

ASSESSMENT AGAINST DRAFT BURWOOD TOWN CENTRE LOCAL ENVIRONMENT PLAN 2008



REQUIREMENT		COMMENT	COMPLIES
1.2 Aims of Plan	<p>(1) <i>This Plan aims to make local environmental planning provisions for land in Burwood Town Centre in accordance with the relevant standard environmental planning instrument under section 33A of the Act.</i></p> <p>(2) <i>The particular aims of this Plan are as follows:</i></p> <p>(a) <i>to provide a planning framework for the Burwood Town Centre consistent with its status as a Major Centre,</i></p> <p>(b) <i>to increase opportunities for employment,</i></p> <p>(c) <i>to manage and increase the range and diversity of residential and non-residential opportunities,</i></p> <p>(d) <i>to ensure an appropriate mix of land uses within the Burwood Town Centre,</i></p> <p>(e) <i>to conserve heritage,</i></p> <p>(f) <i>to provide for development that maximises public transport patronage and encourages walking and cycling,</i></p> <p>(g) <i>to encourage architectural design excellence,</i></p> <p>(h) <i>to minimise site isolation,</i></p> <p>(i) <i>to mitigate any adverse effect on the amenity of existing and future residents within and adjoining the Burwood Town Centre, and</i></p> <p>(j) <i>to mitigate any adverse effect on the amenity of existing and future open space areas within the Burwood Town Centre.</i></p>	<p>(2)(a) Table 7 of the draft 'Inner-west' sub-regional centre states that characteristics of a major centre include "...taller office and residential buildings...". The proposal provides a development with an existing commercial podium with residential towers above in close proximity to both public transport and services and a Westfield mall within the Burwood Town Centre (BTC) area. This is consistent with the desired future character of a Major Centre.</p> <p>(2)(b) The development will generate employment opportunities the short term in the construction industry. In addition there will be on going employment for employees of the commercial space as well as maintenance of the building in the longer term.</p> <p>(2)(c) The development will provide a greater housing mix and housing choice, with a range of dwelling sizes provided as well as a variety of commercial spaces which will add to the potential diversity of uses in the area.</p> <p>(2)(d) The draft Inner-west subregional strategy outlines that Burwood is a <i>primary growth area for jobs and dwellings</i>. The proposed development provides an appropriate mix of residential and commercial uses in BTC.</p> <p>2(e) The site is located in the vicinity of heritage items and therefore a heritage impact assessment report has been undertaken for the amended design to assess any potential heritage impacts.</p> <p>(2)(f) Residential and commercial uses located in close proximity to Burwood train station and Westfield shopping centre which will encourage public transport use and pedestrian activity.</p> <p>2(g) A process of redesign has been undertaken for architectural design excellence. The evolving design of the residential component of the building has been the product of two architectural firms with TAA presenting the final designs for the revised PPR. The amended designs have been through several design amendments with TAA addressing comments received from the Panel on the design and</p>	Yes

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		<p>developing the design to reach the final product.</p> <p>(2)(h) No site isolation will result from the proposal.</p> <p>(2)(i) The design of the proposal has been modified to minimise adverse effects on the amenity of residents. Modifications include:</p> <p>Moving the tallest building further away from the western boundary of the site to ensure maximum separation distance from the adjoining residents.</p> <p>Pergola structure has been included on the podium level will create visual screening of the towers from the neighbouring residences to the west.</p> <p>The landscaping is designed to exclude access to residents to the western edge of the podium to ensure there is no overlooking from that area into neighbouring yards.</p> <p>The colonnade and setback to Elsie St will improve the vibrancy of the public domain and create an engaging street-level façade.</p> <p>(2)(j) An area of open space is provided on the podium level for future residents of the development and their guests. No significant impacts on existing open space in Burwood are envisaged as a result of this proposal.</p>	
Land Use Table Zone B4 Mixed Use	<p><i>1 Objectives of zone</i></p> <ul style="list-style-type: none"> <i>• To provide a mixture of compatible land uses.</i> <i>• To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.</i> 	<p>The development provides residential development in conjunction with the existing commercial building in a convenient location within the BTC. It is situated in close proximity to Burwood train station which will encourage the use of public transport. There is also a Westfield mall in close proximity to the site which will provide residents with essential services within walking distance, promoting pedestrian activity.</p> <p>Bicycle racks are provided in the basement car park to encourage the use of bicycling. The provision of residential apartments will revitalise the surrounding commercial uses and other services in the area.</p>	Yes
	<i>2 Permitted without consent</i>	N/A	

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	<i>Home occupations; Roads.</i>		
	<p><i>3 Permitted with consent</i></p> <p><i>Advertising structures; Amusement centres; Boarding houses; Business premises; Car parks; Child care centres; Community facilities; Demolition; Dwellings; Educational establishments; Entertainment facilities; Food and drink premises; Function centres; Funeral chapels; Health services facilities; Home-based child care; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Markets; Mortuaries; Nightclubs; Office premises; Passenger transport facilities; Places of public entertainment; Places of public worship; Pubs; Public administration buildings; Public utility undertakings; Recreation area; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Retail premises; Seniors housing; Service stations; Shop top housing, Signage; Telecommunications facilities; Tourist and visitor accommodation; Vehicle sales and hire premises; Veterinary hospitals.</i></p>	<p>An approved commercial building is under construction on the site including 5 basement levels which have been completed. There is also an existing public car park operating on the site (Council owned). The proposed residential development seeks to integrate residential flat buildings and the existing commercial premises.</p> <p>The uses proposed are permissible with consent.</p>	Yes
	<p><i>4 Prohibited</i></p> <p><i>Any other development not otherwise specified in item 2 or 3.</i></p>	No prohibited development is proposed.	

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REQUIREMENT		COMMENT	COMPLIES
Part 4 Principal development standards 4.1 Minimum subdivision lot size	<p><i>(1) The objectives of this clause are as follows:</i></p> <p><i>(a) To limit building heights to facilitate adequate solar access to land adjoining the Burwood Town Centre,</i></p> <p><i>(b) To prevent the proliferation of smaller undersized lots which might otherwise inhibit site consolidation.</i></p> <p><i>(c) To restrict opportunities for the creation of small isolated sites.</i></p> <p><i>(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.</i></p> <p><i>(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.</i></p> <p><i>(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme</i></p>	<p>This clause does not apply to strata or community title subdivision. A Strata plan will be devised in the future for the residential and commercial components of the scheme. This is not included in this concept application.</p> <p>An existing Stratum subdivision has been approved and subdivision certificate issued by Burwood Council for the public car park, which is now owned by Council and currently operating on the site.</p>	Yes

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REQUIREMENT		COMMENT	COMPLIES
4.2A Building height planes	<p>(1) <i>The objectives of this clause are as follows:</i></p> <p>(a) <i>To limit building heights to facilitate adequate solar access to land adjoining the Burwood Town Centre,</i></p> <p>(b) <i>To provide a transition in heights to establish a height hierarchy which reduces heights and land use intensity towards the Burwood Town Centre boundary, and</i></p> <p>(c) <i>To mitigate any adverse effects on the amenity of existing and future residents adjoining the Burwood Town Centre.</i></p> <p>(2) <i>Despite clause 4.3, the height of a building on any land is not to pass through, exceed or penetrate any building height plane (BHP) shown on the Building Height Plane Map.</i></p> <p>(3) <i>In this clause, building height plane line means the coloured line as shown on the Building Height Plane Map.</i></p> <p>(4) <i>In this clause, building height plane means a plane;</i></p> <p>(a) <i>commencing at any BHP line, at the height above natural ground as shown in the table on Building Height Plane Map;</i></p> <p>(b) <i>projected at the angle measured above the horizontal, being perpendicular to the BHP line, as shown in the table on Building Height Plane Map; and</i></p> <p>(c) <i>located having the general orientation as shown in the table on Building Height Plane Map.</i></p>	<p>All three residential towers will fall below the building height planes included in the Building Height Plane Map.</p> <p>The buildings provide a transition in heights on the site. Solar access to land adjoining Burwood Town Centre has been considered in the shadow diagrams prepared by TAA. These are included as part of the Revised Preferred Project Report documentation (included in Appendix B).</p>	Yes
4.3 Height of buildings	<p>(1) <i>The objectives of this clause are as follows:</i></p> <p>(a) <i>To enable building heights that achieve appropriate urban form consistent with the Major Centre status of the Burwood Town Centre.</i></p> <p>(b) <i>To focus maximum building height in the inner part of the</i></p>	<p>The tallest tower is 60m which is equal to the maximum permissible height level of 60m. There is a transition of heights between the three residential buildings Building A RL75.1m to Building B RL 66.35 to Building C RL 57.35 (note ground level taken to be RL15.1). It is considered an effective transition because the proposed height limit for</p>	Yes

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REQUIREMENT		COMMENT	COMPLIES
	<p><i>Burwood Town Centre.</i></p> <p><i>(c) To provide a transition in heights to establish a height hierarchy which reduces heights and land use intensity towards the Burwood Town Centre boundary.</i></p> <p><i>(d) To establish the maximum height limits within which buildings can be erected.</i></p>	<p>the properties adjoining to the north is 30m, (potentially allowing for ten storeys in height) which creates a stepping down in height away from the BTC. If these adjoining properties were to utilise their height potential then the decreasing transition of heights internally to externally would remain appropriate in form.</p> <p>Properties adjoining the site to the west have the same 60m height limit as the proposal.</p>	
	<p><i>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</i></p>	<p>Maximum height permitted in zone is 60m and the tallest residential tower is 60m which complies with the maximum height limit.</p>	Yes
4.4 Floor space ratio	<p><i>(1) The objectives of this clause are as follows:</i></p> <p><i>(a) To enable development density and intensity of land use to achieve an appropriate urban form consistent with the Major Centre status of the Burwood Town Centre.</i></p> <p><i>(b) To focus the highest development density and intensity of land use in the inner part of the Burwood Town Centre.</i></p> <p><i>(c) To provide a transition in development density and intensity of land use to establish a development hierarchy which reduces density and intensity of land use towards the Burwood Town Centre boundary.</i></p> <p><i>(d) To establish the maximum floor space limits for development.</i></p> <p><i>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</i></p>	<p>The proposed residential development accounts for 18,707.2 square metres in gross floor area based on the definition contained within the BTC Draft LEP 2008. The non-residential component of the development has a gross floor area of some 9,035.9 square metres. When combined (which also has to be converted into gross floor area definition as the residential) will result in a development which exceeds the FSR shown on the map (FSR of 4.5:1) being 4.93:1, however the building was originally designed to comply with the FSR included in the previous Draft LEP 2007 (FSR of 5:1) and the ground floor area has been changed so as to provide for shop fronts adjacent to the public domain and conversion of parking which was originally at ground level into usable floor space (where the definition would have required this to be converted in any case). It is considered that although the proposal exceeds the FSR for the site the proposed development has included a number of public domain improvements to provide for the occupants of the development and assist in improving the amenity for surrounding users, including:</p> <p>George Street</p> <ul style="list-style-type: none"> • Construction of vehicular crossings (site). • Paving of footpath. <p>Elsie Street</p>	No

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REQUIREMENT		COMMENT	COMPLIES
		<ul style="list-style-type: none"> • Widening of footpath, kerb and guttering. • Paving, street trees, tree guards, and smart poles. <p>Victoria Street</p> <ul style="list-style-type: none"> • Widening of street, kerb and guttering, sealing of road. • Reinstating of vehicular crossings. • Construction of vehicular crossings (site). • Paving of footpath. <p>The proponent has obtained approval from Council previously for these works. A copy of the approved drawings can be found at Appendix Y of the original EA.</p> <p>The proponent has also proposed additional public domain improvements along the Victoria Street frontage, including the widening of the footpath to a minimum of 1800mm. Refer to the revised ground floor plan and associated public domain improvements are shown in Appendix D.</p> <p>Despite not strictly complying with the future FSR envisaged for the site the development provides for a number of public benefits and is in accordance with the objectives of the control.</p> <p>It is considered that the amended design will achieve the objective of the control and enable development density and intensity of land use to achieve an appropriate urban form consistent with the Major Centre status of the Burwood Town Centre.</p> <p>The site is considered to be sufficiently close to the railway station as to be deemed a focus site and will achieve the objective of focusing the highest development density and intensity of land use in the inner part of the Burwood Town Centre.</p> <p>The amended design seeks to achieve a transition with the highest</p>	

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REQUIREMENT		COMMENT	COMPLIES
		<p>density building A located to the south of the site immediately adjacent to land which may allow an FSR of 6:1 to the lower density building C to the north immediately adjacent to land which may allow an FSR of 3:1 and as such is consistent with the objective of the controls To provide a transition in development density and intensity of land use to establish a development hierarchy which reduces density and intensity of land use towards the Burwood Town Centre boundary.</p> <p>According to Council's S.94 Contributions Plan, the population of Burwood LGA is expected to grow by some 3,500 persons between 2004-2016. Based on the assumptions of people per dwelling size in the S.94 Plan (1.4 persons/0-1bdrm;2.2persons/2 bdrm;3.3 persons/3+ bdrm) the proposed development will accommodate up to some 433 persons (or approximately 14% of expected growth). Given that many sites in the area may not fulfil their development potential as they are established residences, this is a reasonable proportion of the expected population to be accommodated.</p>	
4.4A Maximum residential floor space ratio	<p>(1) <i>The objectives of this clause are as follows:</i></p> <p>(a) <i>To enable development density and intensity of land use to achieve an appropriate urban form consistent with the Major Centre status of the Burwood Town Centre.</i></p> <p>(b) <i>To focus the highest development density and intensity of land use in the inner part of the Burwood Town Centre.</i></p> <p>(c) <i>To provide a transition in development density and intensity of land use to establish a development hierarchy which reduces density and intensity of land use towards the Burwood Town Centre boundary.</i></p> <p>(d) <i>To establish the maximum floor space limits for development.</i></p>	<p>The draft "Inner-west" Sub-regional strategy targets to accommodate 7,700 new dwellings in Burwood by 2031, with 3,800 to be provided within the Town Centre. The sub-regional strategy states that <i>Housing will also be strategically placed within close proximity of future employment centres such as Burwood Major Centre.</i></p> <p>The Draft LEP focuses the highest development density towards the inner part of the BTC. The proposal provides a transition from the building closest to the inner part of the BTC being the highest with the other buildings stepping down away from the centre. This provides a transition in height within the stated maximum height included in the Draft LEP. The FSR for the residential component is below the maximum residential FSR stated in the Draft LEP of 3:1.</p>	No
	<p>(2) <i>The residential floor space ratio of a building on any land is not to exceed the maximum residential floor space ratios shown for the land on the Maximum Residential Floor Space Ratio Map.</i></p>	<p>The residential floor space ratio (for 18,707.2 m²) is 3.32:1 which does not comply with the maximum residential floor space ratio shown on the map of 3:1, as the original maximum residential FSR enabled up to 3.5:1 for which the development was designed to comply. The</p>	No

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REQUIREMENT		COMMENT	COMPLIES
		amended design has not sought to increase any floor space associated with the residential component or the total number of apartments. The density of the amended design is consistent with the original design and as discussed previously, despite not strictly complying with the development standard a number of public benefits arise and the development is consistent with the objectives of the control.	
	<i>(3) In this clause, residential floor space ratio means the ratio of the total floor space area used or proposed to be used for residential purposes of all buildings within the site to the site area.</i>	Details of the residential FSR calculations are included in the revised PPR.	Yes
	<i>(4) This clause applies in conjunction with clause 4.4 and does not increase the maximum permissible floor space ratios provided under clause 4.4 for any site.</i>	Details of the overall FSR calculations are included in the revised PPR.	Yes
4.4B Car Parking	<i>(1) Any part of a building, located below ground level, that is used for a public car park which is owned or operated by or on behalf of the consent authority, is not to be included as part of the building's gross floor area.</i>	The site contains below ground level a public car park. This public car park is now owned and operated by Burwood Council and therefore is not included as part of the building's gross floor area.	Yes

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REQUIREMENT		COMMENT	COMPLIES
4.5 Calculation of floor space ratio and site area	<p>(1) Objectives</p> <p>The objectives of this clause are as follows:</p> <p>(a) to define floor space ratio,</p> <p>(b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:</p> <p>(i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and</p> <p>(ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and</p> <p>(iii) require community land and public places to be dealt with separately.</p>	The amended design has calculated floor space and site area as per the Draft BTC LEP 2008 and these objectives.	Yes
	<p>(3) Site area</p> <p>In determining the site area of proposed development for the purpose of applying a floor space ratio, the site area is taken to be:</p> <p>(a) if the proposed development is to be carried out on only one lot, the area of that lot, or</p> <p>(b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out. .</p>	The proposal is located on a single existing lot.	Yes
	<p>(4) Exclusions from site area</p> <p>The following land must be excluded from the site area:</p> <p>(a) land on which the proposed development is prohibited, whether</p>	There are no exclusions from the site area.	Yes

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REQUIREMENT		COMMENT	COMPLIES
	under this Plan or any other law, (b) community land or a public place (except as provided by subclause (7)).		
	(5) Strata subdivisions The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.	No strata subdivision is proposed as part of this concept application. If, strata subdivision of the commercial and residential areas is to occur in the future a separate application will be submitted.	Yes
	(6) Only significant development to be included The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.	The proposal is located on a single existing lot.	Yes
	(7) Certain public land to be separately considered For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.	N/A	N/A
	(8) Existing buildings The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.	The floor area of the existing commercial building has been included in the calculation of FSR.	Yes
	(9) Covenants to prevent "double dipping" When consent is granted to development on a site comprised of 2 or	The proposal is located on a single existing lot.	Yes

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	more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.		
	<p>(10) Covenants affect consolidated sites If:</p> <p>(a) a covenant of the kind referred to in subclause (9) applies to any land (affected land), and</p> <p>(b) proposed development relates to the affected land and other land that together comprise the site of the proposed development, the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.</p>	The site is not a consolidated site it is a single existing lot.	Yes
4.6 Exceptions to development standards	<p>(1) The objectives of this clause are:</p> <p>(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and</p> <p>(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances</p>	Flexibility in applying the draft development standard relating to the overall FSR for the site is sought for this proposal. The original design was completed in response to the previous DLEP 2007 which allowed a FSR of 5:1 on the site.	Yes
	(2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.	State plan and Metro strategy aim to increase densities and housing choice near centres and corridors. The development is in line with these strategic documents and accommodates a proportion of expected population growth in a strategic location. Further to this the development has an appropriate mix of residential apartments that will revitalise the surrounding commercial area. It is therefore seen that compliance with clause 4.4 and 4.4A is unreasonable and unnecessary.	Yes
	<p>(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:</p> <p>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</p>	A SEPP 1 Objection has been provided at Appendix Q to provide justifications for the variation of the draft development standards and the BPSO.	Yes

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REQUIREMENT		COMMENT	COMPLIES
	<i>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</i>		
	<p><i>(4) Consent must not be granted for development that contravenes a development standard unless:</i></p> <p><i>(a) the consent authority is satisfied that:</i></p> <p><i>(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and</i></p> <p><i>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</i></p> <p><i>(b) the concurrence of the Director-General has been obtained.</i></p>	<p>The matters in subclause (3) were addressed in the SEPP 1 Objection included in Appendix Q.</p> <p>The proposal is considered to be in the public interest because it is consistent with the objectives of the zone:</p> <ul style="list-style-type: none"> ▪ <i>To provide a mixture of compatible uses.</i> (Commercial, Retail in the podium and residential towers) ▪ <i>To integrate suitable businesses, office, residential, retail and other developments in accessible locations so as to maximise public transport patronage and encourage walking and cycling.</i> (The site is highly accessible to both the railway station and Westfield mall and other services in the BTC which will encourage walking and cycling.) 	Yes
	<p><i>(5) In deciding whether to grant concurrence, the Director-General must consider:</i></p> <p><i>(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and</i></p> <p><i>(b) the public benefit of maintaining the development standard, and</i></p> <p><i>(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.</i></p>	<p>The proposal is considered under SEPP (Major Projects) 2005 and is considered to be of public benefit although it exceeds the FSR through:</p> <ul style="list-style-type: none"> ▪ Provision of greater housing mix therefore greater housing choice in the BTC; ▪ It provides a mix of apartment sizes to ensure there is affordable housing; ▪ Location in close proximity to public transport, services in the BTC and a major shopping mall. This will promote pedestrian activity and reduce reliance on private vehicles. ▪ Improvements to the public domain around the development through the creation of an engaging street-level façade. 	Yes

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	<p>(8) <i>This clause does not allow consent to be granted for development that would contravene any of the following:</i></p> <p>(a) <i>a development standard for complying development,</i></p> <p>(b) <i>a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,</i></p> <p>(c) <i>clause 5.4.</i></p>	A revised BASIX Report has been prepared by Vipac to address the modifications to the proposed residential building design.	Yes
5.10 Heritage conservation	<p>(1) <i>Objectives</i></p> <p><i>The objectives of this clause are:</i></p> <p>(a) <i>to conserve the environmental heritage of Burwood Town Centre, and</i></p> <p>(b) <i>to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and</i></p> <p>(c) <i>to conserve archaeological sites, and</i></p> <p>(d) <i>to conserve places of Aboriginal heritage significance.</i></p> <hr/> <p>(5) <i>Heritage impact assessment</i></p> <p><i>The consent authority may, before granting consent to any development on land:</i></p> <p>(a) <i>on which a heritage item is situated, or</i></p> <p>(b) <i>within a heritage conservation area, or</i></p> <p>(c) <i>within the vicinity of land referred to in paragraph (a) or (b),</i></p> <p><i>require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would</i></p>	The site is in the vicinity of a number of identified heritage items under Draft BTC LEP 2008. Therefore, a Heritage Impact Statement is provided at Appendix P which has assessed the proposal as satisfactory.	Yes

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	<i>affect the heritage significance of the heritage item or heritage conservation area concerned.</i>		