



Revised Preferred Project Report

MP 07_0076

for 1-17 Elsie Street and 45-49 George Street, Burwood

December 2008

PROJECT NO: 208.093

PROPONENT: Kavlyn Pty Ltd

[ACN 100 209 265 / ABN 90 100 209 265](#)

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Prepared under Part 3A of the <i>Environmental Planning and Assessment Act (EP&A Act) 1979.</i>	
EA prepared by	
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Project to which Part 3A applies	1-17 Elsie Street and 45-49 George Street, Burwood
Proponent name	Mr Sarkis Nassif, General Manager, Kavlyn Pty Limited
Proponent address	19 Victoria Street, Concord West NSW 2138
Land on which the development is to be carried out: address	Lot 1 DP 802959
Proposed development	<p>The proposal involves:</p> <ul style="list-style-type: none"> • Construction of three (3) residential apartment buildings; • Alteration to the ground floor and associated footpath area. Victoria Street footpath widened to at least 1.8m; • Lift entries and lobbies from residential parking levels through to each residential tower; and • 210 residential apartments and an additional 115 car parking spaces. <p>This development is to be located over the approved and constructed component which comprises commercial office levels 1 and 2, retail/commercial ground floor level and existing parking for 561 cars.</p>
Environmental Assessment	Original EA dated January 2008, Addendum Report to the Environmental Assessment (EA) dated August 2008, additional information dated 19 August 2008, Preferred Project Report dated 1 December 2008 and Revised Preferred Project Report dated 15 December 2008.
Certificate	<p>I certify that I have prepared the contents of this document and to the best of my knowledge:</p> <p>It is in accordance with the requirements of Part 3A,</p> <p>It contains all available information that is relevant to the environmental assessment of the development, and</p> <p>It is true in all material particulars and does not, by its presentation or omission of information, materially mislead.</p>
Signature / Name / Date	 <p>Marian Higgins Principal Planner</p> <p>15 December 2008</p>



TABLE OF CONTENTS

1.	INTRODUCTION	1
2.	THE SITE AND AMENDED CONCEPT PLAN	6
2.1	THE SITE	6
2.2	HISTORICAL OVERVIEW OF SITE AND DEVELOPMENT	6
2.3	DESIGN AMENDMENTS	12
2.3.1	SUMMARY OF PROPOSED DEVELOPMENT	13
2.3.2	SUMMARY OF OVERALL FLOOR SPACE WHEN DEVELOPMENT IS COMPLETED.....	15
2.3.3	SUMMARY OF PARKING REQUIRED FOR PROPOSED DEVELOPMENT	18
2.3.4	SUMMARY OF OVERALL PARKING WHEN DEVELOPMENT IS COMPLETED	19
2.4	REASON FOR PLAN CHANGES.....	20
2.5	SEPP 65 AND NSW RESIDENTIAL FLAT DESIGN CODE	21
2.5.1	Building Separation.....	21
2.5.2	Solar Access and Height.....	23
2.5.3	Natural Ventilation and Building Depth	24
3.	INDEPENDENT PANEL'S REPORT RESPONSES	27
3.1	JUSTIFICATION FOR THE AMENDED CONCEPT	27
3.2	CONCEPT PLAN APPROVAL SOUGHT FOR PROPOSED DEVELOPMENT	27
4.	CONCLUSION.....	30



APPENDICES

APPENDIX A – PANEL’S REPORT

APPENDIX B – ARCHITECTURAL DRAWINGS BY TURNER AND ASSOCIATES

APPENDIX C – DESIGN VERIFICATION CERTIFICATE – NICHOLAS TURNER

APPENDIX D – REVISED GROUND FLOOR PLAN BY ARCHITEX

APPENDIX E – SEPP 65 AND NSW RFDC REVISED COMPLIANCE TABLE – TPG

**APPENDIX F – FIGURES DEMONSTRATING DESIGN CONCEPTS FOR THE
PURPOSES OF SEPP65 AND NSW RFDC – TURNER AND ASSOCIATES**

APPENDIX G – REVISED STATEMENT OF COMMITMENTS

**APPENDIX H – TRANSPORTATION MANAGEMENT ACCESSIBILITY PLAN – URAP-
TTW**

APPENDIX I – AMENDED TRAFFIC IMPACT STATEMENT – THOMPSON STANBURY

APPENDIX J – REVISED BASIX CERTIFICATE AND REPORT - VIPAC

APPENDIX K – REVISED REFLECTIVITY REPORT - VIPAC

APPENDIX L – WIND TUNNEL REPORT - WINDTECH

APPENDIX M – SUBMISSIONS REPORT - TPG

APPENDIX N – COMPLIANCE TABLE DBTCLEP 2008 - TPG

APPENDIX O – LANDSCAPE PLANS -

APPENDIX P – HERITAGE IMPACT STATEMENT – DESIGN 5

APPENDIX Q – SEPP 1 OBJECTION – TPG

APPENDIX R – BASEMENT PARKING LEVELS - ARCHITEX

APPENDIX S – REGISTERED STRATUM SUBDIVISION PLAN – LPI NSW

APPENDIX T – CRANE DRAWING – VERTICON



1. INTRODUCTION

The purpose of this report is to respond to the matters raised in the Report of the Independent Hearing and Assessment Panel dated 16 September 2008 ("the panel") appointed by the Minister for Planning under Section 75G of the *Environmental Planning and Assessment Act, 1979* (as amended), and request for additional information letter dated 11 December 2008, with amended plans and additional information.

Based on the report prepared by the panel dated 16 September 2008 and letter dated 11 December 2008, the proponent has amended the design and provided responses, which are summarised as follows:

- A. The total floor space has been reduced to less than 5:1;
- B. The building separation distances have been increased;
- C. The overall width of buildings has been reduced and visual presence of development improved;
- D. The solar access amenity of dwellings within development has been improved;
- E. Table 2 has been amended to summarise the proposed Concept Plan and compare the original design submitted with the EA in October 2007, with the revised design submitted in August 2008 and the current design submitted within this revised Preferred Project Report;
- F. A calculation of the residential FSR (GFA) has been provided which is a separate calculation from the total FSR (GFA);
- G. Revised Drawings DA65D2 and DA66D2, and revised development schedule in **Appendix B** to include a new column indicating the duration (period of hours) of solar access as part of the sunlight analysis;
- H. Additional information has been provided to discuss the separation distances proposed;
- I. We confirm the width of the footpath to the Victoria Street frontage is proposed to be widened to at least 1.8m;
- J. The details for tenancies 7 and 8 have been clarified;
- K. The landscape plan and details for the ground level treatment along the western boundary have been included;
- L. The section 94 Contribution contained within the revised Statement of Commitments has been recalculated based on the current dwelling mix; and



- M. Revised Drawings DA13.1H and DA14G, so as a floor plan detail for level 9 is consistent with the revised development schedule associated with Building C at **Appendix B**.

As such, a number of design changes have been undertaken, including:

1. Increased setback from western boundary to Building C now a minimum of 12m. No other changes to the setback from western boundary;
2. Reinstatement of ground floor car parking in accordance with Section 96 approval to modify Development Consent No. 379/01;
3. Change in floor area to commercial tenancies 7 and 8;
4. Provision of separate access into the lift lobby into Buildings A and C from the public car park lift lobbies;
5. Modifications to the design of Building B, by reconfiguring all of the apartments in the southern portion of the building involving conversion at each floor level from 5 x 2 bedroom apartments into 3 x 2 bedroom apartments and 2 x 1 bedroom apartments;
6. Reduction in the width of Building B and reduction in total number of apartments to 52;
7. Consequently, increasing the separation distance between Building B and Building A;
8. Modifications to the design of Building A by reducing the width of the building and increasing the separation distance between Building A and Building B;
9. An additional residential level to Building A to overall height RL 75.1, and increase in total number of apartments to 101; and
10. Reduction in overall floor space of proposed development, and total number of apartments proposed is 210.

The information contained within this revised Preferred Project Report (PPR) relates to and should be read in conjunction with, the Environmental Assessment dated January 2008 submitted with the Part 3A Application to the Minister for Planning involving a Concept Plan for the proposed development on the land, the Addendum Report dated 5 August 2008, the additional information report dated 19 August 2008 and Preferred Project Report dated 1 December 2008.

The Concept Plan seeks approval for:

- Construction of three (3) residential apartment buildings;



- Alteration to the ground floor and associated footpath area. Victoria Street footpath widened to at least 1.8m;
- Lift entries and lobbies from residential parking levels through to each residential tower; and
- 210 residential apartments and an additional 115 car parking spaces.

This development is to be located over the approved and constructed component which comprises commercial office levels 1 and 2, retail/commercial ground floor level and existing parking for 561 cars.

This revised PPR includes the following information:

- a) Independent Expert Panel's report dated 16 September 2008 and request for information dated 11 December 2008 – refer to **Appendix A** for this report;
- b) Revised architectural drawings, including shadow diagrams, view analysis, solar access analysis and revised Development Schedule prepared by Turner and Associates Architects – refer to **Appendix B** for reduced A3 set of amended drawings;
- c) Design Verification Certificate by nominated architect Nick Turner from Turner and Associates – refer to **Appendix C**;
- d) Revised ground floor plan and additional public domain improvements by Architex – refer to **Appendix D** for A3 size drawing;
- e) SEPP 65 and NSW RFDC revised compliance table – refer to **Appendix E**;
- f) Figures demonstrating design concepts under SEPP 65 and NSW RFDC by Turner and Associates – refer to **Appendix F**;
- g) Revised Statement of Commitments, with inclusion of conditions recommended in the various reports accompanying this revised PPR, conditions to address submissions where relevant (such as the RTA) and updated calculations for Section 94 Contributions based on the current design mix of dwelling – refer to **Appendix G**;
- h) Copy of the Transportation Management and Accessibility Plan prepared by URaP–TTW as submitted with the Addendum Report dated 5 August 2008 – refer to **Appendix H**. (It should be noted that this report was submitted as part of the Addendum Report dated 5 August 2008. This report was based on the August 2008 TAA design and the original EA basement car parking levels design by Architex. At no stage has the design for the basement parking levels changed despite the design changes to the residential buildings. As such, this report is considered still relevant in relation to the current design despite the minor change in dwelling mix and total number of residential parking spaces);



- i) Copy of the Amended Traffic Impact Statement prepared by Thompson Stanbury as submitted with the additional information dated 19 August 2008 – refer to **Appendix I**. (It should be noted that this report formed part of the additional information package requested and submitted on 19 August 2008. This amended report reassessed the traffic impact of the proposed development and responded to matters raised in submissions and the panel in relation to traffic impacts associated with the Concept Plan, including modelling at a 4% growth rate as requested by Council and consideration of various previous traffic studies completed for Burwood Council);
- j) Revised ABSA and BASIX Certificates prepared by Vipac – refer to **Appendix J**; These certificates have advised that the proposed Concept Plan is acceptable under BASIX;
- k) Revised Reflectivity report prepared by Vipac – refer to **Appendix K**. This report has concluded that the Concept Plan is acceptable;
- l) Copy of the Wind Study completed by Windtech – refer to **Appendix L**. This report has concluded that the Concept Plan is acceptable subject to implementing a number of treatments which have been included as conditions within the Revised Statement of Commitments;
- m) Submissions Report to address the matters raised in submissions – refer to **Appendix M**;
- n) Revised assessment against Draft Burwood Town Centre Local Environmental Plan 2008 – refer to **Appendix N**;
- o) Copy of landscape plans prepared by Turf Design submitted with Addendum Report dated 5 August 2008 – refer to **Appendix O**. (It should be noted that the architectural design plans have not altered the amount of open space available at the podium level and therefore the landscape plan has not been altered. Conversely, the design of the existing building in relation to the western boundary has not been altered and so to the landscape plan has not been amended. Finally, the additional footpath width to the Victoria Street frontage of the site is proposed to be included as shown in the ground floor level drawing at Appendix D and therefore the landscape plan details have not been altered in relation to the details shown at the Victoria Street ground level frontage);
- p) Copy of the revised heritage impact statement prepared by Design 5 – refer to **Appendix P**;
- q) Revised SEPP 1 Objection – refer to **Appendix Q** to address floor space ratio variation;
- r) Copy of basement car parking levels – refer to **Appendix R**. This information has not changed and is exactly the same as the drawings submitted with the



Environmental Assessment, but for the purposes of completeness is reproduced in the Revised PPR;

- s) Copy of stratum subdivision – refer to **Appendix S**. Since the preparation of the Environmental Assessment was completed in January 2008, a stratum subdivision has been registered at Land and Property Information NSW. This stratum subdivision created a number of allotments. Importantly, the existing, approved and now operating public car park is owned by Council as a result of this plan and Council owns all of Lot 1. The remaining lots are owned by the proponent; and
- t) Copy of the drawing detailing the crane on site – refer to **Appendix T**.



2. THE SITE AND AMENDED CONCEPT PLAN

2.1 THE SITE

The land is known as 1 – 17 Elsie Street and 45-49 George Street, Burwood. The site is part owned by Burwood Council in relation to the public car park located at basement car parking levels 1 and 2 and a portion of the ground floor level, and the remainder is owned by Kavlyn Pty Ltd. This ownership has come about as a result of a Stratum Subdivision Plan on 23 June 2008 – copy at **Appendix S**. The land was originally used as an open car parking area with 191 pay-parking spaces, including three (3) spaces dedicated for people with a disability.

The site has three street frontages being:

- Northern - Victoria Street (45.72 m);
- Eastern - Elsie Street (122.81 m); and
- Southern - George Street (45.72 m).

The property has a total site area of 5,633 square metres and is rectangular in shape.

To understand the development as proposed in the current drawings with the PPR, an overview on the history of the site development has been prepared.

2.2 HISTORICAL OVERVIEW OF SITE AND DEVELOPMENT

6 April 1979 until the first application

Burwood Planning Scheme Ordinance was gazetted on 6 April 1979. The land was shown Reserved for Special Uses – (Parking), under the Burwood Planning Scheme Ordinance Map.

The site was rezoned Business Special (District Centre) 3(c2), by virtue of the Burwood Local Environmental Plan No. 18 (BLEP18), adopted in November, 1988. BLEP 18 incorporated public car parking facilities into any redevelopment of the site.

In order to make better use of the land, while still providing for the public car parking facilities, Council leased the land in April, 1991 to Lucas & Tait (Sales) Pty Ltd for a term of ninety-nine (99) years.

6 December 2002

Burwood Council grants approval to Development Application No. 379/01 subject to conditions. This approval involves:

- *Excavation of the existing car park site;*



- *Construction of a part two, part five and part seven storey mixed commercial building comprising 17,398 square metres of office space and 125 square metres of retail space comprising three café areas on the ground floor;*
- *240 private car parking spaces on basement levels B2, B3 and part on the ground floor;*
- *Not less than 200 public car parking spaces on basement levels B1 and B2;*
- *Provision of 4 loading docks and 23 bicycle storage spaces as well as amenities and shower facilities at the ground floor;*
- *Two separate ground floor portals, one at each end of the building, for access to the public car park; and*
- *Landscaping of the site including provision of 1,200 square metres of publicly accessible open space principally on the northern side of the proposed building fronting Victoria Street. Part of this area was indicated as a possible outdoor dining area adjacent to one of the proposed cafes.*

14 August 2003

Burwood Council adopts the Burwood Strategic Planning Review and Town Centre Masterplan.

24 February 2004

In March 2004, Council commissioned the Neustein Rosenberg Partnership, together with Scott Carver, to prepare a Strategic Planning Review and Town Centre Masterplan for Burwood (Vision Document).

Council also commissioned a strategic planning review for its whole LGA to provide an overall planning and development context with priorities for its future planning work. Council adopted this Vision Document on the 24 February 2004.

The vision for the Elsie Street precinct is to contribute to a vibrant and reinvigorated Burwood Town Centre based on the regeneration of these sites by increasing the commercial and residential components with an improved public domain.

The proposed design being a mixed-use commercial and residential project will positively contribute to the new Town Centre by providing a development that is sympathetic to its heritage neighbourhood, creates a modern visually dominant building, within a sustainable environment for inner city living.

Burwood Council adopted "The Vision Document: The Burwood Strategic Planning Review and Town Centre Masterplan" (Vision Document). An extract of Figure 5 from the Vision Document is included at page 16 of the original Environmental Assessment. This figure indicates heights ranging between 5 and 18 storeys for the subject site and promotes mixed use development outcomes, with lower level commercial/retail and upper levels residential.

An urban design review of the potential development of the site had also been undertaken by Stanisc Associates and advocated an alternative, more vibrant, mixed-use development, to ensure economic viability and substantial community benefit.

21 November 2005



In July, 2005 Architex, was engaged to assist in the preparation of the Construction Certificate documentation for the proposed three (3) basement car parking levels.

On 9 August 2005 an application for Early Works Construction Certificate was made to Barry Johnson and Associates (PCA) for the commencement of piling and excavation of the basement car parking levels.

On the 23 September 2005, Kavlyn Pty Ltd issued a Notice to Vacate to Burwood Council in order to commence construction of the basement car parking.

In late October 2005 a Construction Certificate for Early Works was obtained from Barry Johnson & Associates, the Section 94 Contributions were paid to Council and a Notice to Vacate the site was issued to Burwood Council for construction to commence.

On 21 November 2005, Burwood Council granted approval via Section 96 to modify Development Application No. 379/01. This approval involved:

Additional parking including additional basement level so as to increase on-site parking to 553 spaces, including not less than 205 public car parking spaces, over four levels of basement car parking.

On 21 November 2005 a S96 application was approved by Burwood Council for the construction of four (4) basement car parking levels, providing a total of 553 car spaces, of which 205 car spaces were to be dedicated as public car parking. The parking facilities were to be constructed in accordance with the latest Australian Standard AS2890.1 – 2004 and AS2890.2 – 2002.

This application was independently assessed by Mr Lindsay Fletcher from Planning Ingenuity.

26 July 2006

In order to comply with the Section 96 approval dated the 21 November 2005, a new Section 96 application was lodged to Council on 8 March 2006 for the approval of a fifth basement car parking level, in order to accommodate the required 553 car spaces within sufficient area so that car parking spaces are in accordance with the design standards of AS2890.1 – 2004. Burwood Council on 26 July 2006 granted approval via Section 96 to modify Development Application No. 379/01. The application was described by Council in the assessment report considered by Council at its meeting held on 11 July 2006, as:

This application proposes to modify DA 379/01, which proposed to erect a part 2/5/7 storey commercial office development with basement parking for 553 car spaces including 200 public car parking spaces. The modifications now proposed include an additional (5th) basement level to accommodate the provision of a total of 553 car parking spaces in accordance with the previous consent conditions, design changes to the basement levels that result in a reduction of the setback from the western side boundary from 6m to 4m and therefore a reduction in deep soil planting, predominantly internal alterations to the ground floor level which result in a decrease of floor space of 118 square metres, and a minor increase in gross floor area of 264 square metres which result in an increase in floor space ratio of 0.06:1 (i.e. an increase from 3.25:1 to 3.31:1).

The application was independently assessed by Mr Lindsay Fletcher from Planning Ingenuity.



It is noted that Council imposed several additional conditions including: amended condition 26 to provide 553 car parking spaces of which 205 as public car parking spaces; new condition 27F vehicular entry from George Street to be widened to 6m; new condition 27G roller shutters to remain open at all times to the basement car park to allow access to the public parking; new condition 27H inclusion of blind aisle as specified; new condition 27I George Street driveway to be widened to 6.5m; new condition 27J car spaces 1 to 3 on the ground level to be maintained as public parking; new condition 27K 2 car wash bays next to the loading docks; new condition 27L maintain a minimum 6m setback from the western boundary; and new condition 27M ground floor layout to be amended to maintain at least 1 car parking space portal to serve future access point and associated service area for the public car park.

The approval enabled a total floor space of 18,916.93 square metres within the approved commercial building with a minimum of 348 car parking spaces.

February 2007

Council commences public exhibition of Draft Burwood Town Centre Local Environmental Plan 2007 (Draft BTCLEP 2007). The Draft BTCLEP 2007 includes a number of maps indicating proposed zoning, FSR, height among other controls. This draft local environmental plan has had a Section 65 Certificate issued and was publicly exhibited, as such the Environmental Assessment dated October 2007 considered the draft controls as being: Zone change from Commercial 2(b) to Mixed Use; Floor Space Ratio 5:1; and height up to a maximum 17 stories.

19 April 2007

Burwood Council granted approval via Section 96 to modify Development Application No. 379/01. The application granted approval for:

Modification involving relocation of floor space within the building by enlarging the footprint of the commercial floors at Levels 1 and 2 and reducing the footprint of the upper floors to compensate. External changes to approved materials and façade design as well as minor amendments to the approved plans to comply with conditions.

This application was independently assessed by Mr Lindsay Fletcher from Planning Ingenuity. No change occurred to the overall total floor space or the total number of parking spaces.

9 May 2007

Proponent submitted Clause 6 letter for Minister's consideration as to whether the proposed development is acceptable under Part 3A of the *Environmental Planning and Assessment Act, 1979*.

9 July 2007

Minister formed opinion that proposal is acceptable under Part 3A of the Act.



18 July 2007

Department of Planning informs proponent of Minister's decision.

20 July 2007

Order made by Minister for Planning under the *Environmental Planning and Assessment Act, 1979* to appoint the Burwood Town Centre Planning Panel with the following functions:

1. as a consent authority under Part 4 of the Act, but only in relation to development with an estimated cost of more than \$40,000,000,
2. in relation to the making of environmental planning instruments under Part 3 of the Act, but only in relation to the Burwood Town Centre (Burwood Town Centre Map).

19 August 2007

The proponent received a letter from the Department of Planning which outlined the Director-General's requirements for the Environmental Assessment.

25 October 2007

Preliminary Environmental Assessment submitted to the Department of Planning for the proposal.

12 December 2007

Minister authorised that the proposal can be submitted as a Concept Plan under Part 3A for the subject site.

21 December 2007

Department of Planning advises the Minister authorised submission of a concept plan under Section 75M of the Act, without any changes to the Director-General's requirements.

21 January 2008

Environmental Assessment amended and Concept Plan application submitted to the Department of Planning.

24 January 2008

Application placed on public exhibition from 24 January 2008 until 22 February 2008.

April 2008

In April 2008, the proponent engaged Turner and Associates to re-evaluate the apartment buildings in order to address a number of issues raised in the submissions.



16 May 2008

Proponent advised that an Independent Expert Panel has been appointed under Section 75G of the Act for the concept panel at Elsie and George Streets, Burwood. The Minister's "Terms of Reference" include:

1. Consider and advise on the following impacts of the proposal:

- a) built form and urban design;*
- b) appropriateness of building heights and envelopes;*
- c) heritage impacts;*
- d) residential amenity (on and off-site);*
- e) relevant issues raised in submissions; and*
- f) adequacy of the proponent's response to the issues raised in submissions.*

2. Identify and comment on any other related significant issues raised in submissions or related to the proposal.

22 May 2008

Proponent met with the Independent Expert Panel.

30 May 2008

Public hearing on application held by Independent Expert Panel to enable persons who made a submission and other members of the public to make representations.

19 June 2008

Proponent received letter requesting additional information from Independent Expert Panel.

23 June 2008

Stratum subdivision plan registered at Land and Property Information NSW.

25 July 2008

Proponent met with the panel to review the amended design and clarify a number of matters associated with the panel's letter dated 19 June 2008.

1 August 2008

Burwood Council grants approval via Section 96 to modify Development Consent No. 379/01 dated 1 August 2008 involving aligning the shop facades of ground floor commercial tenancies 1, 2, 3, 4, 5 and 6 with Elsie Street and slightly increasing the floor space.

5 August 2008

Addendum Report, supporting documentation and amended plans submitted.



19 August 2008

Additional Information submitted.

16 September 2008

Panel complete assessment report

7 October 2008

Proponent meets with Department of Planning staff. Panel report made available for viewing and request for hard copy made by proponent.

21 October 2008

Copy of Panel report made available to proponent.

13 November 2008

Meeting with panel to discuss design changes.

2.3 DESIGN AMENDMENTS

The design changes to the current proposal from that submitted in August 2008 can be summarised as follows:

1. Increased setback from western boundary to Building C now a minimum of 12m. No other changes to the setback from western boundary;
2. Reinstatement of ground floor car parking in accordance with Section 96 approval to modify Development Consent No. 379/01;
3. Change in floor area to commercial tenancies 7 and 8;
4. Provision of separate access into the lift lobby into Buildings A and C from the public car park lift lobbies;
5. Modifications to the design of Building B, by reconfiguring all of the apartments in the southern portion of the building involving conversion at each floor level from 5 x 2 bedroom apartments into 3 x 2 bedroom apartments and 2 x 1 bedroom apartments;
6. Reduction in the width of Building B and reduction in total number of apartments to 52;
7. Consequently, increasing the separation distance between Building B and Building A;



8. Modifications to the design of Building A by reducing the width of the building and increasing the separation distance between Building A and Building B;
9. An additional residential level to Building A to overall height RL 75.1, and increase in total number of apartments to 101; and
10. Reduction in overall floor space of proposed development, and total number of apartments proposed is 210.

2.3.1 SUMMARY OF PROPOSED DEVELOPMENT

The proposed development which seeks approval for three residential apartment buildings, shown as Building A – 15 levels, Building B – 12 levels and Building C – 9 levels with the following dwelling mix:

Table 1: Summary of Apartments Proposed

TYPE OF UNIT	NUMBER	PERCENTAGE
3 bedroom	43	20.5
3 bedroom plus study	2	1
2 bedroom plus study	9	4.5
2 bedroom	80	38
1 bedroom plus study	21	10
1 bedroom	55	26
Total	210	100%

The architectural drawings prepared by Turners and Associates (TAA) for the proposed apartment buildings can be found in **Appendix B**, as an A3 reduced plan set. A revised breakdown of the internal areas, size of balconies, cross ventilation and solar access has also been prepared by TAA in the revised Development Schedule which can be found at **Appendix B**.

The amended proposal also seeks approval for three (3) residential buildings, known as Buildings A, Building B and Building C being the same reference system used in the drawings prepare by Architex in October 2007, and Turner and Associates in August 2008, having the following details:



Table 2: Summary of Amendments

Residential Building A:	Original Proposal	August 2008 Design	PPR Concept Plan
Height: (Note 1)	Thirteen (13) residential levels (over levels 3 to 15) with plant room as level 16. RL 71.9	Fourteen (14) residential levels (over levels 3 to 16). Plant room has been converted into residential apartments. RL 72.35	Fifteen (15) residential levels (over levels 3 to 17). Plant room has been converted into residential apartments. RL 75.1
Total No. of Units:	84 apartments	94 apartments	101 apartments
Roof Level	Plant room	Converted into residential level	Converted into two residential levels
Residential Building B:	Original Proposal	August 2008 Design	PPR Concept Plan
Height: (Note 1)	Eight (8) residential levels (over levels 3 to 10) with plant room at level 11. RL 56.9	Twelve (12) residential levels (over levels 3 to 14). Plant room has been converted into residential apartments. RL 66.35	Twelve (12) residential levels (over levels 3 to 14). Plant room has been converted into residential apartments. RL 66.35
No. of Units:	47 apartments	58 apartments	52 apartments
Roof Level	Plant room	Converted into residential level	Converted into residential level
Residential Building C:	Original Proposal	August 2008 Design	PPR Concept Plan
Height: (Note 1)	Eleven (11) residential levels (over levels 3 to 14) with plant room at level 15. RL 68.9	Nine (9) residential levels (over levels 3 to 11). Plant room has been converted into residential apartments. RL 57.35	Nine (9) residential levels (over levels 3 to 11). Plant room has been converted into residential apartments. RL 57.35
No. of Units:	78 apartments	56 apartments	56 apartments
Roof Level	Plant room	Converted into residential level	Converted into residential level
	Original Proposal	August 2008 Design	PPR Concept Plan
Total Apartments	209	208	209
Total FSR	5:1 (Note 2)	5.25:1	5:1 (Note 5)
Total Residential FSR	3.2:1 (Note 3)	3.49:1	3.32:1 (Note 6)
Maximum Height	RL 71.9 or 17 storeys (Note 4)	RL 72.35 or 18 storeys	RL 75.1 (60m) or 19 storeys (Note 7)
<p>Note 1: Ground level taken to be RL 15.1. Note 2: DBTCLEP 2007 permitted 5:1. Note 3: DBTCLEP 2007 permitted 3.5:1. Note 4: DBTCLEP 2007 permitted 17 storeys. Note 5: DBTCLEP 2008 permits FSR 4.5:1. Note 6: DBTCLEP 2008 permits Residential FSR 3.2:1. Note 7: DBTCLEP 2008 permits max. height 60m.</p>			



The proposal seeks approval for car parking associated with the residential apartment buildings, which involves an additional 115 car parking spaces more than the original approval for the site.

The proposed development seeks a number of improvements to the ground floor level design including: widening of the footpath along the Victoria Street frontage, creation of improved tenancies to the Victoria Street frontage, and alternate treatment to the strip of land along the western boundary for use as an open space area for workers employed and tenants within the office floor space of the development. The treatment to the strip of land has included a mix of paved areas, planter beds, fixed seating, pergola structure, BBQ facility, security gating, sensor lighting and palisade fencing. Details of the landscape design can be seen in **Appendix O**. A landscape drawing demonstrating the treatment of the strip of land along the western boundary can be seen at **Appendix O**.

2.3.2 SUMMARY OF OVERALL FLOOR SPACE WHEN DEVELOPMENT IS COMPLETED

The following table includes the existing development as built, with the proposed development inclusive of the public car parking under the DBTCLEP 2008:



Table 3: Existing Development as built plus amended apartment design – DBTCLEP 2008

Building level	Square metres
Basement level 5	Nil
Basement level 4	Nil
Basement level 3	Nil
Basement level 2 (as per Stratum)	3,214.00
Basement level 1 (as per Stratum)	4,609.00
Subtotal	7,823.00
Ground level (as per Architex ground floor masterplan)	1,323.60
Level 1 (as per Architex)	3,856.20
Level 2 (as per Architex)	3,866.20
Building A (as per TAA)	9,011.40
Building B (as per TAA)	4,743.20
Building C (as per TAA)	4,952.50
Subtotal	27,743.10
Total	35,566.10
Floor Space Ratio	
Site Area: square metres	5,633.00
Therefore, Floor Space Ratio:	6.31:1

The proposed development as contained within the concept seeks, with the basement public car parking included as requested by the panel, an FSR of 6.31:1 under the Draft Burwood Town Centre Local Environmental Plan 2008 (DBTCLEP 2008) or if the public car parking is excluded a FSR of 4.93:1.

The definition under the draft Burwood Town Centre Local Environmental Plan 2008 (DBTCLEP 2008) for gross floor area, states:

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes:
- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:
- (f) storage, and
- (g) vehicular access, loading areas, garbage and services, and



- (h) *plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and*
- (i) ***car parking to meet any requirements of the consent authority (including access to that car parking), and***
- (j) *any space used for the loading or unloading of goods (including access to it), and*
- (k) *terraces and balconies with outer walls less than 1.4 metres high, and*
- (l) *voids above a floor at the level of a storey or storey above*

The difference between the two FSRs is as a result of the exclusion of the public car parking in the basement and ground floor level of the existing building, as this is parking to meet Council's requirement for the site development. For the purposes of this assessment, as the Concept Plan seeks approval for the residential component which sits above ground and will have visible bulk and scale, it is considered that the intention of the planning control is not directing itself towards car parking approved previously for the purposes of a public car park, which was a requirement of the consent authority Burwood Council and therefore is considered to be consistent with the highlighted portion of the definition of floor area which is not included. As such, the total floor space of the site should the Concept Plan gain approval will be a FSR of 4.93:1.

The total floor space of the residential component based on each building floor area in Table 5 is 18,707.1 square metres (refer also to **Appendix B** – Development Schedule page 5). This represents a FSR of 3.32:1. It is noted that the DBTCLEP 2008 permits a residential component to have an FSR of 3.2:1. It should be noted that at the time of the preparation of the original Concept Plan as discussed in the EA, Draft Burwood Town Centre Local Environmental Plan 2007 (DBTCLEP 2007) had recently completed exhibition. The DBTCLEP 2007 included a FSR of 5:1 and the residential component 3.5:1 for the subject site. Therefore, based on those controls the residential buildings were designed so as the overall development would have a FSR of 5:1 with a residential component of 3.5:1. The December 2008 design remains consistent with the initial controls in DBTCLEP 2007, despite these changing in the DBTCLEP 2008.

The proposed development does not strictly comply with either the BPSO or DBTCLEP 2008 maximum permitted FSR.

As part of the additional information submitted on 19 August 2008 with respect to the proposal, justifications for the variation in the floor space ratio of the development were provided based on:

- The planning principle established by the NSW Land Environment Court in relation to the consideration of the bulk, scale and height of the proposed development; and
- The provision of a formal objection under the provisions of State Environmental Planning Policy No. 1 – Development Standard to the variation of the maximum FSR permitted under the Burwood Planning Scheme Ordinance of 2:1; and



- The variation clause contained within the Draft Burwood Town Centre Local Environmental Plan 2008.

It is considered that these justifications remain relevant for the purposes of the amended design. The amended design is an improvement in terms of its visual bulk and scale, due to removal of some 1,830 square metres of floor space of which some 990 square metres has been removed from the residential component. The removal of this floor space has reduced the bulk and scale of the proposed buildings and allowed for an increase the separation distances between buildings, which is considered to be an improvement in the visual presentation of the development. A revised SEPP 1 objection can be found at **Appendix Q**.

2.3.3 SUMMARY OF PARKING REQUIRED FOR PROPOSED DEVELOPMENT

Car parking required for the proposed residential apartments has been calculated as follows based on Burwood Council Consolidated DCP at Part 22 which provides the following parking requirements in relation to development within the Burwood Town Centre:

1. Parking rates Special parking rates for certain land uses are also provided in the table below.

2. Residential flats and/or residential component of mixed use development

All residents' parking is to be provided on site. Visitors' parking is not to be provided on site, but is to be paid for through section 94 contributions with 25% discount on costs. 25% less car parking spaces are to be provided by Council for public parking in lieu of.

3. Development other than residential flats and/or residential component of mixed use development

*Not less than 40% and not more than 80% of car spaces required, as marked * in the table, are to be provided on site. The balance of car spaces required, but not provided on site, is to be paid for through section 94 contributions with 25% discount on costs. 25% less car parking spaces are to be provided by Council for public parking in lieu of.*

Residential Flats within the Burwood Town Centre:

0.5 space / studio or bedsitter unit

1 space / 1 and 2 bedroom unit

1.5 spaces / 3 bedroom unit

Visitors: 1 space / 6 units

These rates are qualified with:

These are the minimum and maximum requirements.

All residents' parking spaces are to be provided fully on site.

For the purposes of calculating the number of visitor spaces required a studio or bed-sitter unit shall be considered to be half a unit.

Visitors' parking spaces are required to be paid for through section 94 contributions with 25% discount on costs. 25% less car numbers are to be provided at public parking facilities by Council in lieu of.

Refer to Council's Section 94 Contributions Plan.

Therefore, total parking required for the proposed development:



Table 4: Summary of Parking for Proposed Residential Development

TYPE OF UNIT	NUMBER	PARKING
3 bedroom	45	68
2 bedroom	89	89
1 bedroom	76	76
Visitor		35
Total	210	268

The visitor parking equates to 35 car parking spaces. Therefore, the total for the new proposed component is 233 spaces.

The design as submitted in August 2008, based on the dwelling mix required 233 residential car parking spaces. The change in the required number of car parking spaces is a result of the change in the overall dwelling mix and the reduction in the total number of 3 bedroom apartments. It is considered that the 4 car parking spaces difference is minor, but if the panel requires strict compliance, then a number of tandem car spaces could be converted into storage.

2.3.4 SUMMARY OF OVERALL PARKING WHEN DEVELOPMENT IS COMPLETED

Development Consent No. 379/01 and its subsequent Section 96 approvals approved parking for the site as requiring 553 with 205 public car parking spaces. The total gross floor area of this approved development is 18,916.9 square metres under the definition of the Burwood Planning Scheme Ordinance.

Council's required parking rate for development within the Burwood Town Centre is 1 space per 50 square metres or 378 parking spaces. The commercial component of the development as constructed to date is equal to 11,518.93 square metres or 230 parking spaces.

Therefore, the new component of the development being the residential component is the only element being assessed for the purposes of parking and requires 233 spaces with no visitor parking.

The commercial component has been modified slightly however it is not proposed to allocate any additional parking, as this was already previously considered by Council as requiring 230 spaces.

Therefore, the basement car parking levels will provide in total the following:

Residential: 233 spaces

Commercial: 230 spaces

Public Parking: 205 spaces

Total: 668 spaces



The design of the basement car park accommodates 672 spaces. The 4 car parking spaces difference is a result of the conversion of a number of 3 bedroom apartments into 1 and 2 bedroom apartments in order to improve the residential mix and allow for the design changes associated with increasing the separation distances between Building A and B along with reducing the overall floor space. The proposed residential apartment buildings requires an additional 115 car parking spaces to be accommodated. These additional parking spaces are shown highlighted in the drawings at **Appendix R**.

A total of 8 car parking spaces were specifically required as part of the approvals granted by Council located at the ground floor level. It should also be noted that the Council has taken ownership of the public car parking spaces and the Stratum Subdivision is now signed and registered. Details of the stratum subdivision layout for basement parking levels 1 and 2 have also been included in **Appendix S**. As previously indicated it should be further noted that 8 car parking spaces have been reinstated on the ground floor level which form part of parking specifically required by Council. This car parking has not been included in the floor space as this is car parking required to meet the requirements of Burwood Council which was previously assessed and approved as part of the original development. Total parking on-site when the entire development is completed will be 676.

The basement parking levels accommodate the following:

Table 5: Summary of basement car parking levels

Level	Description
Basement Level 5	143 residential car parking
Basement Level 4	94 residential parking spaces 43 private car parking spaces
Basement Level 3	143 private car parking spaces
Basement Level 2	28 commercial car parking spaces 12 Council owned commercial car parking spaces 89 Council owned car parking spaces (public car park)
Basement Level 1	116 Council owned car parking spaces (public car park) 4 private car parking spaces

The proposal also includes:

35 motorcycle parking spaces

114 bicycle rails

2.4 REASON FOR PLAN CHANGES

The design drawings have been amended by TAA from the August 2008 version to address the matters raised in the Independent Expert Panel's report dated 16 September 2008. This revised Preferred Project Report is in response to letter dated 11 December 2008.



2.5 SEPP 65 AND NSW RESIDENTIAL FLAT DESIGN CODE

In response to a number of the matters raised in the panel report dated 16 September 2008, and the tables regarding SEPP 65 and the NSW Residential Flat Design Code (RFDC) a revised Compliance Table can be found at **Appendix E**. This table has extracted the tables as they appear in the panel's report and included an additional column to address each matter associated with the changes shown in the design drawings prepared by Turner and Associates.

The ground floor plan has been amended so as to remove tenancies which have poor amenity and provide for separated access into the residential lift lobby of Buildings A and C at the George Street and Victoria Street entrances from the lift lobby into the public car park to the basement levels.

The following addresses specific issues:

2.5.1 Building Separation

For the purposes of calculating separation distances, two separate considerations have formed part of the amended design. The first consideration being in relation to building separation distances to adjoining properties external of the site. The second consideration being in relation to the proposed development's internal separation distances.

Building separation for the floors below the first residential level is for the purposes of commercial (non-residential floor space within the completed building on-site). This portion of the development does not form part of this Concept Plan and was the subject of previous approvals (detailed earlier in this report). These levels are contained within one built form which is setback 6m from the western boundary. The existing commercial site development generally has a zero setback from the northern boundary to Victoria Street. Zero setbacks generally apply to Elsie Street and George Street. The lower levels provide for the site's "share" of the separation distance required from a non-habitable room to habitable rooms to the north and west up to 4 storeys in a distance greater than 9m. The lower levels provide for the site's "share" of the separation distance required from a non-habitable room to non-habitable rooms to the east and south up to 4 storeys in a distance of 6m. The ground level, level 1 and level 2 are contained within one built form for which the existing development complies with the separation distances in relation to its built form and adjoining properties.

The Concept Plan involves residential development commencing at level 3 or the podium level. The separation distances of the proposed development in relation to adjoining developments to all its boundaries is considered to provide for the subject site's "share" without affecting the future development potential of adjoining properties.

The share of the subject site's building separation distance between Building A and the western common boundary is unchanged, as it is considered that the land to the



immediate west does not have significant development potential for a residential flat building as it contains the heritage items known as Lochiel Terrace fronting George Street.

The design and location of Building B has been reconsidered from that presented in the EA to afford a substantial setback from the western common boundary so as to respond to a number of submissions which raise issues of amenity and privacy, along with addressing the panel's concerns.

The design has been further modified from the August 2008 TAA to the current December 2008 TAA design, so as the share of the subject site's building separation distance between Building C and the western common property boundary has been increased from 11.6m to 12m and therefore does not impinge on the development potential of the adjoining property to the west. It should also be noted that the proposed balconies to the western elevation of Building C include privacy louvers. The share of the site's separation distances comply with the RFDC and as such do not impinge of the development potential of the land to the west.

With respect to the second consideration associated with building separation distances within the development, these have been increased to mitigate a number of impacts and concerns raised by the panel. For the purposes of building separation distances within the development, this consideration has been taken from the podium level as being the first residential level.

The building separation distances between Buildings A and B have been increased from between 10.235m – 14.660m to between 16m – 25.3m.

In this regard, levels 4 to 10 have separation distances between 16m balcony to balcony, 16.9m balcony to wall, and 19.1m from wall to wall. The southern elevation of Building B includes the windows of a bedroom with privacy louvers fitted and kitchen windows. The balcony return of the apartments at the south-east corner of Building B is a design feature which is approximately 1.1m to 1.4m in width.

It is considered that the proposed development achieves each of the objectives of the building separation distances control, despite not achieving strict compliance with the minimum separation distances required under the RFDC associated with development between 5 and 9 storeys in height, which state as follows:

- *To ensure that new development is scaled to support the desired area character with appropriate massing and spaces between buildings.*
- *To provide visual and acoustic privacy for existing and new residents.*
- *To control overshadowing of adjacent properties and private or shared open space.*
- *To allow for the provision of open space with appropriate size and proportion for recreational activities for building occupants.*
- *To provide deep soil zones for stormwater management and tree planting, where contextual and site conditions allow.*



This is achieved as the podium level provides for open space of an appropriate size and proportion for recreational activities of future building occupants.

Solar access or sunlight, along with overshadowing is considered in more detail at 2.5.2. Overshadowing outside of the development on adjoining properties is generally unchanged from that considered associated with the August 2008 TAA design. A revised sunlight analysis has been completed to reconsider the amount of overshadowing within the development.

The overall floor space of the proposed residential component has been reduced so as the overall bulk and scale is consistent with that envisaged for the locality under the DBTCLEP 2008. The massing of the buildings is similar to that which would be achieved if a strictly complying design were proposed on the site. This is demonstrated in the analysis undertaken by Turner and Associates indicated at **Appendix F**, showing a comparison of a complying building form with three towers on the site verses that of the proposed development. In addition this analysis has also considered the building depth of each building.

The acoustic and visual privacy between dwellings within each building can be adequately achieved given the design of the façade to the southern elevation of Building B includes smaller sized windows as well as louvers.

At level 11, the southern elevation of Building B is a blank wall and the separation distances are between 23.1m and 23.4m balcony to wall, and 25.3m wall to wall. It is considered that while the separation distance is not exactly 24m in part, given the wall to the southern façade of Building B contains no windows, the separation distances are acceptable.

The building separation distances between Buildings B and C are unchanged, as these are considered to be consistent with the RFDC where the podium level is taken to be the first residential level.

2.5.2 Solar Access and Height

As a result of improving the separation distances between Buildings A and B so too the solar access within the development and therefore amenity of apartments has been improved. Turner and Associates have prepared a revised Development Schedule (refer to **Appendix B**) and adjusted the solar access views (refer to **Appendix B**), to make a differentiation between solar access to the main living areas over a three hour period between 9am and 3pm and a two hour period over 9am and 3pm for all apartments within the development in mid winter. In addition, the specific duration of sunlight to units has now been quantified.

The amended schedule indicates apartment by apartment how each is rated for solar access. The total percentage of solar access available over a three hour period has been increased from 35.9% to 40.5%, and the percentage of solar access over a two hour period is some 85.7%.



It is considered that the site is located in an area undergoing transition and targeted as part of its future within the Burwood Town Centre for development of higher densities and height as envisaged under the DBTCLEP 2008 draft controls and draft zoning, and as such the site qualifies as a “dense urban area” under the NSW Residential Flat Design Code – Daylight Access, rule of thumb which states:

Living rooms and private open spaces for at least 70 percent of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm in mid winter. In dense urban areas a minimum of two hours may be acceptable.

With respect to height and associated impacts from overshadowing of adjoining properties, the amended design has sought not to change the overall height of Buildings B and C from the design as submitted in August 2008. However, with respect to Building A both the overall height has been increased and the total number of levels. The height proposed is RL 75.1 or equivalent to 60m to the top of the lift overrun. It is noted that under the BPSO, there is no maximum height control, whereas the DBTCLEP 2008 the maximum height is proposed to be 60m. The design has sought to integrate the lift overrun into the roof design as a feature on the southern elevation of Building A. The increase in the overall height of Building A is a result of the increasing the building separation distances between Buildings A and B, the corresponding loss of floor space, and the desire of the proponent to maintain the total number of apartments within the development at a yield of 210.

The increased height to Building A will not impact on the amenity of any residential properties on adjoining properties or within the development, as the additional shadowing from Building A will occur to the commercial buildings to the south (refer to shadow diagrams at **Appendix B**). As such, the residential amenity of adjoining properties in terms of solar access will be maintained compared with the original development approved.

2.5.3 Natural Ventilation and Building Depth

The matter of natural ventilation in relation to the NSW Residential Flat Design Code (RFDC) has been reconsidered carefully. The design of the proposed development does comply with the rules of thumb for natural ventilation but not in relation to apartment design. This is a factor of its typology being configured with a central core to each apartment building.

The typology of the proposed development has been compared regarding a typical floor plate in a number of scenarios by Turner and Associates at **Appendix F**, including that of a “conventional double loaded corridor layout”, a “multi-core with dual aspect layout” and “central core layout”. As is demonstrated, the central core layout achieves the highest level of natural cross-ventilation.

The objectives of the building depth control under the RFDC state:

- To ensure that the bulk of the development is in scale with the existing or desired future context.
- To provide adequate amenity for building occupants in terms of sun access and natural ventilation.



- To provide for dual aspect apartments.

It is considered that the proposed amended design achieves each of these objectives. The development provides natural ventilation in excess of the control under the RFDC. The proposed development provides sun access for just over 40% of apartments for 3 hours, 81% of apartments for 2 hours and 100% of apartments for 1.5 hours between 9am and 3pm on June 21. This is considered to provide an adequate amount of sun access amenity for future building occupants. More than 64% of apartments have dual aspects. Less than 5% of apartments have a single southern aspect. The overall bulk and scale of the development has been reduced in terms of floor space within the residential component and increased building separation distances, so as to be consistent with the desired future character.

The objectives of natural ventilation in relation to provision of building amenity have been assessed in relation to the design of Buildings A, B and C. The building depths which support natural ventilation typically range from 10-18 metres. In this instance the typology of the buildings means that these buildings are not within the “typical” range. However, the design of the apartments have achieved and exceeded the overall natural cross ventilation requirement of 60% providing a total of 64.3% of all apartments on site with natural cross ventilation.

The rule of thumb on natural ventilation states:

Buildings which do not meet the minimum standards indicated in relation to apartment layout must demonstrate how satisfactory daylighting and natural ventilation can be achieved particularly in relation to habitable rooms.

The proposed amended design for the development achieves this rule of thumb. The bedrooms and living rooms in apartments have windows to ensure the majority of habitable rooms of the apartments have access to natural ventilation and as discussed previously have access to daylight to an adequate level.

The RFDC also states:

25% of kitchens within the development should have access to natural ventilation.

In excess of 25% of kitchens comply as a result of redesigning the apartments in Buildings A and B. Greater than 25% of apartments now have access to natural ventilation based the rear wall of a kitchen being within 8m of a window.

The panel also raised concern that some rooms are located deep into apartments without access to a window. These spaces are labelled studies on the drawings and are not intended for a purpose similar to that of a living room or bedroom which must have window access.

The RFDC is a set of guidelines that provide benchmarks for better practice in the planning and design of residential flat buildings. It is noted that the RFDC includes rules of thumb to assist in understanding the benchmarks. These provide additional detail and guidance for applying the design quality principles outlined in SEPP 65.



The amended design prepared by TAA has been compared with that prepared by Architex and the design submitted in August 2008, it is considered that the current design is a significant improvement in drawing closer compliance with the RFDC, but not absolute compliance in such aspects as building depth. The design of the development overall is considered to be consistent with the design quality principles under SEPP 65 and as such it is considered the development could be supported despite not achieving strict compliance. In this regard, we ask the panel consider the design elements of each apartment building on its merits and not strictly apply the apartment layout and building depth controls.



3. INDEPENDENT PANEL'S REPORT RESPONSES

The Minister for Planning appointed an independent expert panel under Section 75G of the *Environmental Planning and Assessment Act, 1979*. The panel met with the proponent's design team on a number of occasions to consider proposed design changes prior to finalisation.

The proponent seeks approval for the current design as part of this Preferred Project Report. To assist the panel, a revised BASIX Certificate has been obtained for the amended design. In addition to address the matter raised at page 16 of the panel report a revised Reflectivity Report has been prepared by Vipac. Refer to **Appendices J and K**.

3.1 JUSTIFICATION FOR THE AMENDED CONCEPT

The amended concept has been prepared to address the issues raised in the panel's report and letter, and to assist the Minister for Planning to form a conclusion that the proposed development is acceptable and should be supported. It is considered that the amended concept is justified following consideration and assessment of potential environmental impacts, the suitability of the site and an assessment that the development is in the public interest.

Assessment of potential environmental impacts

This revised PPR report and its appendices has assessed the potential environmental impacts that will result from the amended design and concluded that the identified impacts are not significant and can be appropriately managed. This revised PPR and its appendices have addressed the key issues identified in the DGRs. As such, it is considered that the proposed development is justified and should be supported.

3.2 CONCEPT PLAN APPROVAL SOUGHT FOR PROPOSED DEVELOPMENT

The proponent seeks approval for the following:

- Construction of three (3) residential apartment buildings;
- Improvements to the ground floor design, treatment of the strip of land adjacent to the western boundary and Victoria Street footpath widening to 1.8m in width/associated public domain;
- Lift entries and lobbies from residential parking levels through to each residential tower; and



- 210 residential apartments and 233 car parking spaces to support the residential apartments within the basement car parking levels 4 and 5, bringing the total parking on-site to 676 car spaces inclusive of 205 public car parking spaces, 8 Council required car parking spaces at the ground floor level and 230 commercial parking spaces. Therefore the Concept Plan requires an additional 115 car parking spaces.

The proposed residential development is to be located over the approved and constructed building which exists on-site, which comprises commercial office levels 1 and 2, retail/commercial ground floor level and existing parking for 561 cars.

The proponent does not seek approval from the Minister for Planning for the component of the existing and constructed development involving the approved non-residential components within the ground, first floor and second floor levels. These are completed and can be inspected on-site. It is noted that the Department of Planning letter dated 21 December 2007, states in part, "You are now requested to resubmit your EA as a concept plan for the proposal. This can be made by way of an addendum to the current EA and should include a revised development description and an assessment of the entire project, including existing commercial and car parking components and how they relate to the proposed residential component of the proposal." The Environmental Assessment submitted with the Concept Plan in January 2008 included information concerning the existing approved development and subsequent reports provides further clarification.

The applicant does not seek approval for the approved and constructed five levels of basement car parking which exist on the site. The Concept Plan submitted under Part 3A seeks approval for the re-organisation of the car parking within the basement car parking levels as a more efficient layout is required to comply with Australian Standard 2890 and to provide car parking for the proposed residential component of the development.

The amended Concept Plan drawings prepared by Turner and Associates, and information contained within all the information as submitted in August and December 2008 includes a level of detail which would ordinarily be included within a Project. Sufficient detail is contained within the drawings to demonstrate the design detail for each apartment, over each level within each building for the proposed residential development. This includes the vertical circulation and access through the buildings to the ground floor level foyers and the residential levels of the basement car park.

Burwood Council has previously granted approval via Development Consent No. 379/01 and its subsequent Section 96 approvals.

It is noted that the exhibition of the concept plan in January 2008 stated that the application was for the following development:

The Minister for Planning has formed the opinion pursuant to clause 6 of State Environmental Planning Policy (Major Projects) 2005 that the project is development described in Group 5, clause 13, Schedule 1 being development that



has a capital investment value that exceeds \$50 million and is important in achieving State or regional planning objectives. The proposal is thus declared to be a project to which Part 3A of the Environmental Planning and Assessment Act 1979 applies. The Minister authorised a concept plan for the proposal on 12 December 2007.

The amended Concept Plan can be described in the same manner.

The proponent requests the Minister exercise her discretion and grant approval for the amended Concept Plan submitted with this revised Preferred Project Report under Section 75P(1)(c) of the Act , as follows:

75P *Determinations with respect to project for which concept plan approved*

(1) When giving an approval for the concept plan for a project, the Minister may make any (or any combination) of the following determinations:

...

(c) the Minister may determine that no further environmental assessment is required for the project or any particular stage of the project (in which case the Minister may, under section 75J, approve or disapprove of the carrying out of the project or that stage of the project without further application, environmental assessment or report under Division 2).

...



4. CONCLUSION

The original Environmental Assessment and its appendices, the addendum report and appendices, additional information, the Preferred Project Report and this revised Preferred Project Report have been prepared to address the Director General's Requirements (DGRs) for this concept plan - ref *MP No.07_0073* received on 17 August 2007. This revised Preferred Project Report includes amended detailed design drawings prepared by Turner and Associates which also respond to the DGRs, the written requests for additional information, comments from the independent expert panel, submissions received during the exhibition period and the panel's report.

The amended drawings have been prepared:

- to improve the visual amenity between the subject site and surrounding properties;
- to provide for improved privacy within and between development, particularly to the west;
- to demonstrate the impact of the development in relation to overshadowing of adjoining residential properties;
- to provide a design response which improves the visual presentation of the development and considerate with the future bulk and scale of the development within the locality;
- to address concerns in relation to the public domain at the Victoria Street edge;
- to provide a design solution for the strip of land along the western portion of the site; and
- consider the provisions of Draft BTCLEP 2008, SEPP 65, and NSW RFDC.

We ask the panel to support the concept application and recommend its approval to the Minister.



APPENDIX A – PANEL REPORT & LETTER

Revised Preferred Project Report
1-17 Elsie Street and 45-49 George Street, Burwood





APPENDIX B – ARCHITECTURAL DRAWINGS BY TURNER AND ASSOCIATES

Revised Preferred Project Report
1-17 Elsie Street and 45-49 George Street, Burwood





APPENDIX C – DESIGN VERIFICATION CERTIFICATE – NICHOLAS TURNER

Revised Preferred Project Report
1-17 Elsie Street and 45-49 George Street, Burwood





APPENDIX D – REVISED GROUND FLOOR PLAN BY ARCHITEX

Revised Preferred Project Report
1-17 Elsie Street and 45-49 George Street, Burwood





APPENDIX E – SEPP 65 AND NSW RFDC REVISED COMPLIANCE TABLE

Revised Preferred Project Report
1-17 Elsie Street and 45-49 George Street, Burwood





APPENDIX F – FIGURES DEMONSTRATING CONCEPTS FOR SEPP 65 AND RFDC

Revised Preferred Project Report
1-17 Elsie Street and 45-49 George Street, Burwood





APPENDIX G – REVISED STATEMENT OF COMMITMENTS

Revised Preferred Project Report
1-17 Elsie Street and 45-49 George Street, Burwood





APPENDIX H – TMAP

Revised Preferred Project Report
1-17 Elsie Street and 45-49 George Street, Burwood





APPENDIX I – AMENDED TRAFFIC IMPACT STATEMENT

Revised Preferred Project Report
1-17 Elsie Street and 45-49 George Street, Burwood





APPENDIX J – REVISED BASIX CERTIFICATE AND REPORT

Revised Preferred Project Report
1-17 Elsie Street and 45-49 George Street, Burwood





APPENDIX K – REVISED REFLECTIVITY REPORT

Revised Preferred Project Report
1-17 Elsie Street and 45-49 George Street, Burwood





APPENDIX G – WIND TUNNEL REPORT

Revised Preferred Project Report
1-17 Elsie Street and 45-49 George Street, Burwood





APPENDIX M – SUBMISSIONS REPORT

Revised Preferred Project Report
1-17 Elsie Street and 45-49 George Street, Burwood





APPENDIX N – COMPLIANCE TABLE DBTCLEP 2008

Revised Preferred Project Report
1-17 Elsie Street and 45-49 George Street, Burwood





APPENDIX O – LANDSCAPE PLANS

Revised Preferred Project Report
1-17 Elsie Street and 45-49 George Street, Burwood





APPENDIX P – HERITAGE IMPACT STATEMENT

Revised Preferred Project Report
1-17 Elsie Street and 45-49 George Street, Burwood





APPENDIX Q – SEPP 1 OBJECTION

Revised Preferred Project Report
1-17 Elsie Street and 45-49 George Street, Burwood





APPENDIX R – COPY OF BASEMENT PARKING LEVELS

Revised Preferred Project Report
1-17 Elsie Street and 45-49 George Street, Burwood





APPENDIX S – COPY OF STRATUM PLAN

Revised Preferred Project Report
1-17 Elsie Street and 45-49 George Street, Burwood





APPENDIX T – CRANE DIAGRAM

Revised Preferred Project Report
1-17 Elsie Street and 45-49 George Street, Burwood

