



SCOPING REPORT -

REQUEST FOR SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENT (SEARS)

Mixed Use Development comprising a Hotel, Commercial Office Premises and a Residential Flat Building
No. 2-4 Burleigh Street and No. 20-24 Railway Parade,
BURWOOD

Prepared for: NSW Housing Corporation Pty Ltd

REF: M230306

DATE: 18 September 2024





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1. Introduction

This report has been prepared to accompany a request for Secretary's Environmental Assessment Requirement (SEARs) to guide the preparation of a State Significant Development Application (SSDA) for the construction of a mixed use development containing a hotel, commercial office premises and a residential flat building inclusive of in-fill affordable housing at No. 2-4 Burleigh Street and No. 20-24 Railway Parade, Burwood.

This report is prepared by Planning Ingenuity on behalf of NSW Housing Corporation Pty Ltd (the Proponent). The report relies on architectural plans prepared by PTI Architecture.

The proposed development is identified as a State Significant Development as it falls within the requirements of Clause 26A ("In-fill Affordable Housing") of Schedule 1 of the 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 if the development that is residential has an estimated development cost of more than \$75 million. Since the residential component of the proposed development will have an estimated development cost of more than \$75 million, the proposal is classified as SSD.

The Proponent also requests that the Department consider this application for the Faster Assessment program for Affordable Housing, which applies to SSD applications for in-fill affordable housing as defined in Chapter 2, Part 2, Division 1 of the Housing SEPP.

The proposed site is located within the Burwood Town Centre, within close proximity to Burwood Railway Station and within walking distance to retail, commercial and medical uses, therefore ideally located for higher density housing.

To support the request for the SEARs, the following information is provided:

- A description of the proposal;
- A high-level compliance with the applicable planning instruments;
- Design excellence requirements;
- Suitability of the site for the proposed development; and
- Impacts of the bonuses on the site and surrounding area.

This report is accompanied by the following supporting information:

- Architectural Drawings, including shadow diagrams - prepared by PTI Architecture; and
- Survey Plan – prepared by RGM Property Surveys.

Furthermore, the Applicant is in the process of selecting an affordable housing provider for the project.

The purpose of this report is to provide information to the Department of Planning and Environment (DPE) to support the preparation of SEARs for the SSDA. This Statement is divided into seven sections. The remaining sections include a site analysis and context; a description of the proposal; an outline of the relevant planning framework; suitability of the site; preliminary assessment of the impact of the height and FSR bonuses; and a conclusion.



2. Site Analysis and Context

2.1 THE SITE

The site is located on the southern side of Railway Parade to the south of the railway line and sits at the corner of Railway Parade and Burleigh Street. This site comprises of 5 parcels of land and is known as No. 20-24 Railway Parade and No. 2-4 Burleigh Street, Burwood with a legal description of Lots A, B, C, D and E in DP 438222.

An aerial photograph of the site is provided at **Figure 1** below.



Figure 1 Aerial Photo of The Site (Source: NearMaps)

The site has an area of 1,329m², with frontages to Burleigh Street and Railway Parade measuring 48.15m and 27.65 in length, respectively.

Existing on the site are single storey buildings, both detached and attached, occupied by various small businesses, including a family medical practice, tutoring business and a hearing clinic. Shared vehicle access is provided off Burleigh Street to a small carpark shared by all of the existing buildings.

The site is relatively flat with a fall of approximately 1m from the Railway Parade frontage to the southern boundary.

The site is almost entirely built over with the only vegetation existing on the site limited to small areas of grass and three small trees along the Railway Parade frontage.



2.2 SURROUNDING CONTEXT

The site is located within the Burwood Town Centre which contains a number of mixed use developments comprising commercial, retail, medical and residential land uses. The locality is characterised by a diverse range of developments, ranging from single storey dwellings to 30 storey commercial and residential buildings.

The immediate locality is to support high density development given its location within close proximity to Burwood Railway Station, as evidenced by the applicable built form controls which allow for building heights of 70m, and up to 140m on some sites.

To the north of the site is Railway Parade which separates the site from the railway corridor. Notably, the Burwood Railway Station is located to the north west of the site within 200m walking distance.

To the east of the site are two storey walk up residential flat buildings at Nos. 18 and 18A Railway Parade. Vehicle access to these buildings is provided at the rear of the site off Elizabeth Street. Further to the east is a 20 storey mixed use building with office space at the lower levels and residential apartments above.

To the west of the site on the opposite side of Burleigh Street is the St Nectarios Church, a large sandstone building, which is identified as an item of local heritage significance under the Burwood LEP 2012. Adjacent to the church is a 26 storey building at Nos. 7-9 Burleigh Street.

To the south of the site is a single storey building at No. 6 Burleigh Street which is currently occupied by a photography studio.



3. Background

3.1 SCOPING MEETING

A pre-scoping meeting was held via MS Teams with the Department of Planning, Housing and Infrastructure (DPHI) on 14 June 2024.

Detailed meeting notes were received from DPHI on 24 May 2024. A summary additional information required by the DPHI and our responses are provided in the table below.

Table 1 Scoping Meeting Summary

DPHI Comment	Response
Confirmation from a registered quantity surveyor that the EDC of the residential component of the development is >\$75m, including a breakdown of how the residential component vs the non-residential components of the development are calculated in determining the EDC.	Refer to the EDC Report and cover letter prepared by <i>Archi-QS</i> and submitted with this Report.
Provide a copy of the advice received regarding applying the FSR identified in s4.4A(5)(a)(i) of the BLEP 2012 where the building exceeds the maximum amount of residential GFA identified in s4.4A(5)(b)(i).	Legal advice has been received from <i>Pikes & Verekers Lawyers</i> and is summarised at Section 5.8.3 of this Report.
Clarify whether the proposal includes build-to-rent (BTR) apartments. If the proposal is not BTR remove references to BTR in application documentation. If the residential component is BTR, clarify whether the application meets relevant SSD thresholds.	The residential apartments are held in ownership and are not managed as BTR apartments. All references to BTR have been removed from the documentation.
Provide design details of the proposed balconies and clarify whether they are enclosed balconies for the purposes of GFA calculation.	The balconies to the residential component (L3-L18) and hotel facilities (L36-L37) are not fully enclosable, hence they are not winter gardens. Therefore, they are external space and not required to be counted as GFA. The glazed louvres surrounding the balconies are fixed open at 45 degrees from 1m above FFL for a height of 1.7m (balustrade to ceiling) around the perimeter of the balconies. Concept details of the external curtain walls are shown on Drawing 41 and 42 of the Architectural Plans.
Clarify the proposed floor to floor heights and building separation distances from surrounding sites.	The floor to floor heights proposed are as follow: Ground Floor (lobby) – 5m L1 (hotel facilities) – 5.2m L2 (hotel facilities/secondary residential COS) – 5.2m L3 to L18 (residential apartments) – 3.1m L19 (plant) – 3.1m L20 to L31 (hotel rooms) – 3.1m L32 (plant) – 3.1m L33 to L35 (commercial offices) – 5.2m L36 to L37 (hotel facilities) – 5.2m L38 (primary residential roof COS) – 3.1m

Table 1 Scoping Meeting Summary

	The building separation distances from surrounding sites proposed are as follows: Podium - 3m setback to north and west boundary - Nil setback to east and south boundary Tower - 6m setback to north and west boundary - 6m setback to east boundary - 9m setback o south boundary In addition to the above proposed setbacks, a concept scheme for the surrounding adjacent sites has been prepared to show the potential development can be achieved within the permissible available FSR and height shown on Drawing 43 to 45 of the Architectural Plans.
Confirm in the scoping report and indicate on the BHP line plans that the proposal is compliant with the BHP line height control of 1m above the existing ground floor level, as per the LEP.	Additional survey information has been obtained and incorporated in the Architectural Plans to show and confirm that the proposed development height is within the BHP control line that has been set out 1m above the existing ground floor level at the relevant locations as per the LEP. Refer to Drawing 07 of the Architectural Plans.
Provide the outcomes of your internal design excellence process and any comments received from council about the proposal.	An initial meeting with Council, Conquest and PTI occurred on 25 March 2024. This was an informal meeting to present the scheme in its early stage for initial thoughts and general feedback. Since it was an informal meeting no minutes or comments were issued by Council. As part of the engagement process and standard notification procedures for the SSDA, Council will have the opportunity to provide their feedback on the scheme in a formal manner. With regard to internal design excellence process, this has been misunderstood and it was simply referring to the detailed and rigorous design of the proposed scheme which has been a lengthy process to ensure the development responds to its context in the most appropriate outcome. No formal competition or process was held.



4. Description of the Proposal

The SSD Application will seek consent for the construction of a mixed use development containing a hotel with 120 rooms, commercial office premises and a residential flat building with 48 dual key residential apartments and basement car parking.

It should be noted that demolition of the existing buildings across the site will be completed under an existing Complying Development Certificate, and as such will not form part of this application.

The proposed development is detailed in the architectural plans prepared by *PTI Architecture* and submitted with this scoping report.

A detailed description of the development is provided in the table below.

Table 2 Proposed Development	
Basement Level 2-5	• 30 parking spaces • 5 lifts, including 1 residential lift, 1 commercial lift, 2 hotel lifts and 1 service lift • Storage, including bulky goods storage • Services • Stair access
Basement Level 1	• 19 parking spaces • 5 lifts, including 1 residential lift, 1 commercial lift, 2 hotel lifts and 1 service lift • Storage, including bulky goods storage • Recycling waste room • Dirty linen room • Fire pump room, cold water pump room, switch room and services • Stair access
Ground Floor	• Residential lobby • Hotel/commercial lobby and café • Bathrooms • Bicycle parking • Commercial waste room • Residential waste room • Storage • Substation • Hotel vehicle drop off zone with porte-cochere above • Two way basement driveway via Railway Parade • MRV loading/service bay with two way vehicle access via Burleigh Street • Garden with OSD tank below at the corner of Burleigh Street and Railway Parade • 5 lifts, including 1 residential lift, 1 commercial lift, 2 hotel lifts and 1 service lift • Stair access
Level 1	• Hotel function spaces with outdoor communal open space • Heating kitchen • Storage • Bathrooms • 5 lifts, including 1 residential lift, 1 commercial lift, 2 hotel lifts and 1 service lift • Stair access • Services





Table 2 Proposed Development

Level 2	• Hotel restaurant, including kitchen with outdoor communal open space • Hotel gym • Car park exhaust plant • Bathrooms • Rooftop planting • 5 lifts, including 1 residential lift, 1 commercial lift, 2 hotel lifts and 1 service lift • Stair access
Level 3-18	• 3 x dual key residential apartments • 5 lifts, including 1 residential lift, 1 commercial lift, 2 hotel lifts and 1 service lift • Stair access • Services
Level 19	• Plant level with AC condenser units • 5 lifts, including 1 residential lift, 1 commercial lift, 2 hotel lifts and 1 service lift • Stair access • Services
Level 20-25	• 10 x hotel rooms, including accessible room • 5 lifts, including 1 residential lift, 1 commercial lift, 2 hotel lifts and 1 service lift • Stair access • Services
Level 26-31	• 10 x hotel rooms • 5 lifts, including 1 residential lift, 1 commercial lift, 2 hotel lifts and 1 service lift • Stair access • Services
Level 32	• Plant level with fire tanks and fire pump room • 5 lifts, including 1 residential lift, 1 commercial lift, 2 hotel lifts and 1 service lift • Stair access • Services
Level 33-35	• Commercial offices • Bathrooms • 5 lifts, including 1 residential lift, 1 commercial lift, 2 hotel lifts and 1 service lift • Stair access • Services
Level 36	• Hotel restaurant with kitchen and outdoor seating • Bathrooms • 5 lifts, including 1 residential lift, 1 commercial lift, 2 hotel lifts and 1 service lift • Stair access • Services
Level 37	• Hotel bar including kitchen with outdoor seating • Bathrooms • 5 lifts, including 1 residential lift, 1 commercial lift, 2 hotel lifts and 1 service lift • Stair access • Services
Level 38	• Residential communal open space with swimming pool and seating • Bathrooms • 5 lifts, including 1 residential lift, 1 commercial lift, 2 hotel lifts and 1 service lift • Stair access • Services





Table 2 Proposed Development

Roof	Lift overruns, roof plant including hot water plant.
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Further to the above a summary of the key numerical data of the proposed development is provided in the table below.

Table 3 Project Data

	Proposed	Compliance
Residential Units	48 x 2 bed (dual key)	N/A
Hotel Rooms	120	N/A
Building Height	143.9m	Yes – the proposal complies with the building height plane under Clause 4.3(A) of the BLEP which allows for exemptions to the maximum height prescribed under Clause 4.3. As such, since the proposal complies with the building height plane prescribed within Clause 4.3A(3), compliance with the maximum building height under Clause 4.3 is not required. Notwithstanding the fact that compliance with the building height plane is achieved, a Clause 4.6 variation to the building height under Clause 4.3 can be prepared in an abundance of caution to accompany the application if deemed necessary.
Total Gross Floor Area	11,398m ²	Yes – complies with the maximum GFA permitted under the Housing SEPP and Clause 4.4A of the BLEP.
Affordable Housing Gross Floor Area	1,788m ²	Yes – greater than 15% of the total GFA of the development.
Commercial	6,517m ²	N/A
FSR	8.58:1	Yes – the following FSR breakdown applies: Base Permissible FSR under BLEP – 6.6:1 Bonus FSR (Housing SEPP) – 1.98:1 Total FSR: 8.58:1
Landscape Area	332m ² (25%)	Yes.
Communal open space	370m ² (28%)	Yes.
Parking	139 car parking spaces	Yes.





5. Environmental Planning Framework

5.1 STATUTORY PLANNING POLICIES

The legislation and environmental planning instruments applying to the proposed development include, but are not limited to:

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

5.2 STATE ENVIRONMENTAL PLANNING POLICY (PLANNING SYSTEMS) 2021

The proposal is SSD, pursuant to Clause 26A of Schedule 1 of State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP), being development to which State Environmental Planning Policy (Housing) 2021 (Housing SEPP), Chapter 2, Part 2, Division 1 applies if the development that is residential has an estimated development cost of more than \$75 million. Since the residential component of the proposed development will have an estimated development cost of more than \$75 million, the proposal is classified as SSD.

5.3 STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

The State Environmental Planning Policy (Housing) 2021 ("Housing SEPP") applies to development proposals for affordable and diverse housing and aims to encourage and promote the provision of affordable housing within residential and mixed use developments.

Of relevance to the proposed development are the following chapters of the Housing SEPP:

- Chapter 2 Affordable Housing
- Chapter 4 Design of Residential Apartment Development

Chapter 2 Affordable Housing

Division 1 of Chapter 2 in Part 2 of the Housing SEPP contains provisions relating to in-fill affordable housing. Section 15C provides the following in relation to where the division applies:

- (1) *This division applies to development that includes residential development if—*
- (a) *the development is permitted with consent under Chapter 3, Part 4 or another environmental planning instrument, and*





- (b) the affordable housing component is at least 10%, and
- (c) all or part of the development is carried out—
 - (i) for development on land in the Six Cities Region, other than in the City of Shoalhaven local government area—in an accessible area, or
 - (ii) for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone.

The development will meet the above requirements since it is permissible with consent under the BLEP, will provide more than 10% gross floor area as affordable housing, and is carried out within an accessible area. Therefore Division 1 applies to the development.

Section 16 of the Housing SEPP provides the following provisions in relation to the available affordable housing bonus under this Division:

- (1) The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2).
- (2) The minimum affordable housing component, which must be at least 10%, is calculated as follows—

$$\text{affordable housing component} = \frac{\text{additional floor space ratio}}{(\text{as a percentage})} \div 2$$

- (3) If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).

Example—

Development that is eligible for 20% additional floor space ratio because the development includes a 10% affordable housing component, as calculated under subsection (2), is also eligible for 20% additional building height if the development involves residential flat buildings or shop top housing.

In accordance with the above Section, the development is permitted a bonus FSR of up to 30% if 15% of the gross floor area on the site is provided as affordable rental housing.

The site is subject to a maximum FSR under the Burwood Local Environmental Plan (BLEP) of 6.6:1, as discussed in detail at Section 4.8 of this Report.

When applying the Housing SEPP bonus FSR of 30% to the LEP permissible FSR of 6.6:1, a maximum FSR of 8.58:1 and a gross floor area of 11,403m² would be permitted on the site, where at least 1,710.45m² (15%) of this would need be dedicated to affordable rental housing for a period of 15 years (in accordance with Clause 21 of the Housing SEPP).

The proposal seeks to provide a gross floor area of 11,398m² and therefore achieves compliance with the permissible FSR.

In relation to Subclause (3) of Section 16, the proposal complies with the applicable building height plane under the BLEP and therefore the bonus height available under Subclause (3) is not sought.





Furthermore, there are a number of non-discretionary development standards under Section 19 of the Housing SEPP which would apply to the development. A summary of the proposal compliance against Section 19 is provided at **Table 4** below.

It is important to note that the non-discretionary development standards do not require Clause 4.6 variations if they are not complied with.

It should also be noted that dual key apartments have been regarded as sole occupancy units for the purpose of calculating solar access, natural ventilation and parking requirements.

Table 4 SEPP (Housing) 2021 Compliance Summary

Section	Requirement	Compliance
19 Non-discretionary development standards – the Act, s 4.15	(2)(a) a minimum site area of 450m ²	The site has an area of 1,329m ² .
	(2)(b) a minimum landscaped area that is the lesser of— (i) 35m ² per dwelling, or (ii) 30% of the site area,	The proposal provides 25% of the site area as landscaped area. The proposed landscape area is considered acceptable for the site given its location within the Burwood Town Centre. Further justification will be provided within the EIS.
	(2)(c) a deep soil zone on at least 15% of the site area, where— (i) each deep soil zone has minimum dimensions of 3m, and (ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site,	Does not apply. Refer to Clause (3) below.
	(2)(d) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter,	Does not apply. Refer to Clause (3) below.
	(2)(e) the following number of parking spaces for dwellings used for affordable housing— (i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces, (iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,	The proposal provides the following dwellings for affordable housing: 1 bed = 36 dwellings (14.4 spaces required) Note – there are 18 dual key dwellings dedicated to affordable housing but these have been regarded as sole occupancy units for the purpose of calculating parking requirements. The proposal provides more than 14.4 spaces for the affordable housing units.
	(2)(f) the following number of parking spaces for dwellings not used for affordable housing— (i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 1	The proposal provides the following dwellings for non-affordable housing: 1 bed = 60 dwellings (30 spaces required) Note – there are 30 dual key dwellings



Table 4 SEPP (Housing) 2021 Compliance Summary

parking space, (iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,	dedicated to non-affordable housing, but these have been regarded as sole occupancy units for the purpose of calculating parking requirements. The proposal provides more than 30 spaces for the non-affordable housing units. Notably, a total residential parking provision of 72 is provided which achieves the SEPP requirement of at least 44.4 parking spaces.
(2)(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,	All units comply with the minimum internal areas under the ADG. Refer to the Architectural Plans for compliance. It is noted that dual key apartments are two bedroom apartments and as such have been designed to comply with the minimum internal area for two bedroom apartments when combined.
(2)(h) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the minimum floor area specified in the Low Rise Housing Diversity Design Guide,	Not applicable.
(2)(i) if paragraphs (g) and (h) do not apply, the following minimum floor areas— (i) for each dwelling containing 1 bedroom—65m ² , (ii) for each dwelling containing 2 bedrooms—90m ² , (iii) for each dwelling containing at least 3 bedrooms—115m ² plus 12m ² for each bedroom in addition to 3 bedrooms.	Clause (2)(g) applies to the development.
(3) Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.	Chapter 4 applies to the proposal, as addressed below.

It is also important to note that under Section 21 of the Housing SEPP, the affordable housing component within the proposed development will be managed by a registered community housing provider for a period of at least 15 years.

The Applicant is in the process of selecting an affordable housing provider for the project.

Chapter 4 Design of Residential Apartment Development

On 14 December 2023, SEPP No.65 – Design Quality of Residential Flat Buildings was repealed, and its provisions transferred to the State Environmental Planning Policy (Housing) 2021.

In accordance with Section 147 under Chapter 4 of the Housing SEPP, development consent must not be granted to residential apartment development unless the consent authority has considered the following:

- (a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,
- (b) the Apartment Design Guide,



(c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.

A summary of the proposal's compliance against the key design criteria of the Apartment Design Guide is provided at **Table 5** below.

Table 5 Apartment Design Guide Compliance Summary							
Clause	Requirement	Compliance					
3D Communal and Public Open Space	Communal open space has a minimum area equal to 25% of the site.	The proposal will provide 370m ² (28%) of communal open space.					
	Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)	More than 50% of the proposed communal open space achieves 2 hours of sunlight in midwinter.					
Deep Soil	Deep soil zones are to meet the following minimum requirements:	The proposal does not provide any deep soil on the site since the basement parking covers the entirety of the site area.					
	<table><tr><th>Site Area</th><th>Minimum Dimension</th><th>Deep Soil Zone (% of site area)</th></tr><tr><td>650m² - 1,500m²</td><td>3m</td><td>7%</td></tr></table>	Site Area	Minimum Dimension	Deep Soil Zone (% of site area)	650m ² - 1,500m ²	3m	7%
Site Area	Minimum Dimension	Deep Soil Zone (% of site area)					
650m ² - 1,500m ²	3m	7%					
	Achieving the design criteria may not be possible on some sites including where: • the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres) • there is 100% site coverage or non-residential uses at ground floor level						



Table 5 Apartment Design Guide Compliance Summary

3F Visual privacy

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

Building Height	Habitable rooms & balconies	Non-habitable rooms
Up to 12m (4 storeys)	6m	3m
Up to 25m (5-8 storeys)	9m	4.5m
Over 25m (9+ storeys)	12m	6m

The proposal largely complies with the building separation distances under the ADG.

Where the proposal does not meet the required distance appropriate treatment of glazing is proposed to ensure visual privacy for the site and surrounding sites is protected.

Further assessment of the non-compliances with the minimum separation distances will be provided within the EIS.

3J Bicycle and Car Parking

The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.

The parking requirements under the Housing SEPP are achieved.

4A Solar and daylight access

Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas

Achieving the design criteria may not be possible on some sites. This includes:

- where greater residential amenity can be achieved along a busy road or rail line by orientating the living rooms away from the noise source
- on south facing sloping sites
- where significant views are oriented away from the desired aspect for direct sunlight Design drawings need to demonstrate how site constraints and orientation preclude meeting the design criteria and how the development meets the objective

80 (83%) of dwellings (when regarded as sole occupancy units) achieve direct sunlight between 9am and 3pm during midwinter.

4B Natural Ventilation

At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed

20 (67%) of dwellings within the first nine storeys achieve natural ventilation.

Table 5 Apartment Design Guide Compliance Summary

4C Ceiling heights	Measured from finished floor level to finished ceiling level, minimum ceiling heights are: 2.7m for habitable rooms and 2.4 for non-habitable.	All units comply with the minimum internal areas under the ADG. Refer to the Architectural Plans for compliance.
4D Apartment size and layout	Apartments are required to have the following minimum internal areas: 1 bedroom = 50m²; 2 bedroom = 70m², 3 bedroom = 100m² (additional bathroom increases minimum internal area by 5m²). Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space) Bedrooms have a minimum dimension of 3m (excluding wardrobe space) Living rooms or combined living/dining rooms have a minimum width of: 3.6m for studio and 1 bedroom apartments 4m for 2 and 3 bedroom apartments The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	All units comply with the minimum internal areas under the ADG. Notably the units are dual key 2 bedroom apartments and exceed 70m² in size. Refer to the Architectural Plans for compliance. All apartments comply. All master bedrooms meet the minimum requirements. Refer to the Architectural Plans. All bedrooms meet the minimum dimensions. Refer to the Architectural Plans. All dwellings achieve the minimum width requirements. Refer to the Architectural Plans. No cross-over apartments are proposed.
4E Private open space and balconies	All apartments are required to have primary balconies as follows: 1 bedroom apartments = 8m² in area and 2m minimum depth; 2 bedroom apartments = 10m² in area and 2m minimum depth.	The majority of balconies achieve the minimum requirements, except for some instances where private open space has been provided across two separate balconies to allow for the apartments to be used as sole occupancy units. In all cases, the combined balcony area of the dual key apartments achieves the minimum requirements.
4G Storage	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: Studio - 4m² 1 Bedroom - 6m² 2 Bedroom - 8m² 3 Bedroom - 10m² At least 50% of the required storage is to be located within the apartment.	Required storage is provided within the basement and within each dwelling. Details on storage will be provided within the documentation which accompanies the EIS.

A detailed assessment of the proposal against the Housing SEPP and the Apartment Design Guide will be undertaken within an EIS to be submitted with the application.

5.4 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 requires the consent authority to consider whether land is contaminated and if it is contaminated whether it can be made suitable for the proposed purpose. Due to the sites residential history there is no reason to expect the site to be contaminated, however, the EIS will be accompanied by detailed site investigations to ensure the site is suitable for the proposed development.

5.5 STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021

Chapter 3 of State Environmental Planning Policy (Industry and Employment) 2021 contains provisions for advertising and signage. The proposal will include signage and/or signage zones for the proposed hotel and as such will be subject to the requirements under Chapter 3 of the SEPP. A detailed assessment of the proposal against Chapter 3 of the SEPP will be undertaken within an EIS to be submitted with the application.

5.6 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

Chapter 2 of State Environmental Planning Policy (Transport and Infrastructure) 2021 contains provisions for various land uses and activities, including development in or adjacent to rail corridors and interim rail corridors and to road corridors and road reservations.

The following clauses apply to the proposed development:

- **Clause 2.99 Excavation in, above, below or adjacent to rail corridors** applies to development that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land within 25m of a rail corridor. The proposed development is located adjacent to a rail corridor to the north and it is therefore expected that the proposal will be referred to Transport for NSW for comment.
- **Clause 2.100 Impact of rail noise or vibration on non-rail development.** Given the proposed development includes residential accommodation adjacent to a rail corridor, the consent authority must ensure the development complies with the relevant noise criteria. An Acoustic Report will be undertaken to accompany the EIS for the application.
- **Clause 2.119 Development with frontage to classified road** applies to development with frontage to a classified road. The consent authority must be satisfied that vehicular access to the land is provided by a road other than a classified road; the design of the vehicular access, emissions and volume of vehicles accessing the land do not impact on the safety, efficiency and ongoing operation of the classified road; and traffic noise or vehicle emissions of the classified road does not adversely impact the proposed development. Railway Parade is a Regional Classified Road. As such, Clause 2.119 applies to the development, which proposes vehicular access via Willarong Road. A Traffic Report will be undertaken to accompany the EIS for the application to assess the impact of the proposed development on safety, efficiency and ongoing operation of the classified road.
- **Clause 2.122 Traffic-generating development** identifies traffic generating development which must be referred to the Road and Traffic authority. This provision is relevant as the proposal is of a type listed in

column 3 of Schedule 3, being 50 or more car parking spaces and 75 or more dwellings. Therefore, the application will be referred to Transport for NSW for comments.

5.7 STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

State Environmental Planning Policy (Sustainable Buildings) 2022 came into effect on 1 October 2023, replacing and repealing the State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

In accordance with the provisions of the SEPP, a BASIX Certificate will be submitted with the EIS to confirm that the proposal (once operational) will comply with the water, thermal comfort and energy efficiency requirements of the policy.

5.8 BURWOOD LOCAL ENVIRONMENTAL PLAN 2012

Burwood Local Environmental Plan 2012 (BLEP) is the current environmental planning instrument that applies to the site. The relevant planning controls for the site are outlined below.

5.8.1 Zoning and Permissibility

The subject site is zoned MU1 – Mixed Use under the BLEP.

The following are the land uses permitted and prohibited within the MU1 zone:

2 Permitted without consent

Home occupations; Roads

3 Permitted with consent

*Amusement centres; Attached dwellings; Boarding houses; Car parks; Centre-based child care facilities; **Commercial premises**; Community facilities; Entertainment facilities; Function centres; Group homes; Hostels; Information and education facilities; Light industries; Local distribution premises; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; **Residential flat buildings**; Respite day care centres; Restricted premises; Shop top housing; Tank-based aquaculture; **Tourist and visitor accommodation**; Vehicle repair stations; Any other development not specified in item 2 or 4*

4 Prohibited

Agriculture; Air transport facilities; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Rural industries; Rural supplies; Sewerage systems; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water storage facilities; Water treatment facilities; Wharf or boating facilities; Wholesale supplies

All aspects of the proposed development are permitted with consent in the MU1 zone under the provisions of the BLEP.

The proposal meets the objectives of the zone, which will be detailed in the EIS for the application.

5.8.2 Height

As shown in **Figure 2** below, the site is subject to a maximum building height of 70m under Clause 4.3 of the BLEP, whilst also being located in 'Area A'.

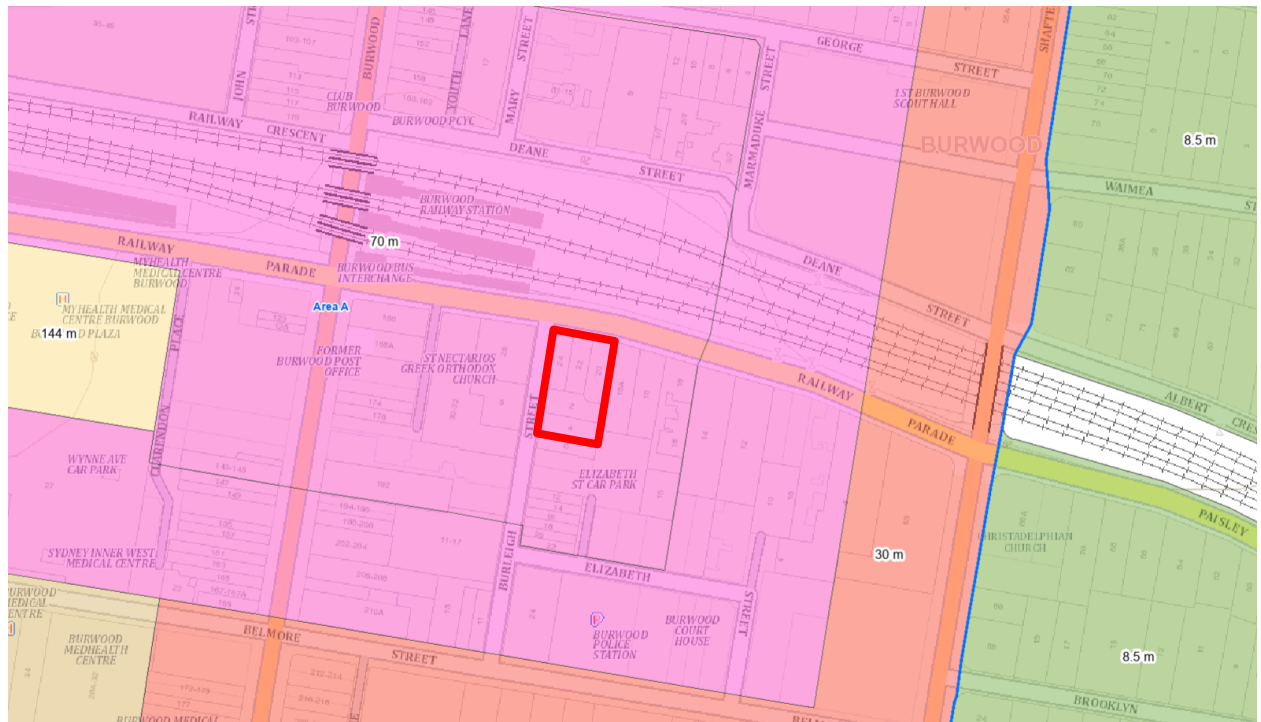


Figure 2 Building Height Map- Extract (Source: NSW Planning Portal)

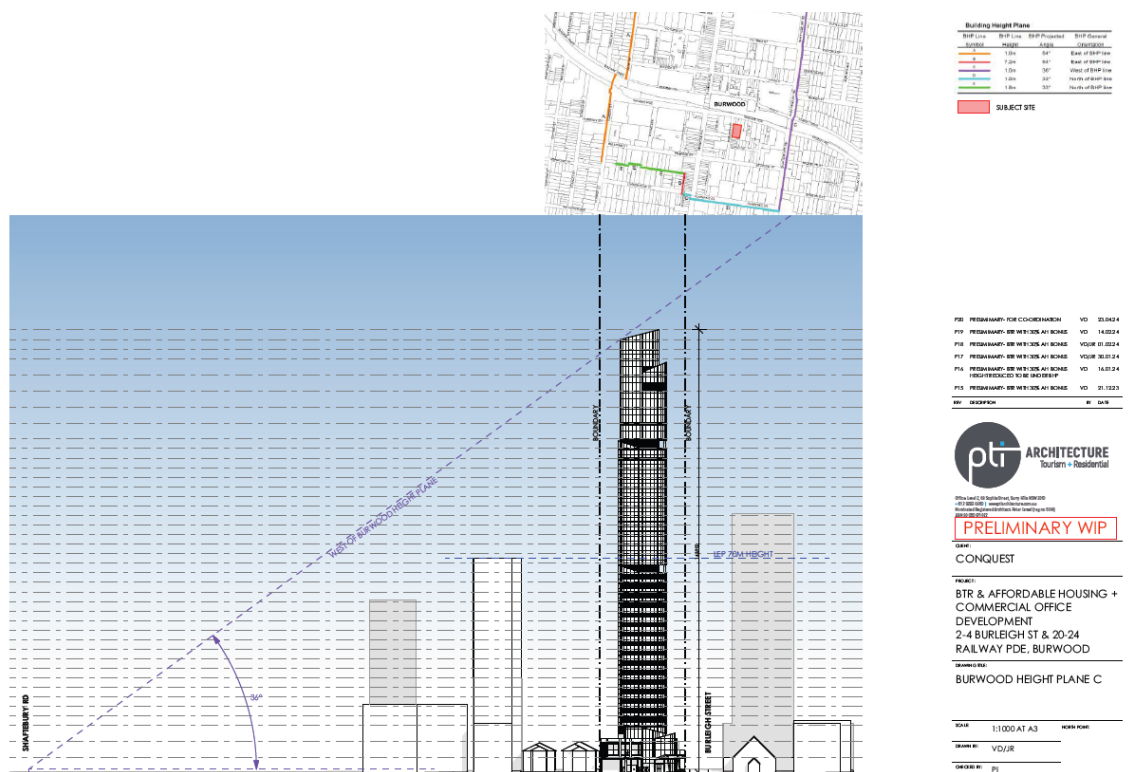
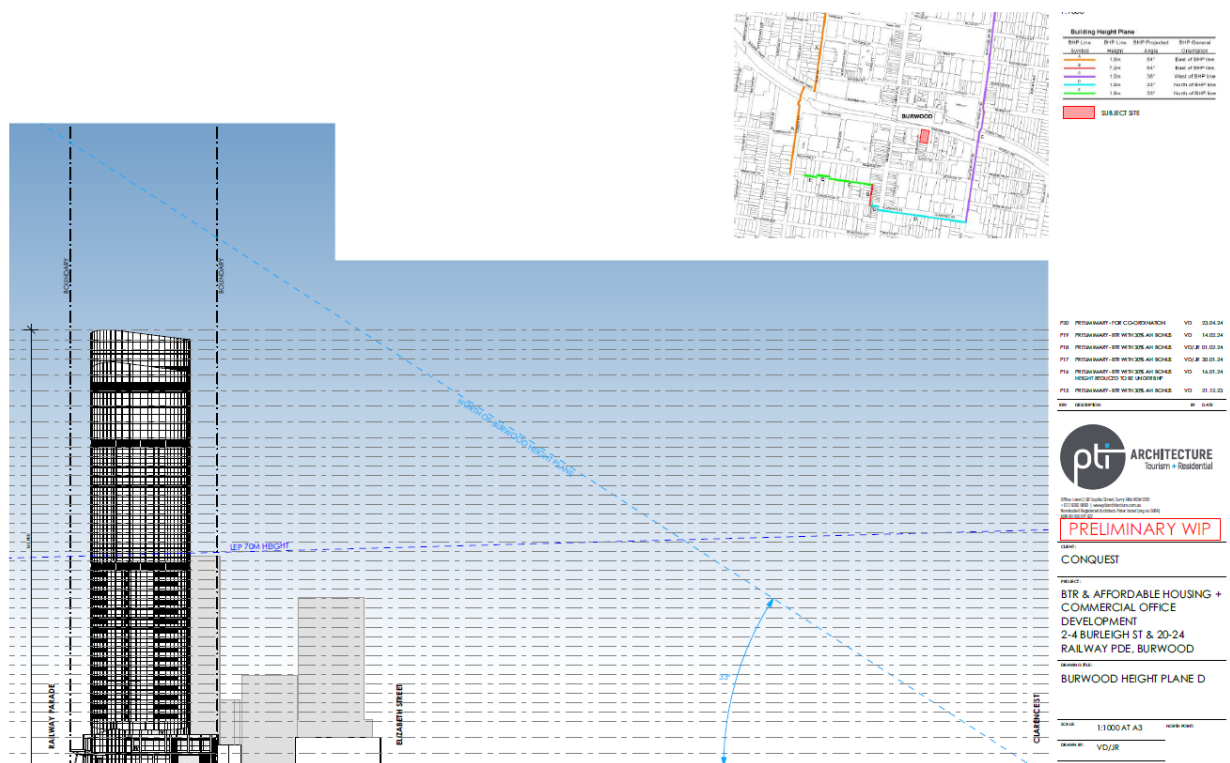
Notably Clause 4.3A of the BLEP provides exceptions to the height of buildings standard under Clause 4.3 for sites identified as Area A as follows:

- (2) *Despite clause 4.3, the height of a building on land marked "Area A" on the Height of Buildings Map is not to exceed the building height plane for that land.*

The proposal has been designed to comply with the applicable building height plane prescribed within Clause 4.3A(3), as shown within the Architectural Plans prepared by PTI Architecture and the plan extracts at **Figure 3** and **4** overpage.

As such, since the proposal complies with the building height plane prescribed within Clause 4.3A(3), compliance with the maximum building height under Clause 4.3 is not required. Notwithstanding the fact that compliance with the building height plane is achieved, a Clause 4.6 variation to the building height under Clause 4.3 can be prepared in an abundance of caution to accompany the application if deemed necessary.

It is also important to highlight that the development is permitted a 30% height bonus under Clause 16 of the Housing SEPP. Since the proposal complies with the applicable building height plane under the BLEP, the bonus height is not sought, however, the bonus will be a valid consideration in the event that a Clause 4.6 variation is required.



5.8.3 Floor Space Ratio

As shown in **Figure 5** below, the site is subject to a floor space ratio of 6:1 under Clause 4.4 of the BLEP, whilst also being located in 'Area 1'.

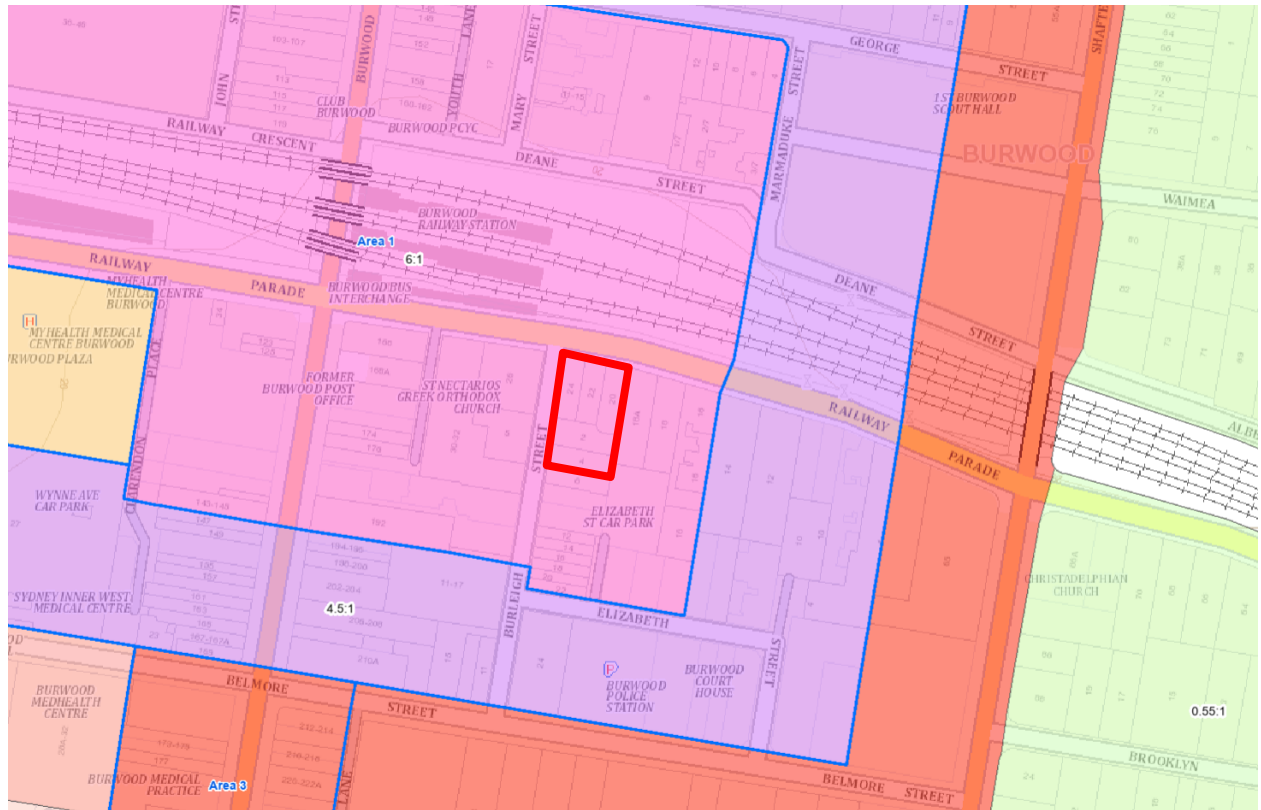


Figure 5 FSR Map- Extract (Source: NSW Planning Portal)

Importantly, and as advised by *Pikes & Verekers Lawyers*, Clause 16 of the Housing SEPP asks that one finds the 'maximum permissible floor space ratio for the land'. Notably, Clause 4.4A of the BLEP permits a floor space ratio for the subject site of up to 6.6:1 given it is located within Area 1 and therefore this becomes the base FSR for the site under the LEP.

A summary of the advice provided by *Pikes & Verekers Lawyers* is provided below in relation to the application of Clause 4.4A and Section 16 of the Housing SEPP:

By way of summary of the FSR development standard for the Site and its exception under cl 4.4A:

- *The mapped FSR for the site, referable to cl 4.4, is 6:1.*
- *4.4A(3) says the maximum proportion for residential purposes is 2:1.*
- *4.4A(5) provides for an FSR of up to 6.6:1 as long as 40% is residential. Assuming the maximum residential GFA is sought, 2.64:1 would be available for residential GFA and 3.96:1 would be available for non-residential GFA.*
- *4.4A(6) requires the community infrastructure benefit when seeking to rely on 4.4A(5).*
- *4.4A(7) switches off the 2:1 residential limit when relying on 4.4A(5).*

The 40 percent limit for residential accommodation fixed by subclause (5), in our view, is switched off by the application of s 16 of SEPP Housing. That clause permits an FSR of up to 6.6:1 as long as the proportion of residential FSR does not exceed 40%. It is a FSR development standard with a pre-requisite. However, s 16 of the Housing SEPP simply requires one to identify the maximum FSR for the land and add 30%, regardless of the base requirement. This is illustrated by the example given in the December 2023 Practice Note. The 40% limit for residential accommodation is not a development standard which can be extracted from FSR, and it is not capable of variation under cl 4.6(8).

For the subject development, there is no need to “apply” subclause (5). However, as a result, subclause (7) also does not apply and therefore subclause (3) is engaged. Subclause (3) is a development standard which imposes a maximum FSR of 2:1 for residential accommodation on the subject site. Arguably, this results in an inconsistency between s 16 of SEPP Housing which seeks to “facilitate the delivery of new in-fill affordable housing...” and cl 4.4A(3) which seeks to limit the delivery of housing. On that basis, s 8 of SEPP Housing would apply and the s 16 of SEPP Housing would prevail.

In any event, cl 4.4A(3) is susceptible to variation by clause 4.6.

In accordance with the above, the maximum permitted FSR for a development on the site which provides a minimum affordable housing component of 10-15% would be 6.6:1 plus 20-30% (7.92-8.58:1).

When applying the bonus FSR of 30% to the permissible FSR of 6.6:1 under the BLEP, a maximum FSR of 8.58:1 and a gross floor area of 11,403m² would be permitted on the site, where at least 1,710.45m² (15%) of this would need be dedicated to affordable rental housing for a period of 15 years (in accordance with Section 21 of the Housing SEPP).

The proposed development provides a gross floor area of 11,398m², and affordable housing in excess of the minimum 15% requirement, and therefore complies with the maximum permitted under Section 16 of the Housing SEPP.

Importantly, the residential limits in Clause 4.4A of BLEP are arguably inconsistent with Section 16 of the Housing SEPP where the principles of the SEPP include enabling and encouraging housing. In any event, Clause 4.4A(3) is susceptible to variation by Clause 4.6, and the objectives of the Housing SEPP are to be relied upon as an environmental planning ground.

Since the proposal seeks to provide a residential FSR of 3.67:1, exceeding the requirement under Clause 4.4A(3) by 1.67:1 and resulting in a numerical variation of 83.5%, a Clause 4.6 variation request will be prepared to accompany the future application to vary Clause 4.4A(3).

5.8.4 Acid Sulfate Soils

The site is identified as containing Class 5 Acid Sulfate Soils.

Given the extent of excavation proposed, an Acid Sulfate Soil Management Plan will be submitted with the application.

5.8.5 Heritage

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.

A Heritage Impact Statement will be provided to accompany the future application to assess the impact of the proposal on the nearby heritage item, and any other items within the locality.



5.8.6 Design Excellence

Clause 6.5 of the BLEP applies to development involving the erection of a building of 3 or more storeys on land within the MU1 Mixed Use zone. The clause stipulates a number of matters for the relevant consent authority to consider in determining whether a development exhibits design excellence.

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.

A Design Verification Statement will be provided to accompany the future application.

5.9 BURWOOD DEVELOPMENT CONTROL PLAN 2012

Pursuant to Clause 2.10 of SEPP (Planning Systems), Development Control Plans do not apply State significant development. Nonetheless, the proposal will have regard to the relevant controls of the Burwood DCP 2012.

5.10 STRATEGIC PLANNING FRAMEWORK

The relevant strategic planning policies which apply to the proposed development include:

- NSW State Priorities;
- The Greater Sydney Region Plan – A Metropolis of Three Cities;
- Eastern City District Plan;
- Burwood Local Strategic Planning Statement 2020;
- Burwood Housing Strategy 2020;
- Future Transport Strategy 2056;
- Sydney's Cycling Future 2013;
- Sydney's Walking Future 2013;
- Sydney's Bus Future 2013;
- Crime Prevention Through Environmental Design (CPTED) Principles;
- Better Placed – an integrated design policy for the built environment of NSW; and
- Healthy Urban Development Checklist, NSW Health.

The EIS will assess the proposal against these relevant strategic planning policies.





6. Suitability of the Site

6.1 STRATEGIC ALIGNMENT

The proposed development aligns with the strategic context of the site which is informed by a number of planning policies, as listed above, most relevantly the Eastern City District Plan (ECDP), the Burwood Local Strategic Planning Statement (BLSPPS), and the Burwood Local Housing Strategy (BLHS).

Both the ECDP and BLSPPS identify the importance of providing housing supply, choice and affordability, with access to jobs and services.

The site is located within 200m of the Burwood Railway Station and is situated within the Burwood Town Centre, which contains a number of retail, commercial and medical land uses. As such the site is well connected to both jobs and services, within the immediate locality and via public transport, and is considered to be an ideal location for increased housing in accordance with the strategic planning directions.

Importantly, the BLHS identifies the Burwood Town Centre as the primary high-density housing destination for the LGA, and therefore the proposal is suitably located to address the housing demands of the locality and contribute to the affordable housing supply for the area, as well as the wider Sydney region.

Furthermore, the strategic vision for Burwood seeks to enhance the LGA and the vibrancy of the centre through the introduction of the Burwood North Sydney Metro Station and expansion of the Burwood Town Centre to the north towards the new Metro. As such, the Burwood Town Centre is a prime location for revitalisation and high density redevelopment with the capacity to accommodate additional dwellings that will be highly connected to the Sydney CBD and Parramatta.

The proposal will provide for a mixed use development that will contribute to the affordable housing supply within the locality, which is a highly accessible location, and therefore is considered to align with the strategic planning framework.

6.2 PERMISSIBILITY

As previously addressed, the proposed development, including the hotel, commercial office premises and residential apartments, is permissible with consent within the MU1 – Mixed Use zone under the BLEP.

6.3 CAPACITY TO ACCOMMODATE THE HEIGHT AND FSR BONUSES

The capacity of the site to accommodate the height and FSR bonuses is directly related to the impacts of the development which are addressed at Section 6 below.

Furthermore, the capacity of the site also relates to the traffic and accessibility impacts of the development. A traffic and parking impact assessment will form part of the EIS and will address issues relating to impacts on the existing road network and parking, arrangement of on-site parking, potential delays and peak traffic movements generated by the proposed development.





7. Impact of FSR & Height Bonuses

The expected environmental impacts associated with the proposed development, particularly the bonuses, will be assessed in the EIS for the SSDA. A summary of the anticipated impacts is provided below.

7.1 SCENIC IMPACTS

The proposed development presents a contemporary contribution to the locality which responds to the strategic context of the site to accommodate higher density development within the Burwood Town Centre. Indeed, the site is ideally located to accommodate significant residential and commercial density given its location within the town centre and proximity to the Burwood Railway Station. Whilst the existing structures on the site and some surrounding sites consist of low density developments, these are significantly underdeveloped on the backdrop of the permitted building heights of 70m and up to 144m under the BLEP, particularly when considering the 30% height bonus permitted under the Housing SEPP. Notably, there are larger scale developments within the area which align better with the controls and strategic vision for the locality, and the proposal complements these sites in terms of its bulk and scale. Specifically, within close proximity to the site are No. 16 Railway Parade and No. 7-9 Burleigh Street, which contain 20 and 26 storey buildings, respectively. The proposed development, whilst taller than these surrounding developments, will fit within the scale and context of these sites and will not appear significantly out of character in terms of bulk and scale.

Furthermore, as shown in the extract provided at **Figure 6** below, the sites at No. 42-50 and 52-60 Railway Parade, known as Burwood Place, are permitted tower heights of up to 144m under the Site Specific DPC, adopted by Burwood Council on 23 June 2020.

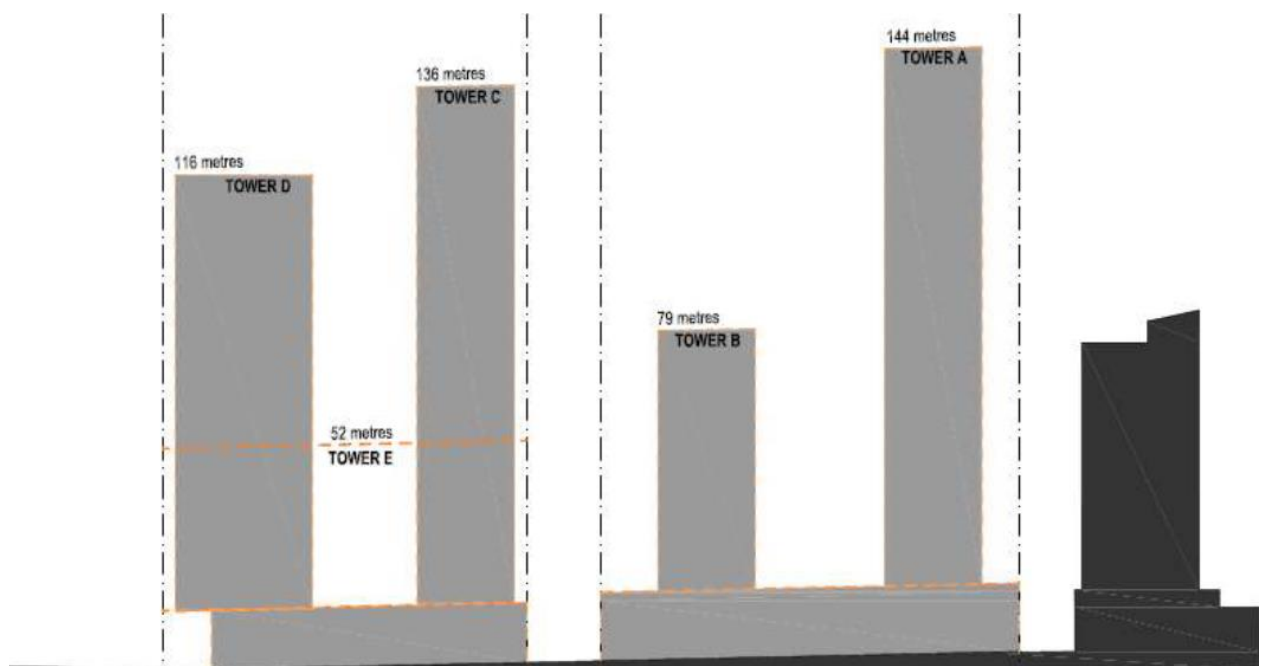


Figure 6 Extract from the Site Specific DCP indicating the maximum building heights for No. 42-50 and 52-60 Railway Parade, Burwood.





The proposal seeks a maximum tower height of 143.9m and therefore will sit at a height which has been considered appropriate for the town centre and the strategic direction for the area to be revitalised as a vibrant centre with higher density residential developments in prime locations.

Importantly, the development known as Burwood Place has recently received approval and the approved towers have been shown on the elevation provided at **Figure 7** below, which shows how the proposed built form will relate with the surrounding context, which now includes the towers of Burwood Place. As shown in **Figure 7**, the proposal does not appear out of character or excessive in bulk and scale and provides an appropriate balance in building height within the town centre.

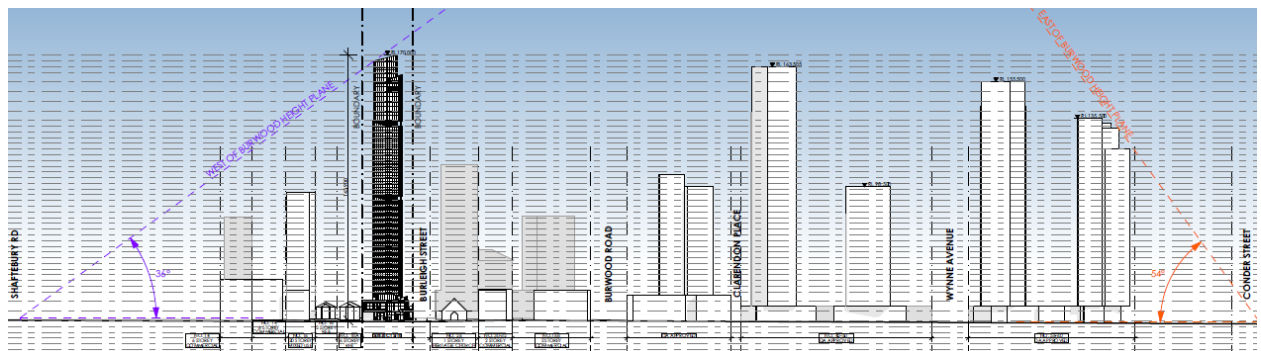


Figure 7 Extract of the Railway Parade Height Plane including the proposed development and approved Burwood Place towers

The site's prominent location, as a corner allotment adjacent to the railway line, makes it suitable to accommodate a tower form within the town centre, in a highly accessible location, away from areas zoned for lower density development. Indeed, there are a number of large scale developments within the locality scattered amongst smaller built forms which are yet to be redeveloped to reflect the controls. In the immediate future the proposal would have the same scenic value as these existing developments, being a prominent structure which stands above surrounding developments. Furthermore, once the town centre has undergone redevelopment in accordance with the applicable density controls and strategic vision for the centre, the proposal will sit comfortably within the site and will not appear excessive in bulk or scale in the context of the locality.

Overall, the proposal provides a contemporary redevelopment of the site which will have a positive impact on the scenic quality of the area.

As such, the site is capable of accommodating the bonus FSR and height proposed.

7.2 EXTERNAL APPEARANCE AND DESIGN

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 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.

In addition to building setbacks, physical articulation is incorporated into building facades to ameliorate perceived bulk and scale of the development. 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. 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.

7.3 RELATIONSHIP TO NEIGHOURING PROPERTIES

A detailed assessment of the impacts of the proposal on the neighbouring sites will be provided within the EIS, however, a summary of the potential impacts is provided below.

- Solar Access

Due to the sites location within the MU1 Mixed Use zone, surrounding development largely consists of commercial land uses rather than residential dwellings, and therefore the proposal will not have significant impacts in regards to overshadowing of residential properties.

Shadow diagrams have been prepared to accompany this report to provide an indication of the extent of shadowing caused by the proposed development inclusive of the height and FSR bonuses. As shown in the extract at **Figure 8** below, 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.

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.

A more detailed overshadowing analysis will be prepared to accompany the EIS and SSDA.



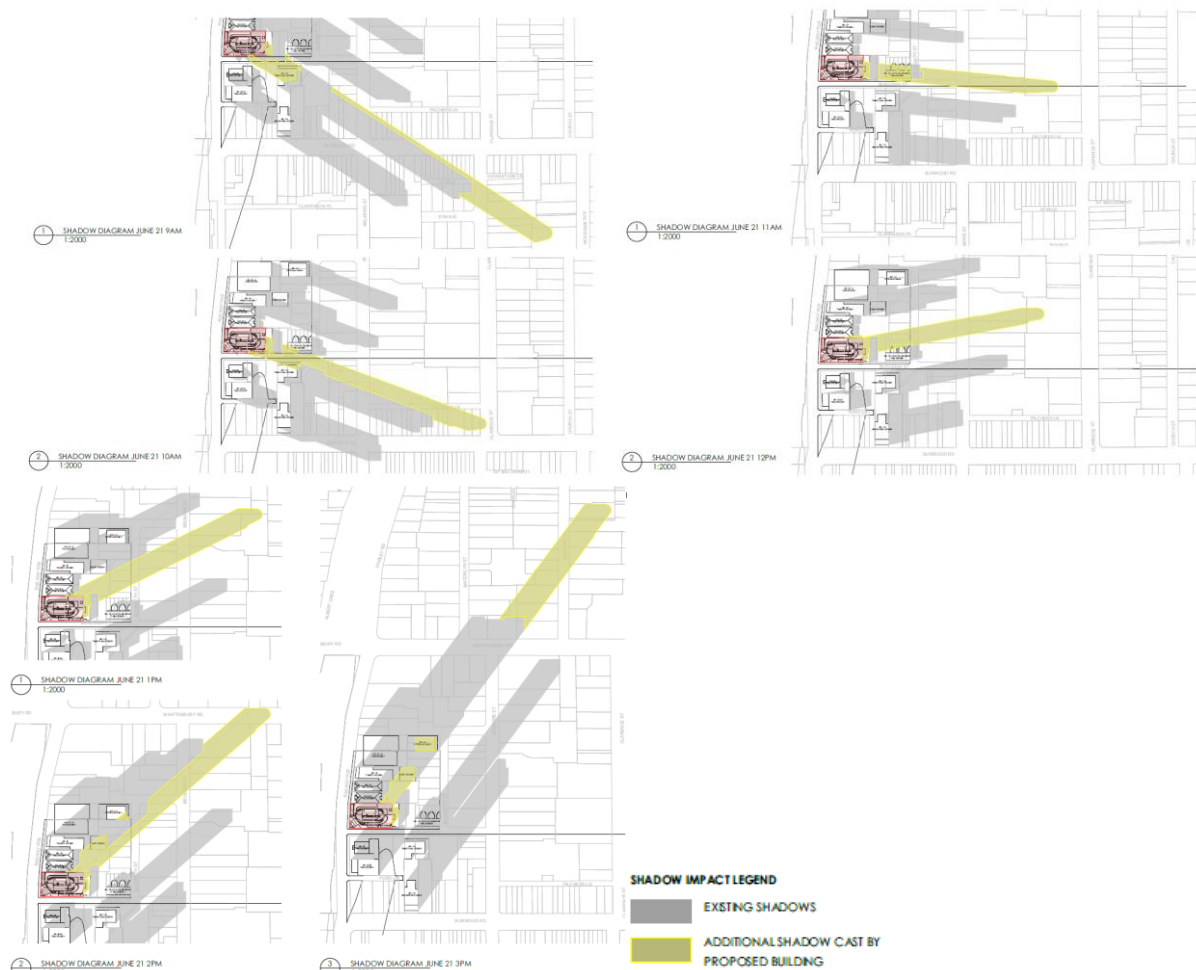


Figure 8 Proposed Shadow Diagrams.

- Views

Due to the location of the site there are not considered to be any significant views enjoyed by surrounding properties that would be impacted by the proposed development. Importantly, the additional gross floor area which results from the bonuses afforded by the Housing SEPP will not block views any more than a development which achieves compliance with the base building height and FSR under the BLEP.

A detailed view impact assessment will be prepared to accompany an EIS and SSDA.

- Visual and Acoustic Privacy

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.

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.

Given the proposed development includes residential accommodation adjacent to a rail corridor an Acoustic Report will be undertaken to accompany the EIS for the application.



7.4 REDEVELOPMENT OPPORTUNITIES FOR SURROUNDING SITES

Despite the height of FSR proposed on the site, the proposed development will not render the adjoining sites to be undevelopable, as shown in the potential development analysis prepared by *PTI Architecture*. As shown in the mock up analysis, the adjoining sites are capable of being developed to their full potential density under the applicable LEP controls, allowing for a suitable relationship to the subject site.





8. Conclusion

By virtue of Clause 26A ("In-fill Affordable Housing") of Schedule 1 of the State Environmental Planning Policy (Planning Systems) 2021, the proposal is State significant development being development to which State Environmental Planning Policy (Housing) 2021 (Housing SEPP), Chapter 2, Part 2, Division 1 applies with an estimated development cost of more than \$75 million.

This Scoping Report has been prepared in support of the proposed development for the construction of a mixed use development containing a hotel, commercial office premises and a residential flat building inclusive of in-fill affordable housing at No. 2-4 Burleigh Street and No. 20-24 Railway Parade, Burwood. The report has described the proposal, identified the relevant strategic and statutory context, and identified the scale and nature of the impacts of the proposal.

We therefore request that the Planning Secretary issue the environmental assessment requirements (SEARs) for the project to enable progression of the application.



