

Statement of Environmental Effects

Mixed Use Proposal


5 Belmore Street, Burwood



Prepared by EINV Group for Australia International Properties Holdings Pty Ltd

September 2023

Document status

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1. Introduction

This Statement of Environmental Effects (SEE) has been prepared by EINV Group on behalf of Australia International Properties Holdings Pty Ltd to accompany a Development Application (DA) to Burwood Council (Council) in relation to the land at 5 Belmore Street, Burwood (the site). The development application seeks approval for demolition of the existing building and structures and the construction of an eighteen (18) storey mixed use development containing 49 residential units, nine (9) serviced apartments, nine (9) commercial tenancies and two (2) retail tenancies, above basement parking (the proposal).

The SEE has been prepared pursuant Part 3 Division 1 of the Environmental Planning and Assessment Regulation 2021 (EP&AR 2021) and Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979). The report identifies the site and locality, background, describes the proposal, identifies the statutory planning framework and key planning considerations, section 4.15 assessment and provides a conclusion.

The application is worthy of approval for the following reasons:

- The proposal is consistent with the aims and objectives contained within the Burwood Local Environmental Plan (Burwood LEP) 2012. The proposal includes a minor variation to the statutory height standard which relates to an architectural roof feature which is permitted under Clause 5.6 Architectural Roof Feature of the Burwood LEP. Notwithstanding this, a Clause 4.6 Variation Request demonstrating the height standard is acceptable on environmental grounds has been submitted for abundant caution;
- The proposal is consistent with the aims and objectives and broadly compliant with the key built form controls within the SEPP 65 Apartment Design Guidelines and Burwood Development Control Plan (Burwood DCP) 2013. Where a variance to the development control has been proposal it has been demonstrate that variance upholds the objectives and purpose of that development control;
- On 27 July 2023, the preliminary proposal was presented to the Burwood Design Review Panel (BDRP) which received a favourable response. The BDRP has expressed support of the proposal in its current form. The submitted DA scheme is a result of a more refined and detailed design development process.
- The proposal provides additional in demand commercial floor space as well as additional housing opportunities;
- The character and/or nature of the proposal is consistent with the existing and emerging surrounding character;
- The proposal delivers design excellence, including attractive architecture, good internal amenity for prospective residents;
- There will be no unreasonable adverse impacts on the environment or neighbouring properties as a result of the proposed development;
- The proposal is supported by a letter of offer to contribute towards the provision of community infrastructure via a voluntary planning agreement; and
- The proposed development is suitable for the site and is in the public interest.

2. Background

2.1 Burwood Design Review Panel Meeting

On 27 July 2023, the preliminary proposal was presented to the Burwood Design Review Panel (BDRP), which is largely consistent with the current proposal. The minutes of the Panel, stipulated in broad terms the support for the pre-DA proposal in its current form, and looks forward to seeing the proposal after it has progressed to a resolved Development Application.

The Panel reviewed the architectural drawings, landscape drawings, the urban design statement and supporting pre-DA documentation, visited the subject site. The BDRP comments have been structured against the 9 Design Quality Principles set out in the SEPP 65 NSW Apartment Design Guide (ADG).

A response to the BDRP comments has been provided in the table below.

Table 1. Response to BDRP Comments

Comment	Response
<p>Principle 1 – Context and Neighbourhood Character</p> <p>6. The applicant has carried out a thorough urban design analysis and this has been reflected in the proposed scheme.</p> <p>7. In broad terms, the proposal reflects the podium and tower form envisaged by the Burwood DCP controls applicable to the Middle Ring of the Burwood Town Centre (with minor non-compliances) and as already existing in Belmore Street.</p> <p>8. In broad terms, the proposal will be consistent with existing front setbacks in Belmore Street.</p> <p>9. By ‘clipping’ the tower on to the approved building at 4 Railway Parade, on the northern side of the site, the proposal will minimise additional overshadowing of properties to the south.</p> <p>10. The plans illustrated the proposed increased setback and public domain improvements to the Elizabeth and Belmore Street frontages.</p> <p>11. Separation distances from neighbouring buildings are acceptable. While there are some breaches of the building separation requirements in Part 3F of the ADG at upper levels (for example in relation to the building at 1-3 Elizabeth Street), this is acceptable in the town centre context.</p>	<p>The BDRP comments are noted and do not raise any issue with the proposal.</p> <p>The SEPP 65 Design Statement prepared by PTW provides a detailed assessment against the principal. In general, the building complies with ADG building separation design criteria. Where there is a non-compliance with building separation criteria (level 5 -7 south east corner) this has been addressed by providing privacy screen or offsetting windows to ensure a direct sightline is not available with the ADG building separation design criteria.</p>
<p>Principle 2 – Built Form and Scale</p> <p>12. The current proposal is predicated on the basis that Council will accept a VPA or WIK in place of provision of a</p>	<p>The proposal is supported by a public benefit offer letter which agrees to enter into planning agreement to contribute</p>

Comment	Response
<p>community facility, and that the 10% bonus GFA is therefore available. The Panel is not in a position to comment on the validity of this assumption, as it is a matter for Council to determine. The Panel's comments are therefore subject to Council's decision that the GFA bonus is in fact available.</p> <p>13. It is possible that the suggested VPA arrangements could include a works-in-kind package.</p> <p>14. The proposal should include a review and detailed proposal for the community facility. The applicant expressed a preference for any works-in-kind to be included as part of the development itself, rather than located elsewhere.</p> <p>15. Principle 3 – Density The panel understands that the density corresponds with the strategic planning intentions for this part of Burwood and is appropriate given the character of the site and setting. The site master planning and urban design is focussed on accommodating density while responding to context.</p>	<p>towards the delivery of community infrastructure. The letter has been prepared in consideration of section 7.4 of the Environmental Planning and Assessment Act 1979 (the EP&A Act), Burwood LEP 2012, Burwood DCP, Section 7.12 Contributions Plan for the Burwood Town Centre and Burwood Voluntary Planning Agreement 2018 including Carrying Out Bonus Development in the Public Interest Policy.</p>
<p>Principle 4 – Sustainability</p> <p>16. For a project in this location and at this quality, sustainability initiatives should exceed basic BASIX requirements. Opportunities to consider include:</p> <ul style="list-style-type: none"> a. Photovoltaic power generation for at least all the Communal areas within the project. b. Electric charging stations provided for carparking and e-bicycle storage areas. c. Water storage and collection for irrigation purposes. d. Use of permeable pavement for driveway and walkway areas within the front setback. e. Strategy for building construction and materials to demonstrate minimisation of the project's carbon footprint. 	<p>The proposal is supported by a BASIX Certificate which demonstrates the proposal exceeds the minimum requirements. The proposal also includes the following additional sustainability measures:</p> <ul style="list-style-type: none"> - Electric vehicle charging stations have been strategically placed within the parking facilities, along with designated areas for e-bicycle storage. - Solar photovoltaic power generation has been employed to ensure sustainable energy supply for all communal areas within the project. - Test water from basement sprinklers will be collected and store to support irrigation requirements. <p>The construction waste management plan has been prepared and included with the DA and utilises a number of sustainability principles such as bricks being recycled minimizing the project's carbon footprint.</p>
<p>Principle 5 – Landscape</p> <p>17. The landscape design for the site and location is characterised by hard-paved landscaped street frontages and on-slab planting on Levels 1, 4, 16 and 17 and is a favourable response to the site and mixed-use development opportunity.</p>	<p>A Landscape Plan has been prepared by Landform. The following design measures have been incorporated to address these comments:</p>

Comment	Response
<p>Further investigation and detailed development of the design will realise improvements.</p> <p>18. The landscaped courtyard on Level 1 presents opportunities for both shared / communal access to the space by the commercial tenancies and serviced apartments, or restricted access for only the adjacent commercial tenant. This can be resolved through detailed design.</p> <p>19. Additional attention to the function and clarity of design of the landscaping and coordination with servicing requirements of the Belmore and Elizabeth Street frontages should be pursued to enhance the opportunities for the retail tenancies and their patrons (e.g. seating / visibility) and also for deliveries and servicing of the development e.g. garbage removal / large deliveries).</p> <p>20. It is noted that the level 4 communal area is in shade for much of the middle of the day due to the location of the tower to the north of this area. An understanding of the transition of shadow across this area is required so that meaningful use of the space be realised, particularly during the winter months.</p>	<p>A shared environment allows for service/waste access into the site whilst maintaining the aesthetic of a shared extension to the arrival plaza. The use of landscape elements such as planters, bollards and seating help delineate pedestrians from vehicles and mitigating the risk of conflict.</p> <p>No communal area has been provided to level 1 and included as part of a commercial tenancy.</p> <p>Small trees are provided as an avenue along Elizabeth Street framing retail terraces, lobbies and entries with feature specimen grass trees provided at the arrival plaza to better present 'the front door' of the site. This can be further developed during detail design.</p> <p>25% COS is provided on the available large podium roof space, with direct access to the core. Existing and approved towers to the north and northwest of the COS conspire to reduce sunlight to very slightly less than the 2hrs requirement over 50% of the area, but when solar access is measured to 4pm in mid-winter, the COS complies to the ADG criteria. It is note that there are public open spaces adjacent to the food and beverage outlets at ground level which can also be used for passive recreation and have not been counted towards the minimum COS calculation. Further, the incorporation of the outdoor gym enables the area to have a multipurpose use when in shade.</p>

Comment	Response
<p>Principle 6 – Amenity</p> <p>21. The shared zone at the Elizabeth Street frontage works well. A question was asked about whether that share zone could continue to function effectively if more trees were provided. Two trees, on either side of the residential entry would improve its presentation.</p> <p>22. There is little information regarding building service elements. Building elements are partially unavoidable, but the visual impact can be managed, through design and landscaping. Details will be needed.</p> <p>23. The plans should show the location of air conditioner units in each apartment.</p> <p>24. The residential and commercial uses share the same lobby at Level 2. The applicant advised this was a drafting error. Since it lacked a note to indicate that the residential tower lift door on the commercial level would be locked, and that the residential lift would serve the residential floors only under normal operating conditions.</p> <p>25. The privacy impact of the Level 4 communal open space on the privacy of dwellings to the east at 1-3 Belmore Street will be ameliorated by the pergola above the communal open space.</p> <p>26. Further investigation and development of the design for the communal open space on Level 4 will enable improvements to amenity, privacy, and landscape separation for Apt 402.</p> <p>27. It would be beneficial for the public to have public space and seating at ground level outside the commercial tenancies.</p> <p>28. Narrow corridors (1.8m) at upper levels (Levels 5 and above) are justifiable on the basis that they are short and open to a window at one end.</p>	<p>A raised planter with seating wall edge 800mm soil depth has been provided with a small native tree to address this comment near the residential entry.</p> <p>Details of the building services such as fire booster, gas and water have been detailed on the latest drawings and integrated into the building's architecture.</p> <p>The proposed air-conditioning units are proposed to the roof as detailed on the amended plans.</p> <p>The residential lift would only serve the residential floors and the service apartment level under normal operating conditions.</p> <p>Design incorporated.</p> <p>Further detail of the design and use of the communal open space area on level 4 has been detailed in the landscape plan. Unit 4.02 has been designed with high sill windows adjoining the communal open space to limit sightlines and landscaping is proposed to provide a buffer to the private balcony.</p> <p>Informal public seating has been incorporated into the public domain surrounding the site as detailed on the landscape plan.</p> <p>Noted.</p>
<p>Principle 7 – Safety</p> <p>29. Letter boxes should be accessed from within the air-lock of the building.</p> <p>30. Given the potential for existing basement levels on neighbouring properties, any future proposal should include a structural design report.</p>	<p>Mailroom is directly accessed off the main residential foyer. In addition, the carpark entrance has had a roller door added to restrict access to unauthorised people for resident safety.</p> <p>A structural design statement has been submitted with the development application.</p>

Comment	Response
<p>Principle 8 – Housing Diversity and Social Interaction</p> <p>31. Communal open spaces are areas that may assist future residents to interact socially.</p>	<p>A range of generously landscape communal open spaces to facilitate passive and active social activities, which includes outdoor kitchen and dining, passive seating nook and outdoor gym which will foster social interaction.</p>
<p>Principle 9 – Aesthetics</p> <p>32. The overall design exhibits a strong design concept, and the presentation was detailed and clear, demonstrating the justifications for the design response.</p> <p>33. The current Elizabeth Street frontage incorporates two dark voids on either side of the residential entry. Options for reducing this effect were discussed, including bringing the building plane forward.</p> <p>34. The voids are partially a result of opening up the site at ground level for active uses. The arches for the garage and residential entries, behind the façade arches, will benefit from additional design review and investigation.</p> <p>35. The arches within the podium are an appropriate form and help to break up the street elevation. Detailing around the arches should be shown on the plans / elevations.</p> <p>36. The arches appear elongated and are likely to benefit from treatments to break their height.</p> <p>37. Materials selection and construction details will be important to the overall achievement of design excellence. For example, the choice of brick is a sound material choice as a characteristic Burwood material. Important aesthetic decisions must be addressed through detailed design development including brick selection, colouration and brick bonds.</p>	<p>In response to this feedback, thoughtful adjustments have been made to enhance the design's aesthetics and functionality. Notably, the two-story residential foyer has been reconfigured to extend further towards the street, now sheltered beneath an inviting projecting canopy. This design alteration has been carefully executed to achieve a symmetrical and aesthetically pleasing arrangement, centered precisely upon the western elbow of Elisabeth Street.</p> <p>Furthermore, to address the issue of darkness within the entry voids, a roller door has been seamlessly integrated into the carpark entrance. This addition serves the dual purpose of mitigating the prior 'void' effect and improving safety concerns.</p> <p>These refinements not only respond to the concerns raised by the BDRP but also contribute to an improved overall design, making the entrance more welcoming, well-illuminated, and in harmony with the surrounding streetscape.</p> <p>The arches have been limited and architectural louvres has been incorporated within the arches.</p> <p>Detail of the varied materials used for the façade have been incorporated into the material schedule.</p>
<p>Conclusion:</p> <p>38. The Panel recommends the applicant engage with Council to resolve the 10% bonus GFA provision for 'community infrastructure' that has been presented to the Panel, since this will have a significant impact on their scheme, its design and viability if the proposed solution presented is not supported.</p> <p>39. Subject to the qualifiers noted above, in broad terms the Panel supports the pre-DA proposal in its current form, and</p>	<p>The proposal is supported by a public benefit offer letter which agrees to enter into planning agreement to contribute towards the delivery of community infrastructure. The letter has been prepared in consideration of section 7.4 of the Environmental Planning and Assessment Act 1979 (the EP&A Act), Burwood LEP 2012, Burwood DCP, Section 7.12 Contributions Plan for the Burwood Town Centre and Burwood Voluntary Planning Agreement 2018 including</p>

Comment	Response
looks forward to seeing the proposal after it has progressed to a resolved Development Application	Carrying Out Bonus Development in the Public Interest Policy.

2.2 Approval History

No application history is available for the development site on Council's DA tracker.

2.3 Compliance Orders

There are no compliance orders relating to the current proposal to the authors knowledge.

3. Site Analysis

3.1 Site Location and Description

The site is located at 5 Belmore Street, Burwood and is legally described as Lot 1 in Deposited Plan 730154. The site is L-shaped with a frontage to both Elizabeth Street and Belmore Street. The site has a total site area of 1,261m² and details of the boundary dimensions are detailed on the site survey prepared by Chadwick Cheng. The land falls approximately 3m from Belmore Street to the northern boundary and there is a limited fall of the land from the west to the east of the land. The existing level of the site has been artificially raised.

The site is occupied by a 5 storey mixed use commercial building with ground level café, office building and car parking located partly above ground and below ground and existing substation. Existing vehicular access is provided from the Elizabeth Street frontage. A number of existing palm trees and shrubs are located to raised planters at the site with no street trees to Elizabeth Street and single poor health street tree to Belmore Street. Refer to Figure 1 below for an aerial image of the site.



Figure 1. Aerial photograph of the site (source: Six Maps)

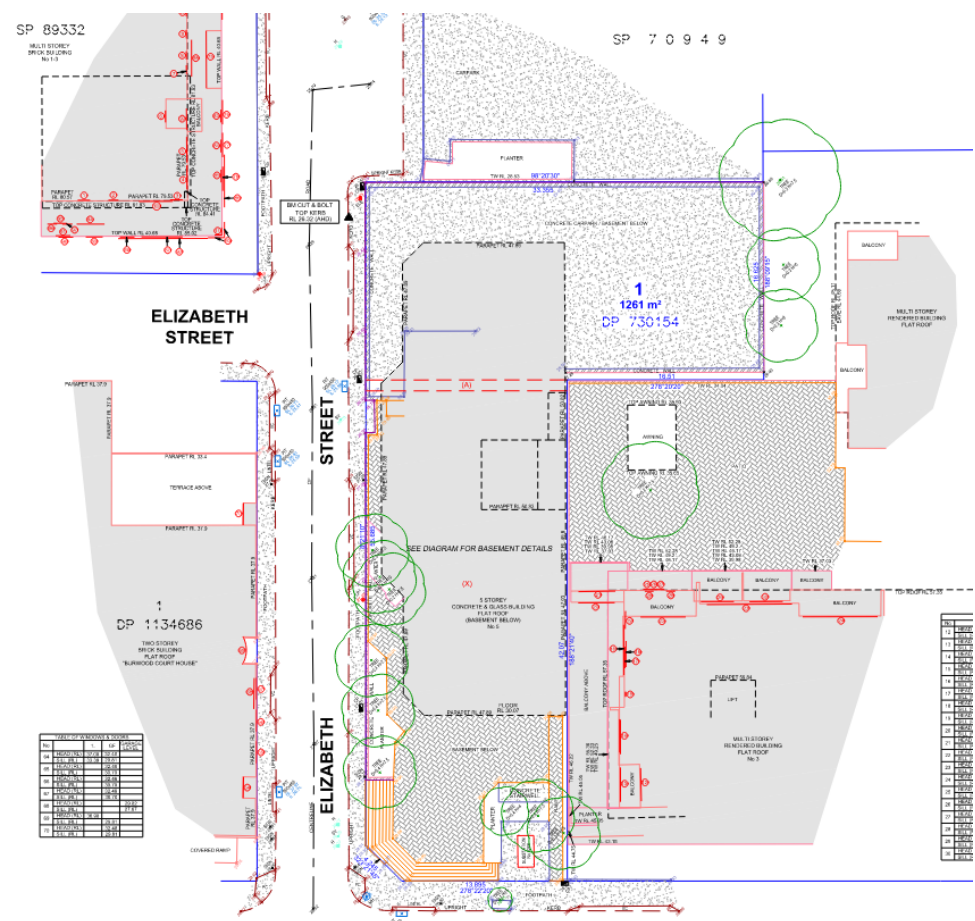


Figure 2. Site Survey (source: Chadwick Cheng)



Figure 3. Subject Site as viewed from Belmore Street



Figure 4. Subject Site as viewed from Elizabeth Street



Figure 5. Existing café onsite



Figure 6. Existing top level of carpark

3.2 Surrounding Development

The surrounding development comprises of the following:

- To the North and North-west: Multi-storey residential buildings, commercial buildings and recently approved nineteen (19) storey multi-storey boarding house directly adjacent to the site with a nil southern setback. A site plan and CGI prepared by the architect Squillace of the approved boarding house illustrating the potential future envelope at 5 Belmore Street is illustrated below.
- To the South: Multi-storey older style residential flat buildings.
- To the East: Multi-storey contemporary style shop top housing development.
- To the West: Burwood Court House and Police Station.



Figure 7. CGI and street elevation of tower at 4 Railway Parade (Source: Squillace)



Figure 8. Ground floor and podium level plan at 4 Railway Parade (Source: Squillace)



Figure 9. Mixed use tower at 3 Elizabeth Street viewed from the corner of Elizabeth Street



Figure 10. The Belmore Court house at 7 Belmore Street viewed from the corner of Elizabeth Street



Figure 11. The Burwood Court house at 7 Belmore Street at viewed from Belmore Street



Figure 12. Nine storey residential flat building at 3 Belmore Street

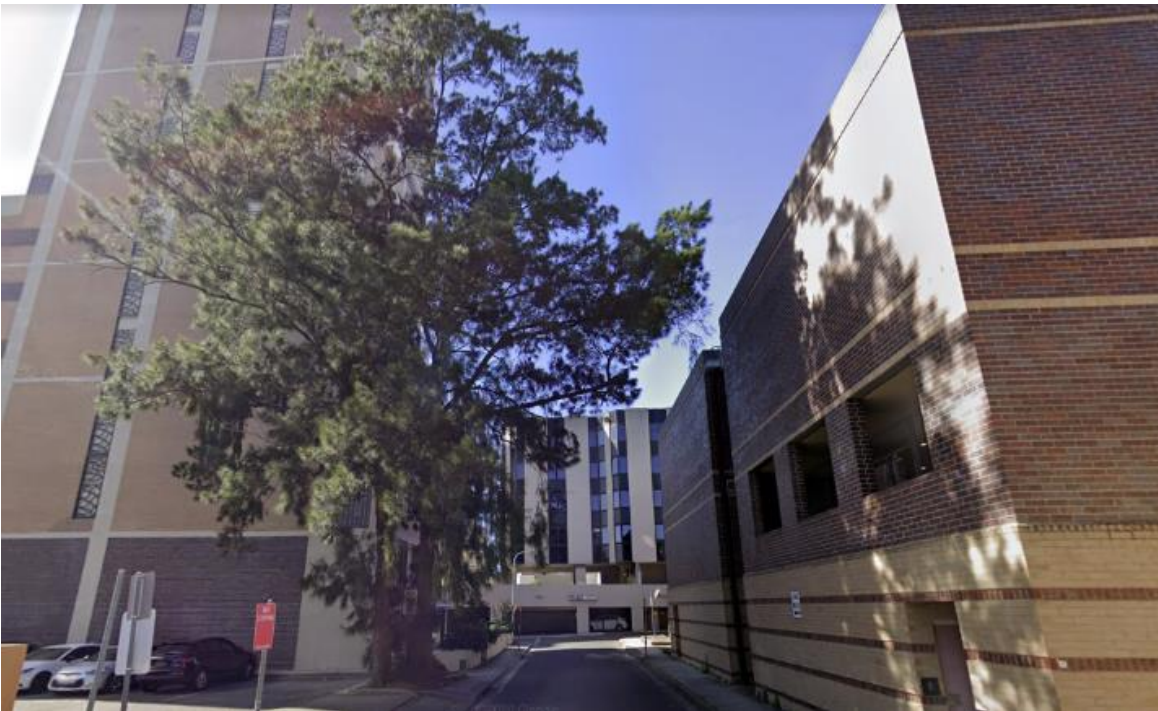


Figure 13. View of Council carpark to left and court case to the right looking down Elizabeth Street



Figure 14. View of the apartments at 1-3 Belmore Street to the east

3.3 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.

The site is located 250m from Burwood Station and 150m from Burwood Road being the main street within the Centre. The site is on the periphery of the Centre with the taller towers centralised to Burwood Road and Railway Parade predominately.

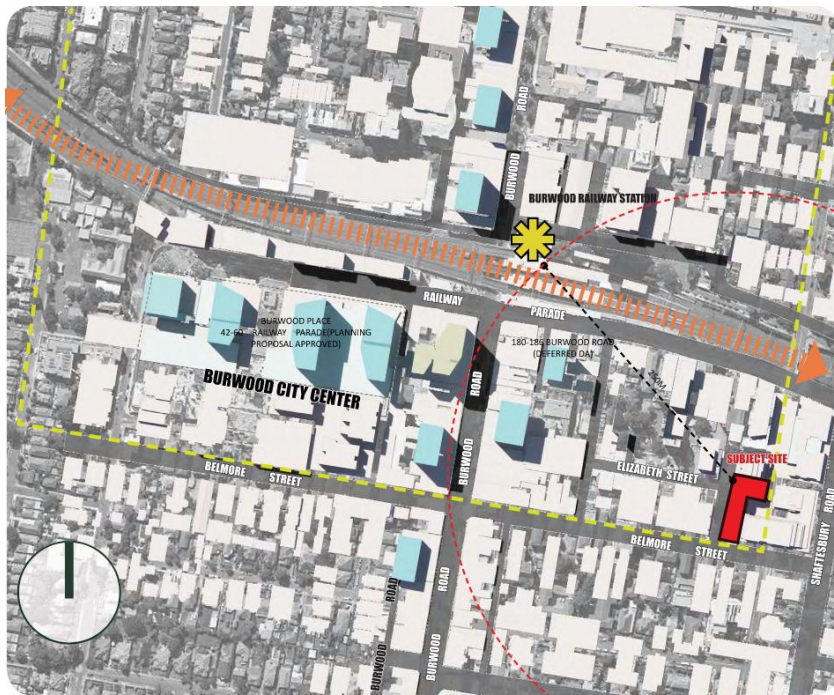


Figure 13. Site Analysis Plan of Burwood Centre (source: AUX Urban)

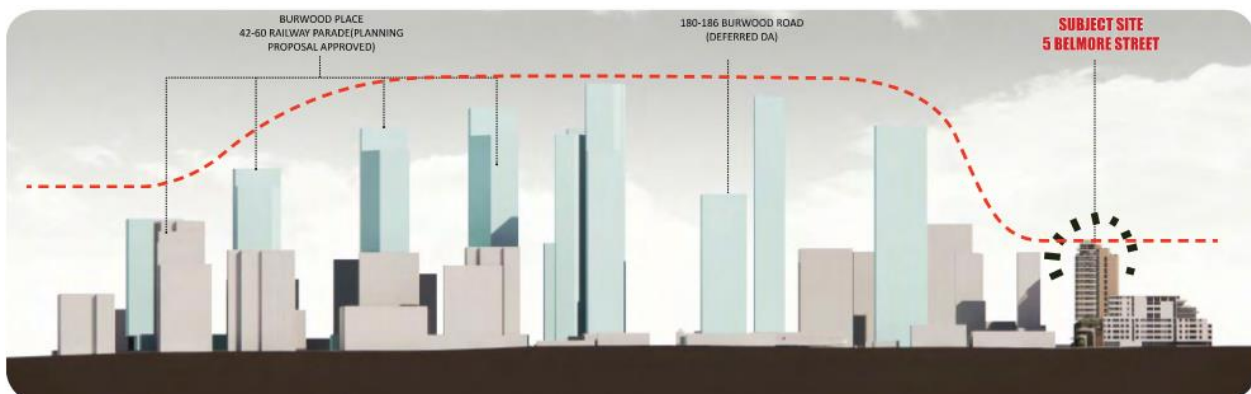


Figure 14. Streetscape analysis long Belmore Street (source: AUX Urban)

3.4 Regional Context

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

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.

4. The Proposal

4.1 Overview

The proposal includes demolition of the existing building and construction of an eighteen (18) storey construction of an eighteen (18) level mixed use development containing 49 residential units, 9 serviced apartments, 7 commercial tenancies and 3 retail tenancies, above basement parking and landscaping/site works. The proposal includes 4,370.2m² of residential apartment GFA, 1305m² of commercial/retail GFA, 567.5m² of serviced apartment GFA.

4.2 Detailed Description

4.2.1 Construction

The following provides a detailed description of each proposed level:

Basement Level 1, 2 and 3

- Car parking spaces and bicycle parking spaces;
- Vehicular ramps;
- Services and Plant;
- Waste Storage;
- Secure access to three (3) lifts;
- Storage space for residents;
- Two (2) emergency fire stair wells; and,
- Vertical ducts for services.

Ground Floor

- Two (2) retail tenancies;
- Loading area;
- Bin Storage room;
- Electrical Substation and fire control room;
- Two (2) entry lobbies providing secure access to three (3) lifts;
- Two (2) emergency fire stair wells;
- Vertical ducts for services;
- Garbage chute;
- Vehicular access from Elizabeth Street including waiting bay providing access to Basement Levels; and,
- Public domain improvement works and landscaping;

Level 1

- Four commercial tenancies with three tenancies including a street presence;
- Voids above level below;

- Plant room;
- OSD tank;
- Dedicated access to three (3) lifts;
- Two (2) emergency fire stair wells; and,
- Vertical ducts for services;

Level 2

- Five (5) Commercial tenancies with access to terraces/balconies;
- Shared kitchen facilities;
- Toilets;
- Plant room;
- OSD tank;
- Lobby;
- Dedicated access to three (3) lifts;
- Two (2) emergency fire stair wells; and,
- Vertical ducts for services;

Level 3

- Nine (9) serviced apartments with balconies;
- Lobby;
- Void to level below;
- Dedicated access to three (3) lifts;
- Two (2) emergency fire stair wells; and,
- Vertical ducts for services;

Level 4

- A total of three (3) dwellings comprising 1 bedroom dwellings each with balconies;
- Outdoor communal open space (336.9m²) with pergola, gym area, BBQ facilities and landscaping;
- Lift 3 overrun;
- Dedicated access to two (2) lifts;
- Two (2) emergency fire stair wells;
- Garbage chute; and,
- Vertical ducts for services;

Levels 5-15

- A total of forty-four (44) dwellings comprising of 2 Bedroom dwellings each with balconies;

- Dedicated access to two (2) lifts;
- One (1) emergency fire stair wells;
- Garbage chute; and,
- Vertical ducts for services;

Level 16

- A total of two (2) dwellings each with balcony comprising of:
 - 1 x 3 Bedroom dwelling;
 - 1 x dual-storey 3 Bedroom dwelling with internal stair access to level above;
- Dedicated access to one (1) lifts;
- One (1) emergency fire stair wells; and,
- Garbage chute; and,
- Vertical ducts for services;

Level 17

- Level 2 of dual-storey 3 Bedroom dwelling with internal stair access and a balcony;
- Dedicated access to one (1) lifts;
- Lift 1 overrun (RL 83.920);
- Plant area on roof; and,
- Vertical ducts for services;

Roof

- Flat roof (RL 85.94); and,
- Plant area on roof.
- Solar panels.

Refer to the architectural drawings prepared by PTW for further details of the proposal.

4.2.2 Development Statistics

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

Table 1. Development Statistics

Element	Proposed
Site Area	1,261m ²
Gross Floor Area (GFA)	6,242.7m ²
Non-residential GFA	1,872.5m ² (30% of total GFA)
Retail / Commercial GFA	1,305m ² (21% of total GFA)

Element	Proposed
Serviced Apartment GFA	567.5m ² (9% of total GFA)
Residential GFA	4,370.2m ² (70% of total GFA)
Maximum Height	61.13m as measured to the top of the roof (to RL 87.6). The exceedance of the 60m height standards relates to architectural roof feature which purpose is to conceal plant and equipment.
Total Number of Storeys	18 including: <ul style="list-style-type: none"> 4 levels, being ground level, Level 1, Level 2 and 3 (i.e. the podium) for commercial and/or retail purposes and a dedicated level for serviced apartments; Levels 5 to 17 for residential purposes.
Total Dwellings	49 residential including: <ul style="list-style-type: none"> 3 x 1 bedroom dwellings (6%) 44 x 2 bedroom dwelling (90%) 2 x 3 bedroom dwellings (4%) 8 x 1 bedroom & 1 studio serviced apartments.
Number of Basement Levels	Part 2 part 3 levels
Total Parking	70 Parking spaces: <ul style="list-style-type: none"> 50 Residential; 7 Visitor; 1 retail; 6 office; and 6 Serviced apartment.
Bicycle Parking	Bicycle parking is provided within the site in accordance with Council's controls, with the following bike parking provision included within the proposal: <ul style="list-style-type: none"> 23 resident bike parking spaces (exceeding Council's minimum rate of 1 space per 3 apartments) 7 visitor bike parking spaces 7 retail / commercial bike parking spaces 3 resident bike parking spaces for the serviced apartments

Element	Proposed
Loading Bay / Garage	Loading and Garage collection to the street frontage.
Basement Storage	Provided in accordance with storage rates outlined in the ADG.
Adaptability and Accessibility	9 accessible car parking spaces 1 accessible serviced apartment 5 apartments are AS4299 Adaptable Class C and of which 10 are Silver Liveable Housing.
Landscaping	194m ² of landscaped area to the public domain and communal open space area in the form of planters.
Communal Open Space	316.3m ² of communal open space is provided (25.1% of site area).

4.2.3 Demolition

Demolition of all existing built structures on the subject site is proposed as part of this application.

4.2.4 Tree Removal

No existing trees are located within the site with the exception of trees and plants to planters which is to be removed. No street trees are located to the Elizabeth Street.

4.2.5 Excavation and Filling

Excavation primarily for the purpose of site preparation of part two and part three basement levels, is proposed as part of the DA. The maximum depth of excavation is approximately 10.5 metres.

4.2.6 Materiality and Façade Treatment

The external materials and finishes are to complement the streetscape on Belmore and Elizabeth Street. Details are included within the material schedule included within the architectural drawing package.

4.2.7 Vehicular and Pedestrian Access

Vehicular access to/from the site is proposed via a driveway from Elizabeth Street, in the north western corner of the subject site. Pedestrian access for the apartments, retail and commercial is all front Elizabeth Street.

4.2.8 Waste Management

The proposal includes 3 x 660L General Waste MGBs collected 2 x weekly and 9 x 660L Recycling MGBs collected 1 x weekly and 1 6.1m² bulky good storage area. Waste storage is located at the ground level and collected from the street.

4.2.9 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 impact.

4.2.10 Capital Investment Value

The capital investment value (CIV) of the project is \$41,017,160 (Excl. GST). In accordance with Clause 2.19(1) & Schedule 6(2) of *State Environmental Planning Policy (Planning Systems) 2021* (PS SEPP) and Section 2.15 of the *Environmental Planning & Assessment Act, 1979* (EP&A Act), the DA will be assessed by Council, but will be determined by the Sydney East Planning Panel.

4.2.11 Urban Design Study

An urban Design study has been prepared by PTW Architects and submitted with this Application and is to be read in conjunction with this Statement. The study conveys the intent behind the proposed massing and articulation, supported by diagrams, of the proposed residential apartment building and its relationship to adjoining buildings and its wider setting.

4.2.12 Planning Agreement

The proposal is supported by a public benefit offer letter which agrees to enter into planning agreement to contribute towards the delivery of community infrastructure. The letter has been prepared in consideration of section 7.4 of the Environmental Planning and Assessment Act 1979 (the EP&A Act), Burwood LEP 2012, Burwood DCP, Section 7.12 Contributions Plan for the Burwood Town Centre and Burwood Voluntary Planning Agreement 2018 including Carrying Out Bonus Development in the Public Interest Policy.

5. Environmental Planning Assessment

5.1 Water Management Act 2000

The Initial Geotechnical Assessment prepared by Tetra Tech identified that prior to recent development in the area some ground water seepage could have been expected at the soil / weathered rock interface with the local groundwater table in the bedrock at depths of potentially 4m to 6m. However, the report notes that groundwater levels at the site may be influenced by any nearby basement excavation of two levels or more depth.

In accordance with Section 4.47 of the Environmental Planning and Assessment Act 1979, the application is required to be forwarded to Water NSW as Integrated Development, as the proposed basement levels will have an impact on groundwater levels as groundwater is expected to be encountered with the depth of excavation.

5.2 Environmental Planning & Assessment Regulation 2021

This report considers the environmental consequences of the development as required under Part 3 Division 1 of the Environmental Planning & Assessment Regulation 2021 (the Regulations).

Any environmental impacts of the development have been identified through a review of applicable planning instruments as outlined below, review of the site and review of other related documents. Our assessment of the proposal, against the planning instruments guiding development, concludes that the environmental impacts, as a result of the development, are within anticipated limits for the site and its surrounds.

5.2.1 Part 3 Division 1 Making Development Applications

Clause 29(2) of the *Environmental Planning and Assessment Regulation 2021* (the Regulation) requires that a DA for a residential apartment building must be accompanied by a design verification statement from a qualified designer, that must:

- (a) verify that the qualified designer designed, or directed the design of, the development, and*
- (b) explain how the development addresses—*
 - (i) the design quality principles, and*
 - (ii) the objectives in Parts 3 and 4 of the Apartment Design Guide.”*

A Design Verification Statement as well as the Apartment Design Guide (ADG) compliance table has been enclosed to the SEE and prepared by PTW Architects.

5.2.2 Clause 61 – Demolition

All demolition work will be undertaken in accordance with Clause 61 of the Regulation requiring the consent authority to consider AS 2601 - 1991: *The Demolition of Structures*.

5.2.3 Clause 69 – Compliance with the BCA

Pursuant to the prescribed conditions under Clause 69 of the Regulation, any building work *"must be carried out in accordance with the requirements of the Building Code of Australia"*. The DA is accompanied by a Building Code of Australia (BCA) assessment report concluding that the proposal is capable of complying with the BCA and the National Construction Code (NCC).

5.3 Environmental Planning and Assessment Act 1979

5.3.1 Section 1.2 – 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 in this SEE, the proposal represents a 'regionally significant development'. In this case, the application will be submitted to and assessed by Burwood Council but will be determined by the Sydney Eastern City Planning Panel.

5.3.2 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 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”.*

For the reasons set out below, it is considered that the proposal satisfies the above stated objectives of the Act:

- The proposal would result in the orderly and economic use and development of land as the proposal will result in the orderly and economic use and development of land as the proposal is of an appropriate bulk and scale that responds well to its context;
- The proposal would also be consistent with the objectives of the zone, relevant EPIs and development standards;
- There will be no unreasonable adverse impacts on the environment or neighbouring properties as a result of the proposed development;
- It 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.

5.3.3 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 3. EP&A Act 1979 - Section 4.15 (1) Assessment

Clause	Assessment
(1) Matters for consideration—general <i>In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application— (a) the provisions of:</i>	
<i>i) any environmental planning instrument</i>	An assessment has been provided against relevant SEPPs and the Burwood LEP 2013 in part 5.4 of the SEE.
<i>(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i>	Not applicable as no draft environmental planning instruments are applicable to the assessment of this proposal.
<i>iii) any development control plan, and</i>	The proposal has been considered against the provisions of the Burwood DCP 2013 in part 5.5 of the SEE.
<i>(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</i>	The DA is not subject to a planning agreement.
<i>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i>	This report considers the environmental consequences of the development as required under Part 3 Division 1 of the Environmental Planning & Assessment Regulation 2021. There are no prescribed matters, which hinder the development. The proposal is in accordance with the relevant State Environmental Planning Policies.
<i>v) (repealed)</i>	Not applicable.
<i>(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	As discussed in the other sections of this report, the proposal will not result in any significantly adverse environmental impacts, will have a suitable streetscape presentation, and protect the landscape setting of the site. The proposal will not result in any adverse social or economic impacts on the locality.

Clause	Assessment
<i>(c) the suitability of the site for the development,</i>	The land is appropriately zoned to permit the development.
<i>(d) any submissions made in accordance with this Act or the regulations,</i>	It is envisaged that any submissions made in relation to the proposal will be appropriately assessed by Council.
<i>(e) the public interest.</i>	The public interest would be served by approval of this development. The proposal includes positive economic, social and environmental impacts.

5.3.4 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.

The proposal includes bulk excavation to an area of the land potentially including ground water and the development is likely to affect an electricity transmission or distribution network. Therefore, the proposal represents Integrated Development and referral required to Water NSW and Ausgrid.

5.3.5 Section 7.14 – Planning Agreement

The proposal is supported by a public benefit offer letter which agrees to enter into planning agreement to contribute towards the delivery of community infrastructure. The letter has been prepared in consideration of section 7.4 of the Environmental Planning and Assessment Act 1979 (the EP&A Act), Burwood LEP 2012, Burwood DCP, Section 7.12 Contributions Plan for the Burwood Town Centre and Burwood Voluntary Planning Agreement 2018 including Carrying Out Bonus Development in the Public Interest Policy.

5.4 Provisions of Any Environmental Planning Instrument

An assessment is provided in the section of the SEE against the relevant state and local environmental planning instruments, which apply to the site in considered within Section 4.15 (1) of the EPA Act 1979.

5.4.1 State Environmental Planning Policy (Transport and Infrastructure) 2021

The provisions of SEPP (Transport and Infrastructure) 2021 have been considered in the preparation of the development application.

Division 5, Subdivision 2: Development likely to affect an electricity transmission or distribution network.

Clause 2.48 Determination of development applications – other development.

The application is subject to Clause 2.48 of the SEPP as the development will likely to affect an electricity transmission or distribution network.

As such, the application was referred to Ausgrid for a period of 21 days and no objection was raised.

5.4.2 SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

Chapter 2 – Coastal Management of the SEPP (Resilience and Hazards) 2021 (former SEPP (Coastal Management) 2018) gives effect to the objectives of the Coastal Management Act 2016 from a land use planning perspective, by specifying how development proposals are to be assessed if they fall within the Coastal Zone. The subject site is located wholly outside of Coastal Environment Area (Section 2.10) and the Coastal Use Area (Section 2.11). On the basis, no further consideration is required under Chapter 2 of the Resilience and Hazards SEPP 2021.

Chapter 4 – Remediation of Land (Remediation of Land)

Chapter 4 – Remediation of Land of the SEPP (Resilience and Hazards) 2021 provides planning guidelines for remediation of contaminated land. Chapter 4 – Remediation of Land of the SEPP requires that remediation works must be carried out in accordance with a Remediation Action Plan (RAP) as approved by the consent authority and any guidelines enforced under the Contaminated Land Management Act 1997.

The proposal includes site disturbance to accommodate the construction of new basement levels. As required Under Clause 4.6(a) of Chapter 4 – Remediation of Land, consideration has been given as to whether the land is contaminated.

Preliminary Site Investigation has been prepared by Tetra Tech has been prepared and considers there is a low likelihood for contamination associated with past site activities, to present an unacceptable risk to the proposed commercial/residential site users. As such, Coffey considers that the site is suitable for the proposed commercial/residential development, subject to:

- Appropriate waste management, including waste classification to facilitate spoil management and offsite disposal of excavated materials;
- Implementation of an unexpected finds protocol during the site redevelopment; and
- The waste classification could be completed in conjunction with the detailed geotechnical investigation which was recommended in the geotechnical desktop study report which was prepared separately.

The report recommended that a hazardous building materials survey be completed prior to demolition.

Accordingly, the proposal is considered satisfactory in relation to Chapter 4 of the SEPP.

5.4.3 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application. The BASIX Certificate lists measures to satisfy BASIX requirements which will be incorporated into the proposal. A standard condition is recommended ensuring the measures detailed in the BASIX Certificate are incorporated into the Construction Certificate drawings and implemented.

5.4.4 SEPP (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

Chapter 2 Vegetation in non-rural areas of the SEPP (Biodiversity and Conservation) 2021 aims are:

- “(a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation”.*

The Vegetation SEPP works together with the Biodiversity Conservation Act 2016 and the Local Land Services Amendment Act 2016 to create a framework for the regulation of clearing of native vegetation in NSW.

Part 2.3 of Chapter 2 of the SEPP defers the assessment criteria for the removal of vegetation to the applicable Council DCP in this case being Part 6, Section 6.1 Preservation of Trees or Vegetation of the Burwood DCP 2013.

The Burwood DCP 2013 requires consent for removal of declared (prescribed) trees and vegetation.

For the purposes of this DCP, a declared (prescribed) tree is any tree/vegetation that does not meet the "Allowable Tree Activities (no application required)" criteria.

The proposal does not involve the removal of a declared prescribed tree as specified above and therefore is acceptable with regards to Chapter 2 Vegetation in non-rural areas of the SEPP (Biodiversity and Conservation) 2021.

Chapter 6 Water Catchments

Chapter 6 (Water Catchments) of the SEPP applies to the subject land which is located within a regulated catchment being the Sydney Harbour Catchment. The land is within the Sydney Harbour Catchment and eventually drains into the Harbour but is outside the Foreshores and Waterways Area and therefore only the provisions in Part 6.2 of the SEPP applies.

In deciding whether to grant development consent to development on land in a regulated catchment, matters relating to water quality and quantity, aquatic ecology, flooding, recreation and public access and total catchment management must be considered.

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. The proposed development is consistent with the intent of the Chapter 6 Water Catchments of the SEPP.

5.4.5 SEPP No 65 – Design Quality of Residential Apartment Development (2002 EPI 530)

It is noted the SEPP 65 applies to the proposed apartment though not the serviced apartments.

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 occurs in relation to deep soil provision at ground floor level and separation distances of habitable room windows from boundaries.

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 6A - development control plans cannot be inconsistent with the Apartment

Clause 6A of the SEPP states that development control plans cannot be inconsistent with the Apartment Design Guide (ADG) in relation to matters at (a) to (h) below, and that where there is any inconsistency the provisions within the ADG prevail.

“(a) visual privacy,

(b) solar and daylight access,

(c) common circulation and spaces,

(d) apartment size and layout,

- (e) ceiling heights,*
- (f) private open space and balconies,*
- (g) natural ventilation,*
- (h) storage”.*

In addition, Clause 30(1) of the SEPP states that a development application cannot be refused if it complies (equal to or greater than the recommended minimums) with the prescribed criteria of the Apartment Design Guide in relation to ceiling heights, parking and internal apartment sizes. SEPP 65 also requires that any development application for residential apartment development be assessed against the 9 Quality Design Principles contained in Schedule 1 of SEPP 65 and the matters contained in the Apartment Design Guide (ADG). The proposed development satisfies the 9 Quality Design Principles addressed below, and the matters contained in the ADG are provided at Annexure A detailing compliance with the applicable Design Criteria. The compliance table identifies that the proposal is consistent with the relevant design criteria and where inconsistent with a design criteria a justification is provided.

The proposed development satisfies the design principles of the plan as detailed below. In addition, a Design Verification Statement has been prepared by PTW Architects and submitted with this application which provides a comprehensive consideration of the 9 Design Principles.

Clause 28 - Determination of development applications

In determining a development application for consent to carry out development to which this Policy applies, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration):

- “(a) the advice (if any) obtained from the design review panel, and*
- (b) the design quality of the development when evaluated in accordance with the design quality principles, and*
- (c) the Apartment Design Guide”.*

A SEPP 65 Design Statement must be prepared by the project architect and support the development proposal.

Clause 30 (2) of the SEPP states that:

“Development consent must not be granted if, in the opinion of the consent authority, the development or modification does not demonstrate that adequate regard has been given to—

- (a) the design quality principles, and*
- (b) the objectives specified in the Apartment Design Guide for the relevant design criteria”.*

Note. this Policy does not apply to serviced apartment to which that plan applies.

The table below provides a summary of the Apartment Design Guide design criteria.

Table 4. ADG Assessment

Clause	Objectives / Design Criteria	Assessment
PART 3 – SITING THE DEVELOPMENT		
3A – Site Analysis		
Objective 3A-1	Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	Consistent. See site analysis in the Architectural Plans.
3B - Orientation		
Objective 3B-1	Building types and layouts respond to the streetscape and site while optimising solar access within the development.	Consistent.
Objective 3B-2	Overshadowing of neighbouring properties is minimised during mid-winter	Consistent.
3C Public Domain Interface		
Objective 3C-1	Transition between private and public domain is achieved without compromising safety and security.	Consistent.
Objective 3C-2	Amenity of the public domain is retained and enhanced.	Consistent.
3D Communal and Public Open Space		
Objective 3D-1	An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.	Consistent.
Design Criteria	<p>1. Communal open space has a minimum area equal to 25% of the site (see figure 3D.3).</p> <p>2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter).</p>	<p>Complies</p> <p>316m² of communal open space is provided (25.1% of site area).</p> <p>No (merit)</p> <p>The existing and future tower to the north and north-west result in the POS receiving just short of 2 hours of between 9am to 3pm on 21 June. Refer to solar access diagrams prepared by PTW Architects.</p>

Clause	Objectives / Design Criteria	Assessment
		A Justification for the shortfall is provided at the end of this table.
Objective 3D-2	Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.	Consistent.
Objective 3D-3	Communal open space is designed to maximise safety.	Consistent.
Objective 3D-4	Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.	Consistent.
3E Deep Soil Zones		
Objective 3E-1	Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.	Consistent.
Design Criteria	<p>1. Deep soil zones are to meet the following minimum requirements: 7% and minimum 3m width (650m² – 1,500m² site width).</p> <p>The DCP does not require any deep soil zone.</p>	<p>No (merit)</p> <p>The proposal does not include any deep soil area and is not compliant with the design criteria.</p> <p>There is no minimum deep soil landscaping control in the Burwood DCP for the Burwood Town Centre. Where there is an inconsistency between the DCP and ADG, the DCP prevails in relation to deep soil planting in this instance. Therefore, no deep soil landscaping control applies.</p> <p>Notwithstanding this, the proposed shortfall is considered acceptable for the reasons provided at the end of this table.</p>
3F Visual Privacy		
Objective 3F-1	Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.	Consistent.
Design Criteria	<p>1. Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from</p>	<p>No (merit)</p> <p>Technical compliance with the building separation</p>

Clause	Objectives / Design Criteria	Assessment												
	<p>buildings to the side and rear boundaries are as follows:</p> <table> <tr> <th>Building Height</th><th>Habitable Rooms and Balconies</th><th>Non-habitable Rooms</th></tr> <tr> <td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr> <tr> <td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr> <tr> <td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr> </table> <p>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2).</p> <p>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</p>	Building Height	Habitable Rooms and Balconies	Non-habitable Rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	<p>criteria has not been achieved. However, the future development proposal will ensure window and balcony visual separation is provided to ensure visual privacy in accordance with the design criteria.</p> <p>A detailed assessment is provided at the end of this table to demonstrate what visual privacy measures have been implemented where there is physical building separation shortfall.</p>
Building Height	Habitable Rooms and Balconies	Non-habitable Rooms												
Up to 12m (4 storeys)	6m	3m												
Up to 25m (5-8 storeys)	9m	4.5m												
Over 25m (9+ storeys)	12m	6m												
Objective 3F-2	Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.	Consistent.												
3G Pedestrian Access and Entries														
Objective 3G-1	Building entries and pedestrian access connects to and addresses the public domain.	Consistent.												
Objective 3G-2	Access, entries and pathways are accessible and easy to identify.	Consistent.												
Objective 3G-3	Large sites provide pedestrian links for access to streets and connection to destinations.	Consistent.												
3H Vehicle Access														
Objective 3H-1	Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	Vehicular access to the site is gained via Elizabeth Street and is designed to achieve safety, minimise conflicts between pedestrians and vehicles and create a high quality streetscape.												
Design Criteria	<p>1. For development in the following locations:</p> <ul style="list-style-type: none"> on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or 	<p>The site is located within 250m of Burwood Station, therefore this clause applies.</p> <p>The minimum parking requirement for residents and</p>												

Clause	Objectives / Design Criteria	Assessment
	<ul style="list-style-type: none"> on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre. <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p>The car parking needs for a development must be provided off street.</p>	<p>visitors is set out in the Guide to Traffic Generating Developments (the guide), is less than the Burwood DCP and therefore has been relied upon.</p> <p>The guide includes a minimum requirement of 34 residential parking spaces and 7 visitor spaces.</p> <p>The proposal provides for 50 residential spaces and 7 visitor spaces.</p>
Objective 3J-2	Parking and facilities are provided for other modes of transport.	Complies. Bicycle parking is also provided.
Objective 3J-3	Car park design and access is safe and secure.	Consistent.
Objective 3J-4	Visual and environmental impacts of underground car parking are minimised.	Consistent.
Objective 3J-5	Visual and environmental impacts of on-grade car parking are minimised.	N/A
Objective 3J-6	Visual and environmental impacts of above ground enclosed car parking are minimised.	N/A
PART 4 – DESIGNING THE BUILDING		
4A – Solar and Daylight Access		
Objective 4A-1	To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.	Consistent.
Design Criteria	<p>1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.</p> <p>2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter.</p>	<p>Complies. 35 of 49 dwellings (71% of apartments) receive 2 hours direct sunlight between 9am and 3pm at mid-winter. Refer to solar access diagrams prepared by PTW Architects.</p> <p>N/A.</p>

Clause	Objectives / Design Criteria	Assessment
	3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	Complies. 1 of 49 dwellings (2% of apartments) receive no direct sunlight between 9am and 3pm at mid-winter.
Objective 4A-2	Daylight access is maximised where sunlight is limited.	Consistent.
Objective 4A-3	Design incorporates shading and glare control, particularly for warmer months.	Consistent.
4B – Natural Ventilation		
Objective 4B-1	All habitable rooms are naturally ventilated.	Consistent.
Objective 4B-2	The layout and design of single aspect apartments maximises natural ventilation.	Consistent.
Objective 4B-3	The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.	Consistent.
Design Criteria	<p>1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</p> <p>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	<p>Complies.</p> <p>14 out of 19 apartments (74%) of apartments up to 9 storeys receive natural cross ventilation.</p> <p>All apartments include a maximum overall depth of 18m measured to window lines and minimum overall width of 4m.</p>
4C – Ceiling Heights		
Objective 4C-1	Ceiling height achieves sufficient natural ventilation and daylight access.	Consistent.
Design Criteria	<p>1. Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <p>Minimum Ceiling Height for Apartment and Mixed Use Buildings</p> <p>Habitable rooms: 2.7m</p>	Complies. All habitable rooms include a minimum 2.7m floor to ceiling height and all non-habitable rooms include a minimum 2.4m floor to ceiling height.

Clause	Objectives / Design Criteria	Assessment
	<p>Non-habitable 2.4m</p> <p>For 2 storey apartments</p> <p>2.7m for the main living area floor</p> <p>2.4m for second floor, where its area does not exceed 50% of the apartment area</p> <p>Attic spaces</p> <p>1.8m at edge of room with a 30 degree minimum ceiling slope If located in mixed use areas 3.3m for ground and first floor to promote future flexibility of use.</p> <p>These minimums do not preclude higher ceilings if desired.</p>	
Objective 4C-2	Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.	Consistent.
Objective 4C-3	Ceiling heights contribute to the flexibility of building use over the life of the building.	Consistent.
4D – Apartment Size and Layout		
Objective 4D-1	The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.	Consistent.
Design Criteria	<p>Minimum apartment sizes:</p> <ul style="list-style-type: none"> ▪ For 1 bathroom only (each additional bathroom: add 5m²) ▪ Studio: 35m² ▪ 1-bed: 50m² ▪ 2-bed: 70m² ▪ 3-bed: 90m² ▪ 4th bed +: add 12m² for each extra room <p>Min. external window glass area: 10% of floor area of room</p> <p>Min length of robes: 1.5m</p>	<p>Complies.</p> <p>Each apartment size proposed is greater than the minimum design criteria in the ADG.</p> <p>The minimum dimension of all bedrooms, living rooms are greater than the minimum design criteria in the ADG.</p> <p>Each habitable room includes a window area at least 10% of the floor area.</p> <p>Further details of compliance will be provided in the future DA drawings and schedule.</p>

Clause	Objectives / Design Criteria	Assessment
	<p>Master bedroom: Min. 10m²</p> <p>Other bedrooms: Min. 9m²</p> <p>Minimum apartment layouts:</p> <ul style="list-style-type: none"> Bedroom dimension: Min 3m excl. wardrobe space Living rooms: Studio/1-bed: Min 3.6m 2-bed/3-bed: Min 4m <p>The width of cross-over or cross through apartments are at least 4m internally to avoid deep narrow apartment layouts.</p>	
Objective 4D-2	Environmental performance of the apartment is maximised.	Consistent.
Design Criteria	<p>1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height.</p> <p>2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</p>	<p>Complies. No habitable rooms include a depth greater than 2.5 x the ceiling height (2.7m typical).</p> <p>Complies. No habitable rooms depth are greater than 8m from a window.</p>
Objective 4D-3	Apartment layouts are designed to accommodate a variety of household activities and needs.	Consistent.
Design Criteria	<p>1. Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space).</p> <p>2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space).</p> <p>3. Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> 3.6m for studio and 1 bedroom apartments 4m for 2 and 3 bedroom apartments <p>4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.</p>	<p>Complies.</p> <p>Each bedroom complies with the minimum design criteria.</p> <p>All bedrooms include a minimum dimension of 3m.</p> <p>Living rooms include a minimum dimension of 4m.</p> <p>All cross-over apartments include a minimum depth of 4m.</p>
4E Private Open Space and Balconies		
Objective 4E-1	Apartments provide appropriately sized private	Consistent.

Clause	Objectives / Design Criteria	Assessment
	open space and balconies to enhance residential amenity.	
Design Criteria	<p>1. All apartments are required to have primary balconies as follows:</p> <p>Primary balconies: Dwelling type / Min. area / Min. depth</p> <p>Studio / 4m² /</p> <p>1-bed / 8m² / 2m</p> <p>2-bed / 10m² / 2m</p> <p>3-bed / 12m² / 2.4m</p> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</p> <p>2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.</p>	<p>Complies.</p> <p>The proposed balconies exceed the minimum size and dimension design criteria.</p>
Objective 4E-2	Primary private open space and balconies are appropriately located to enhance liveability for residents.	Consistent.
Objective 4E-3	Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building	Consistent.
Objective 4E-4	Private open space and balcony design maximises safety.	Consistent.
4F Common Circulation and Spaces		
Objective 4F-1	Common circulation spaces achieve good amenity and properly service the number of apartments.	Consistent.
Design Criteria	<p>1. The maximum number of apartments off a circulation core on a single level is eight.</p> <p>2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p>	<p>No more than 8 apartments are located off a single core.</p> <p>The maximum number of apartments sharing a single lift is less than 40.</p>
Objective 4F-2	Common circulation spaces promote safety and	Consistent.

Clause	Objectives / Design Criteria	Assessment
	provide for social interaction between residents.	
4G Storage		
Objective 4G-1	Adequate, well designed storage is provided in each apartment.	Consistent.
Design Criteria	Dwelling Type / Storage Volume Studio / 4m ³ 1-bed / 6m ³ 2-bed / 8m ³ 3+ bed / 10m ³ At least 50% of the required storage is to be located within the apartment.	Complies. Ample storage is provided in Basement Level 1, 2, 3 and within each apartment. A detailed schedule is provided with the DA set.
4H – Acoustic Privacy		
Objective 4H-1	Noise transfer is minimised through the siting of buildings and building layout.	Consistent.
Objective 4H-2	Noise impacts are mitigated within apartments through layout and acoustic treatments.	Consistent.
4J Noise and Pollution		
Objective 4J-1	In noisy or hostile environments, the impacts of external noise and pollution are minimised through the careful siting and layout of buildings	Complies. See DA Acoustic Assessment.
Objective 4J-2	Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.	Complies. See DA Acoustic Assessment.
PART 4: DESIGNING THE DEVELOPMENT – CONFIGURATION		
4K – Apartment Mix		
Objective 4K-1	A range of apartment types and sizes is provided to cater for different household types now and into the future.	A range of 1, 2 and 3 bedroom apartments provided.
Objective 4K-2	The apartment mix is distributed to suitable locations within the building	Consistent.

Clause	Objectives / Design Criteria	Assessment
4L – Ground Floor Apartments		
Objective 4L-1	Street frontage activity is maximised where ground floor apartments are located.	N/A
Objective 4L-2	Design of ground floor apartments delivers amenity and safety for residents.	N/A
4M – Facades		
Objective 4M-1	Building facades provide visual interest along the street while respecting the character of the local area.	Consistent. Refer to elevations and 3D renders.
Objective 4M-2	Building functions are expressed by the façade.	Consistent.
4N – Roof Design		
Objective 4N-1	Roof treatments are integrated into the building design and positively respond to the street.	Consistent.
Objective 4N-2	Opportunities to use roof space for residential accommodation and open space are maximised.	Consistent.
Objective 4N-3	Roof design incorporates sustainability features.	Consistent.
4O – Landscape Design		
Objective 4O-1	Landscape design is viable and sustainable.	Consistent. See Landscape Plan.
Objective 4O-2	Landscape design contributes to the streetscape and amenity.	Consistent. See Landscape Plan.
4P – Planting on Structures		
Objective 4P-1	Appropriate soil profiles are provided.	Consistent. See Landscape Plan.
Objective 4P-2	Plant growth is optimised with appropriate selection and maintenance.	Consistent. See Landscape Plan.
Objective 4P-3	Planting on structures contributes to the quality and amenity of communal and public open spaces.	Consistent. See Landscape Plan.
4Q – Universal Design		

Clause	Objectives / Design Criteria	Assessment
Objective 4Q-1	Universal design features are included in apartment design to promote flexible housing for all community members.	Consistent. See Access Compliance Assessment included in architectural drawing set.
Objective 4Q-2	A variety of apartments with adaptable designs are provided.	Consistent.
Objective 4Q-3	Apartment layouts are flexible and accommodate a range of lifestyle needs.	Consistent. See Access Compliance Assessment included in architectural drawing set.
4R – Adaptive Reuse		
Objective 4R-1	New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	Consistent.
Objective 4R-2	Adapted buildings provide residential amenity while not precluding future adaptive reuse.	Consistent.
4S – Mixed Use		
Objective 4S-1	Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.	Consistent. Street activation to both street frontages.
Objective 4S-2	Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.	Consistent. No residential uses at ground level, and residential areas are safe and secure.
RT – Awning and Signage		
Objective 4T-1	Awnings are well located and complement and integrate with the building design.	N/A
Objective 4T-2	Signage responds to the context and desired streetscape character.	Separate strategy DA proposed.
PART 4: DESIGNING THE DEVELOPMENT – PERFORMANCE		
RU – Energy Efficiency		
Objective 4U-1	Development incorporates passive environmental design.	Consistent.
Objective 4U-2	Development incorporates passive solar design to	Consistent.

Clause	Objectives / Design Criteria	Assessment
	optimise heat storage in winter and reduce heat transfer in summer.	
Objective 4U-3	Adequate natural ventilation minimises the need for mechanical ventilation	Consistent.
4V – Water management and conservation		
Objective 4V-1	Potable water use is minimised.	Consistent.
Objective 4V-2	Urban stormwater is treated on site before being discharged to receiving waters.	Complies. See Stormwater Concept Design.
Objective 4V-3	Flood management systems are integrated into site design.	N/A.
4W – Waste Management		
Objective 4W-1	Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.	Complies. See Operational Waste Management Plan.
Objective 4W-2	Domestic waste is minimised by providing safe and convenient source separation and recycling.	Complies. See Operational Waste Management Plan.
4X – Building Maintenance		
Objective 4X-1	Building design detail provides protection from weathering.	Consistent.
Objective 4X-2	Systems and access enable ease of maintenance.	Consistent.
Objective 4X-3	Material selection reduces ongoing maintenance costs.	Consistent.

Building Separation

Design Criteria 1. of section 3F Visual Privacy of the ADG stipulates:

2. *“Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:*

Building height	Habitable rooms and balconies	Non-Habitable rooms
up to 12m (4 storeys)	6m	3m
up to 25m (5-8 storeys)	9m	4.5m

Building height	Habitable rooms and balconies	Non-Habitable rooms
over 25m (9+ storeys)	12m	6m

Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2) Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties."

The proposed building balconies and windows have been setback to comply with the above table separation criteria. Where a physical separation is unable to be provided based on the site constraints, louvered privacy screens have been proposed to ensure there will not be a direct sightline within the building separation design criteria.

At level 5 to one apartment, a visual separation of 18m (9m + 9m) is required between balconies and habitable rooms windows. A visual separation of only 13.6m is provided to the north aspect habitable room windows of the apartments at 1-3 Belmore Street. Therefore, louvred screening has been proposed to the southern edge of the balcony. Refer to the below diagrams which illustrate that a sightline will not be available which is non-compliant with the above design criteria.

At level 6, 7 and 8, a visual separation of 18m (9m + 9m) is required between balconies and habitable rooms windows. A visual separation of only 10.6m is provided between balconies and 13.6m between habitable room windows and balconies of the apartments at 1-3 Belmore Street to the south-west. Therefore, louvred screening has been proposed to the southern edge of the proposed balcony. Refer to the below diagram which illustrate that a sightline will not be available which is non-compliant with the above design criteria.

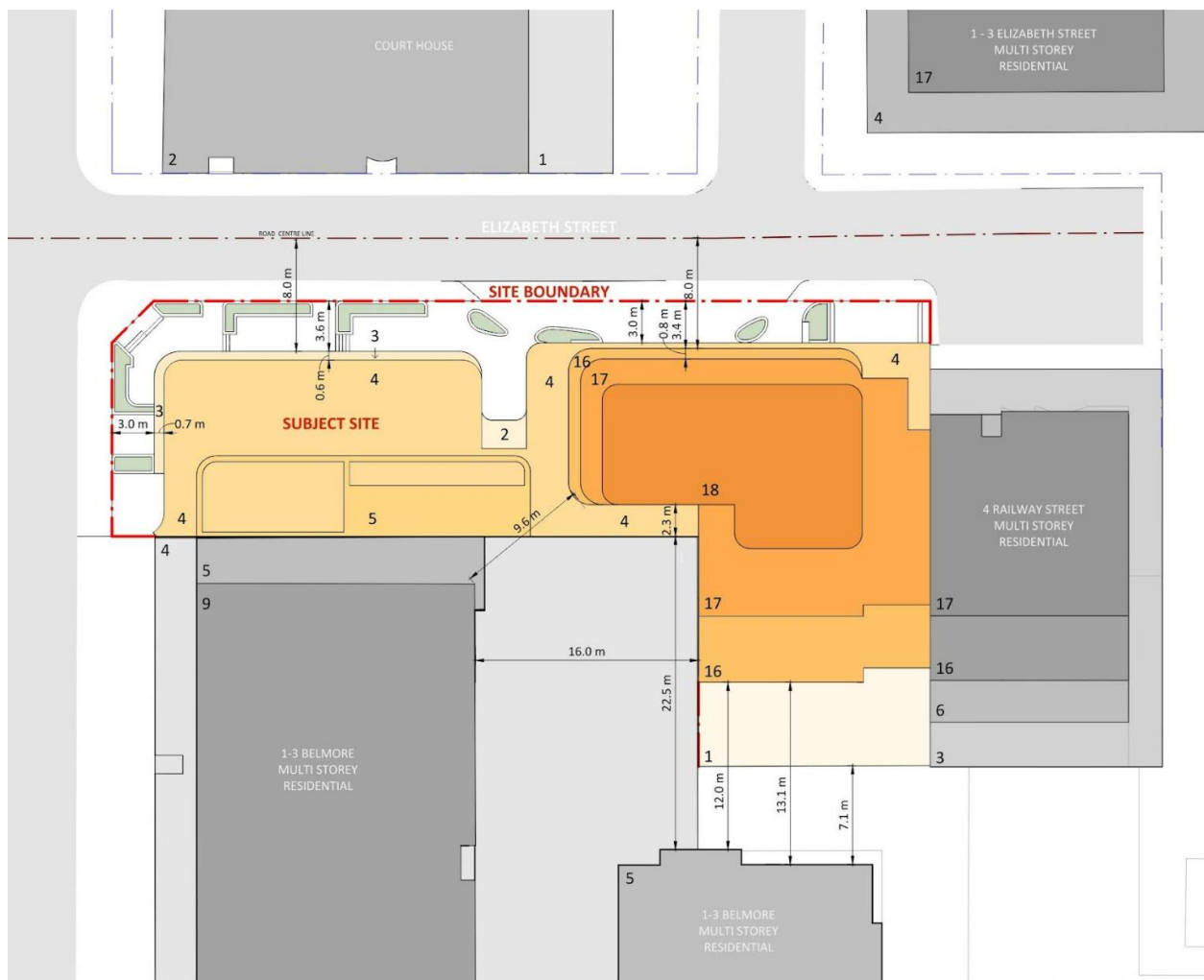


Figure 15. Unit 401 visual separation (Source: PTW)

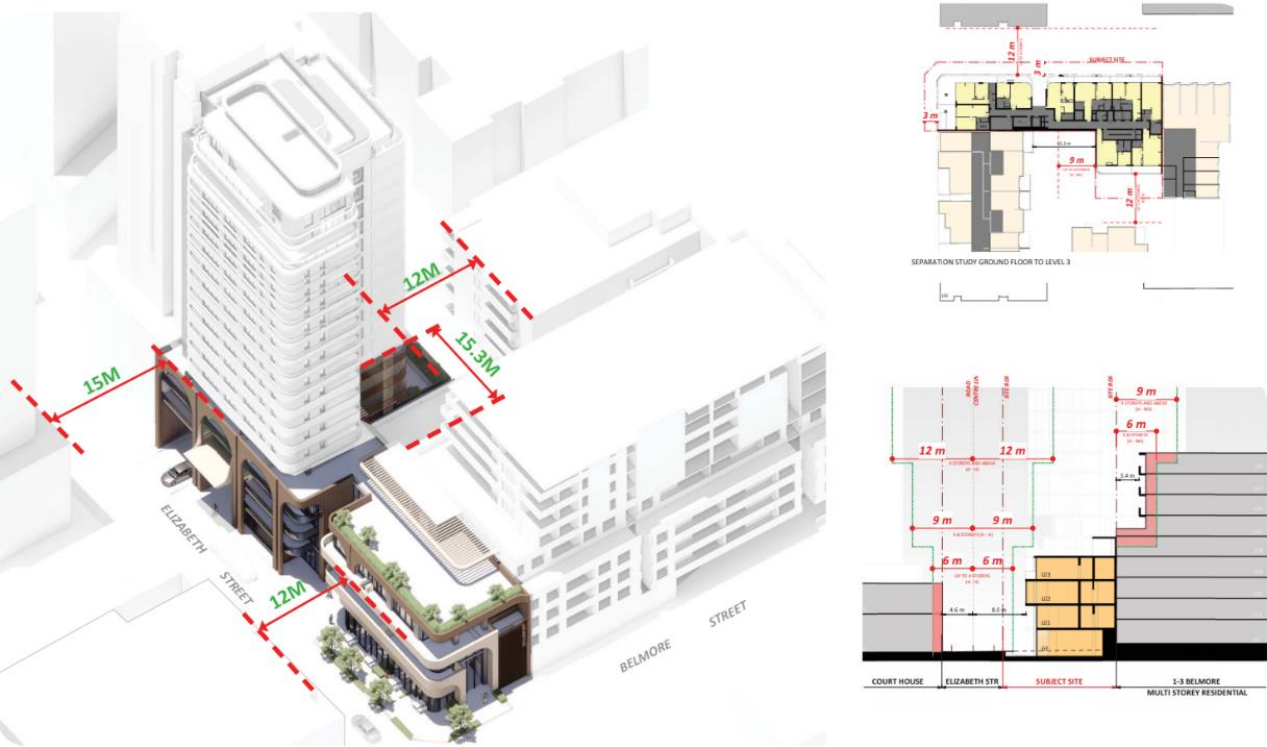


Figure 16. ADG Building Separation Diagram 1 (Source: PTW)

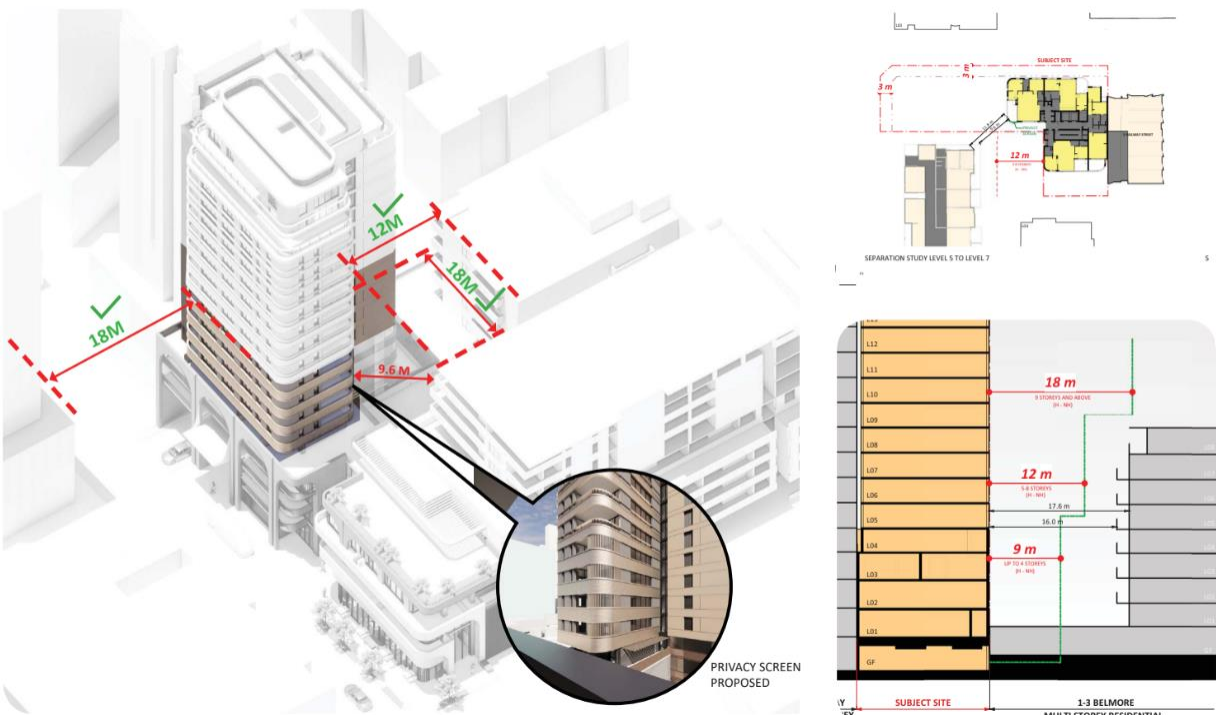


Figure 17. ADG Building Separation Diagram 2 (Source: PTW)

Deep Soil Landscaping

Control 1. of section 3E Deep Soil Zones of the ADG stipulates:

"1. Deep soil zones are to meet the following minimum requirements: 7% and minimum 3m width (650m² – 1,500m² site width)".

The proposal does not include any deep soil planting.

The objective of section 3E Deep Soil Zones stipulates:

"Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality".

The relevant design guidance stipulates:

"Achieving the design criteria may not be possible on some sites including where:

- The location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres)*
- There is 100% site coverage or non-residential uses at ground floor level Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure."*

There is no minimum deep soil landscaping control in the Burwood DCP for the Burwood Town Centre. Where there is an inconsistency between the DCP and ADG, the DCP prevails in relation to deep soil planting in this instance. Therefore, no deep soil landscaping control applies.

Notwithstanding this, the proposed landscaped area is considered suitable for the site and achieves the objectives and intent of the design guidance for the following reasons:

- The proposal includes 194m² of landscaped area in the form of garden beds and planters which substantially exceeds the minimum 88.3m² deep soil landscaping design criteria.
- The site is a constrained narrow site in high density centre and include non-residential uses at the ground floor level, which makes deep soil planting unsuitable for the site.
- Substantial landscape terrace and edge planting on Belmore Street and Elizabeth street contribute to overall public domain upgrade.
- Proposed landscaping and planting contribute to the landscaped amenity and activation of the site.

Communal Open Space Solar Access

Design Criteria 2 of section 3D Communal and Public Open Space stipulates:

"2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter)".

As evident in the solar access diagrams prepared by PTW Architects, the communal open space area above the podium will receive just short 2 hours of sunlight between 9am to 3pm on 21 June.

The objective of section 3D of the ADG is as follows:

"An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping".

The non-compliance is considered acceptable and consistent with the design criteria objectives for the following reasons:

- An approved and future tower at 4 Railway Parade is proposed to the north of the site with a nil southern setback with a blank wall. It is proposed to provide a blank wall to the northern boundary to adjoin the blank wall. As a result of the proposed tower directly to the north and existing tower at 13 Elizabeth Street to the north-west the communal open space to the podium is unable to achieve 2 hours of sunlight the communal open space between 9am to 3pm on 21 June;
- The communal open space will receive 2 hour of sunlight access between 2pm to 4pm on 21 June;
- the incorporation of the outdoor gym enables the area to have a multipurpose use when in shade; and
- The communal open space is consolidated into a well designed, easily identified and usable area with a minimum dimension of 3m.

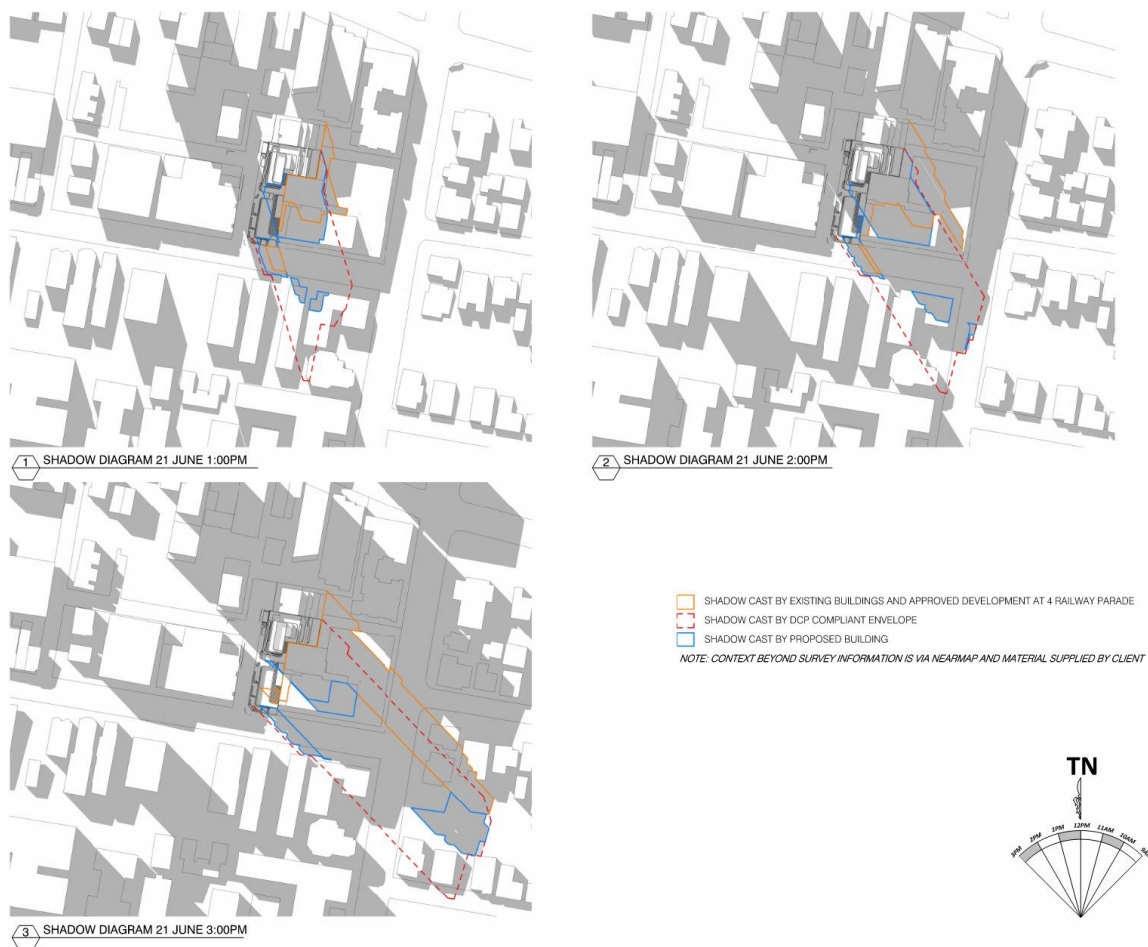


Figure 18. Solar access diagram (Source: PTW Architects)

5.4.6 State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 – Advertising and signage

Chapter 3 – Advertising and signage of the Industry and Employment SEPP 2021 (former SEPP 64 Advertising and Signage) applies to the following signage:

“(a) can be displayed with or without development consent under another environmental planning instrument that applies to the signage, and

(b) is visible from any public place or public reserve,

The proposed signage will be subject to a future signage strategy DA.

5.5 Burwood Local Environmental Plan 2012

The Burwood Local Environmental Plan 2012 (Burwood LEP) came into effect on 9 November 2012 and is the primary planning instrument applicable to the subject site. The following table provides applicable clauses from the Burwood LEP.

Table 4. Burwood LEP – Compliance Table

Clause	Assessment	Comply
Part 1 Preliminary		
<p>1.2 Aims of the plan</p> <p>The particular aims of the Burwood LEP are:</p> <ul style="list-style-type: none"> <i>to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,</i> <i>to create a land use framework that allows detailed provisions to be made,</i> <i>to encourage or restrict development of land according to its suitability for various purposes,</i> <i>to encourage provision of a range of housing types,</i> <i>to encourage growth in business and employment development.</i> 	<p>The proposal is considered to uphold the aims of the Burwood LEP.</p> <p>The proposal will encourage growth in business and employment and provides a variety of housing types including serviced and regular apartments with a range of apartment types.</p>	Yes
<p>1.4 Definitions</p> <p>This clause, and the corresponding dictionary, provides definitions for land uses.</p>	<p>The following definitions are provided:</p> <ul style="list-style-type: none"> <i>"commercial premises" means "any of the following:</i> <ul style="list-style-type: none"> <i>(a) business premises,</i> <i>(b) office premises,</i> <i>(c) retail premises."</i> <i>"residential flat building" means "a building containing</i> 	Noted.

Clause	Assessment	Comply
	<p><i>3 or more dwellings but does not include an attached dwelling or multi dwelling housing."</i></p> <ul style="list-style-type: none"> <i>"tourist and visitor accommodation" means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following—...</i> <i>(e) serviced apartments,...</i> <i>"mixed use development" means "a building or place comprising 2 or more different land uses."</i> <p>Although actual tenants will be determined as part of separate, future DAs, the proposal includes GFA which is configured for business, office and retail premises. The proposal also includes more than 3 dwellings and serviced apartments. The proposal is, therefore, consistent with the definitions for 'commercial premises' and 'residential flat building'.</p> <p>A subsequent definition for <i>"mixed use development"</i> is also provided in the dictionary. <i>"Mixed use development"</i> is defined as <i>"a building or place comprising 2 or more different land uses."</i></p> <p>As demonstrated above, the proposal includes business premises', office premises', retail premises, as well as a 'residential flat building' and <i>'tourist visitor accommodation'</i> in the form of <i>'serviced apartments'</i> As all such uses are within a single building, the proposal is, therefore, consistent with the definition for <i>'mixed use development'</i>.</p> <p>The proposal includes dwellings entirely above commercial premises at ground floor level. Alternatively, therefore, the proposal is also consistent with the definition of <i>'shop-top-housing'</i>.</p>	
Part 2 Permitted or prohibited development		
<p>MU1 Mixed Use</p> <p>The site is zoned MU1 Mixed Use.</p>	<p>The proposed uses are permitted with consent in the land use zone.</p>	<p>Yes</p>
<p>Land Use Zoning Objectives</p> <p>The objectives of the MU1 Mixed Use zone are:</p> <ul style="list-style-type: none"> To encourage a diversity of business, retail, 	<p>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</p>	<p>Yes</p>

Clause	Assessment	Comply
<p>office and light industrial land uses that generate employment opportunities.</p> <ul style="list-style-type: none"> To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces. To minimise conflict between land uses within this zone and land uses within adjoining zones. To encourage business, retail, community and other non-residential land uses on the ground floor of buildings. 	<p>within the podium will be subject to future DAs (as required).</p> <p>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 close proximity of Burwood Railway Station.</p> <p>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.</p> <p>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</p> <p>MU1 Mixed Use land use table. The proposal is, therefore, permissible with consent. For information, commercial premises' as well as tourist visitor accommodation are specifically listed as permissible land uses within the MU1 zone land use table, with consent. Alternatively, 'shop-top-housing' is also permissible with consent in the zone.</p>	
2.7 Demolition requires development consent	<p>The proposal involves demolition of all existing structures on the subject site which is permissible with consent. In any event it is expected that the consent authority would impose relevant standard DA conditions, as applicable, on any consent to manage impacts which may arise during demolition.</p>	Yes
Part 4 Principal Development Standards		
<p>4.1 Minimum subdivision lot size –</p> <p>The site is subject to a <i>minimum 500m²</i> lot size.</p>	There is no change the existing lot size.	N/A
<p>4.3 Height of Buildings –</p> <p>The site is subject to a <i>maximum 60m</i> height standard.</p>	<p>The proposed building includes a height of 61.13m as measured to the top of the roof (to RL 87.6), which is a 1.13m variation to the height standard and relates to an architectural roof feature.</p> <p>A 4.6 Variation Request has been submitted in relation to the architectural roof feature for abundant caution notwithstanding Clause 5.6 permitting Clause architectural</p>	No

Clause	Assessment	Comply
	roof features to exceed the statutory height standard.	
4.3A Building Height Plane – Height is not to exceed the building height plane in “Area A”. BHP projects west from a starting height of 1m from the eastern side of Shaftesbury Road at 36 degrees across the site.	The site is located within “Area A” and therefore, Clause 4.3A applies to the development. The development complies with Clause 4.3A Building Height Plane. Refer to the BHP diagrams prepared by PTW.	Yes
4.4 Floor space ratio – The site is subject to a <i>maximum 4.5:1</i> floor space ratio standard. [maximum permissible GFA of 5,675.95m ²]	See below.	Yes
4.4A Exceptions to floor space ratio – <i>FSR of 4.95:1 in “Area 2” if residential accommodation does not exceed 70 percent of the total gross floor area and proposed development includes community infrastructure.</i> [maximum permissible GFA of 6,243.55m ²] <i>Despite clause 4.4, the ratio of the gross floor area of any part of a building used for the purpose of serviced apartments to the site area must not exceed 0.45:1—if the building is on land in Area 2.</i> [maximum serviced apartment GFA of 567.6m ²]	The proposal includes the following floor area in compliance with Clause 4.4A of the LEP: Total Gross Floor Area of 6,242.7m ² (4.95:1). 1,872.5m ² (30% of total GFA) of non-residential GFA: <ul style="list-style-type: none"> 567.5m² serviced apartments GFA (0.45:1 FSR) 1,305m² commercial GFA (1.035:1) 4,370.2m ² (70% of total GFA) of residential GFA Community infrastructure can be provided by way of separate VPA for the purpose of ‘community infrastructure’.	
4.5 Calculation of floor space ratio and site area	GFA and FSR has been calculated in accordance with this part.	Yes
4.6 Exceptions to development standards	A 4.6 Variation Request has been submitted in relation to the architectural roof feature for abundant caution notwithstanding Clause 5.6 permitting Clause architectural roof features to exceed the statutory height standard.	Yes
Part 5 Miscellaneous provisions		
5.1 Relevant acquisition authority Land reserved to be acquired for public purposes	N/A – The subject site is not identified on the Land Reservation Acquisition Maps.	N/A
5.6 Architectural roof features (2) Development that includes an architectural	The proposed building includes a height of 61.13m as	Yes

Clause	Assessment	Comply
<p>roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.</p> <p>(3) Development consent must not be granted to any such development unless the consent authority is satisfied that—</p> <p>(a) the architectural roof feature—</p> <p>(i) comprises a decorative element on the uppermost portion of a building, and</p> <p>(ii) is not an advertising structure, and</p> <p>(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and</p> <p>(iv) will cause minimal overshadowing, and</p> <p>(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.</p>	<p>measured to the top of the roof (to RL 87.6), which relates to a 1.13m variation to the height standard.</p> <p>The exceedance of the 60m height standards relates to architectural roof feature which purpose is to conceal plant and equipment.</p> <p>The architectural roof feature includes crowns the building and provides decorative battens on the uppermost portion of a building, does not include advertising, does not include floor area space area, will result in minimal overshadowing as illustrated by the shadow diagrams prepared by PTW Architects.</p> <p>Plant and the like are integrated within the architectural roof feature and will not be visible from the public domain.</p> <p>A 4.6 Variation Request has been submitted in relation to the architectural roof feature for abundant caution notwithstanding Clause 5.6 permitting architectural roof features to exceed the statutory height standard.</p>	
5.10 Heritage conservation	The site does not contain a heritage item and is not located in a Heritage Conservation Area (HCA) nor located within the vicinity of heritage items.	Yes
5.21 Flood Planning	The site is not identified as being flood affected on the flood planning map.	N/A
Part 6 Additional local provisions		
<p>6.1 Acid Sulfate Soils</p> <p>Part 6.1(1) requires Council to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</p>	<p>The site is identified as Class 5 Acid Sulfate Soils. The subject site is not located within 500m of Class 1, 2, 3 and 4 land.</p> <p>Given the levels of the proposed basement are well above 0m AHD (approximately RL 20.50 AHD proposed for Basement Level 2), the water table is unlikely to be lowered.</p> <p>Accordingly, an Acid Sulfate Soils Management Plan is not required.</p>	Yes
<p>6.3 Active Street Frontages</p> <p>(1) The objective of this clause is to promote uses that attract pedestrian traffic along certain</p>	N/A – The subject site is located within an MU1 Mixed Use zone however is not identified as requiring an Active Street Frontage. Nevertheless, Active Street Frontages are	N/A

Clause	Assessment	Comply
<i>ground floor street frontages in Zone MU1 Mixed Use.</i>	proposed along Belmore and Elizabeth Street.	
<p>6.5 Design excellence in Zones E1 and MU1</p> <p><i>(1) The objective of this clause is to deliver the highest standard of architectural, landscape and urban design.</i></p>	<p>Sub-clause 6.5(2) provides that this clause applies to development of three (3) or more storeys, and within the MU1 Mixed Use zone. Sub-clause 6.5(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.</p> <p>Sub-clause 6.5(4) provides the following merit based criteria for determining whether design excellence has been achieved.</p> <ul style="list-style-type: none"> <i>whether a high standard of architectural, landscape and urban design has been achieved (including in the materials used and in detailing appropriate to the location, building type and surrounding buildings),</i> <i>whether the form and external appearance of the proposed building, and ground level detailing, will significantly improve the quality and amenity of the public domain,</i> <i>how any streetscape and heritage issues have been addressed,</i> <i>whether the amenity of the surrounding area, including any view corridors, vistas or landmark locations, will be adversely affected,</i> <i>how traffic circulation and vehicular access will be addressed and whether the proposed development supports the provision of high quality pedestrian, cycle and service access,</i> <i>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),</i> <i>whether the development supports an integrated land use mix in Zones E1 and MU1, including a diversity of public open spaces at the ground level, as well as the roof and other levels of buildings,</i> 	Yes

Clause	Assessment	Comply
	<ul style="list-style-type: none"> • <i>how the bulk, mass, modulation, separation, setback and height of buildings have been addressed and whether they are appropriate in the context of existing and proposed buildings,</i> • <i>whether a high standard of ecologically sustainable design (including low-energy or passive design) will be achieved and overshadowing, wind effects and reflectivity will be minimised.</i> <p>The proposal has been submitted to review by the Burwood Design Review Panel which have concluded the proposal achieves design excellence subject to a number of minor comments to further consider the design. The proposal has been amended to accommodate these comments and considered to demonstrate design excellence. PTW Architecture have prepared an Urban Design which further demonstrates the design excellence of the proposal.</p> <p>The proposal is considered to achieve design excellence.</p>	

5.6 Burwood Development Control Plan 2013

The Burwood Development Control Plan 2012 (Burwood DCP) commenced on 1 March 2013, Amendment No. 8 commenced on 26 April 2023 and is the primary DCP applicable to the proposal and site. The Table of Compliance table below identifies and considers compliance and/or consistency with the key relevant provisions within the Burwood DCP which apply to the proposal under the Burwood DCP.

Table 5. Burwood DCP 2013 – Table of Compliance

Provision	Assessment	Comply
Part 2 Site and Environmental Planning		
2.2 General Site Analysis		
1 To be provided with a Development Application.	A site analysis has been prepared and accompanies the application.	Yes
2.3 Views and Vistas		
1 Development applications must identify existing views and vistas significant to the proposal, assess the impacts of the development and demonstrate how significant views and vistas are to be protected and enhanced.	The proposed development adopts appropriate front, rear and side setbacks. The scale of the proposal is reasonably expected in light of the controls that apply to the site, being compliant with FSR and building height plane controls under the LEP.	Yes

Provision		Assessment	Comply
2	Development applications must demonstrate how building design, location and landscaping will encourage view sharing between properties.	As such, it is not considered that the development will give rise to any unacceptable view impacts on adjoining properties or nearby public spaces.	
3	Assessment of views and vistas must take account of other planning policies and development standards in this DCP and the BLEP 2012, e.g. building height, setbacks.		
4	Developments must have particular regard to high quality and priority views and vistas identified in other parts of this DCP, e.g. in relation to heritage items and heritage conservation areas.	In terms of priority views. No adverse view impacts are foreseeable.	Yes
2.4 Streetscapes			
1	Development Applications must identify streetscape characteristics, assess the impacts of the development and demonstrate how significant streetscape qualities are to be protected and enhanced;	The appearance of the proposed building is considered to be compatible with the emerging character of the streetscape and wider Burwood Town Centre Precinct, where a number of sites have been approved or are currently being redeveloped for high rise mixed use developments.	Yes
2	Development Applications must demonstrate how building design, location and landscaping will encourage the protection and enhancements of streetscape;	The streetscape is undergoing, or expected to experience, significant transformation in terms of built form and urban context. In this regard, the proposal is consistent with the anticipated future character of the area and will therefore enhance the streetscape.	Yes
3	Development must have particular regard to high quality streetscapes identified in other parts of this DCP e.g. in relation to heritage items and conservation area.	The development will not adversely impact on heritage items or heritage conservation areas.	Yes
Part 3 Development in Centres and Corridors			
3.2.1 Building Design			
	<p>O1 To ensure that new buildings:</p> <ul style="list-style-type: none"> Represent architectural and urban design excellence. Provide cohesive and visually interesting building 	<p>The building design provides a 4 storey podium that activates Belmore Street and Elizabeth Street.</p> <p>Landscaping and public domain enhancements proposed throughout the development, including</p>	Yes

Provision	Assessment	Comply
<p>appearance.</p> <ul style="list-style-type: none"> Respond to surrounding notable buildings and enhances the streetscape. Integrate roof design with the building character and enhances the skyline. Encourage rooftop gardens and planting on structures that enhance the quality and amenity of open space. 	<p>landscaping on grade and on structure.</p> <p>The proposal provides a slender residential tower that will be compatible with the emerging character of Burwood Town Centre and will provide a high quality amenity to residential and non-residential uses.</p>	
3.2.2 Materials and Finishes		
<p>O1 To ensure that the use of superior quality external materials and finishes:</p> <ul style="list-style-type: none"> Contributes to architectural and urban design excellence. Provides cohesive and visually interesting building appearance. Responds to surrounding notable buildings and enhances the streetscape. Provides longevity in external materials and finishes that are of superior quality. 	<p>The proposed materials, modulation and façade design, ensure the street elevations are well articulated and will have a positive visual impact on the streetscape and is compatible with the character of development envisaged in the Burwood Town Centre.</p>	Yes
3.2.3 Lighting and Signage		
<p>O1 To ensure that that building lighting and signage:</p> <ul style="list-style-type: none"> Contribute to architectural and urban design excellence. Provide cohesive and visually interesting building appearance. 	<p>Signage details will be submitted as part of a separate DA.</p> <p>The proposal will include lighting to celebrate the architecture of the building.</p>	Yes
3.2.4 Street-Front Activities and Building Access		
<p>O1 To encourage pedestrian safety, visual interest and activity at street level.</p> <p>O2 To promote street front activities, especially along streets of high pedestrian use.</p> <p>O3 To create building entrances that are safe and contribute positively to the streetscape and building façade design.</p>	<p>The development incorporates activation to all edges of the proposed building, including residential and non-residential windows that overlook Belmore and Elizabeth Streets. This provides good levels of passive surveillance in the vicinity of the site.</p> <p>A high degree of activation is provided through the design and uses within the podium. This includes opportunities for outdoor dining as well as public</p>	Yes

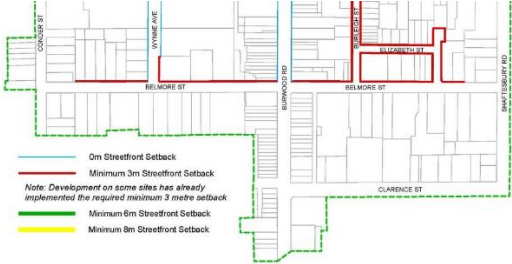
Provision		Assessment	Comply
		<p>domain enhancements.</p> <p>Pedestrian and vehicular entry points are physically separated and clearly defined to avoid conflict between pedestrians and vehicles. Residential and non-residential lobbies and lift cores are also separated from one another.</p>	
3.2.5 Subdivision and Car Parking Spaces		Strata subdivision will occur separately to the DA approval.	N/A
3.2.6 Site Isolation			
1	The creation of isolated sites is discouraged.	The proposal will not isolate any sites as the adjoining sites have sufficient size and dimensions for future redevelopment.	Yes
3.2.7 Residential Flat Buildings and Shop Top Housing			
1	P1 For any shop top housing, there is no numerical relationship between the number of dwellings and the ground floor retail or business premises.	The proposal includes non-residential uses, including tenancies appropriate for retail, food and drink premises and office space with 44 residential apartments and 9 serviced above.	Yes
3.2.8 Apartment Mix and Minimum Dwelling Sizes			
1	P1 Residential development in excess of 20 dwellings must provide a mix of dwellings containing one, two or more bedrooms.	<p>The proposal provides for 49 apartments containing a mixture of one, two and three bedroom apartments as follows:</p> <ul style="list-style-type: none"> • 3 x 1 bedroom dwellings (6%); • 44 x 2 bedroom dwelling (90%); and • 2 x 3 bedroom dwellings (4%). <p>The proposal includes 8 x 1 bedroom serviced apartment and 1 x studio serviced apartment which also contributes to the mix.</p>	Yes
3.2.9 Minimum Site Area			
1	P1 Any development outside a Centre with a height over 9m is generally required to have a minimum site area of 500 square metre.	The subject site has an area of 1,261.323m ² .	Yes
3.2.10 Building Depth			

Provision		Assessment	Comply
1	P1 For development including multi dwelling housing refer to the building amenity provisions of the ADG which supplements SEPP 65 – Design Quality of Residential Apartment Development.	Refer to ADG and SEPP 65 Assessment.	Yes
3.2.11 Ceiling Height			
1	<p>P1 Development must provide the following minimum ceiling heights. Dimensions are expressed from finished floor levels to finished ceiling levels:</p> <ul style="list-style-type: none"> Ground level of all development (commercial and residential): 3.3 metres. Non-residential floors above ground level: 3.0 metres. Residential floors above ground level: 2.7 metres for habitable rooms and 2.4 metres for non-habitable rooms. 	The proposed development complies with the minimum ceiling heights, with all non-residential floors in the podium having ceiling heights in excess of 3.3m and residential floors above having ceiling heights of at least 2.7m.	Yes
2	P2 In developments where 50% or more units on a level do not receive a minimum of 2 hours of direct sunlight to habitable spaces in midwinter (balconies excluded) the floor to ceiling height must be a minimum of 3 metres for the entire floor (approx. 3.3 metres floor to floor).	The proposal provides floor-to-ceiling heights in accordance with the ADG which overrides the provisions of the DCP.	Yes
3	P3 Floor to ceiling heights that have been approved as per Provision P2 above cannot be reduced on subsequent approvals or modifications.	N/A	N/A
3.2.12 Natural Ventilation			
1	P1 For development including multi dwelling housing refer to the building amenity provisions of the ADG which supplements SEPP 65 - Design Quality of Residential Apartment Development	Refer to ADG and SEPP 65 Assessment.	Yes
3.2.13 Daylight Access			
1	P1 For development including multi dwelling housing refer to the building amenity provisions of the ADG which supplements SEPP 65 - Design Quality of Residential Apartment Development.	Refer to ADG and SEPP 65 Assessment.	Yes

Provision		Assessment	Comply
3.2.14 Visual and Acoustic Privacy			
<ul style="list-style-type: none"> O1 To provide adequate amenity. 		Compliance with building separation criteria provided in accordance with the ADG.	Yes
1	<p>P1 Development must be located and orientated to maximise visual privacy between development on the site and adjacent development by:</p> <ul style="list-style-type: none"> Providing adequate rear and side setbacks. Utilising the site layout to increase building separation. For example, orientation of buildings on narrow sites to the front and rear of the lot, thereby utilising the street width and rear garden depth to increase the apparent building separation distance. 	<p>Building separation has been provided to minimise overlooking, including offsetting windows and including obscure glazing and screening.</p>	Yes
2	<p>P2 Detailed site and building design elements may be incorporated to increase privacy without compromising access to light and air. Design detailing may include:</p> <ul style="list-style-type: none"> Solid or semi-solid balustrades to balconies. Offset windows of dwellings. Recessed balconies and/or vertical fins. Louvres or screen panels to windows and/or balconies. Fencing. Vegetation as a screen between spaces. Pergolas or shading devices to limit overlooking 	<p>Angled louvres have been provided in a number of instances to enable sunlight access / ventilation whilst obscuring direct sightlines.</p> <p>Pergolas to the communal area prevent overlooking.</p>	Yes
3.2.15 Private Open Space		Overridden by ADG design criteria within SEPP 65.	Yes
3.2.16 Lobbies and Internal Circulation – All Development			
<ul style="list-style-type: none"> O1 To provide communal spaces which contribute to the overall design, experience and performance of the development. 		As detailed in the landscape plan, a high quality communal open space area is provided compliant with the ADG design criteria.	Yes
1	<p>P1 Entry lobbies must be designed to provide facilities for seating, mail delivery and collection, and</p>	<p>Lobbies and internal circulation areas are provided with windows for natural lighting and ventilation. Corridors are at least 2m in front of lifts and 1.6m as</p>	Yes

Provision		Assessment	Comply
	supervising personnel wherever possible.	a minimum to corridors.	
2	P2 Lift lobbies must be naturally ventilated. Daylight is to enter all residential lift lobbies.	Lobbies and internal circulation areas are provided with windows for natural lighting and ventilation.	Yes
3	P3 Common area corridors must be designed to facilitate easy movement of people and furniture. Corridors must incorporate varied surfaces, textured and materials, and clearly identified apartment numbers.	Corridors are at least 2m in front of lifts and 1.6m as a minimum to corridors.	Yes
4	P4 Common area corridors must be a minimum of 2 metres in width. Areas in front of arrival points i.e. lifts and fire stairs should have an additional depth up to 2.5 metres to facilitate improved internal building amenity. Access to facilities such as doors to rooms enclosing garbage chutes or vertical risers, if clustered around lift cores, should also benefit from additional corridor depth.	The proposed typical corridor is 2m and a corridor width of 2m is provided in front of lifts.	No, merit See end of table
3.2.17 Storage for Apartments			
1	P1 For development including multi dwelling housing refer to the building configuration provisions of the ADG which supplements SEPP 65 - Design Quality of Residential Apartment Development.	Refer to ADG and SEPP 65 Assessment.	Yes
3.2.18 Safety and Security			
	<ul style="list-style-type: none"> O1 To ensure development is safe and secure for occupant's visitors and other users at all times. 	The development includes extensive activation at street level and above, promoting passive surveillance. The proposal is supported by a CPTED assessment which supports the proposal on the grounds of safety and security.	Yes
3.2.19 Access and Mobility			
	<ul style="list-style-type: none"> O1 To ensure development is designed to facilitate access by the whole community including those with mobility impairment. 	Equitable access is to be provided to the development.	Yes
6	P6 At least 10% of dwellings in a development must be provided as adaptable housing to Adaptable House	The development includes a minimum 10% of dwellings as adaptable housing (5 out of 49	Yes

Provision		Assessment	Comply
	Class A or B standard to cater for ageing in place and mobility impaired residents, in accordance with AS 4299: Adaptable Housing.	apartments). Refer to adaptability plans included in the architectural drawing set.	
7	P7 At least one car parking space must be provided and allocated to each dwelling required to be provided as accessible or adaptable housing under this Section and the car parking space must be accessible in accordance with the provisions of AS 1428.2 to facilitate automatic vehicular wheelchair loading and unloading.	Every adaptable unit is allocated an accessible parking space. Refer to architectural drawings for details.	Yes
8	P8 For development providing between 20 to 79 dwellings, one accessible visitor car parking space must be provided on site must be accessible in accordance with the provisions of AS 1428.2 to facilitate automatic vehicular wheelchair loading and unloading	One accessible visitor parking space provided. Refer to architectural drawings for details.	Yes
3.2.20 Awnings and Associated Structures			
	For new developments, proposed outdoor dining area and/or awnings and free standing awning/shade and shelter structures should be included in the overall Development Application for the development.	An awning (within the site) has been incorporated into the design of the building and provides weather protection along the Belmore Street and Elizabeth Street frontage of the building. The awning will also provide weather protection to areas that are suitable for outdoor dining along the western and southern sides of the building at ground level.	Yes
3.3 Area Based Controls – Burwood Town Centre and Burwood Road North			
3.3.1 Burwood Town Centre			
1	P1 The height of buildings on land within the BTC is not to project above the BHP as identified in Clause 4.3A and on the map marked - "Building Height Plane Map in the BLEP 2012.	The proposed development has a maximum height that is below the BHP that affects the site.	Yes
3.3.2 Burwood Town Centre Areas – Commercial Core and Middle Ring Areas			
<i>Podium Height</i>			
1	P1 Development in the Commercial Core and Middle Ring Areas built to the street front must not have a	The proposed podium height ranges in height from 14.5m to 16.6m to Elizabeth Street, however this	Yes

Provision		Assessment	Comply
	podium height greater than 15 metres	control is not applicable as the podium is not built to the street.	
<i>Street Front Setbacks</i>			
1	<p>P1 Development must be built to the street front boundary except where a minimum of 3 metre, 6 metre or 8 metre setback is required as indicated in Figure 25. These measurements are taken from the street boundary after any land acquisition required by BLEP 2012 has been completed.</p> 	<p>Requirement: 3m (min) to Belmore and Elizabeth Street.</p> <p>Proposed: 3m (min) from Belmore Street and 3.4m (min) from Elizabeth Street.</p>	Yes
2	P2 Setback areas must be free of any projections or encroachments, except for approved awnings and at-grade landscaping.	3m (min) from Belmore Street and 3.4m (min) from Elizabeth Street, except for at-grade landscaping and public domain works.	Yes
3	P3 All ground level setbacks are to be finished at-grade with Council's footpath and finished with materials to match Council's current public domain requirements.	The proposed footpath is generally consistent with the level of Council's footpath. As the land slopes by about 3m, a portion of the floor area within the site is terraced with planters.	Yes
<i>Secondary Setbacks</i>			
	<ul style="list-style-type: none"> O1 To establish the spatial proportions and enhance the urban qualities of the street. 	The proposed building setbacks are considered consistent with the surrounding context.	Yes
1	P1 Where development in the Commercial Core and Middle Ring Areas exceed 15 metres in height, the part of the development above 15 metres must be set back a minimum of 6 metres from the street front boundary.	<p>Levels 4 and above (being above 15m in height) are setback:</p> <p>3.4m (min) from Elizabeth Street, 2.4m short fall.</p> <p>32m (min) from Belmore Street, 25m exceedance.</p>	No, merit See below
2	P2 Setback areas must be free of any projections or encroachments, except for lightweight balconies on the front façade.	The proposed front setback to Belmore Street is non-compliant however doesn't include any significant projections.	Yes

Provision		Assessment	Comply
<i>Side and Rear Setbacks</i>			
1	P1 For residential development refer to the building separation setback provisions of the ADG which supplements SEPP 65 - Design Quality of Residential Flat Development.	Refer to ADG building separations section of this report. The proposal is consistent with the ADG objectives for building separation.	Yes
2	P2 Other street front development up to 15 metres in height must be built to the side boundary and may be built to the rear boundary. Refer to Figure 29.	Ground, Levels 1, 2 and 3 (being below 15m in height) are built to the side boundaries.	Yes
<i>Building Separation/Frontage Overview</i>			
1	P1 For all development refer to the building separation provisions of the ADG which supplements SEPP 65 - Design Quality of Residential Flat Development.	Refer to ADG and SEPP 65 Assessment.	Yes
2	P2 The building separation requirements established under P1 must be shared equally with adjoining development across a boundary (refer to Figure 30. The applicant must demonstrate that daylight access, urban form, open space and visual and acoustic privacy can be satisfactorily achieved.	Noted.	Yes
3	P3 The maximum length in any direction of any part of a building parallel to the street above 15 metres in height is 45m. This portion of the building must be suitably articulated to alleviate building mass and improve building appearance.	The width of the building above 15m facing Belmore Street and Elizabeth Street is less than 45m.	Yes
<i>Communal Open Space</i>			
1	P1 Podium areas must be made accessible as communal open space.	The podium is provided as communal open space for residents.	Yes
2	P2 Landscaping must be provided in communal open space. A minimum 0.6 metre soil depth must be provided over 50% of the area to support planting or soft landscaping.	Landscaping is to be provided throughout the communal open space at podium level and Levels 16 and 17 with a minimum 0.6m soil depth.	Yes
Part 3.9 Transport and Parking in Centres and Corridors			
3.9.2 Burwood Town Centre and Strathfield Town Centre			

Provision		Assessment			Comply
1	<p>P1 Basic parking requirement: Development in the B4 zone in the Burwood and Strathfield Town Centres must provide parking spaces on site for each proposed land use in accordance with Table 2.</p> <p>Based on the ADG, the minimum parking rates for apartments and visitor spaces overrides the DCP given the proximity of the site to a station.</p>	<p>Item</p> <p>Apartment</p> <p>Visitor Parking</p> <p>Commercial</p> <p>Retail</p> <p>Serviced apartments</p> <p>The proposal is compliant with the parking rates applicable with the exception of serviced apartment parking. Refer to traffic report and assessment at the end of this table.</p>	<p>Control</p> <p>34</p> <p>7</p> <p>6</p> <p>1</p> <p>9</p>	<p>Proposal</p> <p>50</p> <p>7</p> <p>6</p> <p>1</p> <p>6</p>	<p>No, merit</p> <p>See below</p>
	<p>P2 Parking for visitors to the Burwood Town Centre and the Strathfield Town Centre: Notwithstanding P1, in the B4 Mixed Use zone, Council may consider and accept an offer from an applicant of a monetary contribution for Visitors Parking in lieu of the provision on-site of all or part of the parking requirement. Such an offer is voluntary and subject to Council's agreement at its discretion. If approved, it will be administered through a Voluntary Planning Agreement under the Environmental Planning and Assessment Act 1979.</p>	<p>Not applicable no variation to visitor parking or non-residential parking in accordance with minimum requirements under ADG and DCP.</p>			N/A
	<p>P3 Other parking not provided on site: In the B4 zone in the Burwood and Strathfield Town Centres, and along Burwood Road North, if an applicant for development is unable to provide the on-site parking spaces as determined under P1 from the Table (other than Visitors Parking spaces agreed in accordance with P2 above) because it is a difficult site, Council may consider an offer of a monetary contribution in lieu of the on-site provision of the parking spaces. Such an offer is voluntary and will be accepted solely at Council's discretion. If approved by Council, it will be administered through a Voluntary Planning Agreement under the Environmental Planning and Assessment Act 1979.</p> <p>The characteristics that Council will take into account in determining if it is a difficult site include:</p>	<p>The DCP stipulates a minimum of 1 parking space per serviced apartment (each 1 bedroom or a studio).</p> <p>The site is located 250m from Burwood Railway Station. Under SEPP 65 and the RMS Guide to Traffic Generating Development, the minimum parking rate for a 1 bedroom apartment is reduced from the Burwood DCP parking rate from 1 space to 0.4 spaces. This would equate to a minimum parking requirement of 3.6 parking spaces to be allocated to the proposed serviced apartments, translating to a 2 surplus of parking (2.4 spaces). Therefore, a monetary contribution is not required necessary.</p>			Yes

Provision	Assessment	Comply
<ul style="list-style-type: none"> • The site is very small, i.e. less than the minimum subdivision lot size for the area in the BLEP 2012, and isolated with no opportunities for amalgamation; or • The site is small, i.e. less than 600 sqm and there are limited options for on-site parking provision, e.g. the site is mostly occupied by existing buildings and involves only a change of use; or • Vehicular access is severely constrained, e.g. the site only has frontage to Classified road. <p>It is the responsibility of the applicant to demonstrate that one or more of the above features applies and that redevelopment or the change of use is unlikely to be viable economically if parking requirements are applied strictly.</p> <p>This option does not apply to development of residential accommodation or serviced apartments in the B4 Mixed Use zone. However, Council resolved on 23 July 2013 that this option can be applied to boarding houses.</p> <p>The voluntary monetary contribution offered must be equal to the number of spaces not being provided on site, multiplied by the dollar amount of the cost of providing an on-site parking space (see P4 below). There is no discount in these cases. The following formula applies, and the calculation is pro-rata, that is, the actual number to</p> <p>1 decimal point:</p> <p>(Number of spaces not being provided on site X the cost of an on-site parking space)</p> <p>= Parking contribution in lieu offer. Required spaces to be round-up to the nearest whole number.</p> <p>Example: (4.3 X [insert current rate from table of fees and charges]) = \$[X]</p>		
3.10 Heritage in Centres and Corridors		
O3 To ensure that development located in the vicinity of a heritage item is designed and sited in a manner sympathetic to the significance of the heritage	As set out in the LEP compliance table, the site does not contain a heritage item and is not located in a Heritage Conservation Area (HCA) nor located within	Yes

Provision		Assessment	Comply
	property and its setting.	the vicinity of heritage items.	
Part 3.11 Public Domain and Amenity			
3.11.2 Public Squares and Forecourts		The site does not have a frontage to any existing or proposed public squares and forecourts	N/A
3.11.3 Pedestrian Links		Pedestrian through-site links are not required nor proposed	N/A
3.11.4 Lanes		Lanes are to be retained. Elizabeth and Belmore Street are not key pedestrian routes.	N/A
3.11.5 Treatment of Street Front Setbacks			
1	P1 In the Commercial Core and Middle Ring Areas, where a street front setback of development is required, the setback area is to be treated and upgraded in a manner consistent with the requirements for the public domain immediately in front of the development. A right of pedestrian and vehicle movement by way of an easement in Council's favour in accordance with a Section 88B Instrument under the Conveyancing Act 1919 over the setback area is to be placed on the title of the land.	Public domain within the front setback area along the frontages to Belmore and Elizabeth Streets to be constructed and upgraded in accordance with Council requirements.	Yes
3	P3 Where a street front setback is required and the development is for non-residential purposes at ground level, the provision of cantilevered awnings over the setback area is encouraged.	An awning (within the site) has been incorporated into the design of the building and provides weather protection along the Belmore Street and Elizabeth Street frontages of the building.	Yes
3.11.6 Public Domain Finishes and Elements within Development			
1	P1 Appropriate lighting must be provided in publicly accessible areas of development.	The proposal includes external lighting to the public domain area.	Yes
2	P2 Where publicly accessible areas are provided within a development, all elements including paving, street furniture, planting, fences, kerbs and drainage must be provided to a standard not less than would be required in Council's Public Works Elements Manual (Final Draft June 2006).	Details of public domain area included on landscape plan in accordance with DCP.	Yes
3.11.7 Solar Access to Burwood Park			

Provision		Assessment	Comply
1	P1 Development must not cast shadows over Burwood Park between 10.00am and 2.00pm on 21 June.	The proposed development will not overshadow Burwood Park. Refer to overshadowing diagrams.	Yes
3.11.9 Access and Mobility for the Public Domain			
	<ul style="list-style-type: none"> O1 To ensure the public domain is designed and constructed to facilitate access by the community including those with mobility impairment. 	Detailed design of the public domain included in supporting landscape plan.	Yes
5 Other Development Provisions			
5.5A Serviced Apartments			
<i>Operation and management</i>			
	P1 The serviced apartments in an approved serviced apartments development are to be maintained and operated as a single entity.	Serviced apartments are proposed to be retained on a single title.	Yes
	<i>P2 An operational Management Plan is to be submitted with each DA for a serviced apartment development to ensure that the proposed premises operate in a manner consistent with the definition of serviced apartments.</i>	An operational management plan has been prepared and included with the DA.	Yes
	<p><i>P3 The Management Plan must provide satisfactory details on the following matters:</i></p> <ul style="list-style-type: none"> <i>- Provision of a manager or an agent of the manager within the serviced apartment premises, the hours of the manager's availability and contact details 24 hours per day, 7 days a week.</i> <i>- Details of the Emergency Management and Evacuation Plan for the premises</i> <i>- The on-site management is responsible for operation, administration, cleanliness and fire safety of the premises including compliance with the Management Plan and Emergency Management and Evacuation Plan</i> <i>- Provision of a "front desk" where keys are made available to clients and that also deals with other relevant matters such as the provision of information on the use of common areas and facilities, car parking and house rules.</i> <i>- Details of the regular servicing and cleaning of the serviced apartments, and details of the permanent</i> 	An operational management plan has been prepared in accordance with the DCP.	Yes

Provision	Assessment	Comply
<p><i>furnishing of the apartments.</i></p> <p><i>- Details of the letting arrangements, with a provision to be included that limits the stay of tenant(s) to a maximum of three months.</i></p>		
<p><i>P4 A clearly visible sign with the name and telephone number of the on-site manager must be displayed externally at the front entrance of the serviced apartments.</i></p>	<p>A sign with management details of the serviced apartment will be located to the Belmore Street frontage with details of on-site manager.</p>	Yes
<p><i>P5 Consents issued for serviced apartments developments will be conditioned to the effect that the maximum length of stay of a client is not to exceed three months to ensure that developments comply with the relevant definitions in the BLEP 2012.</i></p>	<p>The BLEP does not include limitations on the length of stay for serviced apartments, this only applies to co-living and boarding houses.</p>	Yes
<p><i>P6 All serviced apartments must be furnished prior to occupation</i></p>	<p>The serviced apartments will be furnished.</p>	Yes
<i>Strata Ownership</i>		
<p><i>P7 Strata subdivision may be approved where all of the units in a development are a group in a strata plan. Parking for the serviced apartments also must be grouped together with the serviced apartment units in the strata plan.</i></p>	<p>At this stage it is not proposed to strata subdivide the serviced apartments.</p>	Yes
<p><i>P8 Strata subdivision of individual serviced apartment units or groups of units may be permitted only where a covenant in Council's favour is placed on strata title in accordance with Section 88E of the Conveyancing Act 1919 restricting the use of the premises to tourist and visitor accommodation for the purposes of providing temporary and short term accommodation of no more than three months duration.</i></p>	<p>At this stage it is not proposed to strata subdivide the serviced apartments.</p>	Yes
<p><i>P9 In both cases the by laws of the final strata plan are to include a provision requiring the ongoing management of the lots in the strata plan that comprise the serviced apartments complex as a joint entity.</i></p>	<p>At this stage it is not proposed to strata subdivide the serviced apartments.</p>	Yes
<i>Mailbox and Postal Facilities</i>		

Provision	Assessment	Comply
P10 Mail box and postal facilities to be included and to comply with provisions P8, P9 and	Details of the mail box location detailed on architectural drawings at ground level and consistent with DCP provisions.	Yes
P10 under Section 3.2.4 Street-Front Activities and Building Access. Refer to Figure 1 and Figure 2.		Yes
Fire Safety and Power Supply Utilities		
P11 Fire safety and power supply utilities are to comply with provision P12 under Section	Fire safety and power supply utilities provided to Belmore Street, however façade has been designed to retain an active street frontage to most of Belmore Street.	Yes
3.2.4 Street-Front Activities and Building Access. Refer to Figure 3.		Yes
Mechanical and Ventilation Equipment		
P12 Mechanical and Ventilation Equipment are to comply with Provisions 15, 16, 17, 18 under Section 3.2.4 Street-Front Activities and Building Access.	Yes, refer to architectural drawings.	Yes
5.6 Signage and Advertising	Signage details to be provided as part of a separate development application.	Yes
5.10 Street Addressing and Numbering	To be provided as part of construction certificate requirement.	Yes
5.11 Public Art in Private Developments		
P1 Public art is required to be provided for major developments in the following locations, where the proposed development has a Capital Investment Value(CIV) of \$10,000,000 or more: - Burwood Town Centre (as identified by Burwood LEP 2012)	It is noted this clause is applicable.	Yes
P3 A minimum of 1% of the total cost of the development is to be allocated to the public art budget.	Noted.	Yes
P4 The development application must be accompanied by a Public Art Plan, which is prepared in accordance with the Burwood Public Art Guidelines for Developers.	A public art plan can be prepared upon request prior to DA lodgement, however it would be ideal to provide this as part of the DA consent and prepared in accordance with the Burwood Public Art Guidelines for Developers.	Yes
P5 The public art is prepared and undertaken in accordance with the Burwood Public Art Guidelines for		Yes

Provision	Assessment	Comply
Developers.		
P6 The public art is installed on the development site or in the immediate vicinity of the site.	Public art is proposed to be located at the development site.	Yes
P7 The public art is located so that it is not unreasonably inaccessible or obscured by a building element which makes it impossible to see in full by the building occupants and the general public.	The proposed public art will be located in a publicly accessible location.	Yes
6. Environmental Management		
6.1 Preservation of Trees and Vegetation	No significant trees located onsite.	Yes
6.2 Waste Management	<p>The development includes a designated waste/recycling storage area designed in accordance with details in Appendix 8.1 of the DCP, with waste collection proposed of Belmore Street.</p> <p>An operational waste management plan has been prepared and included with the DA.</p>	Yes
6.3 Acid Sulphate Soils	The site is identified as Class 5 Acid Sulfate Soils. The subject site is not located within 500m of Class 1, 2, 3 and 4 land. Given the levels of the proposed basement are well above 0m AHD (approximately RL 20.50 AHD proposed for Basement Level 2), the water table is unlikely to be lowered. Accordingly, an Acid Sulfate Soils Management Plan is not required.	Yes
6.4 Flood Planning	The site is not identified as being identified as being located within a flood planning area based on Burwood Councils flood mapping.	Yes
6.5 Stormwater Management	A stormwater plan has been prepared in accordance with the separate Stormwater Management Code. Stormwater is collected from the roof and pumped from the basement and filtered through an onsite detention system prior to be released to the kerb and gutter.	Yes
6.6 Landscaping for Development	A landscaped plan has been designed in accordance with Council's Landscaping Code.	Yes
6.7 Energy Efficiency and Sustainability		

Provision	Assessment	Comply
<i>Residential Development</i>		
P1 Where applicable, development is to demonstrate compliance with the design principles embodied in the Building Sustainability Index (BASIX). All commitments listed on a BASIX certificate must be marked on all relevant plans and specifications.	The proposal is supported by a BASIX Certificate.	Yes
P2 The principles and properties of thermal mass, glazing, insulation and solar energy are to be recognised and incorporated into the design of residential development not subject to BASIX.	Not Applicable.	N/A
<i>Non-Residential Development</i>		
<i>P3 The non-residential component of any development must aim to achieve at least a minimum of a 4.5 star rating under the National Australian Built Environment Rating (NABERS) system.</i>	The commercial component of the proposal has been designed to achieve a minimum of a 4.5 star rating under the National Australian Built Environment Rating (NABERS) system.	Yes
<i>P4 Improve the control of mechanical space heating and cooling by designing heating/cooling systems to target only those spaces which require heating or cooling, not the whole building.</i> <ul style="list-style-type: none"> Installing water saving devices, such as flow regulators, 3 stars Water Efficiency Labelling and Standards Scheme (WELS Scheme) rated shower heads, dual flush toilets and tap aerators. 	The proposal has been designed to include water saving provisions, such a 3 3 stars Water Efficiency Labelling and Standards Scheme (WELS Scheme).	Yes
<i>P5 Improve the efficiency of hot water systems by:</i> <ul style="list-style-type: none"> Encouraging the use of solar powered hot water systems. Solar and heat pump systems must be eligible for at least 24 Renewable Energy Certificates (RECs) and domestic type. Gas systems must have a minimum 3.5 star energy efficiency rating. Insulating hot water systems. 	<p>A solar system is proposed to the rooftop of the building.</p> <p>Gas will be provided in accordance with the relevant regulations and standards.</p>	Yes
<i>P6 Reduce reliance on artificial lighting and design lighting systems to target only those spaces which require lighting at any particular 'off-peak' time, not the whole building. Incorporate a timing system to automatically control the</i>	Every communal hallway includes access to natural light and any area subject to artificial lighting will be subject to a timer to save energy.	Yes

Provision	Assessment	Comply
<i>use of lighting throughout the building.</i>		
<i>P7 All non-residential development Class 5-9 will need to comply with the Building Code of Australia energy efficiency provisions.</i>	A BCA report has been enclosed to this report demonstrating compliance with the relevant energy efficiency provisions.	Yes
<i>P8 An Energy Efficiency Report from a suitably qualified consultant that demonstrates a commitment to achieve no less than 4 stars under the Australian Building Greenhouse Rating Scheme or equivalent must be provided for all commercial and industrial development with a construction cost of over \$5 million.</i>	Prior to the issue of a Construction Certificate following DA approval, a An Energy Efficiency Report from a suitably qualified consultant that demonstrates a commitment to achieve no less than 4 stars under the Australian Building Greenhouse Rating Scheme.	Yes

Minimum Corridor Width

Control P4 of section 3.2.16 Lobbies and Internal Circulation of the DCP stipulates:

“Common area corridors must be a minimum of 2 metres in width. Areas in front of arrival points i.e. lifts and fire stairs should have an additional depth up to 2.5 metres to facilitate improved internal building amenity. Access to facilities such as doors to rooms enclosing garbage chutes or vertical risers, if clustered around lift cores, should also benefit from additional corridor depth”.



Figure 6. Corridor widths. (Adapted from ADG 2015)

Figure 19. Edited version of ADG floorlayout (source: AUX Urban)

A typical residential tower level includes a predominate 2m corridor width and including a 2m width in front of lifts.

The objective of this section of the DCP is as follows:

“O1 To provide communal spaces which contribute to the overall design, experience and performance of the development.

“O2 To provide well designed and lit spaces for occupant movement and waiting.

O3 To provide inviting communal spaces which include facilities for seating, mail boxes and supervision personnel”.

The non-compliance is considered acceptable and will uphold the objectives for the following reasons:

- The corridors all include access to natural light and include a 2.7m floor to ceiling height. A typical hallway services only 4 apartments and short in length reducing the need for a wider corridor.
- The in the preliminary BDRP meeting, the Panel commented the narrow corridors at upper levels (Levels 5 and above) are justifiable on the basis that they are short and open to a window at one end.
- The proposal is considered consistent with the ADG performance criteria which stipulates:

- Greater than minimum requirements for corridor widths and/or ceiling heights allow comfortable movement and access particularly in entry lobbies, outside lifts and at apartment entry doors;
 - Daylight and natural ventilation should be provided to all common circulation spaces that are above ground; and
 - Windows should be provided in common circulation spaces and should be adjacent to the stair or lift core or at the ends of corridors.
- Increasing the corridor width unnecessarily will increase the bulk and scale of the building and result in greater overshadowing to the properties to the south.
 - As evident in the extract below, the ADG does not specify minimum corridor widths. The BCA states that all paths of travel are required to have a minimum clear width of 1m, which the proposal exceeds.

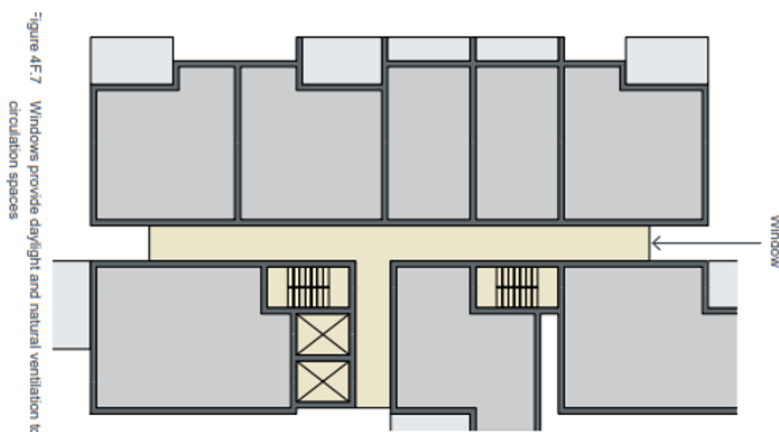


Figure 20. ADG floor layout (source: ADG)

Building Setback to Elizabeth Street

Controls P1 of section Secondary Setbacks of 3.3.2 Burwood Town Centre Areas of the DCP:

“P1 Where development in the Commercial Core and Middle Ring Areas exceed 15 metres in height, the part of the development above 15 metres must be set back a minimum of 6 metres from the street front boundary, unless otherwise specified in P3 and Figure 28. Figure 26. Refer to Figure 26 and Figure 27”.

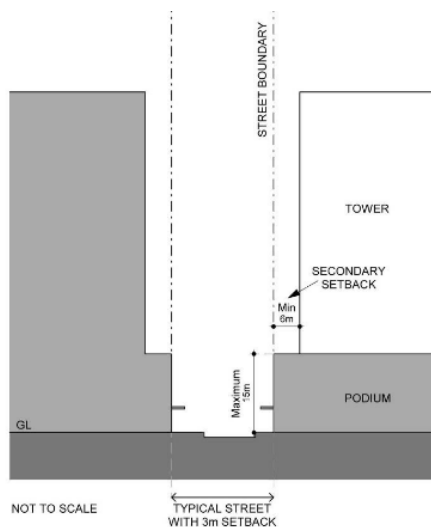


Figure 26. Commercial Core and Middle Ring Areas: Typical Secondary Setbacks

Figure 21. Commercial core and Midel Ring Areas Typical Secondary Setbacks (source: Burwood DCP)

Levels 4 and above (being above 15m in height) are setback:

- 3.4m (min) from Elizabeth Street, which is a 2.6m shortfall; and
- 32m (min) from Belmore Street, which is a 25m exceedance.

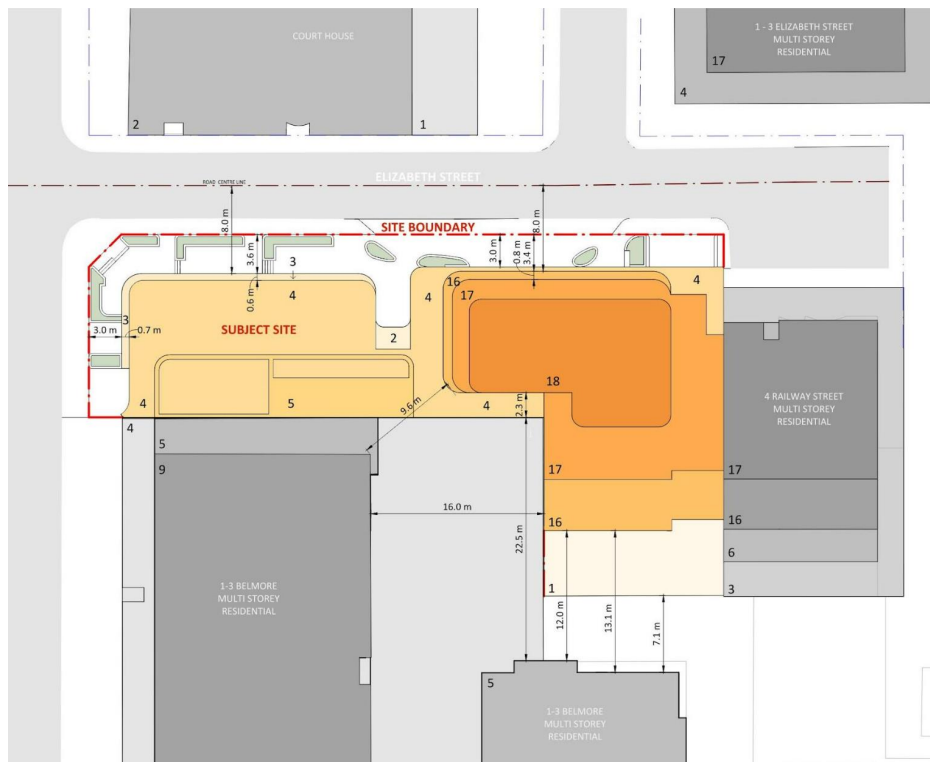


Figure 22. Building Setback Diagram (Source: PTW)

Objective O1 stipulates “To establish the spatial proportions and enhance the urban qualities of the street”.

The non-compliance is considered acceptable and consistent with the objective above for the following reasons:

- The non-compliance to the Elizabeth Street is adequately offset by the significant exceedance of the control from Belmore Street and considered a better streetscape outcome by providing a slender tower rather than wide tower to the street and improves solar access and visual outlook for the residents at 1-3 Belmore Street, Burwood.
- The proposed tower setback relates to the adjoining façade of the tower at 4 Railway Parade Burwood and lesser tower setback is considered suitable to Elizabeth Street which is a minor street and future building at the Burwood Courthouse could orientate the primary living room windows/balconies to the north.

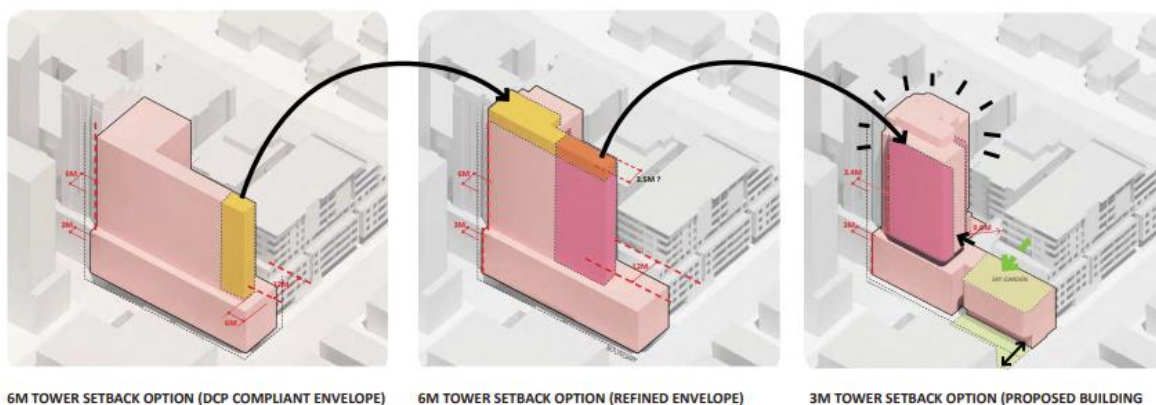


Figure 23. Comparison of compliant (left) and variant building envelope (right) (source: PTW Architects)

FORM COMPARISON

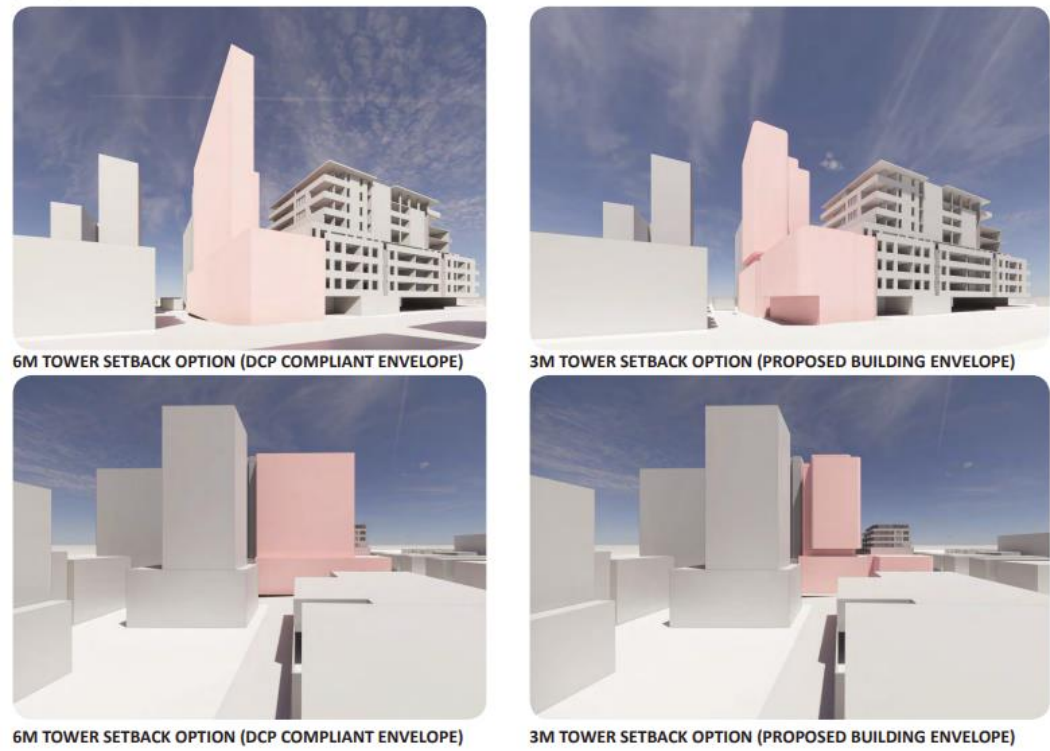


Figure 24. Comparison of compliant and variant building envelope (source: PTW Architects)

HARMONY IN BUILT FORM



Figure 25. Comparison of compliant and variant building envelope (source: PTW Architects)

Serviced Apartment Car Parking

Section 3.8.3 Serviced apartment parking of the Burwood DCP notes that parking for serviced apartments should be provided at the rate of 1 space per dwelling which equates to nine (9) spaces. Six (6) car parking spaces have been allocated to the serviced apartments which is considered to provide for a more suitable allocation to meet expected demand.

The reduction in car parking compared to the generic DCP rates are considered appropriate for the following reasons:

- The site is located 250m from Burwood Railway Station. Under SEPP 65 and the RMS Guide to Traffic Generating Development, the minimum parking rate for a 1 bedroom apartment is reduced from the Burwood DCP parking rate from 1 space to 0.4 spaces. This would equate to a minimum parking requirement of 3.6 parking spaces to be allocated to the proposed serviced apartments, translating to the proposal including a 2 (2.4) car exceedance of the minimum control;
- The parking will be shared between the serviced apartments therefore there would unlikely be a shortage of parking given the nature of the serviced apartments which will likely accommodate international or interstate visitors with low car dependency, along with the site's location in close proximity to Burwood train station and being a regional centre. The parking rate for serviced apartments in Council's DCP is considered excessive and the demand for car parking is considered lower than a standard 1 bedroom apartment;
- The guests of the serviced apartment will be staying for short periods of time and not eligible for on street parking. Therefore, providing less serviced apartment parking would likely reduce traffic and not place greater pressures of local on street parking demand;
- There are no employees in relation serviced apartments given the small number of apartments and there not being a concierge;
- A flat parking rate applies to serviced apartments in the Burwood DCP. All the serviced apartments in the proposal are one bedroom, which results in a lower parking demand rate than a typical 2 or 3 bedroom serviced apartment; and
- 3 bicycle parking spaces are allocated to the serviced apartments to minimise the need for vehicle parking.

6. Conclusion

The SEE provides an assessment of the proposal at 5 Belmore Street, Burwood against the relevant environmental planning framework. The framework in this case includes the Burwood LEP as well as the Burwood DCP. This SEE has undertaken an environmental assessment of the proposal and has concluded that the proposal is worthy of support given the following reasons:

- The proposal is consistent with the aims and objectives contained within the Burwood Local Environmental Plan (Burwood LEP) 2012. The proposal includes a minor variation to the statutory height standard which relates to an architectural roof feature which is permitted under Clause 5.6 Architectural Roof Feature of the Burwood LEP. Notwithstanding this, a Clause 4.6 Variation Request demonstrating the height standard is acceptable on environmental grounds has been submitted for abundant caution;
- The proposal is consistent with the aims and objectives and broadly compliant with the key built form controls within the SEPP 65 Apartment Design Guidelines (ADG) and Burwood Development Control Plan (Burwood DCP) 2013. Where a variance to the development control has been proposed it has been demonstrated that variance upholds the objectives and purpose of that development control;
- The proposal has received favourable response from Burwood Design Review Panel during the 27/7 presentation. The panel has expressed support of the proposal in its current form. The submitted DA scheme is a result of a more refined and detailed design development process;
- The proposal provides additional in demand commercial floor space as well as additional housing opportunities;
- The character and/or nature of the proposal is consistent with the existing and emerging surrounding character;
- The proposal delivers design excellence, including attractive architecture, good internal amenity for prospective residents;
- There will be no unreasonable adverse impacts on the environment or neighbouring properties as a result of the proposed development;
- The proposal is supported by a letter of offer to contribute towards the provision of community infrastructure via a voluntary planning agreement; and
- The proposed development is suitable for the site and is in the public interest.

The benefits provided by the proposed development outweigh any potential impacts and it is therefore considered to be in the public interest. The proposal will deliver a suitable and appropriate development and is worthy of approval.