



## RESPONSE TO SUBMISSIONS

SSD-77260958

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Mixed-use Development with In-fill Affordable Housing

No. 2-4 Burleigh Street and 20-24 Railway Parade,

BURWOOD

Prepared for: NSW Housing Corporation Pty Ltd

REF: M230306

DATE: 15 August 2025



## RESPONSE TO SUBMISSIONS

State Significant Development                      SSD-77260958  
Prepared for: NSW Housing Corporation Pty Ltd  
REF. No. M230306  
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# Executive Summary

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This Response to Submissions (RtS) has been prepared by Planning Ingenuity on behalf of NSW Housing Corporation Pty Ltd in accordance with the Department of Planning, Housing and Infrastructure (DPHI) 'State Significant Development Guidelines – Preparing a Submissions Report' dated March 2024.

The purpose of this report is to analyse the issues raised in submissions to State Significant Development Application (SSDA) 77260958 and identifies what actions have been taken by the application to address those issues.

## EXHIBITION AND SUBMISSIONS

SSDA 77260958 was placed on public exhibition by the Department of Planning, Housing and Infrastructure (DPHI) on 30 April 2025 until 27 May 2025.

A total of thirty-three (33) submissions were received from the community during the exhibition period, including ten (10) submissions in support of the application, twenty-one (21) submissions in opposition, and two (2) submissions which did not support or oppose the application and instead provide general commentary on development within the LGA directed at Council.

The community submissions predominately raised issues with regard to economic, environmental and social impacts. The issues can be grouped into the below categories:

- Traffic and parking;
- Height and scale;
- Architectural character;
- Infrastructure capacity;
- Heritage impact;
- Overshadowing;
- Community consultation;
- Views;
- Privacy;
- Setting of precedent;
- Affordable housing impacts;
- Air and noise pollution;
- Property value; and
- Construction impacts.

In accordance with Section 59(2) of the Environmental Planning and Assessment Regulation 2021, a written response to the issues raised in the submissions is provided within this RtS.

Furthermore, this report responds to the Request for Additional Information received by DPHI on 20 June 2025 as well as any submissions made by the various NSW government agencies in which the application was referred to including:

- Conservation Programs Heritage and Regulation Group
- Fire and Rescue NSW
- TfNSW (road)
- TfNSW (rail)
- Heritage Council of NSW
- Sydney Water
- Sydney Airport





- Department of Climate Change, Energy, the Environment and Water

The above government agencies raised no major concerns or objections with the proposed development, however select agencies made requests for additional or updated information.

Where possible the issues and/or concerns raised by DPPI, the community and relevant agencies have been adequately addressed by way of amendments to the proposed design, amendments to existing plans and reports that accompanied the SSDA and additional information or detail.

## SUPPORTING DOCUMENTS

This Response to Submissions is supported by the documentation listed in **Table 1** below.

Table 1 Supporting Documents		
Document	Consultant	Appendix
Revised Architectural Plans	PTI Architecture	1
Revised Architectural Design Statement and Design Report	PTI Architecture	2
Revised Noise and Vibration Impact Assessment	Acoustic Logic	3
Acoustic Response to Submissions	Acoustic Logic	4
Airspace Assessment	Thompson GCS	5
Historical Archaeological Assessment	Heritage Now	6
Spatial Services Engineering Report	Goldfish & Bay	7
Revised BASIX Certificate	Partners Energy Management	8
NatHERS Certificate	Partners Energy Management	9
Revised Ecological and Sustainability Design Report	Partners Energy Management	10
Embodied Emissions Materials Form	-	11
NABERS Agreement to Rate	-	12
BASIX Stamped Architectural Plans	PTI Architecture	13
Revised Geotechnical Investigation	Green Geotechnics	14
Revised Landscape Design Report	iScape Landscape Architects	15
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Addendum Traffic Impact Assessment	Solution 1 Traffic Engineers	17
Wind Response to Submission Comments	MEL Consultants	18
VPA Update from Burwood Council	Burwood Council	19
Judgement of Courallie Avenue Pty Limited v Strathfield [2015] NSWLEX 1128	LEC	20
Revised Stormwater Management Plan	ADP Consulting	21
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# 1. Introduction

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This Response to Submissions (RtS) has been prepared by Planning Ingenuity on behalf of NSW Housing Corporation Pty Ltd in accordance with the Department of Planning, Housing and Infrastructure (DPHI) 'State Significant Development Guidelines – Preparing a Submissions Report' dated March 2024.

The purpose of this report is to analyse the issues raised in submissions to State Significant Development Application (SSDA) 77260958 and identifies what actions have been taken by the application to address those issues.

In accordance with the guidelines, this report is divided into five (5) sections. The remaining sections include an analysis of submissions, actions taken since exhibition, response to submission and an updated project justification.

## 1.1 PROJECT SUMMARY

As detailed in the Environmental Impact Statement (EIS) prepared by Planning Ingenuity on behalf of NSW Housing Corporation Pty Ltd, State SSDA 77260958 is identified as a State Significant Development because it falls within the requirements of Clause 26A ("In-fill Affordable Housing") of Schedule 1 of State Environmental Planning Policy (Planning Systems) 2021, being development to which State Environmental Planning Policy (Housing) 2021 (Housing SEPP), Chapter 2, Part 2, Division 1 applies.

SSDA 77260958 seeks to utilise the bonus 30% floor space ratio (FSR) afforded by the amendments to the State Environmental Planning Policy (Housing) 2021 (Housing SEPP), the State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP) and the Environmental Planning and Assessment Regulations 2021 (EP&A Regulations) on 14 December 2023. In doing so the proposal is required to provide a minimum of 15% of the total floor space as affordable housing for a minimum 15 years, to be managed by a community housing provider.

SSDA 77260958 seeks consent for a mixed use development 39 storeys in height above 5 levels of basement parking. 138 parking spaces are contained within the basement levels allocated to the residential apartments, hotel and commercial premises. The built form will consist of a two storey podium comprising of lobby areas and hotel function space, with the levels above forming a tower of residential apartments, hotel rooms and office spaces, all grouped spatially. There are also levels dedicated to plant and mechanical services at various points within the tower. The upper levels of the tower are to be used as a hotel restaurant and bar with outdoor seating. The rooftop level will contain communal open space ancillary to the residential apartments.

## 1.2 ASSESSMENT

During the design and preparation of the proposed development under SSDA 77260958, a comprehensive engagement process was undertaken between 6 November 2024 and 25 January 2025. As part of the community engagement process, a letterbox drop was undertaken in accordance with Burwood Councils *Community Engagement Strategy 2023-2026*, with consultation available to objectors following the public notification.

Furthermore, the following stakeholders were consulted during the pre-lodgement engagement process:

- Burwood Council;
- NSW Police;
- Metro Aboriginal Land Council;
- NSW Rural Fire Service;
- Sydney Water; and
- Transport for NSW.





Details of pre-lodgement consultation with each of the above stakeholders are provided in the EIS which accompanied the application.

Following pre-lodgement consultation with the relevant stakeholders, SSDA 77260958 was lodged on 23 April 2025 for the purpose of a mixed use development containing a hotel with 120 rooms, commercial office premises and 48 residential apartments of which 18 apartments will be managed for affordable housing at No. 2-4 Burleigh Street and No. 20-24 Railway Parade, Burwood.





## 2. Analysis of Submissions

### 2.1 OVERVIEW

The SSDA was placed on public exhibition by the Department of Planning, Housing and Infrastructure (DPHI) on 30 April 2025 until 27 May 2025.

A total of thirty-three (33) submissions were received from the community during the exhibition period, including ten (10) submissions in support of the application, twenty-one (21) submissions in opposition, and two (2) submissions which did not support or oppose the application and instead provide general commentary on development within the LGA directed at Council.

All submissions were managed by DPHI, which included registering and uploading the submissions onto the 'Major Projects website' (SSDA 77260958).

In addition to the submissions made by the public and relevant agencies, a Request for Additional Information was also issued by DPHI on 20 June 2025 following their preliminary assessment of SSDA 77260958.

A response to each submission is provide in Section 3 and 4 of this report.

A breakdown of the submissions made by each group is provided in **Table 2** below with further details provided within a Submissions Register at **Annexure A**.

Table 2 Supporting Documents			
Group	Name	Position	Number of Submissions
<b>Government Agencies</b>			
	DPHI	Comment	1
	Conservation Programs Heritage and Regulation Group	Support	1
	Fire and Rescue NSW	Support	1
	TfNSW (road)	Comment	1
	TfNSW (rail)	Support with conditions	1
	Heritage Council of NSW	Comment	1
	Sydney Water	Support with conditions	1
	Sydney Airport	Comment	1
	Department of Climate Change, Energy, the Environment and Water	Comment	1
	Burwood Council	Object	1
<b>Subtotal</b>			<b>10</b>
<b>Community</b>			





**Table 2 Supporting Documents**

Groups	The Greek Orthodox Parish and Community of Burwood and District Saint Nectarios Limited	Object	1
Individuals	Name Withheld	Support	9
	Nick Pearson	Support	1
	Name Withheld	Objection	9
	Yateender Gupta	Objection	1
	Guangming Xiang	Objection	1
	Min Xu	Objection	1
	Connie M	Objection	1
	Ziyu Zhang	Objection	1
	James Cai	Objection	1
	Simon Li	Objection	1
	Jing Shao	Objection	1
	Yuchen Li	Objection	1
	Carol Owens	Objection	1
	Joan Zhang	Objection	1
	Tuyet Lieu	Comment	1
Name Withheld	Comment	1	
<b>Subtotal</b>			<b>33</b>
<b>TOTAL</b>			<b>43</b>

## 2.2 BREAKDOWN OF SUBMISSIONS

### 2.2.1 DPHI Request for Additional Information

The Request for Additional Information issued by DPHI requested clarification and/or details on the following aspects of the proposed development:

- Airspace operation intrusions;
- Ground floor layout;
- Gross floor area and building height;
- Apartment Design Guide (ADG) and building design;
- Noise impacts;
- Traffic and parking;
- Wind impacts; and
- Sustainability.

A detailed response to the additional information requested by DPHI is provide at Section 4 of this report.





### **2.2.2 Conservation Programs Heritage and Regulation Group**

In accordance with the Industry Specific SEARs, SSDA 77260958 was referred to the Conservation Programs Heritage and Regulation Group (CPHR) of the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW).

A referral was received on 29 May 2025.

CPHR advised that the site would not be subject to floor emergency risk management and evacuation constraints and as such raised no further comments on the application.

Further consideration of CPHR's comments is not required.

### **2.2.3 Fire and Rescue NSW**

In accordance with the Industry Specific SEARs, SSDA 77260958 was referred to the Fire and Rescue NSW (FRNSW).

A referral was received on 14 May 2025.

FRNSW advised that they submit no comments or recommendations for consideration, nor any requirements beyond that specified by applicable legislation.

Further consideration of FRNSW's comments is not required.

### **2.2.4 Heritage Council of NSW**

In accordance with the Industry Specific SEARs, SSDA 77260958 was referred to Heritage Council of NSW.

A referral was received on 27 May 2025.

The Heritage Council of NSW considered the following reports in their assessment:

- Relevant sections of Environmental Impact Statement Mixed Use Development 2-4 Burleigh Street and 20-24 Railway Parade – prepared by Planning Ingenuity, dated 11 April 2025
- Heritage Impact Statement and Preliminary Archaeological Assessment – prepared by Tropman & Tropman Architects, dated March 2025

The Heritage Council of NSW raised a number of issues regarding the archaeological assessment and asked that they be addressed prior to project approval.

The issues raised within the referrals are discussed in detailed at Section 4 of this report and addressed within the Historical Archaeological Assessment prepared by Heritage Now, dated 11 August 2025 which accompanies this RtS.

### **2.2.5 Sydney Airport**

In accordance with the Industry Specific SEARs, SSDA 77260958 was referred to Sydney Airport since the proposal is considered to be a controlled activity subject to the Federal Airports (Protection of Airspace) Regulations 1996.

A referral was received on 30 April 2025.

Sydney Airport advised that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.

The Applicant would accept that a condition of consent be imposed to require approval under the Airports (Protection of Airspace) Regulations 1996 prior to the issue of a Construction Certificate.





### **2.2.6 NSW Department of Climate Change, Energy, the Environment and Water**

In accordance with the Industry Specific SEARs, SSDA 77260958 was referred to the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW).

A referral was received on 23 May 2025.

In summary, DCCEEW's requested the Applicant to:

- Quantify the maximum annual volume of water take due to aquifer interference activities during construction and operation.
- Demonstrate the ability to acquire sufficient water entitlement unless an exemption applies.
- Assess the impacts due to aquifer interference activities in accordance with the NSW Aquifer Interference policy and framework (2012) if the take of groundwater is found to be greater than 3ML per year.

The issues raised within the referral are discussed in detail at Section 4 of this report and addressed within the revised Geotechnical Report prepared by Green Geotechnics, dated 28 July 2025 which accompanies this RtS.

### **2.2.7 Transport for NSW**

In accordance with Clause 2.119, 2.120 and 2.122 of State Environmental Planning Policy (Transport and Infrastructure) 2021, SSDA 77260958 was referred to Transport for NSW (TfNSW).

A referral was received on 13 May 2025.

TfNSW has requested that a supplementary Traffic Impact Assessment be provided to accompany the RtS to address their comments with regard to parking demand and trip generation.

The comments raised within the referral are discussed in detail at Section 4 of this report and addressed within the supplementary Traffic Impact Assessment prepared by Solution 1 Traffic Engineers which accompanies this RtS.

TfNSW also recommended various conditions of consent.

### **2.2.8 Transport for NSW (Sydney Trains)**

In accordance with Clause 2.99 and 2.100 of State Environmental Planning Policy (Transport and Infrastructure) 2021, SSDA 77260958 was referred to Sydney Trains.

A referral was received on 23 May 2025.

Sydney Trains did not raise any issues with the proposed development, however, advised that in order to protect rail land, assets, operations and to ensure a safe and reliable rail service that a number of conditions be imposed.

### **2.2.9 Sydney Water**

In accordance with the Industry Specific SEARs, SSDA 77260958 was referred to Sydney Water.

A referral was received on 15 May 2025.

Sydney Water did not raise any issues with the proposed development, however, advised that various conditions would need to be included in the development consent.





### 2.2.10 Burwood Council

As the local government authority, a referral was issued to Burwood Council for their comment on the proposed development within the Burwood LGA.

A referral was received on 23 May 2025.

In the referral Council advised that they support the provision of significant development at 20-24 Railway Parade and 2-4 Burleigh Street and acknowledges the increasing need to provide more affordable housing within the Burwood LGA to keep up with population growth and the current Sydney Housing crisis.

Importantly, the referral prepared by Burwood Council dated 23 May 2025, is identical to their pre-DA advice sent to the Applicant on 4 February 2025. As such, there are a number of comments within Council's referral which are not relevant to the SSDA as lodged including comments on insufficient information or detail. Council's comments appear to have been made on the pre-DA plans rather than the EIS and supporting document package exhibited.

The key issues raised by Council in their referral relate to:

- Heritage;
- Traffic, access and parking;
- Building separation and privacy;
- Streetscape presentation;
- Residential amenity; and
- Fire separation.

A detailed response to the additional information requested by Burwood Council is provide at Section 4 of this report.

### 2.2.11 Public Submissions

A total of thirty-three (33) submissions were received from the community during the exhibition period, including ten (10) submissions in support of the application, twenty-one (21) submissions in opposition, and two (2) submissions which did not support or oppose the application and instead provide general commentary on development within the LGA directed at Council.

The submissions in opposition to SSDA 77260958 predominately raised issues with regard to economic, environmental and social impacts. The issues can be grouped into the below categories:

- Traffic and parking;
- Height and scale;
- Architectural character;
- Infrastructure capacity;
- Heritage impact;
- Overshadowing;
- Community consultation;
- Views;
- Privacy;
- Setting of precedent;
- Affordable housing impacts;
- Air and noise pollution;
- Property value; and
- Construction impacts.

The issues raised have been addressed at Section 4 of this report.





## 3. Actions Taken Since Exhibition

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Following receipt and review of submissions, the proposal has undergone detailed design review in response to the concerns and comments raised during the public exhibition.

This section of the RtS summarises the amendments made to the proposed development following exhibition.

This section also details the additional engagement and assessment that has been undertaken since public exhibition, which have occurred largely to address those comments raised in the government agency referrals, which are addressed in turn at Section 4 of this RtS.

### 3.1 FURTHER ENGAGEMENT

Following receipt of the agency referrals, particularly from Burwood Council and DPHI, the project team met with Burwood Council on 17<sup>th</sup> July 2025 to discuss Council's submission and also to discuss the VPA and waste management, as requested by DPHI in their Request for Additional Information.

Whilst it is acknowledged that the submission from Burwood Council objected to the development, it must be noted that the submission from Burwood Council was identical to the pre-DA advice provided by Council following our pre-lodgement engagement. The submission from Burwood Council includes comments such as 'no heritage statement has been provided' and suggests lodgement requirements, and therefore it is our understanding that Council did not conduct a full review of the EIS package before preparing their objection.

Notwithstanding the above, the comments raised by Council were considered and the project team attended the meeting with Council with the intention to work through relevant comments. However, at the meeting Council advised their intentions to submit a planning proposal for a masterplan to apply to the immediate locality including the SSDS site and neighbouring council owned land. Council asked whether the applicant would consider putting the application on-hold until Council had prepared a masterplan. Whilst the applicant is open to future discussions with Council, they cannot commit to putting on hold or withdrawing their own application for an unknown period of time nor be expected to amend the current application to satisfy Council's potential masterplan.

It is also noted that Council are still yet to submit a request for SEARs for their masterplan project.

In our opinion there is a perceived and potential conflict of interest related to the roles of Council staff as a developer of the adjoining land and in providing a referral response as a public authority. Council appear to have delayed their participation when the applicant has requested discussions on the SSD and VPA. The meeting held with Council was limited in its constructive shared understanding as to how the applicant's project team could improve the application. Council staff participating in the meeting appeared to give greater priority on a future masterplan although Council could not provide any further information or detail with regards to the masterplan and how it might affect the Applicants site.

The applicant has made several requests to Council to discuss the VPA. The most recent correspondence received from Council's VPA staff was on 6<sup>th</sup> August 2025 whereby Council advised that the VPA offer is currently under Council solicitor review.

Ultimately, when considering the above, the applicant asks that Councils objection be contemplated with the background context of their own development interests in mind and the potential and perceived conflicts of interest.





### 3.2 AMENDMENTS TO DESIGN

Following exhibition and thorough review and consideration of all submissions received, a detailed design review process was undertaken to address all issues and concerns raised with the exhibited design, as far as practicable.

Notably, the majority of submissions requested additional information and/or detail on the architectural plans rather than design changes. As such the amended design is substantially the same as the exhibited development with the exception of refinements to improve the functionality and layout of the development to ensure both streetscape and residential amenity is enhanced.

The key amendments to the proposal are summarised as follows:

- Rationalisation of driveways to reduce visual impact including;
  - Reduction of the basement entry/exit width to 6m;
  - Slight angling of the basement entry/exit so as to not overlap with services pit in the footpath;
  - Reduction of the port cochere entry and exit width to 3m;
  - Port cochere entry location no longer overlaps with services pit in the footpath; and
  - Reduction of service bay entry/exit width to 6m.
- Elimination of concealment opportunities including;
  - Reduced setback to residential entry to Railway Parade;
  - Deletion of planter box;
  - Relocation of visitor bicycle parking to inside the residential lobby; and
  - Relocation of the booster assembly to north-eastern boundary corner.
- Redesign of wintergardens to achieve cross ventilation;
  - Relocation of operable louvres within Unit 01A closer to the lift core;
  - Replanning of Unit 01B;
  - Replanning of Unit 02A; and
  - Relocation of operable louvres within Unit 03B closer to the lift core.
- Residential communal open space;
  - Reconfiguration of Level 38 to separate residential communal open space and hotel facilities; and
  - Furniture and BBQ facilities provided in communal open space.
- Increase in opaque glazing to habitable rooms that are oriented directly towards the eastern and southern boundaries to address privacy.
- Replanning of units to increase internal unit storage and reduce basement storage reliance
- Changes to balustrade heights for improved wind protection.

There are no other notable changes to the physical design of the development with other amendments to the architectural plans relating to additional detail only.

Details of the design amendments are shown on the revised Architectural Plans at Appendix 1.

The amended design will not alter the exhibited development in terms of the number of apartments dedicated to affordable housing, however, as a result of the replanning of units the proposal will result in a slight reduction in the amount of GFA dedicated as affordable housing. Despite this, the proposal will still provide 16% of the GFA as affordable housing, which exceeds the requirement.

### 3.3 FURTHER ASSESSMENT

Additional information and revised documents have been prepared where appropriate to address items raised in the submissions.

The documents for additional assessment are appended to this report and include:





- Revised Noise and Vibration Impact Assessment prepared by Acoustic Logic (Appendix 3);
- Acoustic Response to Submissions prepared by Acoustic Logic (Appendix 4);
- Airspace Assessment prepared by Thompson GCS (Appendix 5);
- Historical Archaeological Assessment prepared by Heritage Now (Appendix 6);
- Spatial Services Engineering Report prepared by Goldfish & Bay (Appendix 7);
- Revised BASIX Certificate prepared by Partners Energy Management (Appendix 8);
- NatHERS Certificate prepared by Partners Energy Management (Appendix 9);
- Revised Ecological and Sustainability Design Report prepared by Partners Energy Management (Appendix 10);
- Embodied Emissions Materials Form (Appendix 11);
- NABERS Agreement to Rate (Appendix 12);
- BASIX Stamped Architectural Plans prepared by PTI Architecture (Appendix 13);
- Revised Geotechnical Investigation prepared by Green Geotechnics (Appendix 14);
- Revised Landscape Design Report prepared by iScape Landscape Architects (Appendix 15);
- Title Information (Appendix 16);
- Addendum Traffic Impact Assessment prepared by Solution 1 Traffic Engineers (Appendix 17);
- Wind Response to Submission Comments prepared by MEL Consultants (Appendix 18);
- VPA Update from Burwood Council (Appendix 19);
- Judgement of Courallie Avenue Pty Limited v Strathfield [2015] NSWLEX 1128 (Appendix 20);
- Revised Stormwater Management Plan prepared by ADP Consulting (Appendix 21);
- Stormwater Response Statement prepared by ADP Consulting (Appendix 22); and
- Revised Mitigations Table prepared by Planning Ingenuity (Appendix 23).



# 4. Response to Submissions

## 4.1 DEPARTMENT OF PLANNING, HOUSING AND INFRASTRUCTURE

The concerns raised by DPHI in their letter dated 20 June 2025 are provided below with a correlated response to each item regarding how the proposal has been amended, and/or what documentation has been amended or provided to address each item.

Table 3 Council Comments and Response	
Council Comment	Applicant Response
<p><b>1. Sydney Airport</b></p> <p><i>The proposal exceeds the Sydney Airport Obstacle Limitation Surface level by 14m. Provide an Aviation Report which discusses the impacts of the proposal, including during construction works, on the operation of Sydney Airport and any other air operations (such as hospitals). The Aviation Report must also detail consultation with state and federal aviation bodies on the acceptability of the proposed building height.</i></p>	<p>An Airspace Assessment has been prepared by Thompson GCS Pty Ltd to accompany this RtS.</p> <p>In accordance with the referral from Sydney Airport received on 30 April 2025, the applicant accepts that a condition of consent be imposed which requires approval to operate construction equipment (i.e. cranes) to be obtained prior to the issue of a Construction Certificate.</p>
<p><b>2. Ground Floor Layout</b></p> <p><i>a. Noting the site constraints and Council's concerns about the location design of the porte cochere on the corner of Burleigh Street and Railway Parade and number of vehicle entry points, the Department recommends you explore opportunities to relocate both the loading bay and hotel drop off and pick up area to the basement level to reduce the number of driveways and improve pedestrian-vehicle interactions, streetscape amenity and increase site landscaping.</i></p> <p><i>This could be aided by providing a turn table in the basement and/or reducing the amount of residential car parking provided (discussed further at item 6(a) below) to accommodate the loading bay and hotel drop of and pick up area within the existing basement envelope leading to better ground floor outcomes for the site.</i></p>	<p>It is noted that in the meeting held with Burwood Council on 17<sup>th</sup> July 2025, Council suggested that the proposed driveway arrangement may be acceptable following their refinement of a masterplan for the block. Notwithstanding this, in response to the comments raised, the architects, with traffic input, have rationalised the driveway entry/points to improve pedestrian-vehicle interactions and reduce the visual impact of the driveways on the streetscape amenity. Indeed, as detailed in the revised Architectural Plans, the following changes have been made:</p> <ul style="list-style-type: none"> <li>• Reduction of the basement entry/exit width to 6m;</li> <li>• Slight angling of the basement entry/exit so as to not overlap with services pit in the footpath;</li> <li>• Reduction of the port cochere entry and exit width to 3m;</li> <li>• Port cochere entry location no longer overlaps with services pit in the footpath; and</li> <li>• Reduction of service bay entry/exit width to 6m.</li> </ul> <p>Refer to the revised Architectural Plans provided at Appendix 1 for further detail, specifically Drawing No. 12C.</p>
<p><i>b. The residential lobby entrance is setback from the street boundary with building columns, planting and bicycle</i></p>	<p>To remove opportunities for concealment and better address the streetscape, the proposal has been amended to locate the</p>



<p><i>parking blocking sightlines and providing opportunities for concealment. While the recommendations of the Crime Risk Assessment Report are noted, consider design changes which can be undertaken to improve outcomes at the entrance.</i></p>	<p>residential entrance closer to the Railway Parade frontage. This ensures the residential entrance sits closer to the desired 3m setback line and better addresses the frontage. The planter box, bicycle parking and booster have all been relocated to ensure they do not block the residential entrance or provide any opportunity for concealment between the street and the building entrance. Refer to the revised Architectural Plans provided at Appendix 1 for further detail, specifically Drawing No. 12C.</p>
<p><b>3. Gross floor area (GFA) and building height</b></p> <p><i>a. All residential lobby space, both the residential and commercial waste rooms on the ground floor and Level 38 bathroom has been allocated as affordable housing GFA. Provide updated GFA calculation plans and floor plans which apportion the residential common spaces equitably. Commercial floor space must be correctly labelled and adequate affordable housing GFA provided.</i></p>	<p>The GFA calculation diagrams have been updated to ensure an equitable split between communal spaces is achieved. As shown in the revised Architectural Plans, an affordable housing GFA equating to 16% is provided.</p> <p>Refer to the revised Architectural Plans provided at Appendix 1 for further detail, specifically Drawing No. 01C, 03C and 04C.</p>
<p><i>b. Floor plans illustrate areas on Levels 36 and 37 will have fixed open louvres and as such, have not been counted toward building GFA. However, elevation plans indicate these spaces will be fully enclosed by fixed glazed panels and/or effectively enclosed by a solid banding element spanning multiple levels.</i></p> <p><i>Provide further plans/details demonstrating how these areas do not contribute to GFA and provide updated elevation and cross section plans identifying the fixed open louvers similar to other levels</i></p>	<p>Additional 1:20 concept sections have been prepared for Level 36 and 37 outdoor areas which indicate that these spaces will have fixed open louvres and therefore are not enclosed. These areas are rightfully excluded from GFA calculations.</p> <p>Refer to the revised Architectural Plans provided at Appendix 1 for further detail, specifically Drawing No. 22C, 23C and 44.2C.</p>
<p><i>c. Clarify whether floor-to-floor heights of 3.1m are sufficient to satisfy requirements of the Design and Building Practitioners Act 2020 and National Construction Code related to servicing requirements. The Department understands that a 3.2m floor to floor may be necessary to meet standards.</i></p>	<p>The NCC requirements will be confirmed achievable at the Construction Certificate (CC) stage. The building has undergone review and design input from structural and services engineers during the preparation of the drawings and no issues were identified which would prevent compliance at CC stage. In addition, a BCA review has been included in the application package. The architectural drawings have been deemed capable of complying with all NCC requirements.</p> <p>Notably, additional information has been added to 1:20 concept sections indicating that 3.1m floor to floor heights can achieve the minimum 2.7m floor to ceiling requirement.</p> <p>Refer to the revised Architectural Plans provided at Appendix 1 for further detail, specifically Drawing No. 43C, 44C, 44.1C and 44.2C.</p>





<p><b>4. Apartment Design Guideline (ADG) and building design</b></p> <p><i>a. Provide a complete and comprehensive compliance table against requirements in Section 3 and 4 of the ADG. The review in Appendix 9 of the EIS is incomplete and does not consider all applicable design criteria and guidance. Where variations are proposed, justification must be provided to demonstrate the proposal meets the objective of the design criteria and guidance.</i></p>	<p>A revised Architectural Design Report has been prepared to provide a comprehensive compliance table of the relevant requirements. Refer to Appendix 2.</p>
<p><i>b. The design of the wintergardens, including fixed open horizontal louvers above a 1m high fixed glass panel and the provision of operatable louvers on the façade is considered acceptable in terms of cross-ventilation. However, the rounded corners of the building and the location of wintergardens and/or operatable louvers impact on the ability for apartments to achieve effective cross ventilation. In particular:</i></p>	<p>It is noted that all residential balconies are not fully enclosable so are not technically defined as wintergardens.</p> <p>Despite this, the Architectural Plans have been amended to address the cross-ventilation issues which arise for select apartments. Details of the changes are provided below and at Drawing No. 15C and 16C of the revised Architectural Plans at Appendix 1.</p>
<p><i>i. Unit 01A may not achieve adequate natural cross ventilation and needs to be modelled to confirm its adequacy. It could be improved by relocating the operable louvre closer to the lift core.</i></p>	<p>The operable louvres within Unit 01A have been relocated closer to the lift core.</p>
<p><i>ii. Unit 01B is a single aspect due to privacy constraints with the neighbouring private open space. Replanning the wintergardens might enable this unit to gain access to a second aspect of the building.</i></p>	<p>The unit has been replanned to achieve adequate ventilation.</p>
<p><i>iii. Unit 02A will achieve some natural cross ventilation but is hindered by wind sheltering from neighbouring unit 01B.</i></p>	<p>The unit has been replanned to achieve adequate ventilation.</p>
<p><i>iv. Unit 02B has a single aspect.</i></p>	<p>Noted.</p>
<p><i>v. Unit 03A has dual aspects and will achieve natural cross ventilation, although its potential is lowered by the curved geometry of the corner.</i></p>	<p>Noted.</p>
<p><i>vi. Unit 03B will not achieve cross ventilation due to the location of the windows and the dominant exposure to a single aspect. It could be improved by adding an operable louvre towards the lift core.</i></p> <p><i>The Department requests that you obtain advice from a natural ventilation expert to inform any necessary design</i></p>	<p>The operable louvres within Unit 03B have been relocated closer to the lift core.</p> <p>Cross ventilation analysis has been considered in the updated architectural plans and Design Verification Statement</p>





<p><i>changes to the proposal to achieve natural cross ventilation in line with the ADG.</i></p>	
<p><i>c. The Level 38 residential communal open space (COS) is located away from the residential component of the building and the Design report notes that the space may be used by hotel guests. The residential COS should be a private area accessible by residents only and should be relocated closer to the residential component of the development to ensure residents have access to usable and accessible COS. You may wish to consider having smaller areas of COS over different levels as an alternative arrangement.</i></p>	<p>Level 38 has been reconfigured to separate the residential communal open space and hotel facilities. It is noted that the swimming pool is for hotel guest use only.</p> <p>Refer to the revised Architectural Plans, specifically Drawing No. 24C, at Appendix 1.</p>
<p><i>d. The Design Report (Appendix 9) justifies variations to ADG visual privacy criteria by noting these areas are provided with opaque glazing to limit overlooking and privacy concerns. However, habitable areas on the southern façade are provided with floor to ceiling vision/translucent glass.</i></p>	<p>Opaque glazing has been increased to habitable rooms that directly face the east and south boundaries to ensure an adequate privacy relationship is achieved between properties.</p> <p>Refer to the revised Architectural Plans, specifically Drawing No. 15C, 16C, 43C, 44C, 44.1C and 44.2C, at Appendix 1.</p>
<p><i>e. Demonstrate how the proposal will minimise privacy impacts, both into and from the proposal, including when the site to the south is developed in accordance with the Burwood Local Environmental Plan 2012.</i></p>	<p>Drawing No. 45C, 46C and 47C within the revised Architectural Plans show that the proposed development is capable of allowing for a conceptual mixed use development incorporating land to the south.</p> <p>Importantly, and following discussions with Council, it is understood that Councils plans to put forward a masterplan for their land which sits to the south of the subject site. Council were not able to advise what the masterplan might entail for redevelopment of their land but they raised no issues with the proposed setbacks to the shared southern boundary.</p> <p>Further information from Council is needed to understand their intent and timing for their future Precinct Masterplan if this is expected to be addressed in any further specific detail.</p>
<p><i>f. Operable louvres have been provided to living rooms and bedrooms for natural ventilation. Discuss how these louvres will ensure thermal comfort to the apartments and whether they have the ability to seal shut (similar to a window) to maintain internal noise levels (required by the Noise and Vibration Impact Assessment (NVIA)) and temperatures.</i></p>	<p>Operable louvres will comply with BASIX and Acoustic requirements. If there is a need for plenum systems to provide natural ventilation whilst addressing external noise intrusion, this is achievable. Further details will be provided at CC stage in conjunction the Façade, Mechanical, Natural Ventilation, Acoustic Engineers, Curtain Wall Manufacturer.</p> <p>Refer to the revised Architectural Plans, specifically Drawing No. 15C, 16C, 43C, 44C, 44.1C and 44.2C, at Appendix 1.</p>
<p><i>g. Discuss the rationale for the proposed apartment mix and how the proposal contributes to housing choice for different</i></p>	<p>The proposal includes a mix of apartment size and tenures.</p>





<p>demographics, living needs and household sizes in the Burwood local government area.</p>	
<p><i>h. Provide sun eye diagrams and a solar compliance table for each apartment (both at dual key and individual key levels) identifying the time which each apartment receives its solar access on 21 June.</i></p>	<p>View sun diagrams have been included within the revised Architectural Plans at Drawing No. 41.1C, 41.2C and 41.3C, with Appendix 1.</p>
<p><i>i. Demonstrate that areas identified as ‘storage cages’ in Basement levels 3-5 are sufficient in area for the amount of external storage required for the apartments.</i></p>	<p>Units have been replanned to increase internal unit storage and reduce the reliance on basement storage cages. The majority of units now provide 100% of the required storage internally, with the remainder allocated in the residential basement levels.</p> <p>Refer to the revised Architectural Plans, specifically Drawing No. 02C, 08C and 09C at Appendix 1.</p>
<p><i>j. The Design Report (Appendix 9) incorrectly identifies the proposal meets the design criteria guidance in the ADG for lift numbers per apartments for the individual key layout. Provide a Vertical Transport Study/Lift Analysis to support the exceedance.</i></p>	<p>Part 4F of the ADG would require a maximum number of 80 apartments sharing 2 lifts.</p> <p>The proposal provides a total of 48 dual key apartments sharing 2 lifts, however, when counted as separate apartments, there would be 96 apartments technically sharing the 2 lifts.</p> <p>Importantly, the ADG defines dual key apartments as follows:</p> <p><i>An apartment with a common internal corridor and lockable doors to sections within the apartment so that it is able to be separated into 2 independent units. Under the BCA, dual key apartments are regarded as two sole occupancy units. They are also considered as two units when calculating apartment mix.</i></p> <p>In accordance with the above definition, dual key apartments do not need to be counted as 2 independent units for anything other than BCA requirements and unit mix. Therefore, it is considered acceptable that the apartments be counted as dual keys, meaning only equating to 48 apartments, for the purpose of circulation. Notably, the nature of dual key apartments, particularly those proposed, would result in no more occupants than standard two, three or four bedroom apartments, in which up to 80 could be serviced by only 2 lifts.</p> <p>As such, even if the proposal was considered to be non-compliant with Part 4F, this non-compliance would be technical in nature and equate to only 16 apartments, with these being half of a dual key containing either only one bedroom or a studio apartment. Therefore there is no addition of occupants in this configuration and despite the technical non-compliance the 2 lifts would be sufficient to accommodate the number of residents within the 48 dual keys.</p>





<p><i>k. Provide updated Landscape Plans and Architectural Plans which detail embellishment (e.g. furniture, BBQ area etc) to the residential COS areas.</i></p>	<p>Both Architectural Plans and Landscape Plans have been updated to include furniture and BBQ areas. Refer to Appendix 1 and 15 respectively.</p>
<p><i>l. Clarify whether the proposed curtain wall external material complies with the reflectivity recommendation at section 6.15 of the EIS.</i></p>	<p>Notes have been added to the revised Architectural Plans stating glazing will comply with BASIX, Acoustic, Reflectivity, Acoustic, Council and NCC requirements. Further details will be provided at CC stage in conjunction the Façade Engineer and Curtain Wall Manufacturer.</p> <p>Refer to the revised Architectural Plans at Appendix 1, specifically Drawing No. 43C, 44C, 44.1C and 44.2C.</p> <p>It is accepted that an condition of consent be imposed to enforce this requirement.</p>
<p><b>5. Noise</b></p> <p><i>Provide an updated NVIA which:</i></p> <p><i>a. measures and considers impacts to the closest residential tower development receiver at 7-9 Burleigh Street, Burwood.</i></p> <p><i>b. identifies the date and time of the noise monitoring, and justifies that the noise levels recorded can be relied upon for the noise assessment</i></p> <p><i>c. clarifies the reference to existing noise levels at the southern façade at section 8.1 noting Figure 1 identifies unattended measurements were only undertaken at the northern and eastern site boundaries.</i></p>	<p>An updated NVIA has been provided at Appendix 3. A detailed response to this item has also been prepared by Acoustic Logic to accompany this RtS and is provided at Appendix 4. The responses provided by Acoustic Logic are reproduced below.</p> <p>The residential tower development receiver at 7-9 Burleigh Street, Burwood has been added as an additional receiver within the report (receiver R5).</p> <p>Noise monitoring was conducted between 13th March and 20th March 2024. This was presented in Appendix A.2.1. The noise levels were recorded over a minimum period of 7 weather unaffected days as required by the NSW EPA NPI 2017 and is therefore considered valid for use.</p> <p>The noise monitor noted as the eastern site boundary (location 2) was used to provide a façade noise level for the south of the development previously.</p> <p>Additional attended measurements have been undertaken at Burleigh Street and Belmore Street further south to ascertain whether farther traffic noise levels will have an additional effect on southern façade noise levels. Predictions of façade noise levels based on distance correction from road noise sources revealed that noise from local roads is minimal on the southern façade. Appendix A.3.2 has been updated to provide context to the additional measurements.</p> <p>For conservative assessment, the worst 1-hour period of the monitoring period for the day and night noise levels has been</p>





<p><i>d. provides updated recommendations, if necessary, noting that the proposed curtain wall external façade appears to be inconsistent with the recommendation at section 9.1.3 that external walls be constructed of precast concrete to ensure internal noise levels.</i></p> <p><i>e. identifies predicted noise levels from loading dock operations to residential receivers within the development and provides mitigation measures to ensure acceptable noise levels, if required.</i></p> <p><i>f. identifies typical noise levels associated the future commercial/hotel uses (including function rooms, restaurants and the bar) and the amount of mechanical plant identified as needed for the proposal on the architectural plans, and considers impacts to internal and external receivers.</i></p> <p><i>g. considers noise generation impacts to internal and external receivers from the outdoor communal open spaces and outdoor dining/gathering spaces.</i></p> <p><i>h. provides a ventilation assessment including, if needed, details of alternative ventilation strategies.</i></p>	<p>adopted for the southern façade based on the noise monitoring data at the south east of the site and attended noise measurements.</p> <p>Section 9.1.3 has been edited to provide more context for curtain wall treatments which are nominated in the glazing section (9.1.1). A 350mm curtain wall zone has been nominated to be further developed with the façade consultant and curtain wall manufacturer at CC stage.</p> <p>Loading dock operations to residential receivers within the development are significantly shielded by the built form of the level 2 podium. Predicted façade noise levels are &lt; 40dB(A) during any given 15-minute period where there is an MRV movement.</p> <p>Additional commentary has been provided in Section 11.4 regarding operational noise breakout from internal spaces such as function spaces, restaurants or bars. Impacts to both internal and external receivers can be adequately controlled with the recommended minimum façade glazing build ups and resilient ceiling on level 2.</p> <p>Mechanical noise emissions cannot be adequately reviewed at this stage. Typical recommendations have been amended into Section 11.1 with a detailed review required to be conducted at CC stage.</p> <p>For the communal outdoor areas, additional commentary has been provided in Section 11.3</p> <p>For hotel outdoor areas, additional commentary has been provided in Section 11.5. Typically, the operator of the restaurant should provide their own acoustic assessment based on a licensed premise acoustic assessment. Notwithstanding the above, indicative calculations have been made based on reasonable patron numbers at each outdoor space to local receivers. Predictions are within a background + 5dB(A) noise level, which is typically adopted by Liquor &amp; Gaming NSW for assessment of liquor licensed venues.</p> <p>Alternative ventilation methodologies will be required for residential units facing Railway Parade and the rail corridor. Section 9.2 has been added to provide detail. Alternative ventilation can be in the form of mechanical treatments, to be iterated during design stage.</p>
<p><b>6. Traffic and parking</b></p> <p><i>a. The proposal provides 88 residential parking spaces which is substantially more than the parking rates provided by</i></p>	<p>Parking rates and on-site parking demand data used to inform the revised Traffic Impact Assessment include:</p> <ul style="list-style-type: none"> <li>- Housing SEPP</li> </ul>





<p><i>both the Housing SEPP and Burwood Development Control Plan (BDCP). The Department notes the site is located within the Burwood Town Centre (a highly accessible railway precinct) and within very close walking distance of various modes of high-frequency public transport. Noting this context, the Department requests that you:</i></p> <p><i>i. reduce the number of resident car parking spaces to be consistent with / no more than the Housing SEPP minimum car parking rates</i></p> <p><i>ii. delete the studio apartment car parking spaces, noting the Housing SEPP parking rates do not include a specified rate for studio apartments.</i></p> <p><i>iii. provide the rationale for calculation of residential visitor spaces provided (2) noting the BDCP requires 9.6 spaces at dual key configuration.</i></p>	<ul style="list-style-type: none"> <li>- Burwood DCP</li> <li>- Data on similar hotel/restaurants</li> </ul> <p>Trip generation is limited to peak times to examine ‘worse-case’ impacts.</p> <p>Trip generation data is based on ‘TfNSW Guide to Traffic Generation Developments’ (the Guide-2024) and the TfNSW Guide to Transport Impact Assessment for proposed residential and office uses on sites located in an area easily accessible via public transport. The data for trip generation for the hotel and restaurant was based on a survey of the Crowne Plaza Hotel at Burwood.</p> <p>Trip distribution has been detailed in the updated traffic impact assessment.</p>
<p><i>b. Provide an updated Traffic Impact Assessment (TIA) which:</i></p> <p><i>i. responds to the issues raised in item 6(a).</i></p> <p><i>ii. considers intersection impacts to Burleigh Street/Belmore Street</i></p> <p><i>iii. provides an analysis of the hotel drop off and pick up arrangements, usage and impacts including types of vehicles, frequency and queueing impacts</i></p> <p><i>iv. provides swept paths for all vehicle types expected to use the any drop off/pick up facility</i></p> <p><i>v. provides swept path diagrams demonstrating that vehicles (including waste vehicles) can enter/exit the site driveways from the road and swept paths for waste vehicles accessing Burleigh Street from Belmore Street and turning into Railway Parade from Burleigh Street.</i></p>	<p>See above.</p>
<p><b>7. Wind impacts</b></p> <p><i>a. The Pedestrian Wind Environment Assessment (Appendix 25) (PWEA) indicates external residential COS areas and hotel/commercial external areas at levels 1, 2 and 36 meet standing comfort criteria levels. It is noted that most of these areas will include uses requiring people be seated. Provide further plans/details and mitigation measures, as needed, to demonstrate that the wind conditions in these</i></p>	<p>A response has been prepared by MEL Consultants with regard to the issues raised and is provided at Appendix 18. The responses provided by MEL Consultants are reproduced below.</p> <p>The wind conditions on Level 1 have been shown to meet the sitting comfort criterion.</p> <p>The wind conditions on Level 2 vary from achieving the sitting criterion (test location T7) to achieving the standing comfort criterion (test locations T5, T6, T8 &amp; T9). To further improve the wind conditions on the Level 2 areas so that the sitting criterion</p>





<p><i>areas will provide comfortable conditions for the intended use of the spaces.</i></p>	<p>is achieved, it is recommended to increase the balustrade heights to 1.6m for the areas surrounding T5 &amp; T6 and T8 &amp; T9.</p> <p>Similarly, increasing the balustrade height to 1.6m on the northern half of the communal areas of Level 36 (i.e. from east through north to west aspects) would be expected to improve the wind conditions in this area to achieve the sitting comfort criterion.</p>
<p><i>b. Provide an updated PWEA which considers and demonstrates the proposal will achieve acceptable safety and comfort levels of the apartment balconies.</i></p>	<p>The private apartment balconies shown on Levels 3 – 18 have openings on only one aspect, with walls and/or privacy screens separating adjacent balconies. Such balcony types typically achieve good levels of wind comfort and would be expected to achieve a minimum of standing comfort criterion, with the sitting comfort criterion likely to be achieved.</p>
<p><i>c. Wind conditions at the neighbouring site, 26 Railway Parade, change from sitting comfort levels pre-development to standing comfort levels post development. Demonstrate that the comfort levels are appropriate in this location and/or any mitigation measures which could be incorporated into the proposal to maintain pre-development standards to the property.</i></p>	<p>The neighbouring site at 26 Railway Parade is a church with short term outdoor seating areas within its courtyard on its east side (test location 39). It has been shown that presence of the proposed development has slightly increased the wind conditions in this area. The wind conditions have increased from a 5% mean wind speed of 3.2m/s to 4.3m/s which is only slightly above the sitting comfort criterion (4m/s). It is expected that intended activity within this church courtyard (at test location 39) would be considered short term and while conditions would be perceived to be windier with the proposed development present, would still be achieving conditions suitable for the intended activity.</p> <p>The wind conditions with the proposed development in place along the footpath at test location 3 would be considered appropriate for the intended activation, given this area is intended for pedestrian transit and is still well within the walking comfort criterion.</p>
<p><b>8. Sustainability</b></p>	
<p><i>a. Provide copies of the BASIX stamped Plans and NatHERS Class 2 summary certificate.</i></p>	<p>BASIX stamped plans and NatHERS are provided at Appendix 13 and 9, respectively.</p>
<p><i>b. Provide an assessment of Chapter 3 of State Environmental Planning Policy (Sustainable Buildings) 2022 including a copy of the embodied emissions assessment.</i></p>	<p>A copy of the Embodied Emissions Assessment is provided at Appendix 11.</p>
<p><i>c. Clarify whether the NCC requires the building be fully electric and have solar panels.</i></p>	<p>Detailed compliance with the NCC can be achieved with the Construction Certificate. The building will have solar panels and the primary energy source is electricity.</p>





<p><b>9. Other matters</b></p> <p><i>a. Confirm that use of the proposed function rooms, restaurant and bar will be restricted to hotel guests only and that patrons not staying at the hotel will not be able to hire or access these spaces as indicated in the TIA. Should these spaces be available to both hotel guests and the general public, provide an updated EIS considering permissibility and impacts.</i></p>	<p>The function rooms, restaurant and bar will be open to the general public.</p> <p>This is addressed within the Addendum Traffic Impact Assessment provided at Appendix 17.</p> <p>With regard to permissibility, the site is located within the MU1 – Mixed Use zone whereby function rooms, restaurants and bars are all permissible forms of development, whether open to the public or not.</p> <p>There will be no adverse impacts resulting from the public use of these spaces with the same acoustic outcome whether the spaces are used by hotel guests or the public given the same operational and management procedures will apply.</p>
<p><i>b. Provide Stormwater Management Plans and an accompanying stormwater report that detail the stormwater design including roof drainage and surface drainage measures.</i></p>	<p>Revised Stormwater Management Plan and response are provided at Appendix 21 and 22, respectively.</p>
<p><i>c. Plant areas are proposed in the basement level, roof levels and 2 entire floor levels within the building. Provide a mechanical engineer’s report to support the amount of plant areas proposed and which discuss whether efficiencies are available to consolidate plant to reduce the building height of the proposal.</i></p>	<p>Input from mechanical engineer’s informed the original design. The Preliminary Spatial Plans prepared by Goldfish &amp; Bay are provided at Appendix 7.</p>
<p><i>d. Provide evidence of engagement with Council in relation to waste collection. The Department strongly encourages you to work with Council in relation to its standards to enable residential waste collection by Council, unless compelling justification and site-specific reasons for private waste collection are demonstrated and have been discussed with Council.</i></p>	<p>The project team met with Council on 17<sup>th</sup> July 2025. During this meeting the applicant asked whether private collection would be acceptable to Council. In response Council advised that it could be considered but they could not provide a definitive response at the time.</p> <p>Private waste collection is considered appropriate in the context of the site and when considering there are only 48 residential apartments proposed. On street collection would not be possible given the location of the site and to require the floor to ceiling height within the basement to be increased to accommodate Councils waste vehicle would be a disproportionate outcome.</p> <p>Importantly, we refer to case of Courallie Avenue Pty Limited v Strathfield Council [2015] NSWLEC 1128 which accepted private waste collection for a residential flat building. The judgement is provided at Appendix 20.</p>





<p><i>e. Provide an updated Heritage Impact Statement with clear recommendations which are incorporated into the development.</i></p> <p><i>In particular, review recommendations 9.5 to 9.8 which note the proposal as submitted satisfies the recommendations, but that also further refinement or details are required via conditions of consent to confirm compliance with the recommendation.</i></p> <p><i>For example, recommendation 9.5 advises that the architectural features (including style, scale, colours, details) are appropriate but also recommends further detailing of these features via condition to ensure an acceptable impact to the streetscape. Provide an explanation of the changes required to ensure the proposal has an acceptable impact to heritage significant of items in its vicinity.</i></p>	<p>Tropman has advised that the recommendations made at 9.5 to 9.8 within the Heritage Impact Statement are general recommendations they would normally make to consider the refinements which occur during the post-determination phase of a development.</p> <p>A direct response from Tropman with regard to this issue is provided below:</p> <p><i>“The recommendations are typically for post determination due to the limited information and detailing at the Development Application stage, such as detailed landscaping, materials, finishes, interpretation, etc.</i></p> <p><i>These recommendations are typically considered post determination at Construction Certificate.</i></p> <p><i>These recommendations should be argued as a condition of consent for post determination action.”</i></p>
<p><i>f. Provide an explanation of the ‘Potential Surrounding Development’ Plan (Drawing No. 45) submitted which can demonstrate that the adjoining sites to the east will not be isolated by this proposal. Discussion should include details such how the neighbouring development would be capable of achieving economic and orderly development, having regard to the planning controls that apply to the site.</i></p>	<p>Drawing No. 45C, 46C and 47C within the revised Architectural Plans show that the proposed development is capable of allowing for a conceptual mixed use development incorporating No.18 Railway Parade (privately owned) into Councils future Precinct Masterplan. Notwithstanding this, If No.18 is not included in the Precinct Masterplan, a potential separate development on that site is still achievable and would not be dissimilar to the adjacent existing 20 storey tower at No.16 Railway Parade which has a narrower site width. Further information from Council is needed to understand their intent and timing for their future Precinct Masterplan to develop this further.</p>
<p><i>g. Provide an update of the Voluntary Planning Agreement negotiations with Council, noting that an executed VPA will be required prior to determination in order to access floor space ratio bonuses in clause 4.4A of the Burwood Local Environmental Plan 2012.</i></p>	<p>Latest correspondence from Council with regard to the VPA was received on 6<sup>th</sup> August 2025. Council advised that the VPA offer is currently under Council solicitor review.</p> <p>It is noted that the VPA is for a standard monetary contribution and as such should be easily resolved with Council.</p> <p>If an agreement was not reached before determination of this application, DPHI may wish to impose a deferred commencement condition requiring the VPA to be resolved.</p>
<p><i>h. Provides copies of the Title/DP information for all lots.</i></p>	<p>Copies of the Title/DP information for each lot is provided at Appendix 16.</p>
<p><i>i. Confirm subdivision works do not form part of the application.</i></p>	<p>Subdivision is not proposed as part of this application.</p>



## 4.2 BURWOOD COUNCIL

The concerns raised by Burwood Council in their submission dated 23 May 2025 are provided below with a correlated response to each item regarding how the proposal has been amended, and/or what documentation has been amended or provided to address each item.

Table 4 Council Comments and Response	
Council Comment	Applicant Response
<p><u>Clause 4.4A(5) and Clause 4.4A(6) of BLEP 2012</u></p> <p>The site is permitted a maximum FSR under the BLEP of 6.6:1 in accordance with clause 4.4A(5) subject to the provision of community infrastructure and the limitation on residential development.</p> <p>Should you wish to utilise these provisions of the LEP it is recommended you commence discussions with Council's City Planning Team. The Manager City Planning Sumathi Navaratnam can be contacted on 9911 9911.</p> <p>Should you wish to utilise the bonus provisions of the Housing SEPP further information will be required to demonstrate how the GFA would be calculated when taking into consideration the bonus.</p> <p>It is recommended you review Council's policy – Carrying Out Bonus Development in the Public Interest which can be found at the following link under the voluntary planning agreement policy tab.</p>	<p>As detailed within the EIS, the site is located within 'Area 1' on the FSR Map and as such Clause 4.4A(5) applies as follows:</p> <p><i>(5) Despite clause 4.4, the floor space ratio for a building on land in Area 1 or Area 2 may exceed the floor space ratio shown for the land on the Floor Space Ratio Map if—</i></p> <p><i>(a) the floor space ratio for the building does not exceed—</i></p> <p><i>(i) 6.6:1—if the building is in Area 1, or</i></p> <p><i>(ii) 4.95:1—if the building is in Area 2, and</i></p> <p><i>(b) the gross floor area of the part of the building used for the purpose of residential accommodation does not exceed the following percentage of the gross floor area of the building—</i></p> <p><i>(i) 40 percent—if the building is in Area 1, or</i></p> <p><i>(ii) 70 percent—if the building is in Area 2.</i></p> <p>In accordance with the above clause, the site is permitted a maximum FSR under the BLEP 2012 of 6.6:1 so long as the maximum gross floor area (GFA) of the building used for the purpose of residential accommodation does not exceed 40%.</p> <p>The proposed development contains a total residential GFA of 4,878m<sup>2</sup>, inclusive of 1,839m<sup>2</sup> of affordable housing in accordance with the affordable housing bonus GFA requirements under the Housing SEPP. Notwithstanding this, the maximum 40% residential GFA is a pre-requisite for an FSR of 6.6:1 under the BLEP exclusively and does not apply to the Housing SEPP provisions.</p> <p>Therefore, it is logical that the bonus 30% GFA afforded by the Housing SEPP, and the subsequent GFA dedicated to affordable housing within the development, both be excluded when calculating the residential GFA percentage for the purpose of Clause 4.4A(5). Based on this application, the proposal provides a maximum residential GFA of 3,039m<sup>2</sup>, exclusive of the affordable housing component. This equates to 34.64% of the permissible GFA for the site being 8,771.4m<sup>2</sup> when applying only the 6.6:1 FSR permitted under the BLEP.</p>



	<p>As such, the proposal does not exceed the maximum residential FSR permitted on the site in accordance with Clause 4.4A(5) when rightfully considering the BLEP controls in isolation.</p> <p>Furthermore, Clause 4.4A(6) applies to development seeking to utilise the bonus FSR under Clause 4.4A(5).</p> <p>Clause 4.4A(6) is reproduced below:</p> <p><i>(6) Subclause (5) applies in relation to proposed development only if—</i></p> <p><i>(a) the proposed development on the land includes development resulting in community infrastructure or the use of land as community infrastructure, and</i></p> <p><i>(b) the consent authority is satisfied that the community infrastructure is appropriate for the Burwood Town Centre, taking into account the nature of the community infrastructure and its value to the community working or residing in the Burwood Town Centre.</i></p> <p>In order to satisfy Clause 4.4A(6), a Voluntary Planning Agreement (VPA) Letter of Offer has been submitted to Burwood Council for a monetary contribution in place of the provision of community infrastructure on the site. The VPA is currently being reviewed by Council solicitors. during the SSDA process. The VPA is to include</p> <p>The applicant accepts that the VPA is to be formalised prior to the approval of the SSDA.</p> <p>Notably, the VPA Letter of Offer has been prepared in accordance with Council’s policy – Carrying Out Bonus Development in the Public Interest.</p>
<p><u>Insufficient Information</u></p> <p>No affordable housing has been depicted on the submitted plans. Further information is to be provided in order for Council to ascertain which units will be used for the purposes of affordable housing.</p> <p>Insufficient information has also been provided with relation to cost of works details.</p>	<p>The Architectural Plans submitted with the original EIS at Appendix 8 of the SSD submission provided details of the affordable housing apartments.</p> <p>Notably affordable housing is dedicated at Level 3 to 8 and consist of 18 dual key units in total.</p> <p>The EDC Report submitted with the original EIS at Appendix 5 of the SSD submission provided the cost of works.</p>
<p><u>Heritage</u></p> <p>A heritage assessment of the potential impact on the adjoining locally listed terraces and church is to be provided with meaningful strategies to mitigate impact.</p>	<p>A HIS was prepared to accompany the original EIS and SSD submission at Appendix 23.</p>





<p>The development needs to be set back from north-west corner to provide a curtilage to the church to the west that is listed as a local heritage item.</p> <p>The site previously contain the 'AC/DC house' until demolished by the applicant in December 2024. Any redevelopment is to provide meaningful acknowledgment of the former house and the contribution of the band to Australian music culture.</p>	<p>The DCP specifically identifies a 3m street front setback to Burleigh Street. This has been provided by the proposal. Furthermore, the north-west corner of the podium is chamfered at 45 degrees, which is significantly more than the minimum 3m requirement.</p> <p>A meaningful acknowledgement to AC/DC can be incorporated into the development in various ways including, but not limited to the potential of incorporating:</p> <ul style="list-style-type: none"> <li>- External public art;</li> <li>- Commemorative plaques;</li> <li>- Integrated interior design elements;</li> <li>- Themed restaurant located on Level 36 similar to a "Hard Rock Café".</li> </ul> <p>Further details will be provided at CC stage.</p>
<p><u>Traffic</u></p> <p>The proposed four (4) driveways are not supported.</p> <p>The proximity of the porte-cochere to the intersection of Railway Parade and Burleigh Street is not supported</p>	<p>The original EIS and SSD submission was accompanied by a Transport and Accessibility Impact Statement at Appendix 26, Waste Management Plan at Appendix 29, Access Report at Appendix 15 and BCA Report at Appendix 16, all of which addressed these comments.</p> <p>The number of driveways matches the functions required to support a mixed use development including a hotel. Two of the driveways relate to the provision of a porte cochere which is considered to be an integral aspect of the hotel use. Importantly, the porte cochere will allow for ride share and taxi drop off to occur within the site, which would otherwise occur along the street, impacting traffic flow and parking availability. It is noted that whilst guest drop off could be encouraged to occur within the basement, the likelihood of that happening in practice is very low.</p> <p>Furthermore, the site has two street frontages with Burleigh Street being a one way street hence why this location is ideal for service vehicles entry/exit and porte-cochere exit only.</p> <p>Locating the basement entry on Burleigh Street would be inconvenient and confusing for visitors &amp; hotel guests that would be unfamiliar with the area to navigate entry to the site from Belmore Street.</p> <p>The porte-cochere driveway entry at Railway Parade and exit at Burleigh Street are a minimum of 6.3m to 8.3m from the tangent point of the intersection, compliant with AS2890.1:2004 Figure 3.1.</p> <p>Locating the porte-cochere entry on the intersection is the most convenient for drivers that are dropping off/ picking up hotel guests unfamiliar with the area, having to navigate entry to the porte-cochere as Burleigh Street is one-way.</p> <p>The porte-cochere location also minimises the crossover of driveway and usable pedestrian space that's valuable for active frontages and public domain footpath.</p>





<p>Waste facilities are to be provided onsite. No street presentation will be supported.</p> <p>All residential waste facilities including any loading area are to comply with Council's standards including waste vehicles.</p> <p>Bicycle parking is to meet DCP controls as a minimum</p> <p>All car parking is to comply with Australian Standards and Council's DCP provisions</p> <p>All visitor car parking is to be provided at the upper basement levels</p> <p>All parking must be provided on-site per Council's DCP requirements for B4 Mixed use zone parking requirements.</p> <p>The design of bicycle parking facilities (racks and lockers) must be in accordance with the provisions of Australian Standard 2890.3 – Parking Facilities or Cycling Aspects of Austroads Guides.</p> <p>Provide parking spaces and accessible pedestrian paths for people with disabilities per AS/NZS 2890.6 and Council DCP requirements.</p> <p>All the parking module dimensions must be designed per AS/NZS 2890.1:2004 - Section 2.4.4 – parallel parking in parking aisles.</p> <p>Sight lines for vehicles exiting the property must comply with AS2890.1 Figure 3.3, including no visual obstructions along the first 2.5 metres within the boundary of the driveway.</p> <p>The access driveway, arrangement of internal roadways and aisle width must be designed per AS/NZS 2890.1:2004</p> <p>Provide information in relation to driver sight distance/visibility requirements based on a minimum gap sight distance of 5 seconds in accordance with AS2890.1 -</p>	<p>Waste facilities are provided at ground floor, out of view from the public domain. Collection is via the loading dock, service vehicles are not required to enter the basement.</p> <p>The residential and commercial waste areas including recycling have been designed and located in coordination with a Waste Consultant. The waste areas are directly accessed and serviced from the ground floor loading dock for ease of servicing maintenance.</p> <p>Bicycle parking has been provided to meet DCP requirements as follows:</p> <ul style="list-style-type: none"><li>- 3 spaces for hotel/ commercial at ground</li><li>- 6 spaces for residential visitors at ground</li><li>- 27 spaces for residential over basements 3-5 within a secured dedicated room.</li></ul> <p>Car parking complies with AS2890.1:2004 and the DCP requirements.</p> <p>Residential visitor car parking is currently shown on basement 3, however can be easily relocated to basement 1 if required.</p> <p>On-site parking numbers are based on Bitzios Consulting/SEPP rates. 138 car spaces are provided in total.</p> <p>The design of bicycle parking facilities is readily capable of complying with both AS2890.3 and Cycling Aspects of Austroads Guides.</p> <p>Further details will be provided at CC stage.</p> <p>Accessible parking spaces and accessible pedestrian paths of travel have been provided as per AS2890.6 and Council DCP requirements.</p> <p>All the parking module dimensions are designed per AS2890.1:2004 as required.</p> <p>Sight lines for vehicles exiting the property are shown on the drawings and comply with AS2890.1</p> <p>The access driveway arrangements and aisle widths are designed per AS2890.1 as required.</p> <p>Sight lines for vehicles exiting the property are shown on the drawings and comply with AS2890.1 as required.</p> <p>Further details will be provided at CC stage.</p>
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<p>2004 published by Standards Australia and also in Chapter 3.4 Site Distance at Property Entrances (Austroads 2009).</p> <p>Given the current restricted parking restrictions along Railway Parade Road and the high demand for parking in this area is in not expected that a compliant egress from the site would be possible.</p> <p>All car parking spaces, garages and vehicle manoeuvring driveways shall be designed so that vehicles can easily enter and leave the premises by movement in a forward direction.</p> <p>Removal of on-street public parking to facilitate a private development is not supported.</p> <p>Clearly label on-site parking areas for hotel visitors, commercial, residents and residential visitors.</p>	<p>A high level review of NCC requirements regarding egress has been coordinated with both BCA and Fire Engineers. The proposed development is deemed capable of complying with the relevant NCC requirements.</p> <p>Performance Solutions will be prepared where DTS provisions of the NCC are not achievable.</p> <p>Further details will be provided at CC stage.</p> <p>All vehicle manoeuvring is designed so that vehicles can enter and leave the premises in a forward direction.</p> <p>There is currently no public parking available directly in front of the site on Burleigh Street.</p> <p>The removal of 3-4 on-street car parking spaces will be required on Railway Parade due to the proposed driveways.</p> <p>It is noted that there is currently a Council car park directly behind the site to the south for public use.</p> <p>The removal of the on-street car spaces on Railway Parade will not adversely impact public car parking. Refer to TIA prepared by Solution 1 Traffic Engineers at Appendix 26 of the original EIS.</p> <p>The car parking allocations for each use are clearly labelled on the floor plans:</p> <ul style="list-style-type: none"> <li>- Basements 1-2 are allocated to hotel and commercial use</li> <li>- Basements 3-5 are allocated to residential use, with residential visitors at basement 3</li> </ul>
<p><u>Sustainability</u></p> <p>An entire glass façade is not supported due to heat load and the requirement for continuous artificial cooling and heating</p>	<p>The glass façade is an aesthetic design intent, in the form a curtain wall system in concept. This has been designed in coordination with the BASIX Consultant and passes BASIX requirements.</p> <p>In detail and practicality, the glass facade is a combination of various gazing types to suit each situation where required including:</p> <ul style="list-style-type: none"> <li>- fixed glass panels at hotel and commercial spaces</li> <li>- operable glass louvres at residential habitable spaces for natural ventilation requirements</li> </ul>





<p>Sustainability initiatives are to be identified</p> <p>The two floors of plant are to be justified with a mechanical engineers report</p>	<ul style="list-style-type: none"> <li>- non-operable glass louvres fixed at 45 degrees at residential balconies and hotel outdoor spaces as to not enable these areas to be fully enclosable</li> <li>- vision glass for views</li> <li>- opaque glass for privacy</li> <li>- false glass over solid walls</li> </ul> <p>Initiatives were detailed in the BASIX Certificate at Appendix 18 and ESD Report at Appendix 19 of the original EIS and SSD submission.</p> <p>The two plant levels 19 and 32 have been located and coordinated at a high-level concept design in conjunction with Goldfish &amp; Bay Engineers.</p> <p>Level 19 plant:</p> <ul style="list-style-type: none"> <li>- residential services</li> <li>- hotel room services</li> </ul> <p>Level 32 plant:</p> <ul style="list-style-type: none"> <li>- stair pressure mechanical</li> <li>- fire services</li> <li>- commercial offices services</li> <li>- hotel facility services</li> </ul>
<p><u>Building Separation</u></p> <p>Concern is raised regarding site isolation to the site to the east.</p> <p>'Privacy' glazing is an inappropriate treatment to a constrained site and would limit development potential of adjoining sites</p> <p>ADG compliance is required in terms of separation. This is to be shown on floor plans</p>	<p>A concept development scheme of the surrounding sites was included in the original EIS and SSD submission. The revised Architectural Plans also detail the development potential of the adjoining site at Drawing No. 45C, 46C and 47C. These drawings show that the proposed subject development is capable of allowing for a conceptual mixed use development incorporating No.18 Railway Parade (privately owned) into Councils future Precinct Masterplan. Notwithstanding this, if No.18 is not included in the Precinct Masterplan, a potential separate development on that site is still achievable and would not be dissimilar to adjacent existing 20 storey tower at No.16 Railway Parade which has a narrower site width. Ultimately, further information from Council is needed to understand their intent for their future Precinct Masterplan to develop this further.</p> <p>The use of opacified glazing is minimal and only proposed in the external curtain walls that directly face side boundaries. This is also a factor in the reasoning as to the oval form of the building design, allowing the corner habitable spaces to face the site corners instead of the side boundaries for optimum outlook and visual privacy.</p> <p>The site constraints limit the possibility of fully complying with ADG building separation as well as achieving an efficient and feasible building floor plate.</p>





	<p>As noted above, this is also a factor in the reasoning as to the oval form of the building design, allowing the corner habitable spaces to face the site corners instead of the side boundaries for optimum outlook and visual privacy. This is considered to be a well-considered design solution to achieve the intent and design objectives for separation specific to the context.</p>
<p><u>Site Planning</u></p> <p>The applicant is to demonstrate an integrated approach to the block to allow connectivity and integration with the surrounding sites. This needs to extend to the wider network of buildings to the Burwood town centre including how the site will integrate with any through site links. The current design treats the site in isolation.</p> <p>No ground floor modelling, place making, public art or wayfinding information has been provided</p> <p>No modelling for railway noise has been provided</p> <p>No stormwater details have been provided.</p> <p>Confirmation is required that one substation will be sufficient to support the new building including basement EV charging</p> <p>Booster locations are to be provided</p> <p>Any affordable housing apartments are to be identified with specific unit numbers given</p> <p>ADG compliance is to be shown on plans including depth of apartments, apartment sizes, cross vent, solar access, storage, private open space size and dimensions etc</p>	<p>The integration of public domain &amp; connectivity has been considered and addressed including:</p> <ul style="list-style-type: none"> <li>- street address</li> <li>- pedestrian permeability &amp; links</li> <li>- vehicular movements</li> </ul> <p>A concept development scheme of the surrounding sites was included in the original EIS and SSD submission. The revised Architectural Plans also detail the development potential of the adjoining site at Drawing No. 45C, 46C and 47C.</p> <p>The ground floor is capable of incorporating place making, public art or wayfinding information. Further details will be provided at CC stage.</p> <p>Traffic and railway acoustics has been considered and addressed in the documents submitted with the original EIS and SSD submission.</p> <p>A concept stormwater design has been prepared and incorporated onto the proposed development.</p> <p>A chamber substation is conceptually located at the south-west corner of the site based on Ausgrid spatial requirements. The planning of the ground floor and basement 1 below allows for increase if the substation spatial requirements and cable pits if need be. Further details will be provided at CC stage.</p> <p>The booster location is conceptually located adjacent the basement driveway on Railway Parade. This location is ideal as it minimises visual impact on the active frontages, far from the substation, and easily accessible for the fire brigade, and close to the fire control room.</p> <p>The affordable housing apartments are depicted on the floor plans, sections and apartment schedule:</p> <ul style="list-style-type: none"> <li>- Affordable housing is dedicated at L3 to L8</li> <li>- 18 dual key units in total</li> </ul> <p>ADG compliance relating to apartment sizes, natural cross ventilation, solar access, storage, private open space size and dimensions are shown.</p>





<p>Communal open space needs to be shown on the plans</p> <p>Deep soil calculations are to be provided</p> <p>Any AC for individual units is to be shown on plans</p> <p>Back of house facilities including linen store is to be accommodated and shown on plans</p>	<p>Residential communal open space is located levels 2 &amp; 38 as shown on the floor plans.</p> <p>The site is located in the Commercial Core Area of the Burwood Town Centre, Zoning MU1 Mixed Use.</p> <p>As such, no deep soil has been provided to maximise the efficiency of the basement layout and optimise the functionality of the ground floor plane suited to the mix of uses. Landscaping on structure has been provided at 25%.</p> <p>The plant level 19 is dedicated to house the residential AC plant equipment coordinating with Goldfish &amp; Bay Engineers. No AC condenser units are proposed to be located on apartment balconies.</p> <p>All back of house and service facilities for residential, hotel and commercial are shown on the plans.</p> <p>Additional spaces are capable of being included where required.</p> <p>Further details will be provided at CC stage.</p>
<p><u>Environmental Health</u></p> <p>An Environmental Management Plan will need to accompany the application.</p> <p>An acoustic report is to be prepared near Railway Corridors and Busy Roads by a qualified engineer. The acoustic report is to be submitted with the development application. The report must demonstrate how the site planning and building design minimise noise impacts inclusive of plant rooms, air conditions/comfort ventilation system and the like.</p> <p>The acoustic report is also to detail how the proposed uses can operate while protecting the amenity of surrounding uses. This includes the hotel uses, communal open space and hotel function areas.</p> <p>A car wash bay is to be provided within the basement level carpark that is graded and drained to waste disposal system.</p> <p>A stage 1 contamination report is to be provided.</p> <p>A plan of management is to be provided regarding the hotel function use and restaurant areas.</p>	<p>Suitable documents and reports have been prepared to accompany the EIS, in accordance with the Industry Specific SEARs.</p> <p>Refer to Noise and Vibration Impact Assessment report prepared by Acoustic Logic which is provided at Appendix 3 of this submission.</p> <p>Refer to Noise and Vibration Impact Assessment report prepared by Acoustic Logic which is provided at Appendix 3 of this submission.</p> <p>A residential car space can be readily converted to a car wash bay, given residential car parking spaces is in excess of the minimum requirement. This can be addressed by conditions of consent.</p> <p>Refer to the Preliminary Site Investigation report prepared by EI Australia which accompanied the original EIS at Appendix 11 for SSD submission.</p>





	<p>This is not considered necessary at this stage of the application. It is requested that a condition of consent be placed to require a plan of management prior to the issue of a CC.</p>
<p><u>Urban Design</u></p> <p>The site is located within the MU1 Zone and as such the Design Excellence provisions of Clause 6.5 of the Burwood Local Environmental Plan apply. Specifically, the provisions require the highest standard of architectural, landscape and urban design.</p> <p>The applicant has not demonstrated the following clauses have been met or addressed:</p> <p>(a) whether a high standard of architectural, landscape and urban design has been achieved (including in the materials used and in detailing appropriate to the location, building type and surrounding buildings),</p> <p>(b) whether the form and external appearance of the proposed building, and ground level detailing, will significantly improve the quality and amenity of the public domain,</p> <p>(c) how any streetscape and heritage issues have been addressed,</p> <p>(d) whether the amenity of the surrounding area, including any view corridors, vistas or landmark locations, will be adversely affected,</p> <p>(e) how traffic circulation and vehicular access will be addressed and whether the proposed development supports the provision of high quality pedestrian, cycle and service access,</p>	<p>This was addressed in the Architectural Plans at Appendix 8, Architectural Design Report and Statement at Appendix 9, Visual Impact Assessment at Appendix 22, BASIX Certificate at Appendix 18, ESD Report at Appendix 19 and Pedestrian Wind Environment Assessment at Appendix 25 of the original EIS and SSD submission.</p> <p>The proposed development provides a high standard of architectural, landscape and urban design throughout a bulk and scale of development that is appropriate in the existing and desired context of the site. The development has been designed to adequately respond to the streetscape and present as a high quality built form that will improve the quality and amenity of the public domain, with no adverse impacts on the amenity of the surrounding area.</p> <p>The proposed development represents a suitable response to the allocation of the permitted density at the site. The proposed development will have a visual presence and urban form that is consistent with the desired future character of the locality as envisaged by the BLEP as well as create a recognisable building matching appealing to hotel and restaurant users as well as residents and office tenants. The mass of the development is reduced by the slender design of the proposed tower above the podium creating a well-defined and strong streetscape character.</p> <p>The site is not identified as containing heritage items and is not located within a heritage conservation area. The site is located adjacent to St Nectarios Greek Orthodox Church which is identified as an item of local heritage significance.</p> <p>The two storey podium of the proposed development is primarily sandstone which relates to the heritage church in terms of materials and scale and promotes visual congruence as viewed from street level withing the public domain.</p> <p>A View Impact Assessment report prepared by Urbane was provided at Appendix 22 of the original EIS and SSD submission.</p> <p>The proposed development has two frontages; the primary being Railway Parade, and the secondary being Burleigh Street. Access to basement car parking for residents, hotel guests and commercial offices is from Railway Parade.</p> <p>For hotel guests, entry to the porte-cochere is also from Railway Parade and exits onto Burleigh Street. To reduce</p>





<p>(f) whether any adverse effect on pedestrian movement and experience will be avoided (and whether the public transport interchange as the focal point for pedestrian movement in the surrounding area will be reinforced and the ease of pedestrian access to and from that interchange will be facilitated),</p> <p>(g) whether the development supports an integrated land use mix in Zones E1 and MU1, including a diversity of public open spaces at the ground level, as well as the roof and other levels of buildings,</p> <p>(h) how the bulk, mass, modulation, separation, setback and height of buildings have been addressed and whether they are appropriate in the context of existing and proposed buildings,</p> <p>(i) whether a high standard of ecologically sustainable design (including low-energy or passive design) will be</p>	<p>impacts on residents and hotel guests, service access is from Burleigh Street. It should also be noted that Burleigh Street is one-way.</p> <p>The proposed development introduces a 3m setback at ground floor to both Railway Parade and Burleigh Street in compliance with the DCP requirements. This setback improves the pedestrian movement and experience by increasing the publicly accessible width of the footpath on both frontages and supporting street activation and use.</p> <p>The pedestrian movement and experience is further improved by the proposed porte-cochere, allowing pedestrians an alternative route between both street frontages directly through the site.</p> <p>The site has convenient access to public transport via Burwood Train Station, which has its entry some 200m away. The proposed development has no impacts on the existing pedestrian access to Burwood Train Station.</p> <p>The proposed development provides a mixed use comprising of residential, hotel and commercial offices.</p> <p>The residential apartments provide residents both affordable and market housing options. The hotel and commercial offices provide employment opportunities and uses that serve the needs of people who live, work in or visit the area. The ground floor provides active street frontages though commercial uses that directly integrate with public spaces and are particularly welcoming and functional for their intended purposes. These all support the objectives of Zones E1 and MU.</p> <p>The building mass has been arranged on site to mitigate perceived bulk and scale of the proposal, particularly when viewed at street level. Specifically, tower elements are set back from the edge of the podium and this ensures that the building retains a 'human' scale at the street edge.</p> <p>In addition to building setbacks, physical articulation is incorporated into building facades to ameliorate perceived bulk and scale of the development.</p> <p>Recessed balconies are provided at the residential levels. Similarly, balconies are provided at a number of the hotel levels. These features serve to break up the verticality of the tower and adds visual interest.</p> <p>Importantly, the proposed plant levels, whilst necessary, are further utilised to break up the tower and provide articulation to the built form to alleviate the proposed FSR and height and the associated visual bulk of the development.</p>
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<p>achieved and overshadowing, wind effects and reflectivity will be minimised.</p>	<p>The proposed development incorporates energy efficient plant equipment, photovoltaic systems, fixtures and fittings that meet the minimum requirements of BASIX.</p> <p>To reduce the reliance on mechanical heating and cooling through passive design, 100 % of dual key apartments and 83% of individual apartments achieve of solar access between 9am and 3pm, exceeding the minimum 70% ADG requirement.</p> <p>67% of apartments achieve natural cross ventilation, exceeding the minimum 60% ADG requirement.</p> <p>The proposed development has a slender and curved tower with a minimised footprint to reduce the impacts wind and reflectivity. The slender design also minimises overshadowing to surrounding sites.</p> <p>ESD performance, wind, shadow and reflectivity have been addressed in the documents supporting the application</p>
<p><u>Setbacks and Separation Distances</u></p> <p>The proposed separation distances to the south above level 8 is less than 12m (half of 24m required by the ADG). The proposed design attempts to reduce the visual impacts through using opacified glasses; however, greater levels of separation distances provides opportunities for a better view/landscape corridors and balances the density of built form and open spaces.</p> <p>Opacified glasses which limit the view of the internal spaces are not supported as a solution to compensate for insufficient separation distances.</p>	<p>The use of opacified glazing is minimal and only proposed in the external curtain walls that directly face side boundaries.</p> <p>The site constraints limit the possibility of fully complying with ADG building separation as well as achieving an efficient and feasible building floor plate.</p> <p>This is also a factor in the reasoning as to the oval form of the building design, allowing the corner habitable spaces to face the site corners instead of the side boundaries for optimum outlook and visual privacy.</p> <p>As above.</p>
<p><u>Presentation to the street</u></p> <p>The proposal provides frontages to both Burleigh Street and Railway Parade which are heavily dedicated to vehicle entrances and ramps. The active part of façade particularly on the ground level is less than 50% of the façade which does not meet the requirements of the BDCP Part 3.2.1 P15 for the purpose of maximising the facade activation by 90%. This aims to prioritise a pedestrian environment over vehicle.</p> <p>Combining/minimising the number of vehicle entrances to the building on the ground level is required.</p>	<p>The proposed development comprises of residential, hotel and commercial office uses, each having separate access requirements in addition to NCC servicing requirements.</p> <p>The integration of public domain &amp; connectivity has been considered and addressed including:</p> <ul style="list-style-type: none"> <li>- street address and accessible paths of travel</li> <li>- pedestrian permeability &amp; links</li> <li>- vehicular movements</li> <li>- separation of services points of access from spaces primarily used by pedestrians</li> </ul> <p>Refer to the Part 5 of the Architectural Design Report which is provided at Appendix 2 of this submission.</p> <p>The site has two street frontages. Burleigh Street is a one way street hence why this location is ideal for service vehicles entry/exit and porte-cochere exit only.</p> <p>Locating the basement entry on Burleigh Street would be inconvenient and confusing for visitors &amp; hotel guests that</p>





<p>Due to a large area of services and back of house areas for different uses, the usable part of the ground level is a small portion of the site area.</p> <p>It is recommended that the service areas are consolidated and/or concentrated on the basement level as much as possible to free up the ground level floorplate to provide opportunities for retail /active uses.</p> <p>Further design analysis is required to demonstrate the relationship with the heritage item to the west. How the proposed design relates to/responds to the 2-storey heritage building?</p>	<p>would be unfamiliar with the area to navigate entry to the site from Belmore Street.</p> <p>Locating the porte-cochere entry on the intersection is the most convenient for drivers that are dropping off/ picking up hotel guests unfamiliar with the area, having to navigate entry to the porte-cochere as Burleigh Street is one-way.</p> <p>The porte-cochere location also minimises the crossover of driveway and usable pedestrian space that's valuable for active frontages and public domain footpath.</p> <p>The width of all vehicle crossings has been reduced to clearly reduce the movement of vehicles across the footpath and optimise space for pedestrians.</p> <p>Given the site constraints and separate uses that require 5 lifts, providing the loading dock and waste storage areas on ground floor the ideal location. Having service vehicles enter the basement would require excessive driveway ramp lengths resulting in an inefficient basement layout.</p> <p>To increase publicly accessible areas compromised at ground floor, a restaurant and bar is provided on levels 36 &amp; 37 for public use. All pedestrian entry points designed for an appealing, safe and accessible transition from the public domain.</p> <p>As above.</p> <p>The DCP notes a maximum podium height of 15m. The height of the proposed podium is set to closely align with the height of the ridge of the heritage church. Refer to Part 4.2 of the Architectural Design Report provided at Appendix 2 of this submission.</p>
<p><u>Environmental Impact</u></p> <p>The development proposes a full glass façade which wraps around the building. The level of sun protection for internal spaces particularly on the western façade for the residential component is questionable.</p>	<p>The glass façade is an aesthetic design intent, in the form a curtain wall system in concept. The glass façade design meets the BASIX and ESD requirements. In detail and practicality, the glass facade is a combination of various gazing types to suit each situation where required including:</p> <ul style="list-style-type: none"> <li>- fixed glass panels at hotel and commercial spaces</li> <li>- operable glass louvres at residential habitable spaces for natural ventilation requirements</li> <li>- non-operable glass louvres fixed at 45 degrees at residential balconies and hotel outdoor spaces as to not enable these areas to be fully enclosable</li> <li>- vision glass for views</li> <li>- opaque glass for privacy</li> </ul>





	- false glass over solid walls
<p><u>Unit sizes and amenity</u></p> <p>The plans appear to show dual-key 2 bedroom apartments which are fully separated through internal walls. The proposed total area for each component is less than 50sqm recommend by the AGD for one-bedroom units (i.e. units 2 &amp; 3 in each level) and less than a minimum requirement for studio (i.e. Unit 1B, 3B). It is expected that each unit will comply with the minimum standards.</p> <p>Balconies (i.e. 02B) do not meet the minimum requirement as per the ADG 4E-1.</p> <p>Clarification required to demonstrate if each balcony meets the minimum depth required as per the ADG 4E-1.</p>	<p>The layout of the residential floor plan levels meet the minimum ADG size requirements for 1B and Studio sizes when in dual key and individual key configurations.</p> <p>This also applies to solar access and natural cross ventilation requirements.</p> <p>Refer to the Parts 7.2, 8.2 &amp; 8.3 of the Architectural Design Report at Appendix 2 of this submission.</p> <p>The layout of the residential floor plan levels meet the minimum ADG size requirements balconies when in dual key and individual key configurations.</p> <p>This also applies to solar access requirements.</p> <p>Refer to the Parts 7.2, 8.2 &amp; 8.3 of the Architectural Design Report at Appendix 2 of this submission.</p> <p>The balconies meet the minimum depths as required by the ADG. These are shown on the floor plans.</p> <p>Refer to the revised Architectural Plans at Appendix 1 of this submission.</p>
<p><u>Engineering Comments</u></p> <p><u>Stormwater Management</u></p> <p>The stormwater management and sediment control plans must be designed and prepared by suitably qualified Hydraulic/ Civil engineer in accordance with Council's Stormwater Management Code to Council's satisfaction.</p>	<p>A concept stormwater design has been prepared and included in this response.</p>
<p><u>Public Domain Improvement</u></p> <p>High quality Public Domain and Streetscape Improvement elements and finishes on all publicly accessible areas at the property frontages on Railway Parade and Burleigh Street in accordance with Council's DCP &amp; Public Works Element Manual are to be provided. In this regard a detailed 'Public Domain Plan' shall be prepared and submitted to Council.</p>	<p>A Public Domain plan to be prepared. This can be conditioned to be required prior to CC and this timing is likely to be more compatible with Council's preparation of a Masterplan.</p>
<p><u>Building Comments</u></p> <p><u>Accessibility</u></p> <p>Design drawings SK08 P24, SK09 P24 and SK10 P24 do not show bollards in the shared space adjoining the accessible parking (allocated) space. In addition, dimensions are not shown for the accessible parking spaces (across all basement levels).</p>	<p>These issues are addressed in the Architectural Plans at Appendix 8, Access Report at Appendix 15, BCA Report at Appendix 16, Stormwater Management Plan at Appendix 20, Transport and Accessibility Impact Assessment at Appendix 26, BASIX Certificate at Appendix 18 and ESD Report at Appendix 19 which accompanied the original EIS and SSD submission.</p> <p>Bollards and dimensions are shown to all accessible car spaces and shared zones.</p>





<p>On drawing SK10 P24, there appears to be a substation pit above the accessible parking space. Recommendation for services designer/engineer to consider relocation of this pit. Otherwise, the construction of this space must be in accordance with AS2890.6-2022 – car parking spaces for disabilities</p> <p>The construction of shared spaces must be designed to ensure that there are no impediments or encroachments into the shared spaces. The location of bulky goods and doorways leading into shared spaces can create unintended obstructions for the user of the accessible parking space. There is further obstruction from the location of support pillars (assumed).</p> <p>In the above screenshot (western end of basement), there is only 1.021m of clearance between the edge of accessible parking space and the edge of adjoining parking space. The length of space and parking angle meant that a big utility vehicle, as is now common in Australia, will not only reduce the 1.02m clearance, and make it difficult to exit shared zone if there is concurrent access to bulky goods storage.</p> <p>Basement 1-shared space for accessible parking space (eastern end of basement) is adjacent to a main switch room with two outward opening doors. The two doors, and the first door being additional obstruction in close proximity to a support pillar will result in an unknown path of travel for the user exiting shared space.</p> <p>Reconsider locations of all bulky goods storage. Reconsider the siting of doorways to each storage and review the actual door width. The door widths are not compatible with the bulky goods storage – refer to Basement 1 drawing SK10 P24 (below) with double doors exceeding 850mm.</p> <p>There are other accessibility matters for assessment by the certifier, including but not limited to path of travel accessibility, TGSI – tactile, hearing loop installation, Braille signs and accessibility, ramps, luminance contrast of building surfaces throughout the building, location of adult changing rooms – public if required.</p>	<p>All accessible car spaces and shared zones have a minimum 2.5m head clearance as per AS2890.6.</p> <p>All shared zones are located and designed to comply with AS2890.6.</p> <p>All accessible car spaces and shared zones are designed in compliance as per AS2890.6. Further to this, the bulky goods storage is located adjacent to the loading dock on ground floor.</p> <p>All accessible car spaces and shared zones are designed in compliance as per AS2890.6. Further to this, the column has been relocated since Councils review and the doors to the main switch room at required to be on automatic closers as per NCC requirements.</p> <p>The bulky goods storage is located adjacent to the loading dock on ground floor.</p> <p>The proposed development has been designed in coordination with an Access Consultant and has been deemed capable of complying with all access requirements. Further details to be provided at CC stage.</p>
<p><u>Ground Floor</u></p> <p>The ground floor level consists of residential access lobby, hotel and commercial offices lobby and potentially a café (cannot identify location of café from drawing SK11 P24). Certifier to consider appropriate classification of each part of the building, and to make an assessment under NCC 2022 on fire safety.</p>	<p>The proposed development has been designed in coordination with a BCA Consultant &amp; Fire Engineer and has been deemed capable of complying with all NCC requirements.</p> <p>The design of the hotel/ commercial lobby and café will be detailed at a CC Stage. This is left as an open space and will be determined by each specific hotel operator’s requirements.</p>





<p>Fire separation for consideration by the certifier – wall between bulk goods storage and the substation. The bulky goods storage (depending on management of access) may contain hazardous goods such as a portable BBQ.</p>	<p>Further details will be provided at CC stage.</p> <p>The substation will be designed to Ausgrid requirements. The proposed development has been designed in coordination with a BCA Consultant &amp; Fire Engineer and has been deemed capable of complying with all NCC requirements.</p> <p>Further details will be provided at CC stage.</p>
<p><u>Fire Separation Between Floor Levels</u></p> <p>Notwithstanding Council’s concerns with glazed façade, inadequate design details for the curtain walls are shown. Specifically:</p> <p>Minimum design considerations as per NCC 2022 Volume 1 for the application of spandrels, or curtain walls that are utilized for this proposed development.</p> <p>Separation of external window openings to prevent spread of fire between levels must cover 900mm, with 600mm at minimum from the edge of floor above. Red arrows are critical information gaps where it is unknown how this curtain wall design will achieve compliance, or a performance solution warranted for the proposal.</p> <p>The transome is 1000mm, and fixed vision glass is 800mm. Subtracting the fixed vision glass from transom leaves 200mm. 200mm of opacified glass, fixings and 40mm of flooring meant that the curtain wall construction has vertical protection (assumed) to 240mm.</p> <p>This meant 360mm of the minimum 600mm vertical protection is non-compliant.</p> <p>There is no detail whether the material behind fixed opaque glass is non-combustible, including the structural slab and extent of fire resistance for those materials shown.</p>	<p>The glass façade is an aesthetic design intent, in the form a curtain wall system in concept. The concept wall section details have been updated to show more information.</p> <p>Further resolved details will be developed with a façade engineer and curtail wall manufacturer to achieve full compliance with all fire rating, waterproofing, acoustic separation and thermal requirements of the NCC.</p> <p>The proposed façade concept has been designed in concept in coordination with a BCA, Fire, BASIX, and Acoustic Engineers. It has been deemed capable of complying with all NCC requirements.</p> <p>Further details will be provided at CC stage.</p>
<p><u>Plant Rooms and Level 19 and 22</u></p> <p>Design details for separation between levels are not included specific to spread of fire to the hotel or offices parts of building. Generally, a spandrel would be required at the top and bottom edges of both Level 19 and Level 32 plant or a curtain wall construction as designed for this proposed development.</p> <p>Consideration is required for fire separation and management of hazards arising from entire floor level used for plant / utilities prior to issuing construction certificate.</p>	<p>Further resolved details will be developed with a façade engineer and curtail wall manufacturer to achieve full compliance with all fire rating, waterproofing, acoustic separation and thermal requirements of the NCC.</p> <p>The proposed façade concept has been designed in concept in coordination with a BCA, Fire, and Acoustic Engineers. It has been deemed capable of complying with all NCC requirements.</p> <p>Further details will be provided at CC stage.</p>
<p><u>NCC Class 9b parts of proposed building</u></p> <p>Level 1 has two function rooms that are Class 9b. There is also a pre function space at 71m2 and an outdoor space.</p> <p>Level 2 has a space for hotel gymnasium – Class 9b.</p> <p>Level 36 to Level 37 can be classified as 9b considering the adaptability of floor layouts to accommodate</p>	<p>As above.</p>





<p>functions/events. Both levels do have the Class 6 parts – restaurant and food bar.</p> <p>Level 38 is a Class 9b part of residential component of the building. It included a pool and open spaces for residents to share similar to private open spaces. Consideration to NCC 2022 Volume 1 Part G6 Occupiable outdoor areas is a requirement for the design team to provide details for the certifier.</p>	
<p><u>EV Charging and EV related storage/uses</u></p> <p>EV vehicles including electrical bicycles, scooters and other appliances may occupy spaces within the proposed development. Any proposal should comply with NCC 2022 Volume 1 E1D17 and E2D21.</p> <p>There is no documented details on managing EV including but not limited to charging of EV batteries, mitigating fire hazards from EV charging and managing fires resulting from EV.</p> <p>This would include end-of-trip EV charging for hotel clients. Majority of hotels in Sydney are installing EV charge stations.</p> <p>No charging of e-bicycles or e scooters inside apartments, or bicycle storage space at ground level. Fire suppression mitigation infrastructure in the bicycle storage space is required prior to any use of space to charge e-bicycles.</p> <p>Reference to the practice note by Fire and Rescue NSW on EVs as special hazards in a building.</p>	<p>EV charging has been considered and allowed for. Service cupboards have coordinated at a high-level concept design in conjunction with Goldfish &amp; Bay Engineers.</p> <p>This is located in basement 1 adjacent the fire pump room.</p> <p>Further details will be provided at CC stage.</p>
<p><u>Conclusion</u></p> <p>Burwood Council has completed its preliminary assessment/review of the pre-Da based on the set of plans provided. The application in its current state is not suitable for lodgement as there is considerable development of the design required to ensure an appropriate local response and to meet the Design Excellence provisions of the Burwood Local Environmental Plan 2012.</p> <p>It is recommended that a further pre-DA meeting be held at the scoping stage once design responses are developed to address Council's concerns.</p> <p>Thank you once again for engaging with Council. The above identified matters relate only to a preliminary review of the proposal within the limited timeframe provided. The comments provided do not represent a full review of all potential impacts of the proposal on the site and the surrounding community.</p>	<p>The comments received by Council have been considered and the Architectural Plans have been amended where practicable and reasonable.</p> <p>It is noted that the majority of comments raised by Council relate to the pre-lodgement version of the proposal and additional information was prepared to accompany the EIS lodgement package.</p>

### 4.3 PUBLIC AGENCIES

The following government agencies provided referrals in response to DPHI's request:

- Conservation Programs Heritage and Regulation Group



- Fire and Rescue NSW
- TfNSW (road)
- TfNSW (rail)
- Heritage Council of NSW
- Sydney Water
- Sydney Airport
- Department of Climate Change, Energy, the Environment and Water

The above government agencies raised no major concerns or objections with the proposed development, however select agencies made requests for additional or updated information. These requests are addressed in detail in the amendments to existing plans and reports that accompany this RtS and summarised below.

Table 5 Government Agency Comments and Response	
Issue	Applicant Response
<b>Heritage Council of NSW</b>	
<p>1. <i>Heritage NSW note that the 1890 Subdivision Plan (Figure 18 in the HIS) shows two unidentified buildings in the rear of the block that predate the widespread residential development of Burwood. Please provide further detail regarding these structures, namely:</i></p> <ol style="list-style-type: none"> <li><i>Their history or likely dates of construction</i></li> <li><i>The potential use of the site pre-1890</i></li> <li><i>The potential for ancillary buildings associated with the main structures</i></li> </ol>	<p>This detail is now provided in the Historical Archaeological Assessment prepared by Heritage Now provided at Appendix 6.</p>
<p>2. <i>Please provide further justification as to the assessment of low archaeological potential associated with Phase 2 and the unidentified structures. The history and site use outlined in the preliminary archaeological assessment does not demonstrate that the project area has been subject to widespread disturbance, as concluded in Sections 8.3.3 and 8.5. Heritage NSW note that 19<sup>th</sup> and early 20<sup>th</sup> century construction did not often result in widespread disturbance, with archaeological resources often preserved below subsequent structures and hardstand.</i></p>	<p>This detail is now provided in the Historical Archaeological Assessment prepared by Heritage Now provided at Appendix 6.</p>
<p>3. <i>Please update the Assessment of Archaeological Potential (Section 8.4) to include a thorough assessment of archaeological significance of potential archaeological resources against Heritage NSW criteria, in particular the unidentified pre-1890s structures.</i></p>	<p>A full Historical Archaeological Assessment has been prepared by Heritage Now and is provided at Appendix 6.</p>



<p>4. <i>The Conclusions and Recommendations regarding historical archaeology should be reconsidered following update of the assessment in consideration of the above points.</i></p> <p><i>Heritage NSW note that archaeological assessments should be undertaken by a suitably qualified archaeologists.</i></p>	<p>A full Historical Archaeological Assessment has been prepared by Heritage Now and is provided at Appendix 6.</p>
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**Sydney Airport**

<p><i>The height of the Obstacle Limitation Surface (OLS) for Sydney Airport over the site is 156m AHD.</i></p> <p><i>I note the proposed building envelope is to have a maximum height of 170m AHD.</i></p> <p><i>Any proposed development designed to be taller than 156m AHD, would be considered a controlled activity and be subject to the Federal Airports (Protection of Airspace) Regulations 1996.</i></p> <p><i>Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations 1996.</i></p> <p><i>Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.</i></p>	<p>An Airspace Assessment has been prepared by Thompson GCS Pty Ltd to accompany this RtS and is provided at Appendix 5.</p> <p>The applicant accepts that a condition of consent be imposed which requires approval to operate construction equipment (i.e. cranes) to be obtained prior to the issue of a Construction Certificate.</p>
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**Transport for NSW (Rail)**

<p><i>The Department is advised that TfNSW, via Instrument of Delegation from the Secretary of Transport and from TAM (Transport Asset Manager of NSW), has been delegated to act as the rail authority for the heavy rail corridor, electrical supply authority, and Agent on behalf of the Land Owner; and to process the review of this proposal.</i></p> <p><i>We have reviewed the proposal and advise that in order to protect rail land, assets, operations, and to ensure a safe and reliable rail service, it is requested that the Department consider imposing the conditions as listed in Attachment A. It is requested that these conditions remain as worded and are not amended without consultation with TfNSW (as Rail Authority).</i></p> <p><i>Where additional information is provided, including as part of any Response to Submissions or where any amendments</i></p>	<p>Noted. The applicant accepts the conditions listed in Attachment A of the referral.</p>
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are made to the proposal, we request notification from the Department in the event these changes may impact the outcome of this letter.

**Transport for NSW (Road)**

TfNSW has reviewed the Traffic Impact Assessment (TIA) and has identified the following:

*Parking demand calculations are not provided.*

*The ABS data reflects commuter mode share, not the total number of trips generated. It does not consider non-work trips (school, shopping, deliveries), multiple trips per day per person, ignores land use context and does not consider temporal distribution (i.e. peak hour trips). The NSW Guide to Transport Impact Assessment (GTIA) rates for vehicle trips and other demonstrated sources to be used to estimate vehicle trip generation.*

*The report estimates a 0.3 trip generation per hotel room without any clear justification. Where generation available rates are not available the analysis should be based on surveys of similar existing hotels.*

*The trip generation distribution and assignment to the surrounding road network is not clear and should follow that outlined in Section 5.5 of the GTIA.*

**Recommendation**

*As part of the Response to Submissions (RtS), TfNSW requests that the above matters are addressed by a supplementary TIA.*

Parking rates and on-site parking demand data used to inform the revised Traffic Impact Assessment include:

- Housing SEPP
- Burwood DCP
- Data on similar hotel/restaurants

Trip generation is limited to peak times to examine ‘worse-case’ impacts.

Trip generation data is based on ‘TfNSW Guide to Traffic Generation Developments’ (the Guide-2024) and the TfNSW Guide to Transport Impact Assessment for proposed residential and office uses on sites located in an area easily accessible via public transport. The data for trip generation for the hotel and restaurant was based on a survey of the Crowne Plaza Hotel at Burwood.

Trip distribution has been detailed in the updated traffic impact assessment.

**Vehicular traffic impacts**

**Comment:**

*TfNSW advises that the generations are low in the order of 50 vehicles per hour and are not expected to impact the surrounding classified network.*

**Recommendation:**

*Council as the relevant Road Authority should be satisfied with the safe and efficient movement of pedestrians and vehicular activity around the proposed development.*

See above.



<p><i>Water supply, take and licensing</i></p> <p><i>Recommendation – pre-determination</i></p> <p><i>The Department of Planning, Housing and Infrastructure requests the proponent to:</i></p> <ul style="list-style-type: none"><li><i>Quantify the maximum annual volume of water take due to aquifer interference activities during construction and operation</i></li><li><i>Demonstrate the ability to acquire sufficient water entitlement unless an exemption applies.</i></li></ul> <p><i>Explanation</i></p> <p><i>Insufficient information has been provided to confirm the potential groundwater inflow volumes. NSW DCCEEW Water Group notes that the groundwater table will likely be intercepted. Maximum excavation depths for this project are at least 15.6m and water levels in a monitoring well at the site showed groundwater levels between 13.4m and 14.49m below ground level. The proponent has not presented information and analysis on inflows during the construction and ongoing operation of the site, nor has an analysis of the ability to obtain entitlement been provided where the required volume exceeds any available access license exemption. Quantification of maximum potential inflow volume is required.</i></p>	<p>A revised Geotechnical Investigation has been prepared by Green Geotechnics and is provided at Appendix 14.</p> <p>Section 4.5 of the amended report provides further assessment of the maximum annual water take.</p>
<p><i>Groundwater impacts and dewatering requirements</i></p> <p><i>Recommendation – pre-determination</i></p> <p><i>The Department of Planning, Housing and Infrastructure requests the proponent to assess the impacts due to aquifer interference activities in accordance with the NSW Aquifer Interference Policy and framework (2012) if the take of groundwater is found to be greater than 3ML per year.</i></p> <p><i>Explanation</i></p> <p><i>As per Recommendation 1.1 above, the EIS has not provided a volumetric quantification of groundwater take. Additionally, the EIS has not provided an assessment of impacts to groundwater due to construction or operation of the project. NSW DCCEEW Water Group notes that without groundwater take estimations it is difficult to assess the level of risk. Therefore the proponent should determine the estimated take volume.</i></p>	<p>A revised Geotechnical Investigation has been prepared by Green Geotechnics and is provided at Appendix 14.</p> <p>Section 4.5 of the amended report confirms that the take of groundwater is less than 3ml per year, and therefore further assessment of the impacts resulting from aquifer interference activities is not required.</p>





<b>Sydney Water</b>	
<p><i>Water and Wastewater Servicing</i></p> <ul style="list-style-type: none"> <li>• <i>Our preliminary assessment indicates that water and wastewater servicing should be available for the proposed development.</i></li> <li>• <i>Amplifications, adjustments, deviations and/or minor extensions may be required.</i></li> <li>• <i>Detailed requirements will be provided at the Section 73 application stage.</i></li> </ul> <p><i>Next steps</i></p> <ul style="list-style-type: none"> <li>• <i>Should the Department of Planning, Housing and Infrastructure (the Department) decide to progress with the subject development application, Sydney Water would require the following conditions be included in the development consent.</i></li> </ul> <ul style="list-style-type: none"> <li>o <i>Section 73 Compliance Certificate</i></li> <li>o <i>Building Plan Approval</i></li> </ul> <p><i>Further details of the conditions can be found in Attachment 1.</i></p> <ul style="list-style-type: none"> <li>• <i>The Department is advised to forward the enclosed Sydney Water Development Application Information Sheet (for proponent) to assist the proponent in progressing their development. This Info Sheet contains details on how to make further applications to Sydney Water and provides more information on Infrastructure Contributions.</i></li> </ul>	<p>Noted. The applicant accepts the recommended conditions.</p> <p>A Section 73 Certified will be applied for following determination of the application.</p>
<b>Fire and Rescue NSW</b>	
<p><i>No comment.</i></p>	<p>Noted.</p>
<b>Conservation programs Heritage and Regulation Group</b>	
<p><i>Flooding</i></p> <p><i>The site is located along the upstream ridge lines of the St Lukes Catchment, which interfaces with other catchments. The site is located on a plateau and would not be impacted by flooding for events up to the Probable Maximum Flood (PMF) Event. The depth of floodwater at Burwood Road (adjacent to the site) would be around 0.15m under the PMF</i></p>	<p>Noted.</p>



*Event. The critical duration of the PMF Event would be around 30 minutes. Accordingly, the site would not be subject to flood emergency risk management and evacuation constraints and CPHR has no further comments in relation to flood risk management.*

#### 4.4 LOCAL COMMUNITY

A total of thirty-three (33) submissions were received from the community during the exhibition period, including ten (10) submissions in support of the application, twenty-one (21) submissions in opposition, and two (2) submissions which did not support or oppose the application and instead provide general commentary on development within the LGA directed at Council.

The submissions in opposition to SSDA 77260958 predominately raised issues with regard to economic, environmental and social impacts.

The table below addresses each of the issues raised by the community submissions.

Table 6 Local Community Submissions	
Category	Response
Traffic and parking	
Insufficient carparking for a 39 storey building – 5 basements for 39 storeys	The proposed carparking is compliant with the residential carparking requirements under the Housing SEPP and the carparking controls for the non-residential components under BDCP.
Illegal parking issue within surrounding streets.	As above, the proposal provides a compliant parking provision, with residential parking provided in excess of the minimum requirement and therefore is not expected to generate on-street parking demand.
Proposal will increase vehicles which can lead to parking pressures	As above, the proposal provides a compliant parking provision, with residential parking provided in excess of the minimum requirement and therefore is not expected to generate on-street parking demand.
U-turn bay near the Burleigh Road exit poses a direct risk of traffic congestion and could increase the likelihood of accidents in an already congested area	The Traffic Impact Assessment prepared by Solution 1 Traffic Engineers which was submitted with the original EIS and SSD at Appendix 26 included the necessary modelling to determine the impacts of the proposal on the operation of surrounding roads, particularly the surrounding intersections. The modelling confirms that the intersections will continue to operate similarly to existing conditions. Importantly, the 'u-turn bay' being referred to is not a u-turn bay but a porte cochere allowing for hotel drop off and pick up only. It is a one-way vehicle route for pick up and drop off and will not contribute to congestion.
Proposal makes access to and from council parking on Elizebth Street more difficult	Existing access points to the carpark will not be impeded by the proposed development.

**Table 6 Local Community Submissions**

<p>Burleigh Street is a by-pass street for drivers driving from Belmore Street to Railway Parade. It relieves traffic congestion on both Burwood Road and Shaftesbury Road. The proposed building will increase the traffic congestion on Burleigh Street and make Burwood Road and Shaftesbury Road more congested.</p>	<p>As above, the Traffic Impact Assessment prepared by Solution 1 Traffic Engineers which was submitted with the original EIS and SSD at Appendix 26 included the necessary modelling to determine the impacts of the proposal on the operation of surrounding roads, particularly the surrounding intersections. The modelling confirms that the intersections will continue to operate similarly to existing conditions.</p>
<p>Vehicles exiting the porte-cochère - such as taxis, ride-share vehicles, or hotel guests – will emerge from the left (eastern) side of Burleigh Street and may attempt to:</p> <ul style="list-style-type: none"> <li>• Turn right into Railway Parade, crossing in front of vehicles already waiting at the intersection, or</li> <li>• Merge into traffic, potentially queuing beside or cutting across vehicles in the single moving lane.</li> </ul> <p>This creates a dual right-turn conflict, where two vehicles may attempt to queue side-by-side at the intersection, despite the roadway not being designed to support multiple turning lanes. No provision is made for lane delineation, merging space, or separation of exiting vehicles from those already queuing - conditions which are clearly demonstrated in the swept path diagrams.</p>	<p>It is highly unlikely that vehicles exiting the porte cochere would queue beside other vehicles when considering Burleigh Street is a single lane. This is evidenced by the swept paths where almost the entirety of the lane would be required for a vehicle to exit. It must be assumed that all drivers would follow standard road rules in terms of queuing and 'cutting off' other vehicles, as drivers would be required to give way to vehicles travelling down Burleigh Street.</p> <p>The swept path diagrams do not indicate any specific conditions as mentioned.</p>
<p>From a traffic engineering perspective, driveways should not be located within 6-10 metres of an intersection, as this impairs turning operations, increases congestion, and introduces avoidable safety hazards. The proposed porte-cochère egress violates this principle, introducing serious operational and safety risks, both for motorists and pedestrians.</p>	<p>The porte-cochere driveway entry at Railway Pde and exit at Burleigh St are a minimum of 6.3m to 8.3m from the tangent point of the intersection, compliant with AS2890.1:2004 Figure 3.1.</p> <p>The entry and exit has adequate and compliant sightlines to ensure the safety of both motorists and pedestrians.</p>
<p><b>Pedestrian Safety</b></p>	
<p>The proposal will create safety concerns for children on the eastern side of the building who use Railway Parade to walk to Burwood Public School due to high traffic flow in and out of the development</p>	<p>The traffic assessment has confirmed that the increase in traffic flows within the locality can be accommodated at the surrounding intersections.</p> <p>Notably, the proposal will upgrade and widen the existing footpath along Railway Parade and will include publicly accessible front setback areas to improve pedestrian safety and accessibility within the vicinity of the subject site.</p>
<p>The proposal will lead to increased foot traffic which can lead to safety concerns around the church access routes</p>	<p>Increased pedestrian traffic will be supported by existing pedestrian paths connecting to the site to major attractions and widening of the footpath fronting the site. The existing pedestrian crossing between the site and church along Burleigh Street will be maintained and the proposal will upgrade the existing footpath along Railway Parade and Burleigh Street and will include publicly accessible front setback areas to improve pedestrian safety and accessibility within the vicinity of the subject site.</p>

**Table 6** Local Community Submissions

<p>Poses a clear safety risk to pedestrians, including members of our church community, due to the poorly positioned vehicle egress.</p>	<p>All vehicle egress points will allow for adequate and compliant sightlines to ensure pedestrian safety. The provision of publicly accessible front setback areas will increase pedestrian safety by offering additional ‘refuge’ area between driveways. Furthermore, the existing pedestrian crossing will require vehicles to come to a stop at the end of Burleigh Street, giving way to any pedestrians.</p>
<p>Height and Scale</p>	
<p>39 storeys almost doubles nearby 20 storey development</p>	<p>Whilst the building height is notably taller than those existing developments immediately surrounding the site, the height and scale of the development reflects what is permissible and reasonably anticipated by the available planning controls noting that the proposal achieves full compliance with the permissible height and FSR requirements.</p> <p>Ultimately, the proposed height and scale is consistent with the desired future character of Burwood as a strategic centre. When considering its prime location along major transport corridors, Burwood represents an ideal location to increase density for both residential and non-residential uses given its accessibility. This is reflected by the permissible controls for the Burwood Town Centre whereby the height plane allows for buildings to extend above the standard building height limits based on their proximity to the centre.</p> <p>Furthermore, the proposal is eligible to an uplift in height and FSR by up to 30% under Section 16 of the Housing SEPP. Importantly, the proposal does not seek any height bonus and instead complies with the building height plane requirement under the Burwood LEP. The bonus 30% FSR, in addition to the bonus 10% afforded by the community infrastructure bonus under the LEP, permits a maximum FSR of 8.58:1.</p> <p>Importantly, when considering the proposed building height, the scale of the recently approved Burwood Place development must be acknowledged. In accordance with the site specific DCP, the Burwood Place towers were permitted a maximum height of 144m, noting this did not include any additional height that might be afforded to the development under the Housing SEPP bonus incentives. The proposal has a maximum height of 143.9m, inclusive of bonus height afforded through affordable housing dedication and monetary contributions throughout a VPA.</p>
<p>Height and bulk is incompatible with surrounding streetscape</p>	
<p>Disrupts the urban scale of locality</p>	
<p>Exceeds height and density limits</p>	
<p>Architectural character</p>	



**Table 6** Local Community Submissions

Older buildings dominate the local character and this should be protected	Whilst it is acknowledged that the locality is characterised by older style buildings, when considering the identification of Burwood as a strategic centre and the introduction of State Government led housing initiatives, it is clear that the locality is one in transition which will soon be subject to significant redevelopment to align with current planning policy. Importantly, whilst development should complement the existing streetscape, it must also give effect to the desired future character of the locality. The proposal does exactly this by providing a two storey podium finished in primarily sandstone which relates to the heritage church on the opposite side of Burleigh Street in terms of both materials and scale, as well as other older style buildings which are yet to be developed. The new tower which emerges from the podium is reflective of the future desired character of the area and is consistent with more recent development which have emerged in the locality.
Will lead to a loss of local identity and architectural cohesion	
<b>Overdevelopment</b>	
Scale does not align with strategic intent of the area	The proposed development achieves compliance with the permissible height and FSR for the site, and directly addresses key strategic planning for the area which encourages mixed use development, including residential, within accessible areas. Burwood is a prime location for greater density and a mix of land uses due to its excellent connectivity, which is why it has been marked as a strategic centre for increased density.
Burwood is already an overdeveloped suburb	There is no evidence to suggest this and instead the strategic documents for the locality encourage an increase in both residential and non-residential floor space within the Burwood centre and surrounding areas.
<b>Infrastructure capacity</b>	
Trains are already overcrowded	The locality is capable of supporting the proposed development and there is no evidence to suggest otherwise. The proposal is not of a scale that would have an adverse impact on existing train capacity and aligns with both local and state government initiatives to increase residential density near existing public transport nodes. The Traffic Impact Assessment submitted with the original EIS and the revised statement provided at Appendix 17, conclude that the proposal will not have an adverse impact on the surrounding road network. The site is a prime location for additional residential and non-residential uses given its high level of accessibility as encouraged by the Housing SEPP and Burwood local strategic documents. Whilst the proposal will increase pedestrian activity, the site is situated in an area where there are sufficient
Roads and pedestrian footpaths are at capacity	
Burwood Road crossing to railway line is at capacity and dangerous for pedestrians	
Insufficient capacity of schools, hospitals, transport and facilities in the area	
Burwood already experiences strain on its infrastructure, traffic systems and community services	



**Table 6** Local Community Submissions

	<p>pedestrian paths connecting it to major attractions, such as train stations, bus interchanges, and shopping centres. Furthermore, a review of the Burwood Local Infrastructure Contributions Plan 2024 reveals that funding has been approved for upgrading local streets, footpaths, and public spaces in several areas of the Burwood Town Centre. Additionally, the plan identifies locations for the introduction of dedicated/bike-friendly bicycle routes throughout the centre.</p> <p>Lastly, as part of the proposal, the existing footpath along the site frontage on the Railway Parade will be upgraded and will include publicly accessible front setback areas. In this regard, the proposal improves overall pedestrian safety and accessibility in the vicinity of the subject site. The provision of schools and hospitals is governed by the State Government and is beyond the scope of the proposal.</p>
<p>Heritage impact</p>	
<p>Scale could diminish the visual prominence and character of the church</p>	<p>The two storey podium is primarily sandstone which relates to the heritage church on the opposite side of Burleigh Street in terms of materials and scale. Further, the design provides a setback to improve the pedestrian movement by increasing publicly accessible footpaths to the two main street frontages of Railway Parade and Burleigh Street. The proposed two storey podium matches the scale of the church and setbacks the tower to ensure the visual prominence of the church is maintained, noting the Burleigh Street carriageway offers a decent building separation to the new tower. This design approach provides an appropriate human scale and sense of place to the development at street level. The recessed tower design also goes to enhancing the streetscape appearance of the development and improving the relationship to the public domain.</p>
<p>Modern design conflicts with heritage conservation goals</p>	<p>The proposal has been designed with the input of a qualified heritage consultant in terms of built form, streetscape presentation and selection of materials. The proposal is supported by a Heritage Impact Statement which accompanied the EIS submission.</p> <p>As concluded by the heritage consultant, the development is acceptable to its setting and context as it is generally consistent with the other surrounding mixed use developments along Railway Parade. The design of the development has been carefully considered to minimise heritage impact, in particular the two storey podium level to the immediate streetscape with suitable rhythm articulation and break-up of the podium bulk and scale. This is a positive design approach and is generally in</p>

**Table 6** Local Community Submissions

	keeping with the adjacent heritage listed item St. Nectarios Greek Orthodox Church.
<b>Overshadowing</b>	
Potential overshadowing of dwellings and public areas	As per the submitted shadow diagrams,
Potential for overshadowing of the heritage church	As per the submitted shadow diagrams which accompanied the EIS, the proposal will not create any additional overshadowing to the heritage church.
Overshadowing of apartments with east and west facing windows only at No. 7-9 Burleigh Street.	As per the submitted shadow diagrams which accompanied the EIS, whilst the proposal will result in additional shadowing to east facing windows of No. 7-9 Burleigh Street this impact is limited to 9am and 10am, noting that only a limited number of apartments would be affected at 10am based on the shadow analysis. Importantly, the extent of shadowing which is cast over No. 7-9 Burleigh Street results from the lower half of the built form, and therefore the shadowing is not a product of the proposed height but instead results from the high density nature of the mixed use zone.
Increase in energy costs due to overshadowing and blockage of natural light	As shown in the submitted shadow diagrams, the extent of shadowing caused by the height and FSR bonuses is shown in yellow and reflects the slender built form proposed. Due to the slender design of the building the shadowing moves across a number of surrounding sites rather than significantly impacting a specific site for an extended period of time. Importantly, and as shown on the shadow diagrams, the shadow cast by the proposed development will shift around the surrounding sites throughout midwinter, falling over a site for no longer than an hour. Indeed, whilst shadows will fall over a number of sites both immediately adjacent to the site and located a block away, these sites will only be affected by the development for maximum of 1 hour of the day, with the shadows moving quickly across the sites with the position of the sun. Notably, given the scale of development permitted on the site and within the locality, shadowing is an expected outcome for surrounding developments, and the proposal has been designed to minimise the extent of shadowing caused by the built form as far as practicable.
<b>Views</b>	
Development will block views and outlooks from balconies	A Visual Impact Assessment (VIA) was prepared by Urbaine to accompany the EIS and SSD submission. Importantly, the proposal presents a sleek and slender tower form which protects view corridors, within reason, whilst still achieving the permissible density of development on the site.

**Table 6** Local Community Submissions

	<p>As detailed within the VIA, view loss resulting from the proposal relates only to parts of existing buildings within the Burwood CBD and primarily to views of the sky, neither of which are considered to be significant enough to retain over allowing for the proposed development. Importantly, when considering the context of the permissible development envelope of the site and the desired future growth of the town, the proposal is acceptable in terms of its local and distant visual impact. Indeed, the VIA concludes that the additional view loss is to buildings and sky view only and the proposal's scale is acceptable, when observed within the future context of Burwood CBD, with the many approved towers to the west of this viewpoint.</p>
<p>Privacy</p>	
<p>Loss of privacy due to building height and sightlines</p>	<p>The proposal has been designed to maximise privacy for future residents and adjoining properties through appropriate building setbacks, fenestration and use of privacy screening where necessary.</p> <p>The proposed development provides building separation distances which are largely consistent with the requirements under the ADG. Where the development falls short of the requirements adequate measures, including glazing treatments and balcony location, are proposed to ensure privacy is maintained. Notably, any instances where the proposed building separation does not comply with the ADG, windows contain opacified glass and balconies contain fixed louvres in order to mitigate any privacy concerns for when the adjoining sites are redeveloped.</p> <p>Importantly, the proposal has been amended to further increase opacified glazing to habitable rooms which directly face the eastern and southern boundaries to mitigate privacy impacts.</p> <p>Importantly, the proposal has maximised window and openings towards the street frontages and away from the neighbouring sites.</p>
<p>The proposal does not comply with the 12m separation requirement as per the ADG to the western boundary and only provides a separation of 10.5m.</p>	<p>Whilst the proposal only provides a building separation of 10.5m, the shortfall is considered minor given the treatment of the western elevation and will not create any visual privacy impacts if the property to the west was to be redeveloped in the future. Indeed, whilst there are windows and balconies proposed along this elevation, large expanses of untreated glass have been avoided and fixed louvres are proposed to balconies so as to ensure there is no complete open space which could achieve direct sightlines with future development to the west. Importantly, it should be noted that a 12m building separation is only required for the residential levels over 9 storeys, being Levels 8-19 of the development. As such, the</p>

**Table 6** Local Community Submissions

	<p>10.5m setback proposed to Levels 3-7 will actually exceed the minimum ADG separation requirements.</p> <p>Furthermore, whilst the zoning of the west adjoining property, being the church, would allow for a mixed use redevelopment, it must be acknowledged that the heritage significance of the church would place a restriction on redevelopment potential.</p>
<p>Privacy of No. 18A Railway Parade may be compromised by the proposed eastern boundary setback.</p>	<p>Whilst the proposal only provides a 6m building setback to the eastern boundary it is important to note that the bulk of the eastern facade contains the lift core, which does not require any setback since it would not compromise privacy of the adjoining property.</p> <p>It is noted that at each residential level there are two windows oriented towards the eastern boundary, however these are to be finished with opacified glass which will mitigate any privacy impacts to the east adjoining property for when it is redeveloped.</p>
<p>Development of Adjoining Property</p>	
<p>The proposed 6-metre setback from the western boundary is insufficient, and without adjustment, it would undermine the ability of the adjoining property at No. 5 Burleigh Street and No. 26 Railway Parade to develop in a compliant and equitable manner.</p>	<p>The proposed setback presents only a minor compliance with the ADG building separation distances for Levels 8-19, and given the treatment of the western elevation, any redevelopment of land to the west would achieve a suitable privacy relationship by providing a similar 6m setback to the Burleigh Street frontage. This would provide a total building separation of 21m, which is only a 3m shortfall of the ADG. Importantly, the shortfall is mitigated by treatment of the street facing elevations.</p> <p>Furthermore, and as above, whilst the zoning of the west adjoining property, being the church, would allow for a mixed use redevelopment, it must be acknowledged that the heritage significance of the church would place a restriction on redevelopment potential.</p>
<p>A setback of less than 6m is provided to the eastern boundary limiting redevelopment of No. 18A Railway Parade.</p>	<p>Drawing No. 45C, 46C and 47C within the revised Architectural Plans show that the proposed development is capable of allowing for a conceptual mixed use development incorporating No.18 Railway Pde (privately owned) into Councils future Precinct Masterplan. The concept plans indicate the redevelopment of the surrounding sites would allow for reasonable separation distances which would be dictated by the treatment of elevations, noting any redevelopment would naturally maximise openings to the north towards Railway Parade to capitalise on solar access.</p> <p>Notwithstanding this, if No.18A is not included in the Precinct Masterplan, a potential separate development on that site is still achievable and would not be dissimilar to the adjacent existing 20 storey tower at No.16 Railway Parade which has a narrower site width. Importantly, like</p>



**Table 6** Local Community Submissions

	<p>No. 16 Railway Parade, redevelopment of No. 18A could provide blank facades to the east and west to maximise building footprint within the site.</p> <p>Further information from Council is needed to understand their intent and timing for their future Precinct Masterplan to develop this further.</p>
<p>Negative precedent</p>	
<p>This sets a precedent for high-density unsuitable developments in tightly zoned suburban blocks</p>	<p>Whilst the building height is notably taller than those existing developments immediately surrounding the site, the height and scale of the development reflects what is permissible and reasonably anticipated by the available planning controls noting that the proposal achieves full compliance with the permissible height and FSR requirements.</p> <p>The site is located within the MU1 zone and is subject to the building height plane which permits building heights as proposed by this application.</p> <p>Importantly, when considering the proposed building height, the scale of the recently approved Burwood Place development must be acknowledged. In accordance with the site specific DCP, the Burwood Place towers were permitted a maximum height of 144m, noting this did not include any additional height that might be afforded to the development under the Housing SEPP bonus incentives. The proposal has a maximum height of 143.9m, inclusive of bonus height afforded through affordable housing dedication and monetary contributions throughout a VPA.</p> <p>As such, given the proposed height matches that envisaged for the Burwood Place tower, the proposal is not considered to have set a precedent, and instead the precedent has already been set.</p>
<p>Affordable housing impacts</p>	
<p>Correlation between affordable housing and increase in crime</p>	<p>The provision of affordable housing aligns with the requirements of the Housing SEPP which encourages higher density development with affordable housing within accessible locations. The affordable housing will be appropriately managed by an experienced community housing provider and there will be no issue in terms of the two types of housing offerings, which is a common housing model envisaged by the Housing SEPP.</p>
<p>It would alter the demographic and social fabric of the area</p>	
<p>Property value</p>	
<p>Loss of views from properties will impact property values</p>	<p>View impacts have been considered above.</p> <p>With regard to property values this is not considered to be matter for consideration for assessment, however, it is</p>



**Table 6** Local Community Submissions

	noted that the provision of a high quality mixed use development will enhance the locality and contribute to the economic vitality of the centre.
<b>Construction impacts</b>	
Vibration and excavation works could impact integrity of the heritage building	Mitigation measures for construction noise and vibration have been included within the Noise and Vibration Report prepared Acoustic Logic. Furthermore, a detailed Construction Management Plan will be prepared and implemented during construction phase. It is requested that a condition requiring the preparation of a detailed Construction Management Plan is included in the development consent.
Dust and noise pollution during construction	
<b>No Demand</b>	
There is already the Crowne Plaza Hotel in Burwood and other accommodation in Central Sydney	Whilst this is a consideration for the developer it is not a reason to refuse the proposed development. Notably, given the emergence of Burwood as a strategic centre the provision of only one (1) hotel within Burwood would not seem to be sufficient, particularly considering its strategic location within proximity to major transport corridors.
There are plenty of coffee shops around	
<b>Community consultation</b>	
Insufficient and inadequate consultation with local stakeholders	The community engagement for this project consisted of a letter box drop to the surrounding properties in accordance with the notification requirements set out in Burwood Councils Community Engagement Strategy 2023-2026. For the proposed development, the notification requirements stipulate that a letter be sent to 40 neighbours within proximity of the proposed development. The notification package was distributed on 6 November 2024 and contained key information regarding the proposal. The notification included a letter with details on the proposed development, contact details for further information and where and how to make comments. The notification package also included a site plan and the proposed elevations in accordance with the notification package requirements of Burwood Councils Community Engagement Strategy 2023-2026. In response to the letterbox drop, no submissions were received within 28 days of the initial notification. No submissions have been received since. An online webinar was intended to be offered to people who made a submission following the neighbour notification process. Since no submissions were received, a webinar was not conducted.



## 5. Project Justification

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The proposed modifications and additional documentation provided do not significantly alter the justification for the project as detailed in the EIS prepared by Planning Ingenuity to accompany SSDA 77260958.

The project justification is reproduced below with slight changes following the submissions received during the public exhibition stage of the SSDA process. Overall, the updated proposal is justified on environmental, social and economic grounds.

### 5.1 DESIGN OF THE PROJECT

SSDA 77260958 provides a high standard of architectural, landscape and urban design throughout a bulk and scale of development that is appropriate in the existing and desired context of the site. The development has been designed to adequately respond to the streetscape and present as a high quality built form that will improve the quality and amenity of the public domain, with no adverse impacts on the amenity of the surrounding area.

The proposed development represents a suitable response to the allocation of the permitted density at the site. The proposed development will have a visual presence and urban form that is consistent with the desired future character of the locality as envisaged by the BLEP. The mass of the development is reduced by the slender design of the proposed tower above the podium creating a well-defined and strong streetscape character.

The ground floor provides active street frontages through commercial uses that directly integrate with public spaces. The building mass has been arranged on site to mitigate perceived bulk and scale of the proposal, particularly when viewed at street level. Specifically, tower elements are set back from the edge of the podium, and this ensures that the building retains a 'human' scale at the street edge.

### 5.2 CONSISTENCY WITH STRATEGIC CONTEXT

As detailed within the EIS, the proposed development aligns with the strategic directions and vision for the wider Greater Sydney Region and the more specific priorities relevant to the Burwood Town Centre.

SSDA 77260958 is consistent with both the Greater Sydney Region Plan: A Metropolis of Three Cities and the Eastern City District Plan, which set the concerns for the housing crisis across Greater Sydney and the need for additional housing supply to be provided in all suitable areas, including the Eastern District. Specific reference is made to the need to provide housing supply that offers choice and affordability in highly accessible locations with access to jobs and services, and to increase employment opportunities within centres.

SSDA 77260958 seeks to provide additional housing on the site and introduces affordable housing. This directly aligns with the strategic directions for the district given the site is located within close proximity to Burwood Railway Station and accessible bus stops, and is within the Burwood Town Centre, therefore within walking distance to employment opportunities and a wide range of services. At present, the subject site does not provide for any affordable housing and therefore does not align with the State Government's clear position that there is a significant demand and shortfall of affordable housing across the State. SSDA 77260958 will facilitate the provision of additional housing within the Burwood Town Centre, including increasing the choice and affordability of housing supply within the locality. SSDA 77260958 will also increase the amount of commercial floor space within the centre and therefore add to the number of employment opportunities within the precinct.

Further to the regional and district strategic documents, the proposal aligns with the Burwood Local Strategic Planning Statement (BLSPS) and the Burwood Housing Strategy. Both strategic documents identify the lack of affordable housing within the Burwood





LGA. Furthermore, both documents identify the Burwood Town Centre as an area for high intensity residential development and the need for new housing supply to offer choice and diversity. SSDA 77260958 seeks to provide affordable housing on a site which does not currently contain any housing. As such, the proposal will better align with the needs of the LGA and the community by contributing to the affordable housing provision within an ideal location. Overall, by providing affordable housing, in addition to market housing units, the proposal will increase the housing choice and diversity offered on the subject site and will give better effect to priorities of the local strategic documents.

SSDA 77260958 is demonstrably consistent with the strategic context for the site.

### 5.3 COMPLIANCE WITH STATUORY REQUIREMENTS

The revised proposal continues to be permissible with consent within the MU1 zone under the Burwood LEP 2012 and is correctly categorised as an SSD in accordance with Clause 26A of Schedule 1 of SEPP (Planning Systems) 2021.

The original EIS also sets out the power to grant approval to the development and the pre-conditions and mandatory matters for consideration by the consent authority.

The original EIS also assessed the proposed development against the applicable statutory requirements and the revised proposal continues to be consistent with those requirements, which are as follows:

- Biodiversity Conservation Act 2016;
- State Environmental Planning Policy (Planning Systems) 2021;
- State Environmental Planning Policy (Housing) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Industry and Employment) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- State Environmental Planning Policy (Sustainable Buildings) 2022; and
- *Burwood Local Environmental Plan 2012.*

Overall, the proposal has been assessed and designed in respect to the relevant objectives outlined in section 1.3 of the EP&A Act and complies with the relevant State and local planning controls including the relevant provisions in the BLEP 2012, BDCP and Housing SEPP.

### 5.4 ENVIRONMENTAL IMPACTS

The original EIS plus the revised and updated documents included with this RtS have addressed the potential environmental impacts of the proposed development. The proposed development has been designed to minimise adverse impacts on the surrounding locality with regard to privacy, overshadowing, noise, parking and traffic and waste, during both the construction and operational stages of the development.

Specific mitigation strategies have been identified addressing the impacts of the development.

Based on the environmental impact assessment that has been undertaken within the original EIS and revised and updated documents, it is considered SSDA 77260958 will not give rise to any cumulative environmental impacts that cannot be appropriately managed through the implementation of the mitigation measures that are identified within the supporting technical studies.





## 5.5 SOCIAL AND ECONOMIC IMPACTS

The proposed development will have predominately positive social and economic impacts on the surrounding locality.

SSDA 77260958 will increase the amount of commercial office space within the Burwood Town Centre thereby increasing employment opportunities within the precinct and contributing to the local economy.

SSDA 77260958 will contribute to the local housing supply through the provision of 48 new dwellings, including the dedication of 18 affordable housing units. The proposed residential density on the site will assist in reducing the price of housing within the Burwood Town Centre given there will be increased availability, and increased diversity of tenure with the inclusion of affordable housing.

The proposal will provide for significant employment throughout the construction stage of the development in addition to the jobs created with the additional commercial office space and the proposed hotel.

Negative impacts relating to the proposal largely stem from the connotations of affordable housing and the impacts on the community. The proposed affordable housing apartments will be carefully managed by a community housing provider.

## 5.6 COMMUNITY RESPONSE

The Engagement Report provides details of the engagement activities in regard to consultation within the local community and stakeholders nominated in the SEARs.

During the engagement process there were no concerns raised for the proposal, presumably given the likeness and similarity to the approved development on the site.

The issues which were raised during the public exhibition period have been considered in the revision of the technical reports and additional information.





## 6. Conclusion

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This Response to Submissions report responds to the issues and concerns raised by the department, local council, relevant government agencies and the public during the public exhibition of SSDA 77260958. The report provides a correlated and detailed response to all submissions in response to the exhibited proposal.

Where considered necessary the design and supporting documents have been amended to address any concerns raised by the relevant stakeholder and the changes are reflected in the Amended Architectural Plans.

This report is also accompanied by a number of additional or revised consultant reports and supporting documentation to address any additional information requests from the various stakeholders. These reports will allow for the department to undertake a full assessment of SSDA 77260958.



## ANNEXURE A

### Submissions Register



**Table 7 Submissions Register**

Group	Name	Position	Section Where Issue Addressed
<b>Government Agencies</b>			
	DPHI	Comment	4.1
	Conservation Programs Heritage and Regulation Group	Support	4.3
	Fire and Rescue NSW	Support	4.3
	TfNSW (road)	Comment	4.3
	TfNSW (rail)	Support with conditions	4.3
	Heritage Council of NSW	Comment	4.3
	Sydney Water	Support with conditions	4.3
	Sydney Airport	Comment	4.3
	Department of Climate Change, Energy, the Environment and Water	Comment	4.3
	Burwood Council	Object	4.2
<b>Community</b>			
Groups	The Greek Orthodox Parish and Community of Burwood and District Saint Nectarios Limited	Object	4.4
Individuals	Name Withheld	Support	
	Nick Pearson	Support	
	Name Withheld	Objection	
	Yateender Gupta	Objection	
	Guangming Xiang	Objection	
	Min Xu	Objection	
	Connie M	Objection	
	Ziyu Zhang	Objection	
	James Cai	Objection	
	Simon Li	Objection	
	Jing Shao	Objection	
	Yuchen Li	Objection	
	Carol Owens	Objection	
	Joan Zhang	Objection	
	Tuyet Lieu	Comment	
	Name Withheld	Comment	

