of the Policy.

The proposal includes a car park with 318 car parking spaces and does not have frontage to, nor is located within 90m of, a classified road. However, as the development will result in more than 200 vehicle parking spaces with access to "any road", this DA will be referred to the RMS under Clause 104 of the ISEPP as it will be classified as traffic generating development.

5.10. State Environmental Planning Policy (State and Regional Development) 2011

Clause 20 - Declaration of regionally significant development

In summary, this clause, together with Schedule 7 of the SRD SEPP, outlines development which is 'regionally significant development'. Clause 2 (General development over \$30 million) to Schedule 7 provides that development that has a CIV of more than \$30 million is regionally significant development.

As such, and together with Section 2.15 of the EP&A act, the application will be submitted to and assessment by Burwood Council, but forwarded to the Sydney Eastern City Planning Panel for determination.

5.11. State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The Vegetation SEPP forms part of a suite of land management and biodiversity conservation reforms that work together with the BC Act to create a state framework for regulating the clearing of natural vegetation on land within NSW. The Vegetation SEPP ensures that the biodiversity offset scheme will apply to all clearing of native vegetation that exceeds the offset thresholds in urban areas and environmental conservation zones that do not require consent. The Vegetation SEPP applies to land in the Burwood LGA in B4 Mixed Use zoned land.

As part of the proposed development approval is sought from Council for the removal of 25 trees on site. The proposed tree removal does not trigger the biodiversity offset scheme thresholds. The accumulated land to be cleared is far less than 0.25ha, the threshold applicable to sites which are less than 1 hectare in total size. The subject site is not located in the Biodiversity Values Land Map, and nor would the proposed tree removal have a significant effect on threatened species or ecological communities. In this case, the proposal does not necessitate biodiversity offsets.

5.12. Draft Environment SEPP

The aim of the new draft SEPP is to promote the protection and improvement of key environmental assets for their intrinsic value and the social and economic benefits they provide. In doing so, it consolidates existing state level planning provisions into a single instrument. The provisions of the Sydney Harbour Catchment Regional Environmental Plan (SHREP) are to be incorporated into the final gazetted Environment SEPP. The Explanation of Intended Effect (EIE) for the Draft Environment SEPP was issued by the DPIE in October 2017.

The proposed new SEPP will set out provisions under four parts being:

- catchments;
- waterways;
- bushland; and
- protected areas.

The SREP will have waterways related provisions.

The EIE notes that the policy intent of the existing SHREP will continue, however some amendments to existing provisions are proposed to improve the protections for Sydney Harbour. All existing aims to the SREP will remain in the Environment SEPP, except for 1(d) to clarify that the 'working harbour' includes a range of recreational, transport, tourism and commercial uses.

The proposal is only located in the catchment area of Sydney Harbour and will not affect any use of the harbour or its foreshore. Other provisions to be amended in the draft SEPP mainly relate to the direct use of the harbour and its foreshore. The proposal was assessed against Clause 20-27 of the SREP and these clauses are to be transferred to the draft Environment SEPP. The proposal is consistent with the draft Environment SEPP.

5.13. Draft Remediation of Land SEPP

The DPIE has undergone a review of State Environmental Planning Policies to ensure they remain effective and relevant. SEPP 55 has been reviewed as part of that program and will be repealed and replaced by a

new Remediation SEPP. The EIE for the draft Remediation of Land SEPP (Remediation SEPP) was issued in January 2018.

The overarching objective of SEPP 55 is to promote the remediation of contaminated land to reduce the risk of potential harm to human health or the environment. This objective remains relevant and will be replicated in the new SEPP.

New provisions will be added in the new SEPP to:

- require all remediation work that is to be carried out without development consent, to be reviewed and certified by a certified contaminated land consultant
- categorise remediation work based on the scale, risk and complexity of the work
- require environmental management plans relating to post-remediation management of sites or ongoing operation, maintenance and management of on-site remediation measures (such as a containment cell) to be provided to council.

The proposal was assessed under the provisions of Clause 7 - Contamination and remediation to be considered in determining development application. A summary of the new provisions of Clause 7 from the EIE is below:

The substance of clause 7 will be incorporated into the new SEPP, together with the list of potentially contaminating activities currently contained in the Managing Land Contamination: Planning Guidelines. Similarly, the purpose of a “preliminary site investigation” and “detailed site investigation” will be set out in the SEPP (rather than left to the Guidelines) and will be updated to reflect the processes in the ASC NEPM.

A new provision will be introduced to give a consent authority a discretion not to require a report of an investigation if it knows that the land is not contaminated or is otherwise suitable for the proposed use. The consent authority must have sufficient evidence or information about the status of the land to properly exercise this discretion.

The proposal remains with the provisions of the draft Remediation SEPP. The site is suitable for the proposal given that the Soil Assessment report in **Appendix 13** concluded that the site was suitable for the proposed use.

Consequently, we are satisfied that the above information is sufficient for Council to address the draft Remediation SEPP without the need for a Stage 1 preliminary site investigation report. The proposal is consistent with the draft Remediation SEPP.

5.14. Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005

Clause 2 - Aims of plan

In summary, the Sydney Harbour Catchment SREP (SHREP) aims to improve the health of the harbour, its foreshore, and its tributaries. Another key objective is to maximise accessibility to the harbour and its foreshore for the general public. For the purposes of the SHREP, access is generally considered in terms of physical as well as visual access.

Clause 3 - Land to which plan applies

As demonstrated in the following extract of the SHREP's corresponding mapping, the subject site is within the Sydney Harbour Catchment. Therefore, the Sydney Harbour Catchment SREP applies to the proposal.

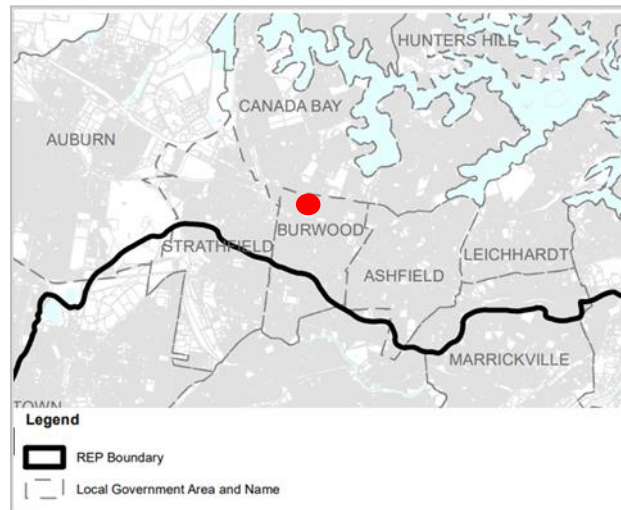


Figure 20: Extract of Sydney Harbour Catchment SREP map with approximate location of subject site shown red (Source: Sydney Harbour Catchment SREP)

It should be noted that the subject site is not within the corresponding 'Critical Habitat Map', 'Foreshores and Waterways Map', 'Heritage Map', 'Sydney Opera House Buffer Zone Map', 'Strategic Foreshore Sites', 'Wetlands Protection Area Map', nor the 'Zoning Map'. Given the subject site is not within any such maps, the extent of controls in the Sydney Harbour Catchment SREP of relevance to this application is limited.

Clause 20 to 27 - Environmental Considerations

Clauses 20 to 27 of the Sydney Harbour Catchment SREP prescribe several matters which must be considered by a consent authority prior to determining a DA. The matters generally relate to preserving and improving the health of and access to the catchment's natural environmental features.

The proposal is a substantial distance from any nearest water body and its foreshore. It has been designed in accordance with typical stormwater capture, filtration and release measures to ensure its stormwater generation does not unreasonably affect the health of the harbour or its foreshores. The site's substantial distance from any water body ensures it is not visible from Sydney Harbour or any related catchments.

In light of the above, this SEE provides that the proposal is consistent with the Sydney Harbour Catchment SREP's environmental matters, as prescribed by Clause 20 to 27. Overall, this SEE provides that the proposal is generally consistent with the intent of the Sydney Harbour Catchment SREP.

5.15. Burwood Local Environmental Plan 2012

Clause 1.2 - Aims of Plan

The particular aims of the Burwood LEP 2012 are as follows:

- *"to create a land use framework that allows detailed provisions to be made;*
- *to encourage or restrict development of land according to its suitability for various purposes;*
- *to encourage provision of a range of housing types; and,*
- *to encourage growth in business and employment development."*

The remainder of this SEE will detail how the site is suitable for the proposal. In summary, however, the site is suitable due to its size and location within a strategic, town centre. A range of dwellings are included in the proposal, such as 1, 2 and 3 bedroom dwellings. 30%, or 6,296m² of the proposal's total GFA, is for commercial purposes, which would allow for business and employment development.

In this case, it is considered that the proposal satisfied the relevant objectives of the Burwood LEP 2012.

Clause 1.4 Definitions

This clause, and the corresponding dictionary, provides definitions for land uses. The following definitions are provided:

- "commercial premises" means "any of the following:
 - business premises,
 - office premises,
 - retail premises."
- "residential flat building" means "a building containing 3 or more dwellings but does not include an attached dwelling or multi dwelling housing."

Although actual tenants will be determined as part of separate, future DAs, the proposal's podium includes GFA which is configured for business, office and retail premises. The proposal's tower includes a total of 179 dwellings but does not include an attached dwelling or multi dwelling housing. The proposal is, therefore, consistent with the definitions for 'commercial premises' and 'residential flat building'.

A subsequent definition for "mixed use development" is also provided in the dictionary. "Mixed use development" is defined as "a building or place comprising 2 or more different land uses."

As demonstrated above, the proposal includes business premises', office premises', retail premises, as well as residential flat building. As all such uses are within a single building, the proposal is, therefore, consistent with the definition for 'mixed use development'.

The proposal includes dwellings entirely above commercial and/or retail premises. Alternatively, therefore, the proposal is also consistent with the definition of 'shop-top-housing'.

Clause 2.2 - Zoning of land to which Plan applies

This clause, and the corresponding zoning maps, identify which land use zone land is located in. As can be seen from the following land use zone map extract, the subject site is within the B4 - Mixed zone.



Figure 21: Extract of land use zone map with subject site outlined red (Source: Burwood LEP 2012 Sheet LZN_001/City Plan)

Clause 2.3 - Zone objectives and Land Use Table

This clause, and the corresponding land use table, outlines objectives for each land use zone, as well as land uses which are permissible without consent, permissible with consent, or land uses which are prohibited. Clause 2.3(2) provides that a consent authority must have regard to the relevant objectives, prior to determining a DA.

The objectives of the B4 Mixed Use zone are as follows:

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

The proposal allows for commercial and retail land uses in the podium component, as well as dwellings within the tower component (i.e. entirely above the retail/commercial tenancies). The use of the retail and commercial tenancies within the podium will be subject to future DAs (as required).

As indicated above, the proposal allows for commercial land uses as well as dwellings. The subject site is located within an established centre, as well as within approximately 300m of Burwood Railway Station. Burwood Railway Station provides connectivity to a range of employment centres, retail services, entertainment facilities, educational facilities, and the like. In this case, the proposal is considered to integrate with existing land uses, as well as encourage the use of public and active transport.

As has been demonstrated earlier in this SEE, the proposal is consistent with the definition for 'mixed use development'. 'Mixed use development' is not specifically referenced as a prohibited land use within the B4 land use table. The proposal is, therefore, permissible with consent. For information, commercial premises' as well as residential flat buildings are specifically listed as permissible land uses within the B4 land use table, with consent. Alternatively, 'shop-top-housing' is also permissible with consent in the zone.

Clause 2.7 - Demolition requires development consent

In accordance with this clause, consent for demolition of all existing structures on the subject site is sought as part of the DA.

Clause 4.1 - Minimum subdivision lot size

As the following map extract demonstrates, the minimum lot size at the subject site is 500m². The proposal would result in the amalgamation of three (3) lots, with a total site area of 4240.6m². In this case, the minimum lot size standard would be satisfied by the proposal.



Figure 22: Extract of minimum lot size map with subject site outlined red (Source: Burwood LEP 2012 Sheet LSZ_001/City Plan)

Clause 4.3 - Height of Buildings

As can be seen in the map extract below, the maximum height for development on the subject site is 60m.

The proposal achieves a maximum height of 100.98m and, therefore, does not comply with Clause 4.3. The proposal, however, relies on the height exceptions provided by Clause 4.3A of the Burwood LEP 2012. It will be demonstrated below that the proposal complies strictly with the height exceptions provided by Clause 4.3A(2).

In our view, relying on Clause 4.3A is sufficient to issue consent for the proposed height. However, for abundant caution, the height breach is also sought in accordance with Clause 4.6 of the Burwood LEP 2012.

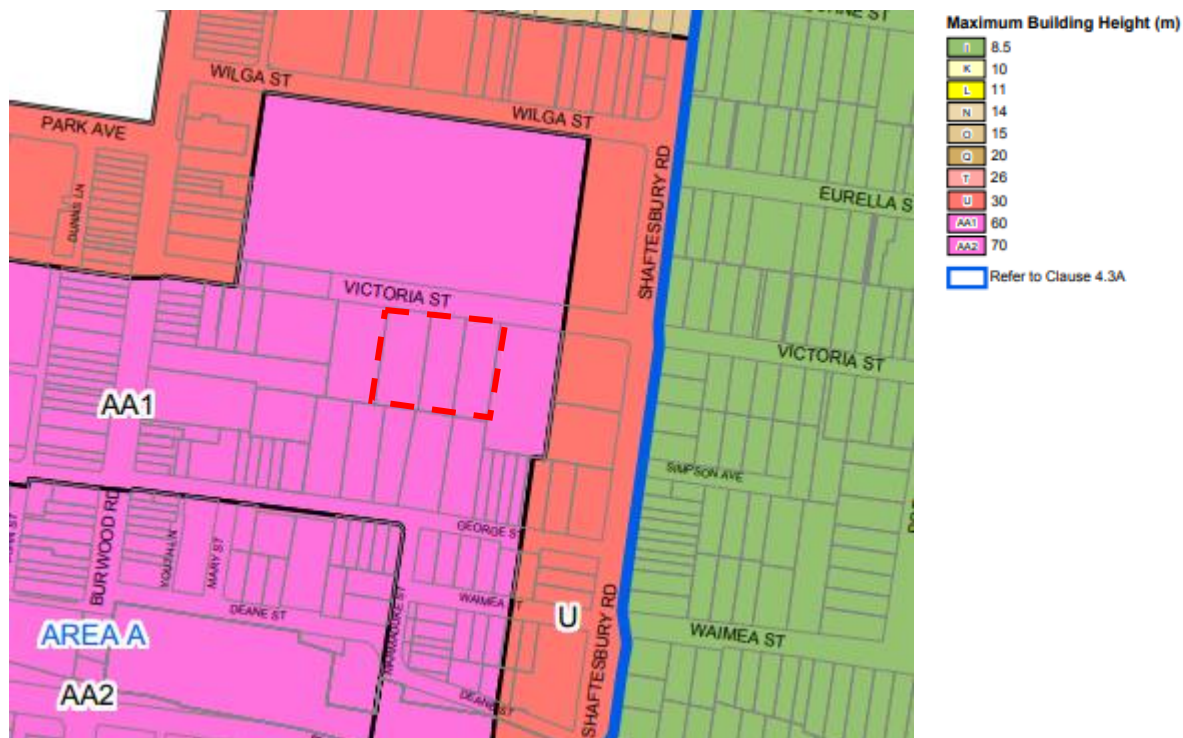


Figure 23: Extract of height of building map with subject site outlined red (Source: Burwood LEP 2012 Sheet HOB_001/City Plan)

Clause 4.3A - Exceptions to height of buildings

This clause provides that, despite Clause 4.3, the height of a building must not exceed the "building height plane" (BHP). In relation to the subject site, the BHP is measured 36° at a height of 1m in a westerly direction from a line designated on the BHP, which in this case is generally along the alignment of Shaftesbury Road, or as otherwise shown in the extract of the BHP below.

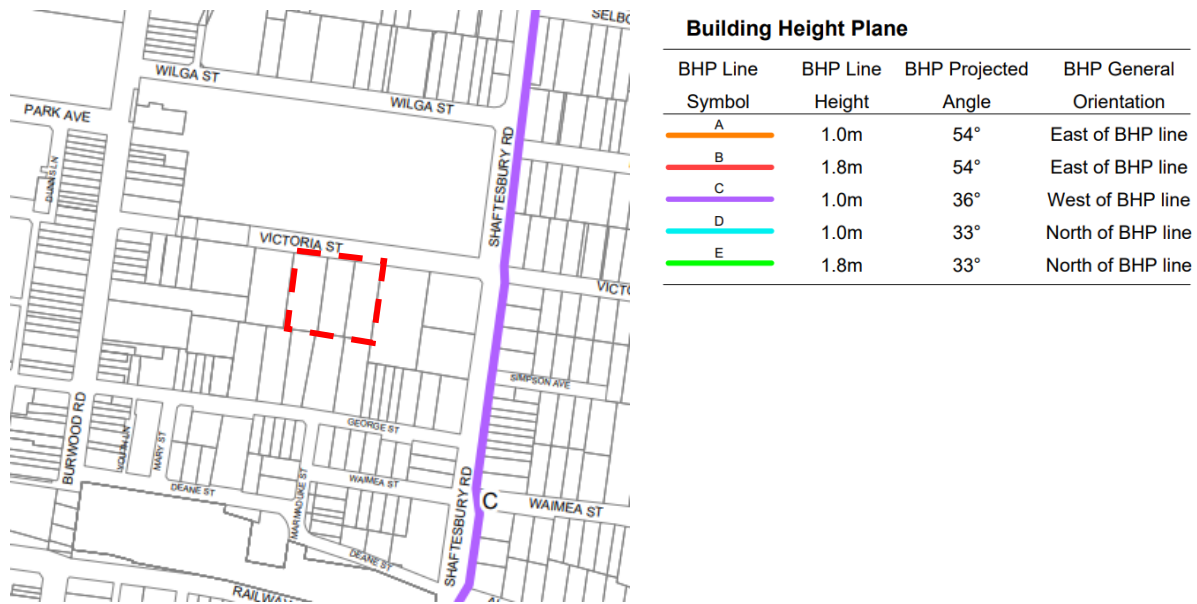


Figure 24: Extract of BHP with subject site outlined red (Source: Burwood LEP 2012 Sheet BHP_001/City Plan)

The proposal achieves a maximum height of 100.98m, which is below the BHP. The proposal's relationship to the BHP, and subsequent compliance with Clause 4.3A(2), is shown in the following extracts of the architectural plans and the Design Excellence Report (**Appendix 14**).

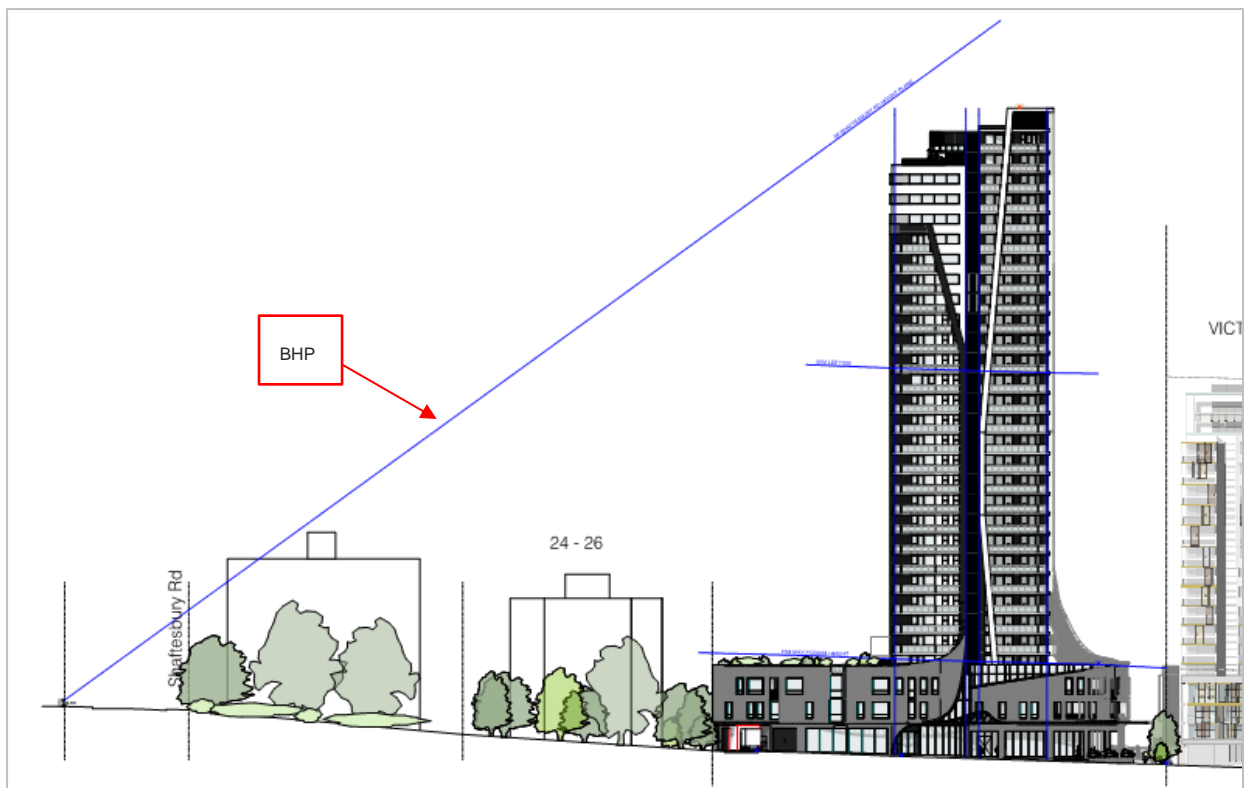


Figure 25: Extract of architectural plans showing proposed envelope located below BHP, shown blue (Source: Urban Link)

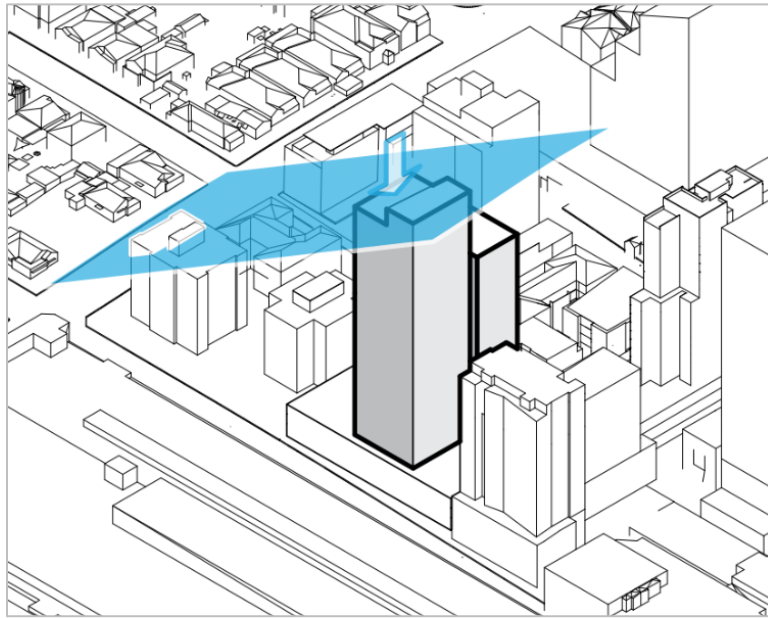


Figure 26: Extract of 3D BHP with proposed envelope below the BHP (Source: Urban Link)

Whilst it has been demonstrated that the relevant BHP development standard has been satisfied by the proposal, an assessment of the proposal against the objectives of Clause 4.3A is also provided. The objectives, in this case, are as follows:

- *"To focus greater building height in the inner part of the Burwood Town Centre and to provide a transition in heights towards the edge of the Burwood Town Centre,*
- *To mitigate any adverse effects on the amenity of existing and future residents living adjacent to the Burwood Town Centre,*
- *To limit building heights to facilitate adequate solar access to land adjoining the Burwood Town Centre."*

Arguably, the site is very close to the geographic centre of the Burwood Town Centre, as shown in the Burwood Town Centre map included in the Burwood LEP 2012. Further, the site is a short distance from Burwood Road. In this case, the proposal focuses greater height towards the inner part of the town centre, as sought by Clause 4.3A.

Given it has been demonstrated that the proposal observes the BHP, the proposal assists with transitioning heights down towards the edge of the town centre, as sought by Clause 4.3A.

It is considered that the proposal mitigates any adverse effects on the amenity of residents living adjacent to the town centre through the following means:

- By observing the BHP, which renders the proposal consistent with existing and likely future built form character (refer to **Figure 27** above);
- By 'stepping' the height levels of the upper most stories. In this particular case, it assists with generating a varied skyline, visual interest, as well as reducing bulk and scale when viewed from a distance (Refer to **Figure 30** below);
- Due to intentional vertical articulation throughout the elevations as well as 'stepping' in building heights, the proposal appears as two (2) distinct envelopes. This lessens building bulk and generates visual interest (Refer to **Figure 30** below);
- Including varied, interesting, high quality but nevertheless cohesively composed finishes throughout all elevations (Refer to **Figure 30** below);

- The subject site's distance from land outside the town centre, as the subject site is approximately 100m from the edge of the town centre (i.e. Shaftsbury Rd). Such a distance is sufficient to mitigate overlooking impacts, for example. Overlooking from the proposal is, in fact, likely to be negligible at such a distance; and,
- As demonstrated in the over shadowing plans provided at **Figure 29**, shadows from the proposal impact on development beyond the town centre from 1pm onwards at June 21. Between 9am and approximately 1pm, shadows from the proposal do not impact on land beyond the town centre in any manner (Refer to **Figure 28** below).



Figure 27: Analysis of existing and proposed tower development within town centre, demonstrating proposal's compatibility (Source: Urban Link)



Figure 28: Extract of overshadowing plan demonstrating no shadows from proposal to land beyond the town centre (i.e. east of Shaftsbury Rd) from 1pm onwards (Source: Urban Link)



Figure 29: Extract of proposed eastern (side) elevation demonstrating distinct vertical articulation, stepped envelope and cohesive materials composition which results in appropriate bulk and scale when viewed from beyond the town centre (Source: Urban Link)



Figure 30: View of proposal from Shaftsbury Rd viewing north west amongst existing, DA approved and likely tower developments (Source: Urban Design Excellence Report).



Figure 31: View of proposal from Shaftsbury Rd viewing north west amongst existing and proposed tower developments (Source: Urban Design Excellence Report).

Clause 4.4 - Floor space ratio

As shown in the following FSR map extract, a maximum FSR of 4.5:1 applies to the subject site according to this clause.

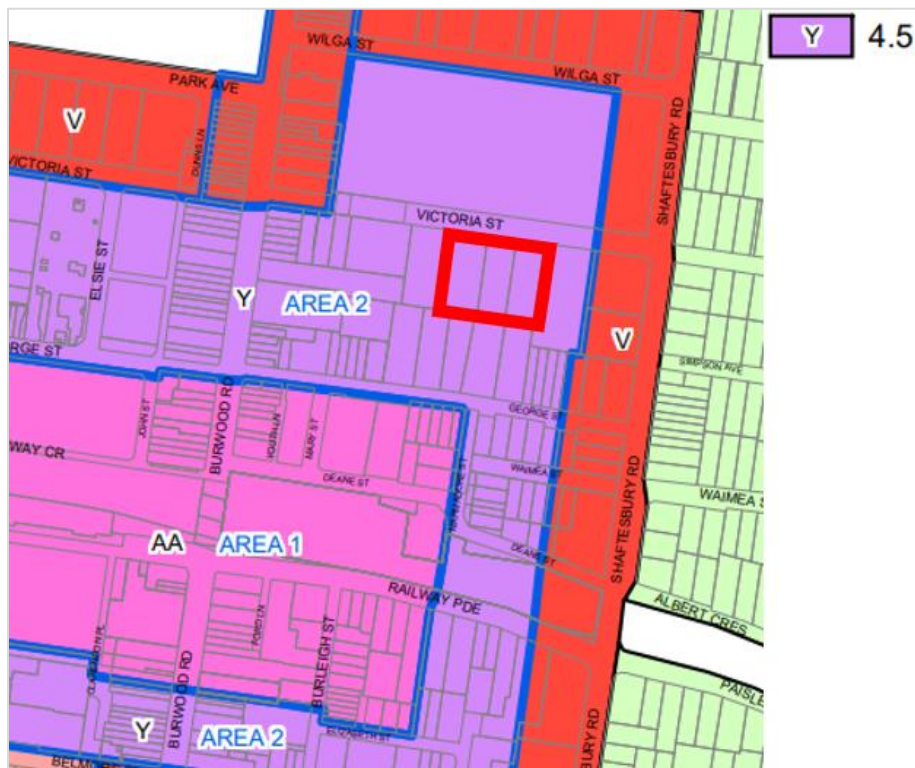


Figure 32: Extract of FSR map with subject site outlined red (Source: Burwood LEP 2012 Sheet FSR_001/City Plan)

The proposal includes a GFA of 20,990m². The subject site area is 4,240.6m². This results in an FSR of 4.95:1, and which would not comply with Clause 4.4.

Clause 4.6 and, in particular, Clause 4.4A of the Burwood LEP 2012 provides exceptions to Clause 4.4. As is discussed below, the proposal relies on these clauses with respect to FSR.

Clause 4.4A - Exceptions to floor space ratio

Sub clause 5(a) provides that, in summary, a maximum FSR of 4.95:1 applies to the subject site, despite Clause 4.4. Sub clause 5(b) subsequently provides that the GFA of any residential accommodation relying on this clause, must not exceed 70% of the total GFA.

As outlined previously, the proposal's total GFA is 20,990m². With a site area of 4,240.6m², this equates to a total FSR of 4.95:1. The proposed residential GFA is 14,695.0m², or equivalent to 70% of the total GFA.

Whilst it has been demonstrated that the proposal complies with the FSR development standard prescribed by Clause 4.4A(5), it is nevertheless considered important to demonstrate how the proposal satisfies the objectives of the standard. The objectives are as follows:

- *"to limit the density of residential development in certain business zones to ensure that it does not dominate non-residential development in those zones,*
- *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."*

It is considered that the proposal satisfies the objectives for the following reasons:

- The development standard prescribed by Clause 4.4A(5)(b) (i.e. 70/30 residential/commercial floor space split) has been satisfied. Specifically, the proposal includes 6,295m² of floor space for commercial and/or retail uses. This is a sizeable quantity and, arguably, would be one of the largest recent additions to commercial floor space in the Burwood Town Centre;
- The proposed commercial floor space area is generous as well as suitably configured. That is, a range of tenancies can be provided which could suit a range of uses, including a supermarket, established commercial enterprises, as well as 'start ups'; and,
- The provisions of the through site link, should enhance the viability of the commercial tenancies given it is likely to increase foot traffic through and in the vicinity of the development.

Sub clause 6 provides that the additional GFA allowed by sub clause 5 applies only if:

- *"the proposed development on the land includes development resulting in community infrastructure or the use of land as community infrastructure, and*
- *the consent authority is satisfied that the community infrastructure is appropriate for the Burwood Town Centre, taking into account the nature of the community infrastructure and its value to the community working or residing in the Burwood Town Centre."*

As is demonstrated in **Appendix 7**, the proponent has agreed to offer a tenancy to the Boomalli Aboriginal Artists Co-operative. It is anticipated that the tenancy will be used primarily for the social and cultural development of the indigenous community. The tenancy is 30m² and located in podium level 2, or as shown in the plan extract on the following page. In addition to the tenancy itself, the occupants would also have direct access to the communal open space. The agreement includes use of the premises at no cost for a period of twelve (12) years.

Whilst this particular agreement has been reached, it is nevertheless subject to consideration by Council. In this case, the proponent is willing to consider reasonable discussions as to the exact nature of the tenancy, including its size and use.

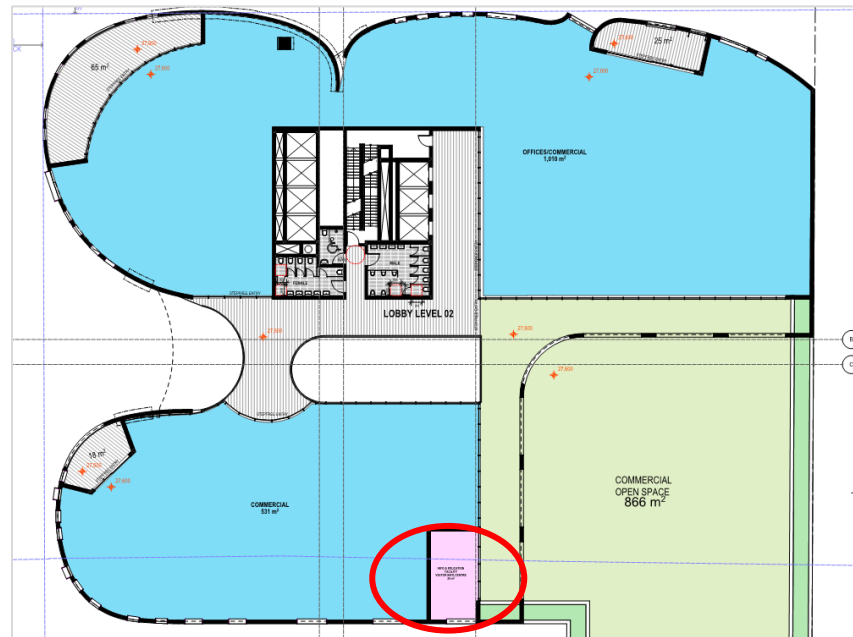


Figure 33: Extract of podium level 2 with community infrastructure tenancy outlined in red (Source: Urban Link)

In this case, the proposal complies with clause 4.4A of the Burwood LEP 2012, and in particular sub clause (5)(a) and (b), as well as sub clause (6).

Clause 4.6 - Exceptions to development standards

This clause allows for the issuing of development consent for development even if the proposal contravenes a development standard in the Burwood LEP 2012 or any other environmental planning instrument.

As has been demonstrated above, the proposal would contravene the FSR and height of building development standards prescribed by Clause 4.3 and 4.4 of the Burwood LEP 2012, respectively. Due to the nature of Clauses 4.3A and 4.4A, we are of the view an exception request for the proposal's height and FSR is not strictly required. Nevertheless, for abundant caution, an exception request in relation to each standard is provided at **Appendices 1 and 2**.

Each of the exception requests demonstrate that the objectives of the respective standards are satisfied, despite the breach. It is also demonstrated that compliance with the standards is unreasonable or unnecessary (largely because of Clauses 4.3A and 4.4A), and that the breach remains in the public interest.

Clause 5.10 - Heritage conservation

In summary, the objective of this clause is to conserve the existing environmental heritage within Burwood. Sub clause 5 provides that the consent authority may require a heritage assessment for the purposes of determining the impacts of proposed development on any heritage significance.

As shown in the following map extract, the subject site is not a heritage item, does not contain a heritage item, and is not within a heritage conservation area. The subject site is in the vicinity of several heritage items.

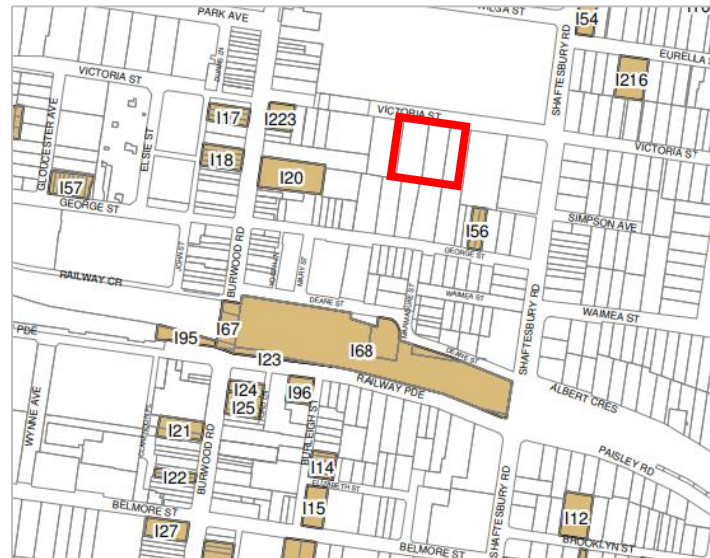


Figure 34: Extract of Heritage Map 001 with subject site outlined red (Source: BLEP/City Plan)

Weir Phillips Heritage and Planning were engaged to inform the proposal, and to subsequently assess impacts on any surrounding heritage significance as referred to in Clause 5.10. Their assessment is provided at **Appendix 17**. In summary, their assessment provides that any impact to heritage significance as a result of the proposal is acceptable. In particular, the assessment provides that any impact on views to/from nearby heritage items as a result of the proposal, is acceptable, largely because the proposal is consistent with the anticipated built form character.

Clause 6.1 - Acid sulfate soils

The subject site is located on Class 5 Acid Sulfate Soils. Clause 6.1 states that this clause is applicable if the proposal includes works located within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum (AHD).

As the proposal is not located within 500m of Class 1, 2, 3 or 4 land below 5m AHD, this clause does not apply to the proposed development.

Clause 6.3 - Active Street frontages

The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B4 Mixed Use. Although the site is located in a B4 Mixed Use zone, the site is not identified as "Active street frontage" on the Active Street Frontages Map. Nonetheless, the proposal provides active frontages on its northern elevation to Victoria Street and western elevation to the through site link through the provision of active land uses such as retail, restaurants and food and drink premises and extensive glazing.

Clause 6.5 - Design excellence

This clause applies to development of three (3) or more storeys, and within the B4 Mixed Use zone. Sub clause 3 provides that consent must not be granted for development to which this clause applies, unless the consent authority is satisfied that the development exhibits design excellence. Sub clause 4 provides the following merit based criteria for determining whether design excellence has been achieved.

- *"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),*

- *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,*
- *how any streetscape and heritage issues have been addressed,*
- *whether the amenity of the surrounding area, including any view corridors, vistas or landmark locations, will be adversely affected,*
- *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,*
- *whether any adverse effect on pedestrian movement and experience will be avoided (and whether the public transport interchange as the focal point for pedestrian movement in the surrounding area will be reinforced and the ease of pedestrian access to and from that interchange will be facilitated),*
- *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,*
- *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,*
- *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."*

DKO Architecture was engaged to assist with the development of the proposal's design, as well as to ensure Clause 6.5 had been addressed. They have subsequently prepared a report, provided at **Appendix 15**, confirming how the relevant provisions in Clause 6.5 have been addressed and confirming that the proposal achieves design excellence.

5.16. Burwood Development Control Plan 2012

Consideration of compliance and/or consistency with the relevant provisions within the BDCP 2012 is provided in the Table of Compliance prepared by City Plan provided at **Appendix 16**.

The following parts of the BDCP 2012 are relevant to this proposal:

- Part 2 Site and Environmental Planning;
- Part 3 Development in Centres and Corridors Chapter C3 Multi Dwelling Housing and Attached Dwellings; and
- Part 6 Environmental Management.

The Table of Compliance demonstrates the proposed development substantially complies with numerical controls and is consistent with its overall intent. The Table of Compliance did, however, identifies a non-compliance with controls in 3.3.2 Burwood Town Centre Areas in relation to building separation as discussed briefly below.

Building separation

The DCP provides that ADG provisions in relation to building separation were to be referred. The proposal is compliant with the building separation provisions of the ADG provided that building separation requirements are shared equitably, which this control requires. Strict compliance with this controls requires 24m of separation between habitable rooms/balconies at a height of 9 storeys or above.

The residential component of the subject site is separated from 36 Victoria Street by 21m at its closest point at 9 storeys or greater, however only 3m of this is located on the property of 36 Victoria Street. As such, the building separation is not equitably shared across the buildings and this non-compliance is justified. An extract of the Level 10 floor plan is provided below.

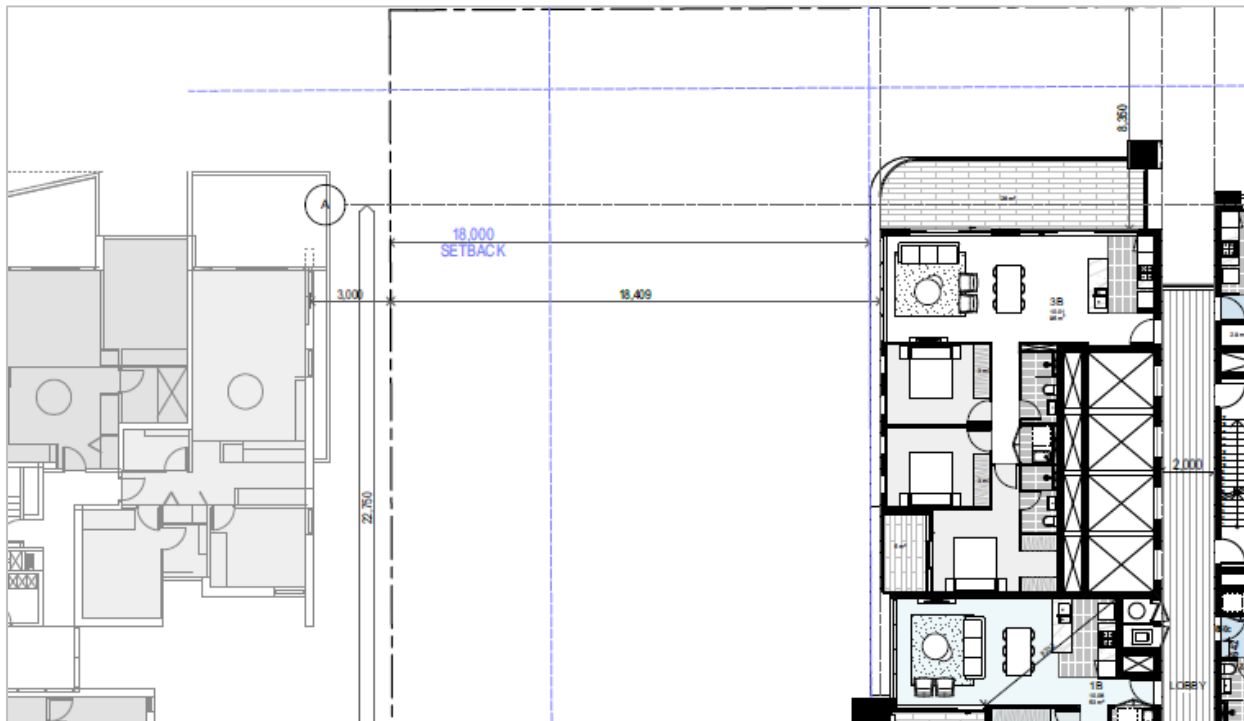


Figure 35: Extract of Level 10 floor plan showing building separation and setbacks (Source: Urban Link)

5.17. Section 7.12 Local Infrastructure Contributions Plan for Burwood Town Centre

Burwood Council's 7.12 Contributions Plan specifies a levy imposed on the issue of a development consent for the provision, extension or augmentation of public facilities. The site is located in the Burwood Town Centre and thus the levies applicable to the Burwood Town Centre apply. If the proposed cost of carrying out the development is more than \$250,000, the levy percentage is 4%.

The total construction cost of the proposal is \$72,030,365, inclusive of GST. This has been calculated in line with the requirements of Section 25J of the Environmental Planning and Assessment Regulation 2000.

An estimated levy applicable to the proposal payable to Burwood Council is \$2,881,214.60, although, this will be confirmed as part of any consent.

6. ENVIRONMENTAL IMPACT ASSESSMENT

6.1. Overview

This section identifies and assesses the impacts of the development with specific reference to the heads of consideration under Section 4.15 of the Act.

6.2. Context and Setting

Arguably, the proposal is suited to the existing and any emerging context or setting given it represents a permissible land use and complies with Burwood LEP's development standards for building height as well as FSR (as provided by Clause 4.3A and 4.4A).

The nature and scale of the proposal is also suited to the context as the Burwood Town Centre is nominated as a Strategic Centre according to the Eastern City District Plan. The proposal achieves urban renewal, significantly increases employment floor space, and increases housing supply in close proximity to public transport, all of which are key objectives of the Eastern City District Plan.

The Burwood Town Centre is characterised by a mix of predominantly high density residential, commercial and retail land uses. The proposal includes a similar mix of land uses, principally high rise residential as well as commercial land uses.

Built form and subdivision patterns are varied in the town centre, as shown in the following aerial view. This is a result of historical development patterns, the most recent of which encourages the amalgamation of lots and subsequent podium + tower form of development. There are, in fact, several examples of large floor plate/podium + tower developments in the vicinity of the subject site. They include:

- The Westfield Shopping Centre immediately opposite the subject site;
- A recently completed high rise, mixed use development at 36 Victoria Street, which is immediately to the west of the subject site,
- A medium rise commercial office development at 36-46 George Street,
- A medium rise commercial office development at 48-60 George Street,
- A high rise mixed use development at 1-17 Elsie Street, Burwood; and,
- A number of large podium + high rise residential tower developments on the southern side of the Burwood railway station.



Figure 36: Aerial view demonstrating varied subdivision pattern, but with a number of large lots (Source: Google Earth)

Many of the site's listed above are demonstrated in the following extract from the Design Excellence Report (**Appendix 14**). The analysis clearly demonstrates that a podium + high rise tower built form is emerging in this particular section of the Burwood Town Centre, as with most of the town centre.



Figure 37: Analysis of existing, approved and current DA's for tower + podium developments in town centre, and proposal's compatibility with such development (Source: Design Excellence Report)



Figure 38: proposed envelope amongst existing and proposed towers within town centre (Source: Urban Design Excellence Report)



Figure 39: Proposed envelope amongst existing and approved towers within town centre (Source: Urban Design Excellence Report)

Given the above, it is considered that the proposal is consistent with the existing, as well as the likely predominant context and setting.

6.3. Built Environment

6.3.1. Height, Bulk and Scale

As indicated previously, any height, bulk and scale impacts arising from the proposal are acceptable largely because the proposal complies with related development standards in clauses 4.3A and 4.4A of the Burwood LEP 2012.

More generally, however, the proposal is acceptable with regard to height bulk and scale as it integrates effectively with the Burwood Town Centre's existing and emerging built form character. This has been demonstrated in **Section 6.2** above.

Whilst the proposal's distant height, bulk and scale impacts have been considered, it is also necessary to consider bulk and scale along the street for the purposes of understanding impacts to pedestrians.

In this regard, it is noted that the proposal includes a clearly identifiable podium up to 15m in height. This height complies with the maximum 15m height prescribed by Clause 3.3.2 in the Burwood Development Control Plan 2012 (Burwood DCP 2012). It's height also relates well to the podium of the recently developed mixed use building immediately to the west of the subject site (i.e. 36 Victoria Street), as shown in **Figure 40** below, as well as the Westfield complex further to the west of the subject site and on the northern side of Victoria Street.



Figure 40: Extract of proposal's northern elevation highlighting podium consistency with adjoining development (Source: Urban Link)

The podium's awning and window openings on upper levels also assists with creating a suitable human scale at street level. The use of masonry in the podium, whilst not necessarily related to scale, enhances the human element. Similarly, the continuous space created by the through site link also assists with creating a comfortable, street level scale.

Given the above, it is considered that the proposal is acceptable with regard to height, bulk and scale.



Figure 41: Proposed entry to through site link demonstrating an accessible and inviting street level interface (Source: Urban Design Excellence Report)

6.3.2. Setbacks

The proposal's 3.3m Victoria Street, podium level setback complies with the minimum 3m front setback prescribed by Section 3.3.2 of the Burwood DCP 2012. The proposal's above podium (secondary) setback of 7.4m, similarly complies with the Burwood DCP's 6m setback.

As has been demonstrated in **Section 5.6** of this SEE, and Urban Link's ADG assessment, substantial compliance is achieved with the ADG's setback and separation recommendations.

It is further noted that, at Section 3.3.2 of the Burwood DCP 2012 (Secondary Setbacks), boundary to boundary development is contemplated for sites within the 'Commercial Core' and the 'Middle ring'. It is presumed that this is intended to facilitate the commercial nature of the middle and inner cores of the town centre, thereby maximising employment floor space.

The subject site is within the middle ring, and the proposal adopts a podium level which utilises most of the ground level, with the notable exception being the through site link as well as the deep soil zone along the rear (southern) boundary. In this case, the proposal substantially complies with the setback provisions of the Burwood DCP 2012 and, therefore, its setbacks are acceptable.

Broadly speaking, the proposal's podium level setbacks reflect the commercial nature of the subject locality. The proposed tower's ADG compliant setbacks assist with generating acceptable built form as well as delivering acceptable amenity for the proposal's intended occupants, as well as occupants of adjoining development, particularly with regard to visual privacy and solar access.

The proposed through site link relies on a 6m setback from the western side boundary. This distance is considered sufficient to ensure the practical operation of the link, and the viability of adjoining commercial tenancies.

It is acknowledged that the proposal adopts a 0m setback to the eastern boundary, resulting in a dividing wall facing the existing development at 24 - 26 Victoria Street. As mentioned, however, the proposal's presentation is consistent with the character anticipated by the Burwood LEP 2012 and Burwood DCP 2012 and is, therefore, acceptable.

The proposal includes suitable measures to lessen the resultant visual impact, including:

- Adding a chamfer to the street facing wall which leads to 24 - 26 Victoria Street, as demonstrated below. This avoid a 'hard' leading edge to the adjoining property; and,
- Implementing measures to protect existing trees located on 24-26 Victoria Street generally along the dividing boundary between the two (2) sites.

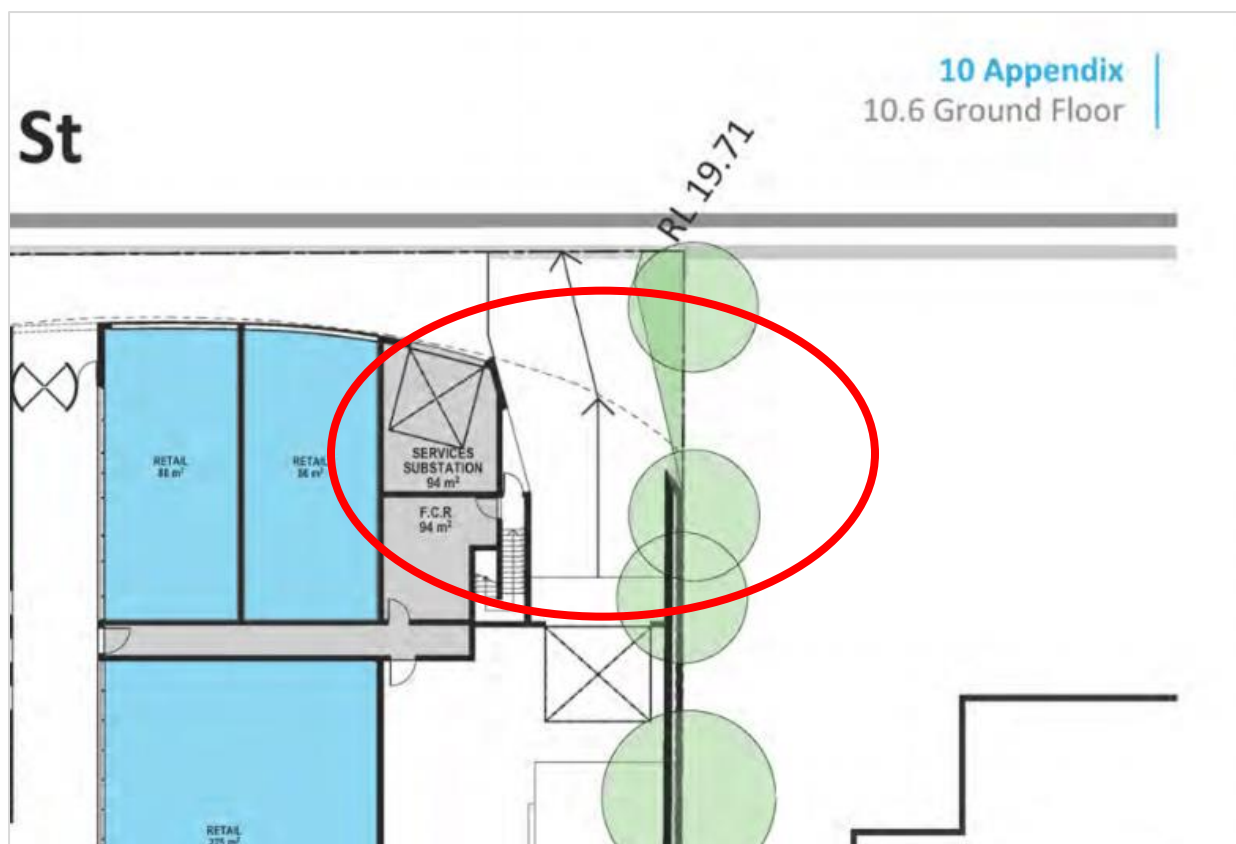


Figure 42: Extract of ground floor plan showing chamfered north eastern corner of podium (Source: Urban Link)



Figure 43: Extract of proposed eastern elevation demonstrating retention of existing trees along shared boundary with 24-26 Victoria Street (Source: Urban Link)

It is also worth noting that 24 - 26 Victoria Street is under single ownership, as opposed to strata titled. The site is, in fact, owned by the NSW Department of Family and Community Services. It is, therefore, likely that the site would be redeveloped, in which case it is likely to adopt an abutting podium wall so as to achieve consistency with the anticipated character.

6.3.3. Design and Aesthetics

The proposed development utilises a range of materials as well as horizontal and vertical building elements to assist in creating visual interest to the building and along Victoria Street and throughout the Burwood Town Centre.

The podium features curved design elements and is articulated throughout with glazing which reduces its visual bulk and scale. The awning is designed in conjunction with the podium curve, clearly identifying the front entry of the building. The brick finish to the podium contrasts with the precast panels of the upper floor residential levels, with the building elements of the façade vertically up and at angles to further contribute to building modulation, increasing the verticality of the building and creating a slender appearance and creating visual interest. Each floor provides substantial glazing to residential units to improve amenity, solar access and to soften the appearance of the building in the townscape.

The proposal's materials and finishes are of a high quality, are durable and complement the mixed use character of the Burwood Town Centre. The materials together with the vertical design of façade building elements and the 'stepping' of the development are particularly successful in 'breaking down' the building bulk to minimise any impacts on adjoining properties and create a visually attractive building. The public domain will be further enhanced through the provision of active ground floor uses which serve to activate the street frontage and through site link.

6.3.4. Public Domain

As has been discussed in **Section 6.3.1** above, the proposal's podium level generates a suitable scale. The configuration of the ground level, particularly with various tenancies and lobbies facing the street, as well as the high quality design of the podium, with related attractive finishes, ensures the public domain will be enhanced positively. The through site link is an attractive visual feature and will add vitality along Victoria Street.

As in the case of development at 36 Victoria Street, the footpath finishes adjacent the subject site would be upgraded in accordance with Council's specifications. Where possible, existing street trees are retained, and those which are being removed will be replaced with mature trees.



Figure 44: Proposed street level interface (Source: Urban Design Excellence Report)



Figure 45: Victoria Street entrance to proposed through site link (Source: Urban Design Excellence Report)

6.3.5. Heritage

The subject site is not and does not include an item of environmental heritage. Several items of environmental heritage are in the vicinity of the subject site, as discussed in detail in Section 5.15 of this SEE. As is also outlined in Section 5.15, and the HIS at **Appendix 17**, the proposal does not adversely impact on the significance of nearby heritage items. This is largely because the proposal is consistent with the taller building landscape emerging, as anticipated, in the Burwood Town Centre.

6.3.6. Building and Construction

The proposal has been designed to reflect relevant construction standards, and the like. This will be confirmed as part of any Construction Certificate stage. It is worth noting, however, the BCA assessment by Certified Building Specialists (**Appendix 18**) and the accessibility assessment by Access Link Consulting (**Appendix 19**), confirming that the proposal is capable of satisfying relevant standards.

A Construction Management Plan (CMP) can be prepared by the appointed contractor, once the terms of any approval granted by Council are known. Accordingly, it is anticipated that Council will include appropriate conditions within any consent notice requiring the preparation and approval of a CMP prior to works commencing, which will ensure construction related impacts are minimised.

6.3.7. Internal Amenity

Proposed Dwellings

The subject site's northerly orientation is one of several key opportunities for the development. It allows for a northerly oriented residential floor plate. Combined with the site's generous width and area, this allows for a high level of internal for the proposal's dwellings, particularly with regard to solar access and ventilation. The proposal also obtains views towards the Sydney CBD skyline and water views north to the Parramatta River. The proposal's compliant ADG separation, and arguably low number of dwellings per level enhances this amenity. As a result, the following is noted:

- A total of 159 out of 179 dwellings, or 87%, achieve natural cross flow ventilation, in compliance with the ADG;
- A total of 136 out of 170 dwellings, or 76%, receive at least 2 hours solar access between 9am to 2pm at June 21, in compliance with the ADG;
- A total of 0 out of 179 dwellings, or 0%, don't receive any solar access, in compliance with the ADG;
- All dwellings comply or exceed the minimum internal area recommendations of the ADG;
- The number of dwellings of the proposal core ranges from 3 to a maximum of 8, in compliance with the ADG; and,
- The proposal's residential tower complies with the ADG's separation recommendations, affording all dwellings good access to sunlight and ventilation, a good outlook and views towards the CBD and Parramatta River, as well as suitable dwelling depths.

Existing or proposed dwellings on adjoining lots

The internal amenity of existing or proposed dwellings on surrounding lots will be substantially in line with the ADG's recommendations. This is primarily a result of the proposal's tower complying with the ADG's recommendations for building to building separation, as well as the tower's mostly slender form. This ensures shadows cast by the proposal are limited in area, and 'move' across the landscape quickly, thereby minimising the amount of internal area impacted by shadows, and the duration of any shadow impact within individual dwellings. Specifically, as shown in the table below, shadows from the proposal 'move' quickly and if any concentration occurs, it is limited to existing residential apartment buildings at 19 George Street and 21 George Street (circled red in **Table 8** below).

Table 8: Extract of shadow diagrams with most affected properties outlined red



As can be seen in the 'view from the sun' images prepared by Urban Link (refer to architectural plans at **Appendix 8**), more than 70% of the dwellings at 19 George Street will receive at least 2 hour solar access between 9am - 3pm on June 21, in compliance with the ADG.

The separation and tower slenderness allow for suitable outlook, access to sunlight, privacy as well as ventilation for dwellings on surrounding lots.

Overall, the proposal's amenity impacts to adjoining existing or proposed dwellings is consistent with those expected for a key, high density, suburban centre.

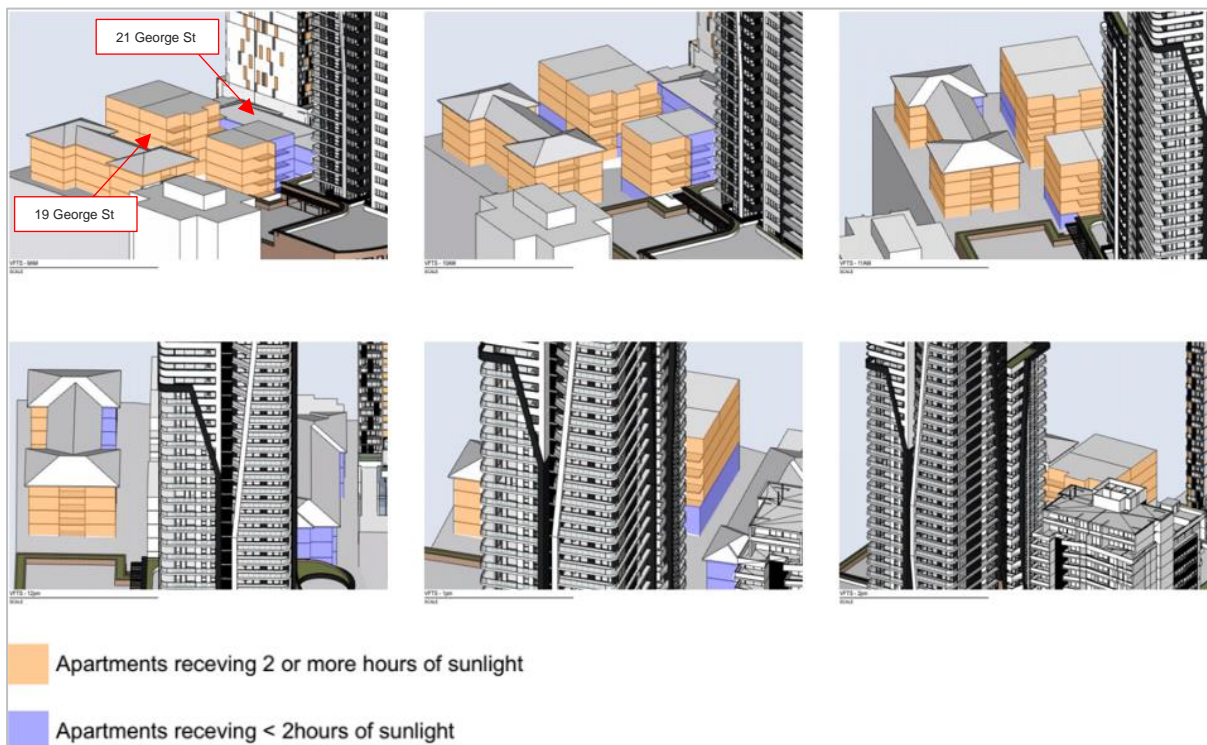


Figure 46: Extract of 'view from the sun' images (Source: Urban Link/City Plan)

In our view, the non-compliance in relation to solar access to 21 George Street is acceptable, and solar access impacts generally are reasonable, for the following reasons:

- The development at 21 George Street was delivered during an earlier phase of the property cycle and built form expectations have since changed. Any development at this site based on current controls would result in a different footprint and envelope. The envelope, particularly for any residential tower component, would be much shallower than the current footprint. Such a footprint would likely achieve compliance with the ADG in terms of solar access. As such, requiring the proposal to achieve compliance is considered an unreasonable burden;
- Achieving strict compliance with ADG amenity controls in a strategic centre such as Burwood Town Centre, is considered to be an unreasonable expectation. Specifically, there are likely to be a number of high rise developments, often on narrow lots, which makes achieving strict compliance in all instances very difficult. A very high degree of ADG compliance is nevertheless achieved in this particular DA; and,
- The impact from a development at 28-34 Victoria Street which strictly complied with the provisions in 4.3 and 4.4 of the Burwood LEP 2012, as well as the ADG, would result in a similar impact to existing development at 19 and 21 George Street. This is because a much deeper footprint would be required in order to capitalise on the FSR standards permitted for the subject site. Further, a taller envelope as is proposed, allows for far greater separation from 19 and 21 George Street, than the minimum required by the ADG (i.e. 18m separation proposed vs 12m minimum required).

6.4. Natural Environment

6.4.1. Flora and Fauna

The subject site does not contain any sensitive flora or fauna. Most of the existing vegetation comprises of exotic species whilst the site is clearly highly disturbed. In this case, flora and fauna related impacts are negligible.

6.4.2. Tree Removal

The Arboricultural Impact Assessment (AIA) at **Appendix 5** discusses proposed tree removal in detail. In summary, however, the AIA considered a total of thirty-three (33) trees, eight of (8) of which are on adjoining private allotments, whilst two (2) are in the street verge immediately adjacent the subject site.

The proposal includes the removal of all existing trees on the subject site. The two (2) existing trees in the verge adjacent the site's front boundary are also proposed to be removed. As will be discussed in **Section 6.4.3** below, all such trees to be removed will be replaced as detailed in the landscape plan. Importantly, all trees on adjoining properties (shown below) are proposed to be retained with suitable mitigation measures as outlined in the AIA. Retention of such trees will conserve amenity for existing development at 24 - 26 Victoria Street.

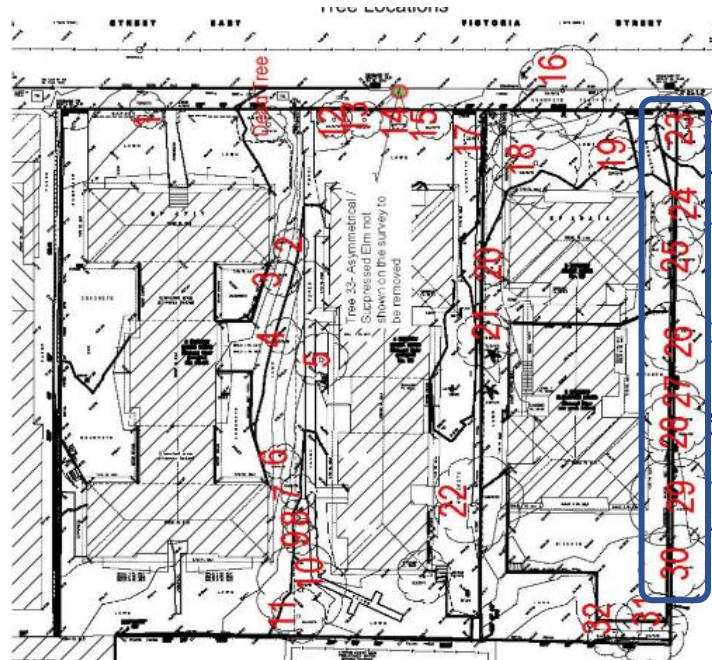


Figure 47: Extract of tree identification plan with trees to be retained at 24-26 Victoria Street outlined in blue (Source: Tree and Landscape Consultants/City Plan)

6.4.3. Landscape

Due to the town centre nature of the proposal, the extent of proposed landscape is relatively limited, but nevertheless designed to create a positive and meaningful impact. For example, landscaping has been designed as an integral component of the proposed through site link as well as Communal Open Space (COS)¹. This improves the amenity and vitality, but ensures functionality is retained. In specific areas, such as in some areas of the COS, landscaping is also utilised to enhance privacy and security between likely users of the COS as well as some of the proposed dwellings at the same level of the COS.

The proposal complies with COS requirements of the ADG. Objective 3D-1(1) of the ADG prescribes a minimum communal open space (COS) area of 25% of the site area. The subject site area is 4,231m² in area, in which case, 1,058m² of COS is required.

The proposal includes a total of 1,121m² of COS (or 26% of site area), 907m² of which is located on the podium (level 3) and 214m² is provided at levels 25 and 26. This is compliant with this control.



Figure 48: Rendering of proposed COS highlighting proposed landscaping and versatility of the space (Source: Turf Design Studio)



Figure 49: Rendering of terraces and through site link demonstrating how landscaping achieves greenery and visual interest (Source: Turf Design Studio)



Figure 50: Landscaping proposed to enhance COS proposed at Level 21 (Source: Turf Design Studio)



Figure 51: Rendering of proposed through site link demonstrating how landscaping will add vitality and greenery (Source: Turf Design Studio)

6.4.4. Water Management

Reference can be made to the stormwater management plans (**Appendix 9**) prepared by Alpha Engineering & Development to understand how stormwater from the development will be adequately managed.

6.4.5. Soil Management

The targeted soil assessment at **Appendix 13**, prepared by Fuel & Infrastructure Management Australia (FIMA), concludes that *"the site is not a contamination risk...and is suitable for residential use"*. With respect to contamination therefore, this SEE provides that the site does not pose any adverse impact. Further, the relevant conditions of SEPP 55 would be satisfied.

A geotechnical assessment prepared by STS GeoEnvironmental Pty Ltd, is provided at **Appendix 6**. The assessment concludes that the site's conditions are fairly typical. It also provides that groundwater is not expected to be encountered.

With regard to erosion and sedimentation control during any construction phase, the relevant contractor/s are obliged to implement typical mitigation measures. Otherwise, the stormwater management plans at **Appendix 9** include a range of erosion and sediment control measures which can be implemented.

6.4.6. Air and Microclimate

Some dust is anticipated during the construction period, particularly given demolition and excavation is involved. This impact can be managed through measures such as wetting down work areas/stockpiles, stabilising exposed areas, preventing material tracking out onto public roadways, covering loads on all departing trucks and working to weather conditions. The proposal is otherwise not expected to give rise to any long term or adverse impacts on local or regional air quality.

The proposal is otherwise not expected to give rise to any long term or adverse impacts on local or regional air quality.

6.4.7. Wind Analysis

Synergetic were engaged to inform and assess the proposal with regard to wind impacts and pedestrian comfort. Their assessment is provided at **Appendix 20**. In summary, however, the assessment concludes *"the proposed residential development is not expected to cause unfavourable wind impacts under most circumstances. During most wind conditions, impacts will be similar to the current conditions"*.

6.4.8. Noise and Vibration

Acoustic, Vibration & Noise Pty Ltd were engaged to inform and assess noise impacts from and to the proposal. Their assessment is provided at **Appendix 21**. The assessment considers, amongst other aspects, impacts from mechanical equipment, the operation of the loading dock, incidental noise from traversing the through site link, as well as external noise and their impacts to the proposal's dwellings.

Overall, the assessment concludes that noise from the operation of the proposal can, or in some cases, is capable of satisfying typical noise related controls. For the proposal's commercial tenancies, the assessment recommends that they be subject to separate DAs where specific details should be available for their noise generation. Further, the proposal includes a range of specifications, such as minimum glazing thicknesses, for the proposal's dwellings. Any recommendations in the assessment should be included as a condition of any consent.

6.4.9. Energy

The proposal will necessitate an upgrade to existing utilities, including electricity supply. This has been accounted for by the provision of a substation on the ground floor, adjacent the loading dock entry and, importantly, within the proposed envelope.

6.5. Movement and Access

6.5.1. Transport

The site is located within 400m of Burwood railway station, a major interchange station on the T2 Inner West and Leppington Line and the T9 Northern Line which connects the site with the Sydney CBD and other regional centres such as Parramatta, Epping, Strathfield and Liverpool.

The site is also well connected by bus services, with the Westfield Burwood bus stop located on Burwood Road, 150m to the west of the site serviced by Route 407, 408, 410, 415, 418, 420, 458, 461, 464, 466, 490, 492, 525, 526, 530 and M90 which connect Burwood with west/south western Sydney, the Inner West, Sydney CBD and the northern suburbs.

The proposal is also well connected by road, allowing for easy access to the site by use of private vehicles. The site is located close to regional or major roads/ freeways including Parramatta Road, City West Link, Hume Highway, the M4 Western Motorway and future WestConnex.

6.5.2. Pedestrians

The proposal's impacts with regard to pedestrian accessibility are overwhelmingly positive. This is particularly as a result of the through site link proposed along the subject site's western (side) elevation, and which has been designed to integrate with land at 36 Victoria Street (immediately adjoining western allotment) and land at 23-27 George Street (immediately adjoining southern allotment).

As the proponent for the subject DA has control over each of these immediately adjoining allotments, there is a very high likelihood that the through site link will be delivered. This is unlike the through site link shown in the Burwood DCP 2012, which is expected to extend through 98A-114 Burwood Road (Westfield car park site), 132-134 Burwood Road, and 29 George Street, Burwood. This route is highly unlikely given it relies on multiple landowners, as well as some site's which are well established and not likely to be redeveloped in the near future in order to have the link delivered.

As mentioned, the proponent for this subject DA owns 23-27 George Street. In 2016, the proponent secured Development Consent 10.2016.179 for a mixed use development at the site. As part of that consent, which has been subsequently modified, an allowance was made for a pedestrian link between it at 28 - 34 Victoria Street. The following extracts of the approved plans demonstrate this. Some modifications to consent 10.2016.179 may be required pending the final resolution of the link at 28 - 34 Victoria Street. The proponent would volunteer to affect any reasonable modifications, otherwise, Council may enforce modifications in accordance with Section 4.17(1)(b) of the EP&A Act.



Figure 52: Extract of front elevation for approved mixed use development at 23-27 George Street. Triple height lobby entry, leading to through site link is outlined yellow (Source: Urban Link/City Plan)

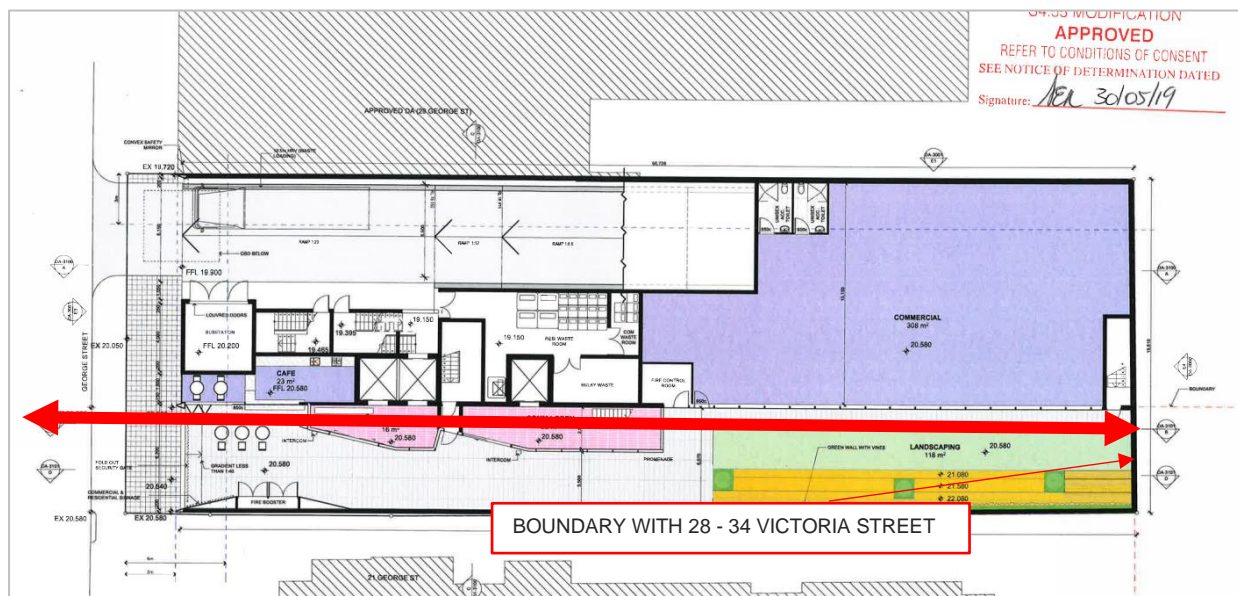


Figure 53: Extract of ground floor for approved mixed use development at 23-27 George Street. Provisions for a through site link, leading to 28-34 Victoria Street, is shown with a red arrow (Source: Urban Link/City Plan)



Figure 54: Proposed through site link between 28-34 Victoria Street and 23-27 George Street shown orange (Source: Design Excellence Report)



Figure 55: Indicative sketch of Victoria Street entry to proposed through site link (Source: Design Excellence Report)



Figure 56: Elevated image depicting through site link extending into 23-27 George Street site (Source: Design Excellence Report)



Figure 57: Perspective image of link extending alongside the proposal's podium. Image also highlights how existing colourbond fence and level changes between subject site and Victoria Street will be ameliorated (Source: Design Excellence Report)

Some key features of the proposed through site link, and subsequent positive impacts, are summarised below:

- The link is a genuine improvement for pedestrian convenience and accessibility. It provides a genuine connection to the Burwood Railway station;
- The link can achieve a high standard of integration with the proposal's podium, existing development at 23-27 George Street, 36 Victoria Street, as well as the existing public domain along Victoria Street. In particular, level differences between all such adjoining sites can be ameliorated;
- The proposed link and podium environment represent a vastly improved public and semi-public urban environment compared to current conditions. In conjunction with adjoining tenancies, it will be active, inviting and visually appealing; and,
- The urban character generated by the proposed link is consistent with the existing and emerging character of the Burwood Town Centre, particularly given it is listed as a Strategic Centre according to the GSRP.



Figure 58: Existing treatment of shared boundary between 28-34 Victoria Street and 36 Victoria Street (Source: City Plan)

6.5.3. Parking

The proposed development provides 318 car parking spaces (23 of which are accessible), consisting of the following:

- 229 residential spaces, 36 of which are visitor spaces; and
- 89 commercial.

Residential Parking Requirement

The carparking for the residential component of the proposed development is provided in the Burwood DCP with the following rates:

- 1 space per 1 and 2 bedroom unit.
- 1.5 spaces per 3 bedroom unit.

Requirement:

- 1 and 2 Bedroom – $152 \times 1 = 152$
- 3 Bedroom – $27 \times 1.5 = 40.5$ (41)
- Visitor: 1 per 5 units - $179/5 = 35.8$ (36)
- $152 + 41 + 36 = 229$ spaces
- Total residential: 229 spaces.

The proposed development provides 229 residential spaces, 36 of which are visitor spaces, which is in accordance with DCP requirements.

Commercial Parking Requirement

The commercial component of the proposed development is calculated off DCP rates. The following rates apply as follows:

Commercial:

On land zoned B4 Mixed Use in the BTC

Commercial Core and Middle Ring Areas

- 1 space for the first 400 sqm or part thereof, plus
- 1 space per 120 sqm or part thereof additional to the first 400 sqm. Up to 20% of this can be regarded as parking for visitors to the office or business premises (Visitors Parking).

Retail/ cafe:

On land zoned B4 Mixed Use

- 1 space for the first 400 sqm or part thereof, plus
- 1 space per 40 sqm or part thereof additional to the first 400 sqm.

Requirement:

- Commercial GFA: $1788\text{m}^2 = 12.6$
- Retail GFA: $2438\text{m}^2 = 34.0$
- Café/ restaurant GFA: $2070\text{m}^2 = 42.8$
- Total: 89.3

The proposed development provides 89 commercial spaces, which is consistent with DCP requirements.

The proposal also provides 4 motorcycle parking spaces and 60 bicycle parking spaces for residential use. The Traffic Impact Assessment (TIA) in **Appendix 22** finds that the motorcycle space provision of 1 per 50 units and the bicycle space provision of 1 per 3 units (consistent with Austroads Guidelines) is considered satisfactory.

Given that the proposal satisfies commercial/retail and residential parking requirements, it is considered that the proposal provides acceptable impacts in relation to parking provision.

6.5.4. Traffic

Road Delay Solutions have prepared a Traffic Impact Assessment (TIA) in **Appendix 22** to assess traffic needs and mitigation measures associated with the proposed development. The TIA was prepared to determine and reflect the traffic needs and any necessary mitigation treatments as a result of the proposed development.

The TIA has concluded that, once the proposed infrastructure outlined in Council's Section 7.12 Contributions Plan has been implemented, in conjunction with the further identified supplemental upgrades, any vehicular or pedestrian impacts of traffic generation associated with the proposed development will be minimal on the town centre's road network.

6.5.5. Operational Servicing

Servicing arrangements for the proposal's operational phase have been adequately catered as has been addressed in the WMP (**Appendix 23**) as well as the TIA at the **Appendix 22**. In summary, the proposal includes adequate waste and recycling rooms, as well as a dedicated loading bay mostly for the purposes of the commercial tenancies. The waste and recycling storage rooms are easily accessible to/from the loading bay. The loading bay is serviced by a driveway which is easily accessible from Victoria Street, and benefits from an internal turning bay.

6.6. Social and Economic Effects

6.6.1. Crime and Safety

Crime Prevention through Environmental Design (CPTED) is a recognised model which provides that if development is appropriately designed it can reduce the likelihood of crimes being committed. The DA includes a CPTED assessment in **Appendix 24** concluding that the proposal includes reasonable measures to minimise crime. They include strategically design ground floor and podium level commercial tenancies which seek to maximise overlooking of public space as well as semi-public spaces such as the proposed through site link. Dwellings in the proposed tower, as well as dwellings in adjoining existing developments would also overlook the link. Further, CCTV and lighting will be provided throughout the link.

6.6.2. Social, Economic and Employment

The social, economic and employment impacts from the proposal are overwhelmingly positive, as itemised below:

- 179 new dwellings in a convenient and accessible location will be provided;
- 6,296m² of new commercial floor space will be delivered. Such floor space is easily accessible from throughout much of the metropolitan area. It is designed such that it can accommodate commercial, retail as well as food and beverage tenancies of various sizes. Arguably, such floor space would be one of the largest recent additions to the Burwood Town Centre, thereby vastly increasing employment opportunities.
- Pedestrian accessibility would be improved as a result of the proposed through site link;
- The development represents a positive visual addition to the town centre, particularly at street level;
- The proposal's resultant character would be consistent with both the existing and emerging character of the Burwood Town Centre; and,
- Amenity impacts from the proposal to development in close proximity to the subject site as well as beyond the town centre, are reasonable.

6.7. Site Suitability

The proposal is considered to be suitable for the subject site for the following reasons:

- The proposal is a permissible land use in the subject B4 Mixed Use zone, with consent;
- It has been found that the proposal satisfies the relevant objectives of the subject B4 Mixed Use zone;
- The proposal achieves substantial compliance with the relevant planning controls. In particular, strict compliance has been achieved with the BHP development standard as well as the FSR standard in Clause 4.4A of the Burwood LEP 2012;
- Environmental impacts from the proposal have been found to be reasonable. In some cases, the impacts are overwhelmingly positive;
- There is a high degree of certainty that the proposed through site link will be delivered. This is particularly as a result of the proponent having adequate control over immediately adjoining allotments. For certainty, Council may impose a condition under Clause 4.17 (1)(c) of the Act to development on 23 George Street requiring the provision of the through site link through to George Street, and,
- The subject site and immediate surrounds do not include any prohibitive constraints such as bushfire or flooding risks.

6.8. Public interest

This SEE provides that the proposal is in the public interest for the following reasons:

- The proposal is a permissible land use in the subject B4 Mixed Use zone, with consent;
- It has been found that the proposal satisfies the relevant objectives of the subject B4 Mixed Use zone;
- The proposal achieves substantial compliance with the relevant planning controls. In particular, strict compliance has been achieved with the BHP development standard as well as the FSR standard in Clause 4.4A of the Burwood LEP 2012;
- Environmental impacts from the proposal have been found to be reasonable. In some cases, the impacts are overwhelmingly positive;
- A significant public benefit, in the form of a convenient through site pedestrian link can be delivered as part of the proposal; and,
- It has been demonstrated that the site is suitable for the proposal.

7. CONCLUSION

This SEE provides an assessment of a proposed mixed use development at 28 - 34 Victoria Street, Burwood. In assessing the proposal, the relevant environmental planning framework has been taken into consideration. The framework, in this case, includes the EP&A Act, SEPP 55, SEPP 65, the ADG, the Burwood LEP 2012 and the Burwood DCP 2012.

The assessment finds that the proposal is substantially consistent with the relevant framework. In particular, the proposal represents a permissible land use, with consent, and satisfies the relevant objectives of the subject B4 Mixed Use zone. The proposal was also found to strictly comply with the BHP development standard as well as the FSR standard in Clause 4.4A of the Burwood LEP 2012. The principles of SEPP 65 have been satisfied by the proposal, whilst a high degree of compliance has been achieved with the ADG's prescriptive recommendations. In those cases where strict compliance with the ADG's numerical recommendations has not been achieved, the objective of the control was found to be satisfied by the proposal.

This SEE finds that the proposal recognises and adequately captures the opportunities afforded by a 4,240m² site within a Strategic Centre such as the Burwood Town Centre. In the first instance, the proposal makes provision for a through site link which will improve pedestrian convenience. The proposal also delivers the necessary scale which reinforces the town centre's Strategic Centre status. The scale reinforces the status visually, as well as in terms of increasing floor space for residential and commercial land uses. Importantly, the scale does not result in unreasonable impacts, particularly amenity impacts, to development in the immediate vicinity of the subject site or beyond the town centre.

In light of the above, the assessment concludes that the site is suitable for the proposal and that the proposal is in the public interest. Subsequently, the SEE concludes that the proposal warrants development consent.