



NSW GOVERNMENT
Department of Planning

MAJOR PROJECT ASSESSMENT
MP 07_0076
Residential development at
7-17 Elsie Street & 45-49 George Street Burwood
Proposed by Kavlyn Pty Ltd



Director-General's Environmental Assessment Report
Section 75I of the Environmental Planning and Assessment
Act 1979

February 2009

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1 EXECUTIVE SUMMARY

This is an assessment report recommending Concept Plan approval for a residential development at 7-17 Elsie Street and 45-49 George Street Burwood, pursuant to Part 3A of the *Environmental Planning and Assessment Act, 1979* ("the Act").

The proponent is seeking Concept Plan approval for the following:

- Three (3) residential apartment buildings (210 residential apartments);
- Alterations to the ground floor and associated foot path area;
- Re-organisation of basement level car parking to provide a more efficient layout to comply with AS and provide car parking to meet demand generated by residential component of application as 115 car parking spaces.
- 115 additional car parking spaces.

The residential development is to be located over an approved and constructed 3 level retail/commercial podium and 5 levels of basement car parking. The estimated project cost of the total development is approximately \$51.7m. The proponent requested that no further environmental assessment be required due to the level of detail submitted with the application under Section 75P (1) (c) of the Act.

The proposal is currently prohibited under the Burwood Planning Scheme Ordinance as the erection of residential flat buildings are not permissible in the zone. However, a Concept Plan has been authorised and the Minister can approve the prohibited development and can make the use permissible by gazetting an order within the BPSO.

Independent Hearing and Assessment Panel (Panel)

The Panel was established on 12 May 2008 consisting of Alison McCabe, Sue Francis and Peter John Cantrill. The Panel members are the same as the Burwood Planning Panel. The Panel was established to consider a number of key issues relating to the proposal, namely built form and urban design, appropriateness of building heights and envelopes; heritage impacts, residential amenity and relevant issues raised in submissions.

A public hearing was held on 30 May 2008 with 4 representations made from the public. The Panel requested further information from the proponent to address concerns raised prior to finalising its first report on 16 September 2008 regarding GFA calculations, FSR and its relationship to the existing approved and built development, parking calculations and provision of a public car park. The Panel considered the amendments to the proposal within the Preferred Project Report submission and concluded that the proposal was acceptable subject to a number of recommendations to minimise the impacts of the proposal on the surrounds.

Key Issues

Key issues raised by agencies and in public submissions relate to compliance with the Residential Flat Design Code, height, bulk and scale, overshadowing, FSR, heritage, car parking and traffic.

Preferred Project Report

On 15 December 2008 the proponent made amendments to the proposal through the PPR to address issues raised by the Panel, agencies and public submissions. The PPR revised the layout and height of the three residential towers to address the issues raised.

Public benefits

The public benefits resulting from the proposal include increased housing densities close to jobs and existing public transport infrastructure. The proposal will also assist in achieving the aims and objectives of the draft Subregional Strategy for the Inner West Subregion.

Key recommended modifications

Key recommendations made to the proposal which are included as modifications to the Concept Plan include increasing the building separation distances between towers, incorporation of landscaping along the western boundary of the site and widening the Victoria Street footpath.

Conclusion

The Department has closely considered the Panel's report and recommendations and public and agency submissions. The Department is satisfied that the impacts of the proposed development have been addressed via the proponents Preferred Project Report, the Statement of Commitments and the Department's recommended conditions. The Panel's recommendations are concerned with adequate building separation to minimise any impact of massing and visual impact when viewed from a distance, as well as addressing privacy and solar access.

The proposal adequately addresses the Director General environmental assessment requirements for the proposal and issues raised by the Panel, subject to conditions. On these grounds, it is recommended that the project be approved, subject to modifications.

2 BACKGROUND

2.1 THE SITE

2.1.1 Site context and location

The subject site is known as 7-17 Elsie Street and 45-49 George Street Burwood (Lot 1 DP 802959). The site is located within the Burwood town centre, approximately 9.5km south-west of Sydney. Burwood town centre has been identified within the Metropolitan Strategy as a Major Centre.

The site lies within walking distance of shops and transport linkages. Burwood train station, is located approximately 150m south-east of the site and public bus services operate along Burwood Road, approximately 80m east of the site.

Figure 1 below illustrates the location of the subject site.

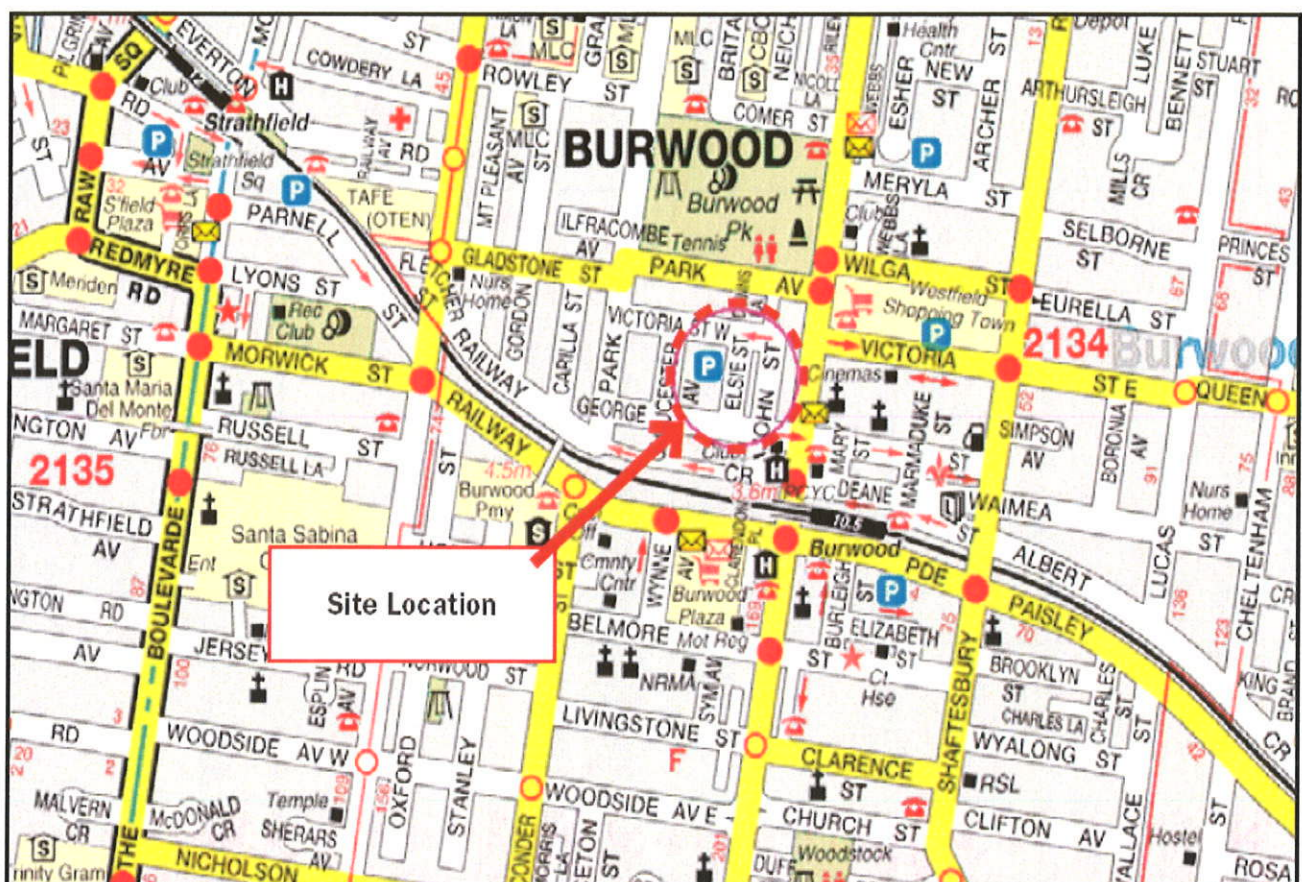


Figure 1 - Site Location

2.1.2 Existing site features

The site has a total area of 5633sq.m. The site has a 122m frontage to Elsie Street, 46m to George Street and 46m to Victoria Street. The site originally accommodated a Council owned 191 space on grade public car park. On 6 December 2002, Burwood City Council granted development approval for the construction of a part 2, part 5 and part 7 storey commercial/retail developments with five levels of basement car parking for 553 car parking spaces, 205 of which will be

dedicated for public car parking. The Council approved development has an FSR including public car park of 4.03:1 and excluding the public car park of 3.36:1.

The proponent has since constructed the basement car parking and 3 above ground levels of the approved development. The building has a total floor space of 10,251sq.m consisting of retail development on the ground floor and commercial development on levels 1 and 2. The as-built development has an FSR including a public car park of 3.0:1 and excluding the public car park of 2.33:1.

2.1.3 Surrounding Development

The development surrounding the subject site is dominated by retail and commercial development to the East and South, and high density residential development to the north and west.

The immediate vicinity is characterised by:

- Residential flat buildings ranging in height up to 8 storeys to the north on Victoria Street;
- Residential development in the form single storey dwelling houses, 2 storey terrace style houses and apartment buildings up to 3 storeys to the West of the Site. Beyond Gloucester Street further to the west the area is dominated by 1 to 2 storey single dwelling houses;
- Commercial properties ranging in height up to 5 storeys to the South fronting George Street; and
- Commercial development with building heights up to 7 levels, directly opposite the site facing Elsie Street to the east.

Figure 2 below illustrates the development pattern surrounding the site.



Figure 2 Ariel Photo (surrounding development)

2.1.4 Surrounding Heritage Items

To the South West of the site lies 9 two storey terrace houses located at 51-67 George Street. The terrace houses are heritage listed in the Burwood Planning Scheme Ordinance and the Draft Burwood Town Centre LEP. The terraces were constructed in 1883, built in the Victorian Italianate style and are known as the Lochiel Terraces. The terraces can be seen in Figure 3.



Figure 3 Lochiel Terraces George Street

2.1.5 Approval History

- On 6 December 2002, Council approved DA 379/01 for a part 2, part 5, part 7 storey mixed commercial building over 3 levels of basement parking (not less than 444 spaces) with:
 - 17,398 m2 of GFA with a total FSR (including public car park of 4.03:1) and (excluding the public car park of 3.36:1);
 - not less than 240 private car parking spaces;
 - not less than 200 public car parking spaces;
 - 1200 m2 of publicly accessible open space; and
 - associated landscaping.
- On 21 November 2005, Council approved a Section 96 Modification to increase the total car parking spaces to 553 (348 spaces + 205 public spaces) by increasing to 4 basement levels and using stacked parking.
- On 26 July 2006, Council approved a second Section 96 Modification involved:
 - amending the layout and components of the building's ground floor level;
 - additional basement level to 5 levels (no increase in parking and deleted stacked parking); and
 - extended ground floor level and all basement levels closer to the western boundary.
- On 19 April 2007, Council approved a third S.96 Modification involving:

- relocation of floor space;
- enlarging footprint of commercial floors on levels 1 & 2;
- reducing footprints of upper floors to compensate for levels 1 & 2; and
- external changes to the materials and façade design.

The proponent has since constructed 5 levels of basement parking and 3 levels of the retail/commercial building (i.e. part of approved 7 storey commercial/retail podium). The proponent is no longer seeking to complete the approved mixed commercial building. The proponent now seeks Part 3A approval to construct the residential development, above the partially completed/approved commercial development.

3 PROPOSED DEVELOPMENT

3.1 THE PROPOSED DEVELOPMENT

The exhibited Concept Plan sought approval for the following:

- **Three (3)** residential apartment buildings comprising;
 - (i) Tower A fourteen **(14)** storeys;
 - (ii) Tower B nine **(9)** storeys; and
 - (iii) Tower C thirteen **(13)** storeys.
- **209** residential apartments (total residential GFA **17825sq.m**); and
- **115** additional car parking spaces.
- Re-organisation of the existing, as built, basement level car park to cater for 115 additional car parking spaces generated by the residential component. Current capacity allows for **672** car parking spaces, comprising 205 spaces dedicated for public car parking, 285 residential spaces, 193 commercial spaces and, as sought by this application, 115 additional spaces.
- Lift entries and lobbies from residential parking levels through to each residential tower;

The residential development is to be located over the approved and constructed 3 level retail/commercial podium and 5 levels of basement car parking levels. Each residential tower prepare to utilise the existing lift wells within the existing podium. The maximum height of the proposed building including the 3 storey podium is **17 storeys**.

The proponent has requested (given the detail submitted for the concept plan) that no further environmental assessment is necessary and that the Minister determine the concept plan under Section 75P (1) (c) of the Act.

3.2 PROJECT AMENDMENTS (Preferred Project Report)

Following exhibition of the proposal and the IHAP assessment, and report on 16 September 2008, a PPR was submitted on 15 December 2008. The proponent engaged a new architect (Nick Turner and Associates) to prepare the PPR. In summary the proposal still seeks approval for 3 residential towers A, B and C, however in a reconfigured arrangement.

The towers have been rearranged in height so that the highest tower (tower A) is sited on the southern most part of the site while the lowest tower (tower C) is now sited on the northern most part of the site. The revised tower heights are;

- Tower A fifteen **(15)** storeys;
- Tower B twelve **(12)** storeys; and
- Tower C nine **(9)** storeys.

Figure 4 illustrates the exhibited proposal while Figures 5 and 6 illustrate the Preferred Project report amendments. The amendments to towers A, B and C are summarised in Table 1:

The PPR incorporates the following changes:

- Increased setback from western boundary to Building C from 11.4m a minimum of 12m (no other changes to the setback from western boundary);

- Reinstatement of ground floor car parking in accordance with Section 96 approval to modify Development Consent No. 379/01;
- Increase in floor area to commercial tenancies 7 and 8;
- Provision of separate access into the lift lobby into Buildings A and C from the public car park lift lobbies;
- 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.
- Reduction in the width of Building A and B and a reduction in the total number of apartments from 58 to 52 and consequently, increasing the separation distance between Building A and B with a range of 16m to 25.3m.
- An additional residential level to Building A to overall height of RL75.1 metres and increase in total number of apartments to 101;
- The FSR has been reduced from 6.95:1 (including public car park) and 6.28:1 (excluding public car park) to 6.31:1 (including car park) and 4.93:1 (excluding car park).
- The number of residential apartments has increased by 17 from 84 to 101.
- 115 additional car parking spaces totalling 672 spaces.

3.3 NUMERICAL SUMMARY OF BUILDING AMENDMENTS

Table 1 Building Amendments summary.

Residential Tower A	Original Proposal 9 (as exhibited)	August 2008 Design	PPR	Difference
Height (storeys above podium)	13	14	15	+2
Height (RL m)	71.9	RL 72.35m	RL 75.1m	+3.2m
No. of Units	84	94	101	+17
Roof Level	Plant room	Converted into residential level	Converted into residential level	
Residential Tower B				
Height (storeys above podium)	8	12	12	+4
Height (RL m)	RL 56.9	RL 66.35m	RL 66.35m	+9.45m
No. of Units	47 apartments	58 apartments	52 apartments	+5
Roof Level	Plant room	Converted into residential level	Converted into residential level	
Residential Tower C				
Height (storeys above podium)	11	9	9	-2
Height (RL m)	RL68.9	RL 57.35m	RL 57.35m	-11.55m
No. of Units	78	56	56	-22
Roof Level	Plant room	Converted into residential level	Converted into residential level	
Total No. of Units:	209	208 units	210 units	+1
Total FSR (Avg)	5:1	5.25:1	4.93:1	-
Total res FSR (Avg)	3.2:1	3.49:1	3.32:1	+0.12:1
Maximum height	RL 71.9 or 17 storeys	RL 72.35 or 18 storeys	RL 75:1 or 19 storeys	+RL 3.2 or + 2 storeys

- Note: the total FSR is averaged and does not differentiate between with or without basement level car park.
- FSR as calculated by the Panel indicate a FSR calculation of: 6.95:1 (including public car park) and 6.28:1 (excluding public car park) as exhibited and 6.31:1 (including car park) and 4.93:1 (excluding car park) in the PPR.
- The number of residential apartments increased by 17 from 84 (as exhibited) to 101 (PPR).

3.6 ILLUSTRATIONS

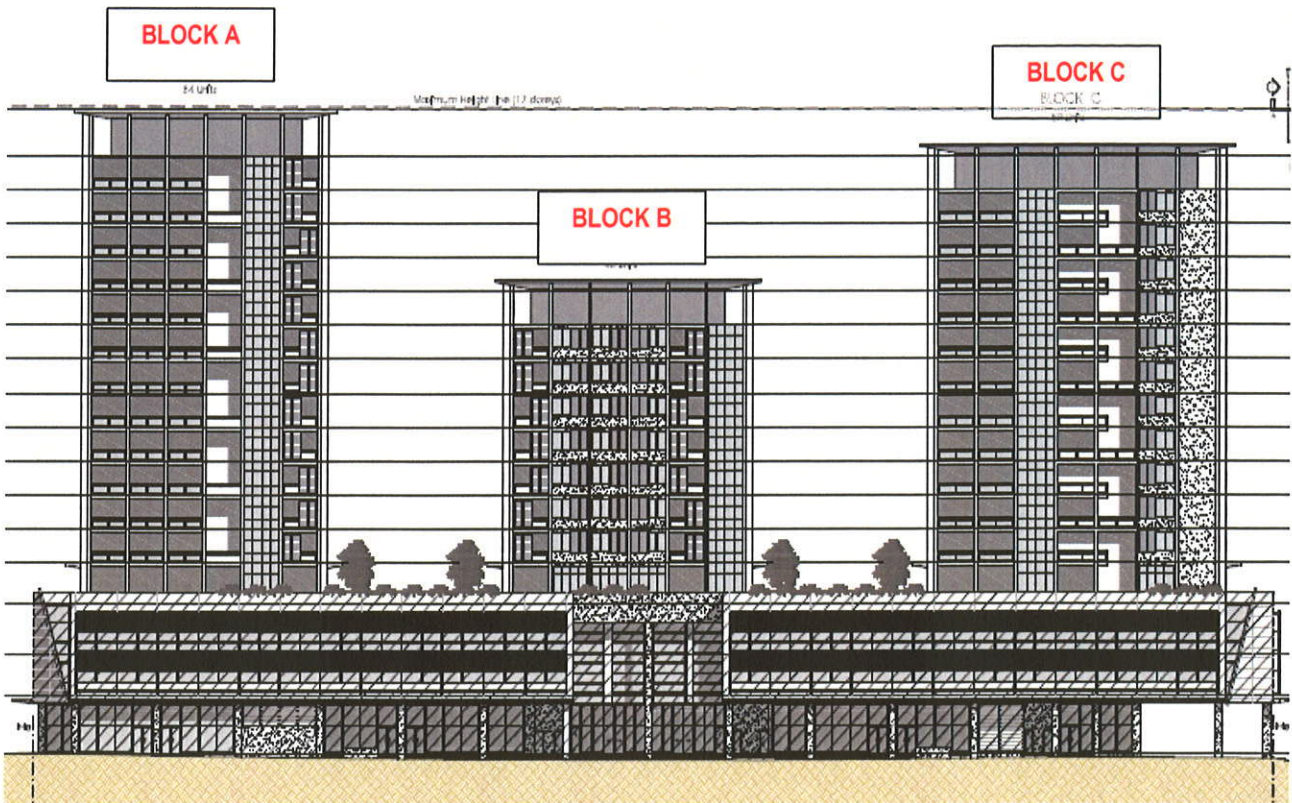


Figure 4: Exhibited proposal

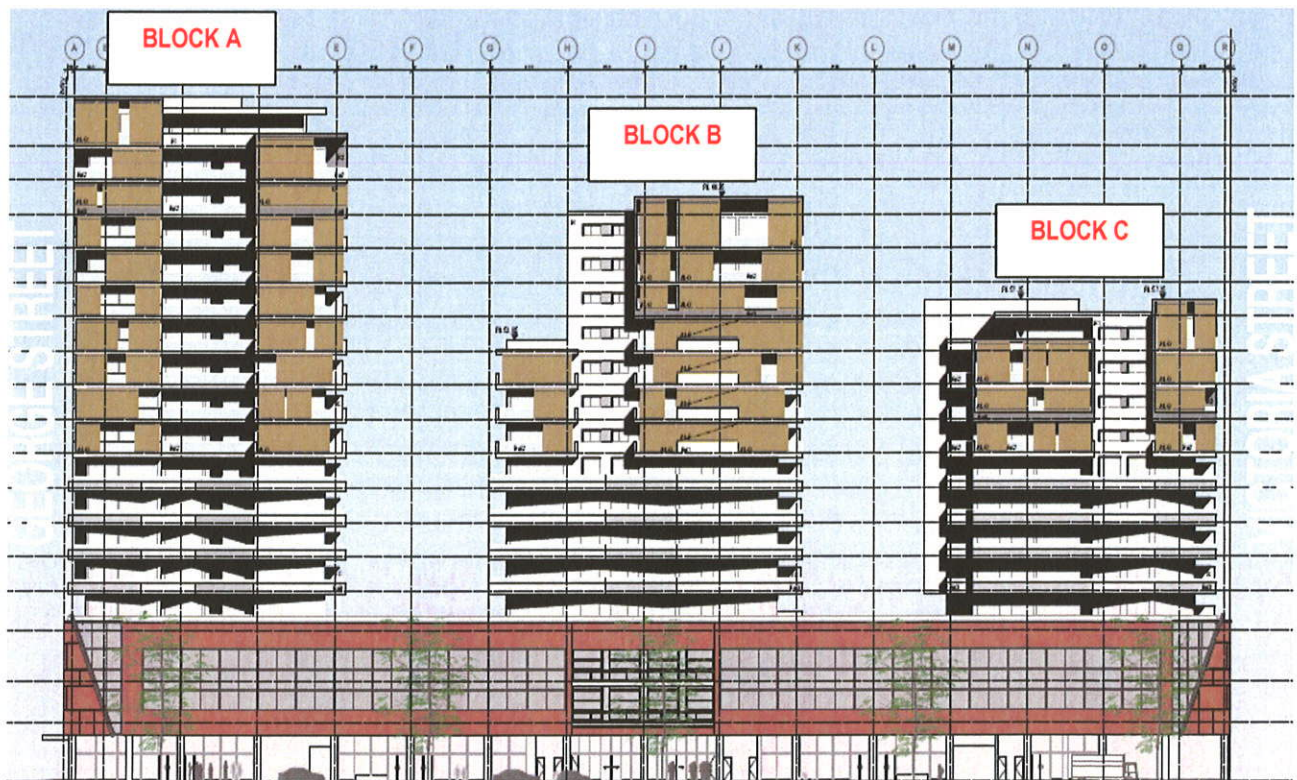


Figure 5: Amended proposal (Preferred Project Report)