



ENVIRONMENTAL IMPACT STATEMENT

Mixed Use Development comprising a Hotel, Commercial Office Premises and Residential Apartments

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

BURWOOD

Prepared for: NSW Housing Corporation Pty Ltd

REF: M230306

DATE: 11 April 2025



ENVIRONMENTAL IMPACT STATEMENT

State Significant Development SSD-77260958
Prepared for: NSW Housing Corporation Pty Ltd
REF. No. M230306
11 April 2025



Declaration

Environmental Impact Statement prepared by	
Project Details	
Project name	Mixed Use Development with In-fill Affordable Housing, Burleigh Street and Railway Parade, Burwood
Application number	SSD-72600478
Address of the land in respect of which the development application is made	2-4 Burleigh Street and 20-24 Railway Parade, Burwood (Lot A, B, C, D and E in DP438222)
Applicant Details	
Applicant name	NSW Housing Corporation Pty Ltd
Applicant address	60 Burwood Road, Burwood NSW 2134
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Declaration by Registered Environmental Assessment Practitioner (REAP)	
Name	Sophie Perry
Registration number	55042
Organisation registered with	Planning Institute of Australia
Declaration	<p>The undersigned declares that this EIS:</p> <ul style="list-style-type: none">• has been prepared in accordance with the Environmental Planning and Assessment Regulation 2021;• contains all available information relevant to the environmental assessment of the development, activity or infrastructure to which the EIS relates;• does not contain information that is false or misleading;• addresses the Planning Secretary's environmental assessment requirements (SEARs) for the project;• identifies and addresses the relevant statutory requirements for the project, including any relevant matters for consideration in environmental planning instruments;• has been prepared having regard to the Department's State Significant Development Guidelines - Preparing an Environmental Impact Statement;• contains a simple and easy to understand summary of the project as a whole, having regard to the economic, environmental and social impacts of the project and the principles of ecologically sustainable development;

Environmental Impact Statement prepared by

- contains a consolidated description of the project in a single chapter of the EIS;
- contains an accurate summary of the findings of any community engagement; and
- contains an accurate summary of the detailed technical assessment of the impacts of the project as a whole.

Signature



BSC (Hons) GCURP Registered Planner PLUS (EIA)

Date

24 February 2025



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Summary

This Environmental Impact Statement (EIS) has been prepared by Planning Ingenuity for NSW Housing Corporation, in support of State Significant Development Application (SSDA) 77260958 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.

The proposed development 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.

Specifically, Clause 26A Sub-clause (1) of State Environmental Planning Policy (Planning Systems) 2021 applies if the component of the development that is residential has an estimated development cost (EDC) of more than \$75 million. The residential component of the proposed development will have an EDC of more than \$75 million.

This EIS assesses the proposed development against all relevant strategic and statutory considerations, detailing the proposals compliance against the applicable environmental planning instruments including:

- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Housing) 2021 – Chapter 2 Part 2 In-fill Affordable Housing*
- *State Environmental Planning Policy (Housing) 2021 – Chapter 4 Design Quality of Residential Apartment Development and the Apartment Design Guide*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *Burwood Local Environmental Plan 2012*

This EIS should be read in conjunction with the Secretary’s Environmental Assessment Requirements (SEARs) issued on 26 October 2025 (Appendix 1) and the supporting technical documents. The EIS is divided into eight sections and the remaining sections include an introduction, a strategic planning context, a project description, a statutory planning assessment, an outline of engagement measures, an environmental planning assessment, project justification and a conclusion.

SSDA 77260958 seeks to utilise the bonus 30% floor space ratio (FSR) afforded by the provisions of 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) effective from 14 December 2023. In doing so the proposal is required to provide a minimum of 15% of the total residential floor space as affordable housing. The affordable housing apartments will be managed by a community housing provider for a minimum 15 years.

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.

The proposed development is illustrated in the Architectural Plans prepared by PTI Architecture at Appendix 8 and is described in detail under Section 4 of this EIS.



This EIS demonstrates the proposal aligns with the strategic planning context for the site with regard to The Greater Sydney Region Plan, The Eastern City District Plan, the Burwood Local Strategic Planning Statement 2020 and the Burwood Housing Strategy 2020, in that it seeks to contribute to housing supply and housing diversity including the provision of affordable housing.

This EIS provides an assessment of the environmental impacts of the proposed mixed use development in accordance with the SEARs. The EIS sets out the proposed measures to appropriately manage and mitigate potential impacts identified arising from the proposed development.

In accordance with the SEARs, pre-lodgement consultation was undertaken with key public authorities including the Department of Planning, Industry & Environment (DPIE) and Burwood Council, as well as with the local community and others.

The engagement process to date is detailed in the Engagement Report prepared by Planning Ingenuity (Appendix 33). The Engagement Report and technical reports that accompany the application address key issues raised during the engagement process to date.

This EIS provides a detailed justification for the project at Section 7. In summary, the proposal will provide for high quality mixed use development with prime commercial premises and additional residential housing stock within an accessible, high amenity location and seeks to make a contribution to addressing the housing crisis by incorporating affordable housing for the local community, in particular key workers, within a highly accessible location and multiple transport options.

The proposal has been carefully designed to adopt an architectural style and appearance that responds to the context of the site and locality, whilst also exhibiting specific architectural elements and features to achieve design excellence.

The proposal will deliver a vibrant high density mixed use development within the Burwood Commercial Centre which will positively contribute to the emerging and desired future character of the precinct. The site is currently underdeveloped with regard to the applicable controls and strategic intentions for the locality.

This EIS demonstrates that the proposal satisfies the relevant planning considerations including those applicable strategic plans and statutory requirements. The EIS demonstrates the environmental impacts of the development have been appropriately assessed and adequate mitigation measures can be implemented. As such, the proposed development at No. 20-24 Railway Parade and No. 2-4 Burleigh Street, Burwood, which includes an affordable housing component, is worthy of approval, subject to appropriate conditions of consent.



1. Introduction

1.1 APPLICANT DETAILS

The applicant details are provided below:

Applicant Details	
Name	NSW Housing Corporation
ABN	73656236190
Address	60 Burwood Road, Burwood NSW 2134
Contact	Charline Song
Contact Details	development@conquest.com

1.2 SITE DESCRIPTION

The site is located within the Burwood Commercial Centre on the eastern side of Burleigh Street and to the south of the railway line at the corner of Burleigh Street and Railway Parade. The site benefits from access to commercial and retail premises, office space, services and public transport options all within walking distance.

In accordance with a Complying Development Certificate (CDC) issued for the site, all pre-existing buildings and structures on the site are currently being demolished. An aerial photograph of the site is provided at **Figure 1**.



Figure 1 Aerial Photo of The Site (Source: NearMaps aerial photo taken 30 October 2024).

1.3 PROPOSAL

SSDA 77260958 seeks consent for the construction of a mixed use development containing a hotel with 120 rooms, commercial office premises, 48 residential apartments and basement car parking.

The building is 39 storeys with a two storey podium and a tower element containing residential and non-residential uses, which have been purposefully grouped within the tower.

The proposal will sit above 5 levels of basement parking with a total of 138 spaces provided, including 88 residential spaces and 2 visitor spaces for the residential apartments, 42 spaces for the hotel and 6 spaces for the commercial premises. Vehicle access to the basement parking levels is provided off Railway Parade, with an additional service access provided off Burleigh Street for the purpose of waste collection and loading. A *porte cochere* entry is also provided off Railway Parade with an exit to Burleigh Street. The *porte cochere* will allow for drop off and pick up in front of the active commercial frontage for hotel guests.

The proposal includes a 120 room hotel with a lobby and café at the ground floor, function rooms and outdoor space at Level 1 and a gym and restaurant with outdoor dining at Level 2. The hotel rooms are located at Levels 20 to 31, with an additional hotel restaurant and bar with outdoor seating at Levels 36 and 37.

The proposal will also contain 48 residential apartments, with 18 of these managed as affordable housing. The residential entrance and lobby is separated from the non-residential uses. The apartments are contained within Levels 3 to 18, noting that the affordable housing units occupy Levels 3 to 8. Communal open space for all residential apartments is located at the Level 2 podium and at the rooftop.

Level 33 to 35 consist of the commercial office levels with a total of 998m² of commercial GFA.

Demolition of the existing buildings across the site has been completed under an existing Complying Development Certificate, and as such does not form part of this application.

The proposed development is illustrated in the Architectural Plans prepared by PTI Architecture at Appendix 8 and features of the development are described in detail under Section 4 of this EIS.

1.4 OBJECTIVES OF THE DEVELOPMENT

The objectives of the development are:

- The provision of non-residential floor space within the Burwood commercial centre to support the economic viability of the centre, create active frontages and generate additional employment opportunities.
- The delivery of affordable housing for key worker accommodation managed by a Community Housing Provider and additional housing in general to meet the needs of the local community
- To provide for a development on the site without any adverse impacts on the amenity of the community, in particular surrounding properties
- To provide for an appropriate density and mix of uses with regard to the site's context, including its ideal location for higher density mixed use development.
- To contribute to high quality, higher density mixed use development within Burwood commercial centre.

1.5 STRATEGIES ADOPTED TO MINIMISE IMPACTS

The following strategies have been adopted to minimise the impacts of the development on the locality:

- The proposed built form has responded to the relevant strategic policies and statutory requirements.
- Consideration of the proposed scale of the development and how it responds to the streetscape, urban character and contributes to the Burwood Town Centre.

- Engagement with the Department of Planning, Housing and Infrastructure.
- Engagement with Burwood Council.
- The use of ESD principles to reduce environmental impacts.
- Specific mitigation measures recommended in the technical reports that accompany the application will be implemented.

1.6 SUPPORTING DOCUMENTS

The SSDA is supported by a number of plans and documents which have been prepared by the relevant professional consultants to address the SEARs. The supporting documents are listed in **Table 1**, along with the relevant consultant who prepared the document and the appendix where it can be found.

Table 1 Supporting Documents		
Plan/Report	Consultant	Appendix
SEARs	DPHI	1
SEARs Compliance Table	Planning Ingenuity	2
Statutory Compliance Table	Planning Ingenuity	3
Mitigations Table	Planning Ingenuity	4
EDC Report	Archi QS	5
Registered CHP Letter	NSW Housing Corporation Pty Ltd	6
Survey Plan	RGM Group	7
Architectural Plans	PTI Architecture	8
Architecture Design Report	PTI Architecture	9
Landscape Design Report	iScape	10
Preliminary Site Investigation	EI Australia	11
Geotechnical Report	Green Geotechnics	12
ACHAR Report	Heritage Now	13
BDAR Waiver	Department of Planning, Housing and Infrastructure	14
Access Report	AllCert	15
BCA Report	AllCert	16
Arborist Statement	Arbor Logix	17
BASIX Certificate	Partners Energy	18
ESD Report	Partners Energy	19
Stormwater Management Plan	ADP	20
Stormwater SEARs Report	ADP	21
Visual Impact Assessment	Urbaine	22
Heritage Impact Assessment	Tropman and Tropman Architects	23
Noise and Vibration Impact Assessment	Acoustic Logic	24
Pedestrian Wind Environment Assessment	MEL	25



Table 1 Supporting Documents

Transport and Accessibility Impact Assessment	Solution 1	26
Green Travel Plan	Solution 1	27
Construction Traffic Management Plan	Solution 1	28
Waste Management Plan	Solution 1	29
Case Law for Private Waste Collection	NSW LEC	29A
Infrastructure Management Report	Neuron	30
CPTED Report	Planning Ingenuity	31
Social Impact Assessment	Planning Ingenuity	32
Engagement Report	Planning Ingenuity	33
Design Excellence Email 1	GANSW	34
Design Excellence Email 2	GANSW	34A
VPA Letter of Offer	Planning Ingenuity	35
Correspondence with Council Part 1	Burwood Council	36
Correspondence with Council Part 2	Burwood Council	36A





2. Strategic Context

2.1 OVERVIEW

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

- NSW State Priorities;
- The Greater Sydney Regional Plan, A Metropolis of Three Cities and Eastern City District Plan;
- Housing 2041 – NSW Housing Strategy;
- Future Transport Strategy 2056;
- NSW Planning Guidelines for Walking and Cycling;
- Crime Prevention Through Environmental Design (CPTED) Principles;
- Better Placed: An integrated design policy for the built environment of New South Wales (Government Architect NSW, 2017);
- Healthy Urban Development Checklist (NSW Health, 2009);
- Greener Places Strategy;
- Burwood Local Strategic Planning Statement (LSPS) 2020; and
- Burwood Housing Strategy 2020.

2.1.1 NSW State Priorities

The NSW State Priorities are the NSW Government's policy priorities which include aims to deliver a state with a strong economy; the highest quality education; well-connected communities with quality local environments; putting the customer at the centre; and breaking the cycle of disadvantage.

SSDA 77260958 is consistent with the NSW State Priorities in that it will deliver affordable housing and housing in general in a highly accessible location, within close proximity to public transport options, services and facilities. SSDA 77260958 seeks to deliver high quality residential apartments including an affordable housing dedication to increase the availability of housing to lower income households and to key workers within the Burwood Town Centre. The development includes hotel and office floor space which promotes tourism and employment opportunities.

2.1.2 The Greater Sydney Regional Plan – A Metropolis of Three Cities and the Eastern City District Plan

A Metropolis of Three Cities is centred around the vision of three cities within Greater Sydney, where most residents live within 30 minutes of their jobs, opportunities for education, social interaction, recreation and health care. The three cities are the Western Parkland City, the Central River City and the Eastern Harbour City. In order to achieve this, *A Metropolis of Three Cities* has objectives which are grouped in the categories of Infrastructure and Collaboration, Liveability, Productivity, Sustainability and Implementation.

Figure 2 depicts the *Metropolis of Three Cities* and the location of the subject site within the Eastern Harbour City.



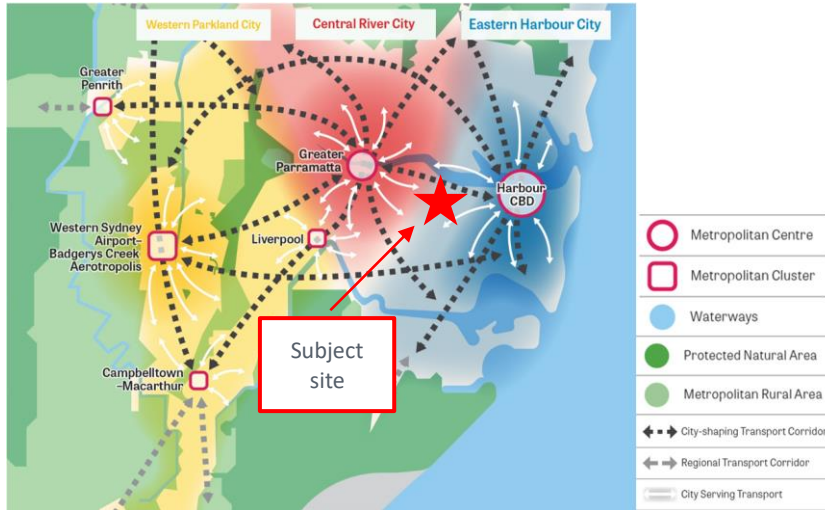


Figure 2 Extract from Metropolis of Three Cities Map (Source: Greater City Regional Plan page 7).

The proposed development will specifically contribute to meeting Objectives 10, 11 set out in *A Metropolis of Three Cities* which are:

- Objective 10: Greater housing supply;
- Objective 11: Housing is more diverse and affordable;
- Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minutes cities; and
- Objective 22: Investment and business activity in centres.

Importantly, the site is located within the Eastern Harbour City District, as shown in **Figure 3**, and therefore the Eastern City District Plan is the guide for implementing the Greater Sydney Region Plan at a district level.

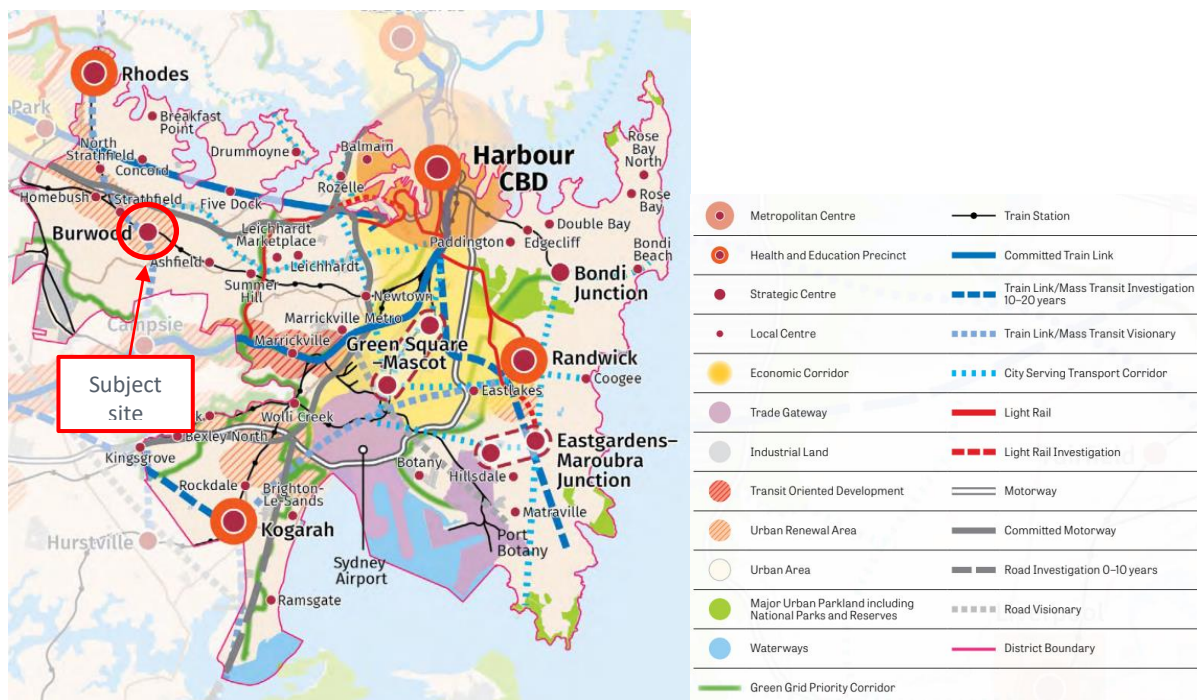


Figure 3 Eastern City District Region Map (Source: Eastern City District Plan).

In giving effect to *A Metropolis of Three Cities*, the Eastern City District Plan sets out planning priorities to achieve the wider regional objectives.

Planning Priority E5 within the Eastern City District Plan is as follows:

Providing housing supply, choice and affordability, with access to jobs, services and public transport.

The Planning Priority identifies that additional housing and housing which adds diversity in form, cost and tenure should be provided in the Eastern City District at highly accessible locations. There is a major housing crisis across greater Sydney and according to The Eastern City District Plan, “The NSW Department of Planning and Environment’s projections of population and household growth in the Eastern City District translate to a need for an additional 157,500 homes between 2016 and 2036.”

SSDA 77260958 seeks to significantly increase the amount of housing currently provided across the site and also provide affordable housing given the site’s ideal location with direct access to jobs, services, recreational spaces, health facilities and public transport. SSDA 77260958 responds to the bonus density incentives in the Housing SEPP 2021 which seek to increase affordable housing supply. Overall SSDA 77260958 will deliver additional housing within the Burwood Town Centre, including increasing the diversity, choice of tenure and affordability of housing.

Planning Priority E11 within the Eastern City District Plan is as follows:

Growing investment, business opportunities and jobs in strategic centres.

The Planning Priority identifies the need to increase the amount of commercial and business opportunities within those strategic centres identified within the Eastern City District. Burwood is a strategic centre within the Eastern City District, and as such, in accordance with the District Plan, all strategic centres have the following expectations:

- high levels of private sector investment
- flexibility, so that the private sector can choose where and when to invest



- *co-location of a wide mix of activities, including residential*
- *high levels of amenity, and walkability and being cycle friendly*
- *areas identified for commercial uses and, where appropriate, commercial cores.*

SSDA 77260958 will provide for a mixed use development, collocating office, commercial, hotel and residential uses, in a highly accessible location which encourages walkability and use of public transport.

Notably, the Eastern City District Plan identifies a job target for Burwood by 2036 of between 12,000 and 14,000 new jobs. SSDA 77260958 will create construction-related and long term operational job opportunities associated with the hotel, residential apartments and the commercial office space.

The Eastern City District Plan specifically identifies an opportunity in Burwood to “*provide short-term and hotel accommodation to service the growing Olympic Park precinct*”. SSDA 77260958 looks to directly address this existing opportunity through the provision of a 120 room hotel within close proximity to the Burwood Railway Station which has direct connectivity to Olympic Park.

2.1.3 Housing 2041 – NSW Housing Strategy

Housing 2041 sets out a 20 year vision from the NSW Government with a commitment to achieving secure, comfortable, diverse, affordable and resilient housing. Housing 2041 seeks to provide housing in NSW which will support security, comfort, independence and choice for all people at all stages of life. The vision for the NSW housing system has four pillars of supply, diversity, affordability and resilience. The proposed development responds to each of the four pillars as follows:

- **Supply:** the proposal will increase the amount of housing provided on the site, providing a total of 48 residential apartments. This is a substantial increase to the housing supply in the ‘right location’ (being in an established centre within walking distance to public transport options, employment, education, recreation, commercial services and community facilities).
- **Diversity:** the proposal provides a diverse range of housing including affordable rental housing and market units for sale. The proposal provides dual key apartments which offer flexibility and diversity for residents. The proposal also provides liveable and adaptable housing units to meet the changing needs of people across their life time.
- **Affordability:** the proposal will take advantage of the accessible location and provide affordable housing aligned with the strategic visions for housing set by the NSW Government.
- **Resilience:** the proposal incorporates appropriate ESD principles and commitments as set out in Appendices 18 and 19.

2.1.4 Future Transport Strategy 2061

Future Transport Strategy 2061 is a suite of strategies and plans that form a 40 year vision for the future of transport across the state. The focus is to make NSW the most liveable state with sustainable communities where people have both choice and opportunity. The vision is built on three outcomes; connecting customers whole lives, successful places for communities and enabling economic activity. Future Transport 2061 recognises the importance of liveable communities.

SSDA 77260958 is consistent with the vision and outcomes of the strategy in that it will provide for a mixed use development within close proximity to public transport and services, allowing for a walkable and liveable community in which residents have direct access to a range of services and opportunities, employment, education, health and recreation. The proposal enables the use of public transport and allows for a highly connected lifestyle for residents and employees. The proposal will encourage economic activity by providing additional commercial floor space and by increasing the number of people on site who will access the range of commercial and community services within the Burwood Town Centre.



Overall, the proposed development contributes to a viable and liveable community through the integration of land use and transport infrastructure.

2.1.5 NSW Planning Guidelines for Walking and Cycling

NSW Planning Guidelines for Walking and Cycling seeks to encourage more people to travel by active transport in order to relieve pressure on the road network, support a healthy lifestyle and create liveable communities. Indeed, walking and cycling are considered to play an important role in the creation of a resilient network and a sustainable transport system. SSDA 77260958 is consistent with the guidelines in that it provides a high density mixed use development within a highly accessible location, where residents and employees can walk or cycle to surrounding land uses and use a variety of public transport services.

2.1.6 Crime Prevention Through Environmental Design (CPTED) Principles

Crime Prevention Through Environmental Design (CPTED) is an integral element of the design process. CPTED holistically considers the best environmental, physical and cultural elements and settings in order to manage the risk of, and opportunities for, criminal activity, thus keeping the public and occupants of the development safer. CPTED aims to present the reality or perception that the cost of committing crime is greater than a likely benefit. CPTED guidelines focus on minimising opportunistic crimes by applying design and management principles as early as possible in the design phase and identifying ongoing management practices appropriate for different types of development.

Part B of the Department of Urban Affairs and Planning's (now Department of Planning, Industry & Environment) *Crime Prevention and the Assessment of Development Applications: Guidelines* identifies four (4) Crime Prevention through Environmental Design (CPTED) principles: surveillance, access control, territorial reinforcement and space management, each of which are addressed below.

Surveillance: People feel safer in areas where they can see and interact with other people, in particular, people who are connected to that space, for example a shopkeeper or adjoining resident. Good surveillance of a space (natural, technical and formal) means that people can see what others are doing, giving the impression or providing the reality that a space is observed, therefore deterring criminals from committing a crime.

Access control: The control of access to space can be achieved through natural, technical and formal measures. Access control measures work to restrict and channel people and vehicles to move in certain directions by making it clear where people and vehicles are, and are not, permitted to go. They minimise opportunities for crime through prevention and deterrence and increase the effort required to commit a crime.

Territorial reinforcement: Ownership and identification of spaces as private or public encourages people to use and take more care of the space and behave accordingly. When people who are not committing crimes regularly use a public space this increases the risk of detection and reduces the opportunities for criminals to commit crimes. Clear transitions between public and private space provide indicators as to what activities are appropriate in each space.

Space management: When a space is well maintained it maximises community safety. Maintenance of a space includes formal supervision, control and care of the space. When the contrary is seen, for example, a place that is poorly cared for, fear of crime increases and people increasingly avoid the space, having flow on impacts with other CPTED principles such as natural surveillance and territorial reinforcement.

The proposed development has integrated CPTED principles into the overall design of the built environment and management practices of the development. The CPTED Report (Appendix 31) prepared to accompany this application contains a safety audit against the CPTED principles identifying measures that are proposed and incorporated into the design of the development.

2.1.7 Better Placed

Better Placed is an integrated design policy from the Government Architect New South Wales (NSW) for the built environment of NSW. The purpose of Better Placed is to enhance the design quality of the built environment by establishing the value of good design and identifying key concepts, good processes and objectives to achieve good design outcomes.

The policy responds to key challenges and directions for NSW including health, climate resilience, rapidly growing population, changing lifestyles and demographics, infrastructure and urban renewal and providing consistent and timely review of major projects.

Better Placed identifies seven (7) objectives which are a response to the key considerations in the design of the built environment. The ways in which SSSDA 77260958 responds to the objectives is outlined in Table 2.

Table 2 Better Placed objectives applied to SSSDA 77260958

Objective	Objective description	Proposal's response to objective
Objective 1: Better fit <i>contextual, local and of its place</i>	Good design in the built environment is informed by and derived from its location, context and social setting. It is place-based and relevant to and resonant with local character, heritage and communal aspirations. It also contributes to evolving and future character and setting.	As stated in the Architect Design Statement prepared by PTI: <i>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.</i> <i>The proposed development represents a suitable response to the allocation of the permitted density at the site.</i> <i>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.</i> <i>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.</i> <i>The two storey podium of the proposed development is primarily sandstone which relates to the heritage church in terms of materials and scale.</i> <i>The proposed development introduces a 3m setback at ground floor to both Railway Parade and Burleigh St in compliance with the DCP requirements. This setback improves the pedestrian movement and experience by increasing the publicly accessible width of the existing footpath on both frontages providing street activation. 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.</i> <i>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.</i> <i>The ground floor provides active street frontages though commercial uses that directly integrate with public spaces.</i>

Table 2 Better Placed objectives applied to SSDA 77260958

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. 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.

Objective 2:
Better performance

sustainable, adaptable and durable

Environmental sustainability and responsiveness is essential to meet the highest performance standards for living and working. Sustainability is no longer an optional extra, but a fundamental aspect of functional, whole of life design.

Environmental sustainability has been incorporated throughout the design process with the Ecologically Sustainable Development Report prepared by Partners Energy (Appendix 19) providing a detailed assessment of the project's response to environmental sustainability and performance.

The proposal has been designed to achieve solar access and natural ventilation. The integration of landscaping throughout the site supports outdoor activities and create shade and cooling elements. The proposal also satisfies the requirements of BASIX.

EV charging fittings will be provided in basement car parking.

Rainwater capture and reuse on common landscaped areas is proposed.

A Green Travel Plan has been prepared.

The building power source is 100% electrical.

Objective 3:
Better for community

inclusive, connected and diverse

The design of the built environment must seek to address growing economic and social disparity and inequity, by creating inclusive, welcoming and equitable environments. Incorporating diverse uses, housing types and economic frameworks will support engaging places and resilient communities.

The proposal will provide a high quality mixed use development in an ideal location which provides a range of diverse uses and offerings to support the community. The proposal will provide affordable housing for the community in an ideal location and will increase the general housing supply contribution of the site. The proposal includes a mix of apartments, including liveable and adaptable units, to ensure a good diversity of housing types is provided to meet the needs of the community. The proposal includes diversity in tenure and price. The proposal also provides for additional commercial floor space and employment opportunities within the Burwood Town Centre, contributing to the economic viability of the centre.

Table 2 Better Placed objectives applied to SSDA 77260958

<p>Objective 4: Better for people</p> <p><i>safe, comfortable and liveable</i></p>	<p>The built environment must be designed for people with a focus on safety, comfort and the basic requirement of using public space.</p> <p>The many aspects of human comfort which affect the usability of a place must be addressed to support good places for people.</p>	<p>The proposal will provide a high quality mixed use housing development which will offer high levels of amenity and safety to residents and the community. The proposal will provide non-residential ground floor uses which will activate the street frontages and encourage high levels of surveillance and safety for the community, as well as an attraction for pedestrian movement. The upper levels will also offer high levels of passive surveillance to the public domain. The proposed communal open spaces will provide quality meeting spaces for residents with controls for safe access and use and accessible design features and paths of travel.</p>
<p>Objective 5: Better working</p> <p><i>functional, efficient and fit for purpose</i></p>	<p>Having a considered, tailored response to the program or requirements of a building or place, allows for efficiency and usability with the potential to adapt to change. Buildings and spaces which work well for their proposed use will remain valuable and well-utilised.</p>	<p>The proposed commercial spaces are provided with floor to ceiling heights which allow for future adaptability. The residential levels have been designed to be fit for the proposed use and include dual key apartments and adaptable apartments.</p>
<p>Objective 6: Better value</p> <p><i>creating and adding value</i></p>	<p>Good design generates ongoing value for people and communities and minimises costs over time. Creating shared value of place in the built environment raises standards and quality of life for users, as well as adding return on investment for industry.</p>	<p>The proposal increases the value of the site by providing a high quality mixed use development containing both residential and non-residential uses which will contribute to the economic viability of the centre. The proposal will provide a new, high end, hotel development in a prime location, which will attract community members and tourists. The proposal will also provide for additional commercial office space within the locality which will generate greater employment opportunities, in an accessible location, allowing people to live and work within close proximity. The proposal will also increase the amount of housing existing on the site and will therefore increase the number of residents who will benefit from the sites highly accessible location. The proposal will offer high levels of amenity for future residents and for the community with regard to providing a new development with high quality design and durable treatments within the Burwood Town Centre.</p>
<p>Objective 7: Better look and feeling</p> <p><i>engaging, inviting and attractive</i></p>	<p>The built environment should be welcoming and aesthetically pleasing, encouraging communities to use and enjoy local places.</p> <p>The feel of a place, and how we use and relate to our environments is dependent upon the aesthetic quality of our places, spaces and buildings. The visual environment should contribute to its surroundings and promote positive engagement.</p>	<p>The podium base suitably addresses and activates the street frontages and appropriately relates to the existing lower scale development within the immediate streetscape. The architectural style of the developments respects the nearby heritage item and responds to the desired future character of the locality by providing a contemporary design which positively contributes to the streetscape. The Visual Impact Assessment (Appendix 22) demonstrates the elements which enhance street appearance and create a desirable and attractive interface with the public domain.</p>

SSDA 77260958 exhibits good design and creates a built form that is attractive and user-friendly and will enhance the town centre for the benefit the building users, the community and locality.

2.1.8 Healthy Built Environment Checklist (NSW Health, 2020)

The Healthy Built Environment Checklist is a tool to help assess built environment factors that impact upon people’s health. It aims to promote healthy planning through the improvement of the quality of the built environment for people, places and public spaces. The Checklist is categorised into themes and the proposed development satisfies a number of themes, as outlined in **Table 3** below:

Table 3 Healthy Built Environment Checklist applied to SSDA 77260958	
Theme	Proposal’s response to theme
Healthy eating	The proposal will not remove any existing healthy food offerings within the Burwood Town Centre.
Physical activity	The proposal will provide new housing within a highly accessible area, therefore supports building occupants to walk and cycle to and from the site. The site is in close proximity to a variety of recreation spaces and facilities.
Housing	The proposed development provides new housing, including affordable housing, which will improve housing choice and affordability and also provides a good diversity of housing in terms of tenure, size and adaptability to meet the needs of the community.
Transport and connectivity	The site is a highly accessible location within walking distance to public transport options.
Quality employment	The proposal will provide new commercial tenancies which will provide employment opportunities within the Burwood Town Centre. The site is accessible to a variety of employment and education opportunities.
Community safety and security	The interface between the development and the public domain has been designed to address CPTED principles. The active street frontages and upper levels allow natural passive surveillance to the public domain. Access to the residential levels and common open spaces will be controlled by secured access points.
Open space and natural features	The proposal will provide high quality communal open spaces across the site for residents and their visitors to enjoy. The provision of quality landscape areas within the communal open spaces ensures high levels of amenity are achieved.
Social connectivity	The proposal will allow for social connections by providing communal open spaces for residents and their visitors to meet. The proposal also enhances social connectivity by providing additional residential housing within a local centre where residents have direct access to a range of commercial and retail uses and services on a local scale. The proposal creates a liveable development with the opportunity for a strong sense of community.
Environment and health	The proposed development ensures a healthy environment with Water Sensitive Urban Design measures ensuring water quality, acoustic attenuation, and acceptable air quality. The development also achieves BASIX standards, solar access and natural ventilation requirements.

2.1.9 Greener Places – An urban green infrastructure design framework for NSW

Greener Places is a design framework for urban green infrastructure prepared by the Government Architect.

Greener Places is a design framework produced by GANSW to guide the planning, design, and delivery of green infrastructure in urban areas across NSW. It aims to create a healthier, more liveable, and sustainable urban environment by improving community access to recreation and exercise, supporting walking and cycling connections, supporting and maintaining Aboriginal culture and heritage, and improving the resilience of urban areas.

(Source: Greener Places)

Greener Places defines green infrastructure as follows:



Green infrastructure is the network of green spaces, natural systems, and semi-natural systems that support sustainable communities and includes waterways; bushland; tree canopy and green ground cover; parks; and open spaces that are strategically planned, designed, and managed to support a good quality of life in an urban environment.

(Source: Greener Places)

The framework identifies four (4) principles to help the delivery of green infrastructure in NSW, and the proposed development works to respond to the principles, as outlined below.

Integration: *combine green infrastructure with urban development and grey infrastructure*

Connectivity: *create an interconnected network of open space*

Multifunctionality: *deliver multiple ecosystem services simultaneously*

Participation: *involve stakeholders in development and implementation*

(Source: Greener Places)

The proposed development responds to the principles with the incorporation of green space and landscaping throughout the communal open spaces on the site. The green space and landscaping provide areas of open space for passive and active recreation which are easily accessible from residential apartments.

2.1.10 Burwood Local Strategic Planning Statement

The Burwood Local Strategic Planning Statement (BLSPS) provides a number of planning priorities for the LGA which align with, and give effect to, the themes set out in the Greater Sydney Region Plan, A Metropolis of Three Cities and the Eastern City District Plan.

Of most relevance to the proposed development are the following Planning Priorities which are addressed in turn below:

Planning Priority 3 – Provide housing supply, choice and affordability in close proximity to jobs, services and public transport.

The BLSPS states that most of the capacity for additional housing is located within high density precincts within and around the Burwood Town Centre, inclusive of the subject site. Notably, the BLSPS states the following:

Additional housing should be directed to locations with good access to public transport, jobs, services, open space, social infrastructure and shops.

The subject site is ideally located to provide higher density mixed use development given its location within walking distance of the Burwood Railway Station, various commercial premises, services and infrastructure. The proposed development significantly increases the residential development density on the site when compared to the existing land uses and therefore directly seeks to maximise the residential capacity of the site whilst also maintaining the Council's planning intent for the precinct to provide non-residential land uses within the town centre.

With regard to affordability the BLSPS states:

Housing in the Burwood LGA and surrounds is becoming less affordable, with a large and increasing gap between the supply and demand for social and affordable housing. The Strategy recommends Council work with community housing providers and seek to require the provision of affordable housing where major housing redevelopment occurs, including through a SEPP 70 contribution.

The proposed development will provide 18 high quality residential apartments which will be dedicated to affordable housing for a period of 15 years. These apartments will increase the availability of affordable housing within the Burwood Town Centre, and the wider Burwood LGA, and will go towards reducing the gap between the supply and demand for affordable housing. Notably,





there is no affordable housing existing on the site and therefore the proposal will significantly increase the provision of affordable housing on the subject site, being a highly accessible and desirable location.

Planning Priority 6 – Strategically grow investment, business opportunities and jobs.

As stated in the BLSPP, the Burwood Town Centre has been classified by the NSW Government as a strategic centre due to its location along major transport corridors. Specifically, the BLSPP states the following with regard to the Burwood Town Centre:

The town centre is a commercial centre with a range of uses and high levels of accessibility but does not have the scale or commercial sense of address to compete with larger commercial centres like Parramatta or Chatswood. The Strategy recommends a focus on commercial development in the core of Burwood town centre and ensuring that public domain works and mixed use development increase the commercial sense of address, while planning for delivery of smaller commercial premises catering to population-serving businesses elsewhere.

The proposal is for a mixed use development which will reinforce the commercial nature of the centre whilst providing additional land uses, including residential, which will contribute to the vibrancy of the centre and increase the number of residents that access the broad offering of retail and services. The proposal will increase the amount of commercial floor space within the Burwood Town Centre and will generate additional employment opportunities within the LGA. The proposal will also provide for a high end hotel development which will attract tourists and visitors, as well as meet the diverse needs of the community, contributing to the economic viability of the centre and enhancing the nighttime economy.

2.1.11 Burwood Housing Strategy

The current Housing Strategy for Burwood is the Housing Strategy 2020.

Amongst other things, the Housing Strategy seeks to continue to provide high density apartments in vibrant centres, including the Burwood Town Centre. The Strategy also seeks to provide greater affordability, with increased housing diversity allowing for affordable options for various groups within the community.

The Strategy indicates that there will be an increase in total housing demand between 2016-2036 of 52% or 6,989 additional dwellings and that this additional demand is mostly for apartments in high density developments.

The proposed development seeks to contribute to meeting the housing demand for the Burwood LGA and provide additional high density residential development within the Burwood Town Centre, being a highly desired housing type based on the housing trends within the locality. Notably, the Strategy identifies that most (85%) of the housing capacity in the Burwood LGA is for apartments, particularly in the Burwood Town Centre. The proposal therefore directly addresses the demand and capacity for housing.

With regard to social and affordable housing (SAH) demand, the Strategy states the following:

There is a current supply of 562 SAH dwellings in the Burwood LGA, 369 of which are public housing and 191 of which are community housing (boarding house rooms are not included in this count). This supply is well below the 2016 demand, creating a gap of approximately 2,386 dwellings.

The Strategy also notes that Burwood Council has limited ability to increase the supply of SAH in the LGA. The proposed development seeks to provide affordable housing on the site for a period of 15 years in line with the State Government incentives which aim to reduce the gap in supply and demand for affordable housing across the wider Greater Sydney Region.



2.2 SITE ANALYSIS AND CONTEXT

2.2.1 General Site Description

The site is located within Burwood, a suburb of the Burwood Local Government Area located approximately 10km west of the Sydney CBD.

The site is located on the southern side of Railway Parade and to the south of the Burwood Railway Station, and sits at the corner of Railway Parade and Burleigh Street. The site comprises of 5 lots identified as follows:

- 24 Railway Parade, Burwood – Lot A in DP 438222;
- 22 Railway Parade, Burwood – Lot B in DP 438222;
- 20 Railway Parade, Burwood – Lot C in DP 438222;
- 2 Burleigh Street, Burwood – Lot D in DP 438222;
- 4 Burleigh Street, Burwood – Lot E in DP 438222;

Demolition of all pre-existing buildings on the site has commenced in accordance with a CDC issued for the subject site. Pre-existing development on the site consisted of 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 was provided off Burleigh Street to a small carpark shared by all of the existing buildings.

An aerial photograph of the site is provided at **Figure 5**, and an extract from the zoning map is shown in **Figure 6** (site has been outlined red).



Figure 4 Aerial Photo of The Site (Source: NearMaps)

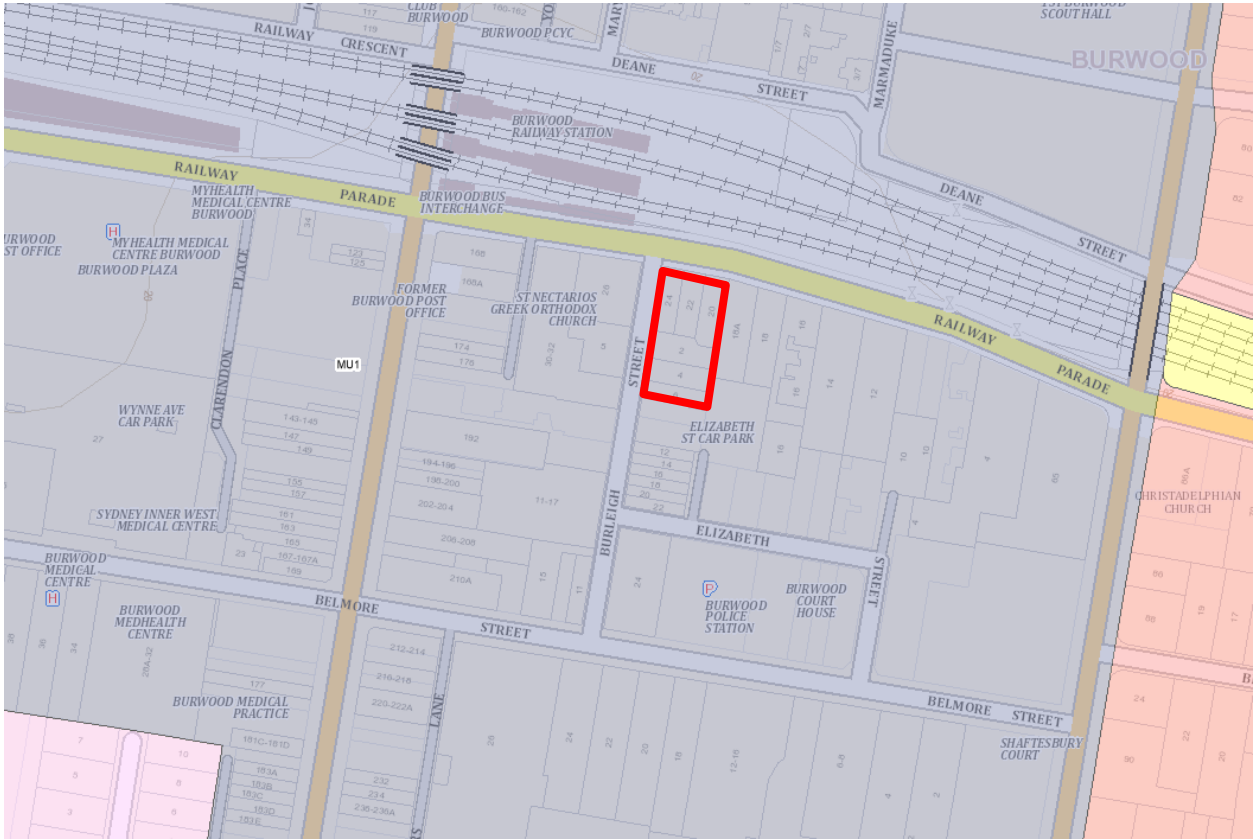


Figure 5 Extract of the Land Use zoning map, subject site outlined red (Source: NSW Planning Portal).

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

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 emerging and anticipated character of the town centre is typically high density mixed use development given its location within close proximity to Burwood Railway Station, high frequency bus routes and established mixed use typical of a town centre. The applicable built form controls allow for building heights of 70m, and up to 140m on some sites in the town centre.

Photographs of the subject site are provided below.



Figure 6 The subject site, as viewed from Railway Parade.



Figure 7 The subject site, as viewed from Burleigh Street.

2.2.2 Topography

The site and surrounding locality is relatively flat, as per the Survey Plan prepared by RGM and provided at Appendix 7. Notably, all existing buildings and structures shown on the Survey Plan have since been demolished and the site will be excavated to accommodate the proposed basement parking levels.

2.2.3 Flora and Fauna

The SEARs granted for this project includes the requirement for a Biodiversity Development Assessment Report or a BDAR Waiver (Item 11).

The site does not contain trees or significant vegetation.

On this basis, a Biodiversity Development Assessment Report (BDAR) Waiver Request was prepared by a suitably qualified ecologist consultant and a BDAR Waiver was issued on 20 February 2025 by the Department of Climate Change, Energy, the Environment and Water.

2.2.4 Aboriginal Cultural Heritage

The SEARs granted for this project includes the requirement for an Aboriginal Cultural Heritage Assessment Report (ACHAR) (Item 18) where there is known, or reasonably likely, to be Aboriginal cultural heritage on or near the site.

To determine whether an ACHAR was required, a preliminary ACHAR has been prepared by Heritage Now Pty Ltd to accompany SSDA 77260958 (Appendix 13).

The ACHAR makes the following conclusions with regard to the subject site and development:

No Aboriginal sites, objects or Potential Archaeological Deposits (PADs) have been identified within the Project Area. Based on previous Cumberland Plain investigations which have identified only low average artefact density and sparse artefact distributions in the vicinity of 1st order streams, the geotechnical investigation revealing relatively shallow topsoil, and the degree of disturbance caused by construction and demolition of buildings, asphalt and other services (on a slope landform which would have been modified to provide a level surface for these buildings), subsurface archaeological potential in the Project Area is assessed to be low.

On this basis, further assessment is not considered necessary. The recommendations within the ACHAR should be imposed as conditions of consent for SSDA 77260958.

2.2.5 European Heritage

The subject site does not contain a heritage item, nor is it located within a heritage conservation area. The site is located within proximity to a number of sites identified as heritage items of local and state significance, as shown in the extract from the Heritage Impact Statement (HIS) prepared by Tropman and Tropman Architects (Appendix 23) provided at **Figure 8**.

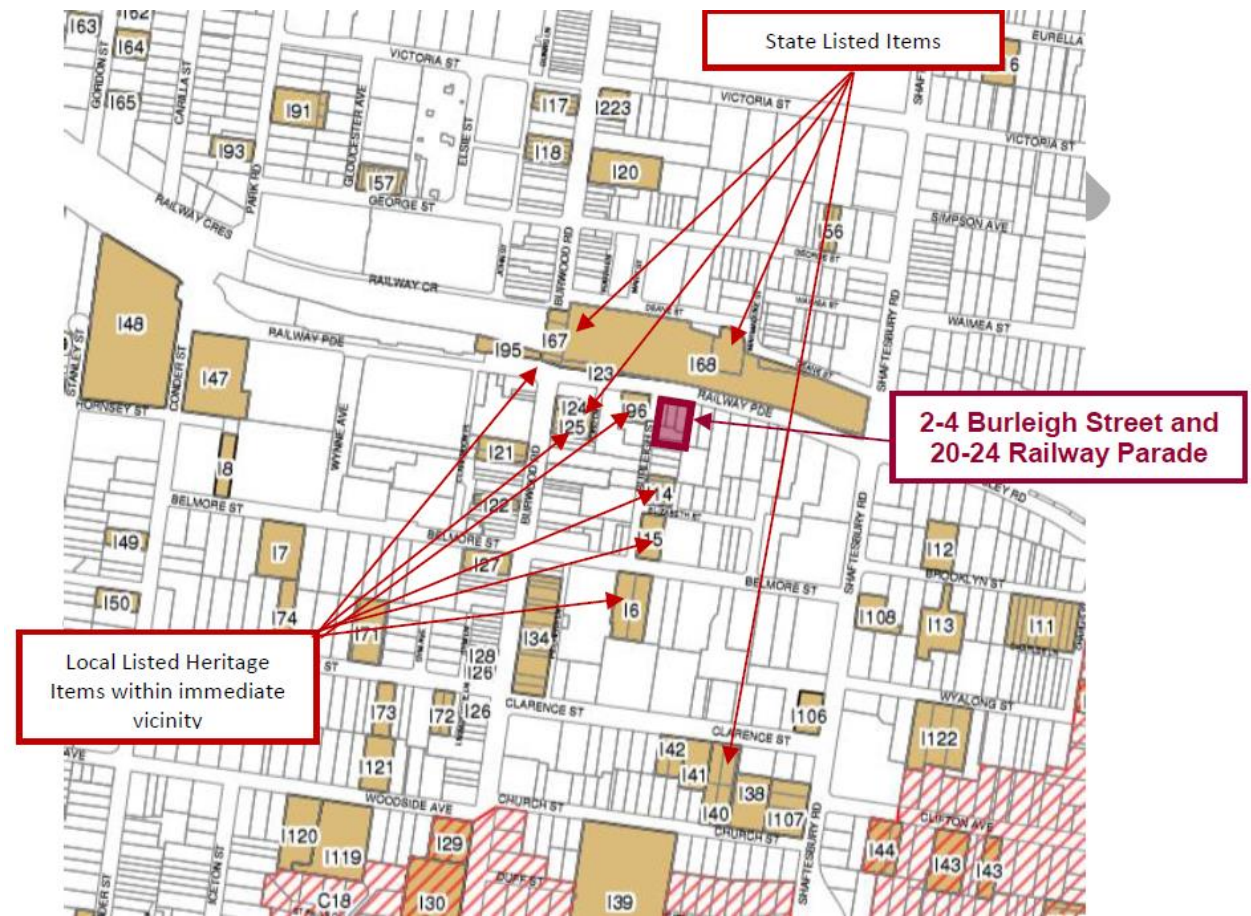


Figure 8 Extract of Heritage Map from Burwood LEP 2012 (Source: Heritage Impact Statement prepared, Tropman and Tropman Architects.

The HIS describes those items of heritage significance within the immediate locality. These items are:

- Burwood Railway Station Group – State Heritage Item No. 1106 and Local Item No. 168
- 26 Railway Parade, St Nectarios Greek Orthodox Church – Local Item No. 196
- 12-22 Burleigh Street, Victorian Terraces – Local Item No. 114
- 24 Burleigh Street, Burwood Police Station and Courthouse Local Item No. 115

Further details on the above listed heritage items and evaluation of impacts are provided within the HIS at Appendix 23 and Section 6.21 of this EIS.

The proposed development has been designed to minimise impacts to heritage values, particularly with regard to the Burwood Railway Station and St. Nectarios Greek Orthodox Church, This is addressed in detail at Section 6 of this Statement.

2.2.6 Site Access

The site is located at the corner of Railway Parade and Burleigh Street. Railway Parade is a classified road and acts as an east west connection parallel to the railway corridor.

There are no existing vehicle access points to the site from Railway Parade. There is one (1) vehicle crossing from Burleigh Street.



2.2.7 Access to Services

As the site is within an established urban area, electricity, gas, sewer, communication, and potable water services are readily available to the subject site.

2.2.8 Connectivity and Access to Public Transport

The subject site has excellent access to public transport and is located within 100m walking distance from Burwood railway station entrance. In addition, there is a bus stop at the railway station entrance which also provides frequent and accessible services to surrounding suburbs 7 days a week.

2.3 SURROUNDING DEVELOPMENT

The site is located in the Burwood Mixed Use town centre. Existing and emerging development is characterised by a mixture of business retail outlets, shop top housing, offices, commercial premises, services and facilities. The locality is in transition with newer developments at a scale and density anticipated by the planning controls and the desired future character of the locality as described in Section 3.3 of the Development Control Plan which deals with the Burwood Town Centre.

The site and immediate surrounds are eligible for potential bonus height and FSR incentives available in SEPP (Housing) 2021 which will likely shape the future character of the locality.

To the north of the site on the opposite side of Railway Parade is the railway corridor (**Figure 9**). The entrance to Burwood Railway Station is located to the north west of the site within 130m walking distance. Furthermore, on the other side of the railway line are a number of multi-storey shop top and mixed use buildings reaching up to 25 storeys in height, as shown in **Figure 10**.

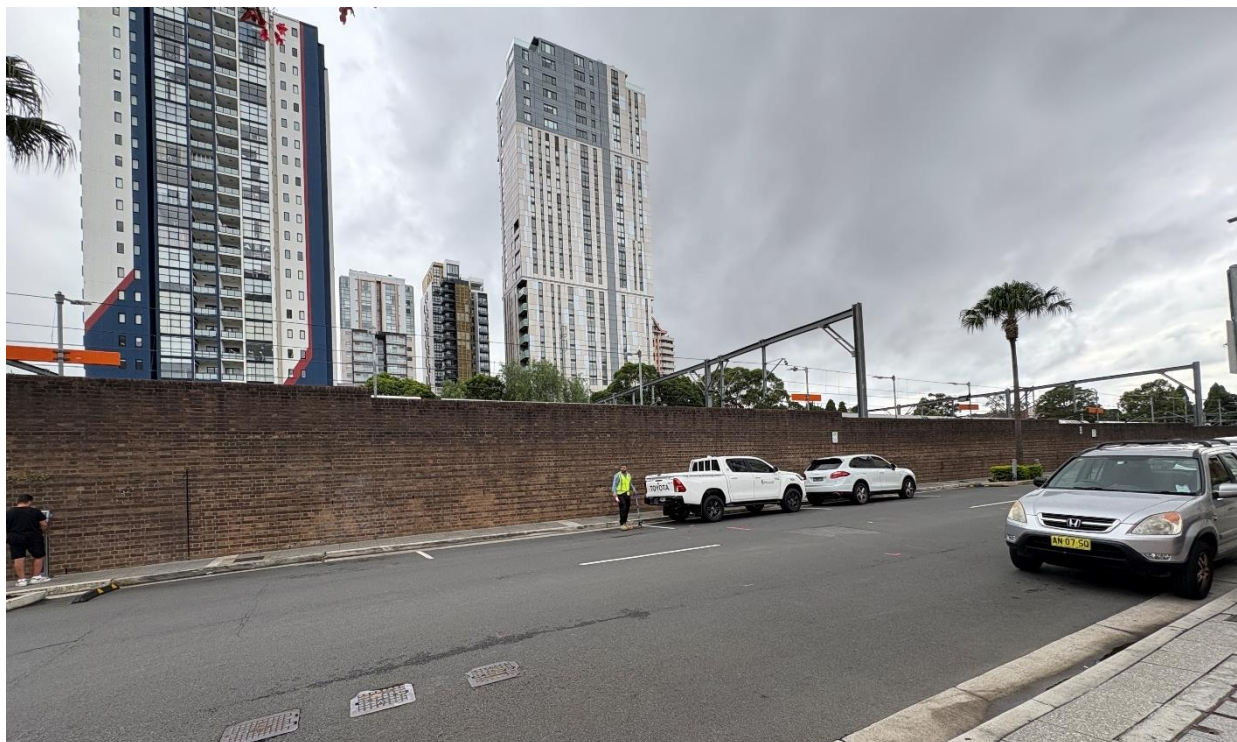


Figure 9 Railway corridor immediately north of the site.



Figure 10 Mixed use development to the north of the railway, as viewed from Burleigh Street.

To the south of the site at No.6 Burleigh Street is a part one, part two storey building occupied by 861 Space which is a dance school (Figure 11). This site is owned by Burwood Council. A Council owned car park is located further south of the site, with access to the car park provided from Burleigh Street and Elizabeth Street further south (Figure 12). As such, Burwood Council own a significant portion of land within the block, immediately adjoining the subject site.



Figure 11 No. 6 Burleigh Street as viewed from Burleigh Street.



Figure 12 Council owned car par further south of the site.

Directly adjoining the site to the east, are two storey walk up residential apartment buildings (**Figure 13**). The buildings are both reflective of an older architectural style and sit at a scale and density which is considerably lower than that anticipated by the current controls. The buildings are not provided with any form of vehicular access, however parking for residents is provided at the rear within the council owned car park.



Figure 13 Development immediately east of the subject site.

To the west of the site, on the opposite side of Burleigh Street are two single storey buildings, and Heritage item No I96 (Figure 14 to 16). The heritage item also known as St Nectarios Church is a Greek Orthodox church and is identified as having local heritage significance. St Nectarios Church is orientated towards Railway Parade.



Figure 14 Development to the east of the site as viewed from Burleigh Street.



Figure 15 St Nectarios Church, as viewed from Burleigh Street.



Figure 16 St Nectarios Church, as viewed from Railway Parade.

There are a number of larger tower developments emerging within the Burwood Town Centre in response to the existing planning controls and desired future character for the precinct. Specifically, within close proximity to the site are No. 16 Railway Parade (**Figure 17** and **18**) and No. 7-9 Burleigh Street (**Figure 19** and **20**), which contain 20 and 26 storey buildings, respectively.

Additional photographs of development within the surrounding context of the site are provide in **Figure 21** to **24**, including images of No. 1-3 Railway Parade which contains buildings up to 20 storeys in height.



Figure 17 No. 16 Railway Parade, viewed from Burleigh Street.



Figure 18 No. 16 Railway Parade, viewed from Railway Parade.



Figure 19 No. 7-9 Burleigh Street, viewed from council carpark.



Figure 20 No. 7-9 Burleigh Street, viewed from Burleigh Street.



Figure 21 Burwood Town Centre streetscape context.



Figure 22 Development to north of railway line.



Figure 23 No. 1-3 Railway Parade.



Figure 24 Streetscape context, viewed from Burleigh Street.

As shown in the extract provided at **Figure 25** 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.

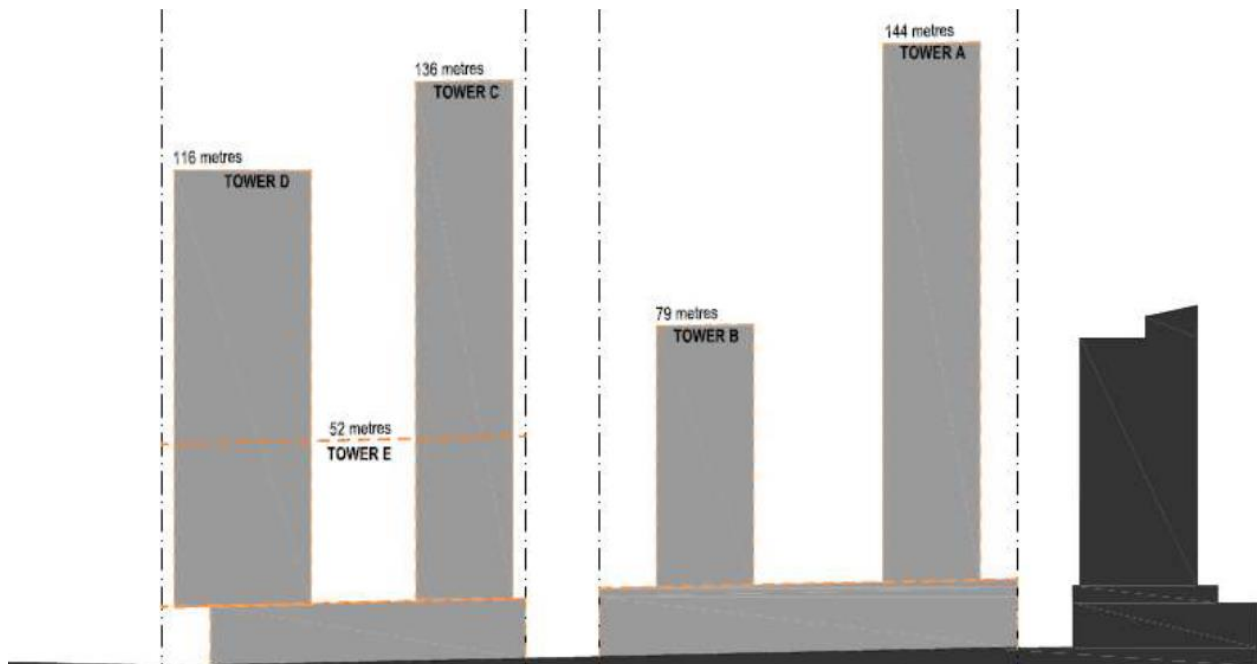


Figure 25 Extract from the Site Specific DCP indicating the maximum building heights for No. 42-50 and 52-60 Railway Parade, Burwood.

The development known as Burwood Place has recently received approval and the approved towers are included in the elevation provided at **Figure 26** below, which shows how the proposed built form will relate with the surrounding context.

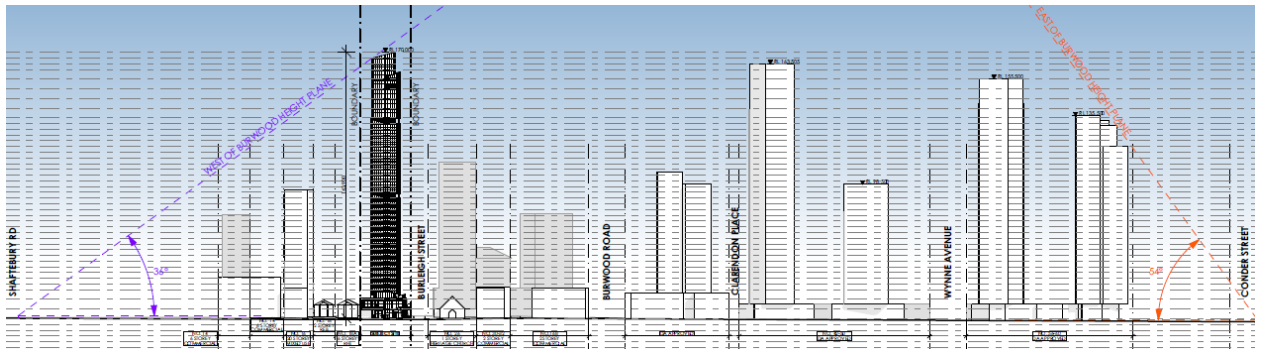


Figure 26 Extract of the Railway Parade Height Plane including the proposed development and approved Burwood Place towers.

2.4 CUMULATIVE IMPACTS

The technical studies and reports accompanying the EIS have assessed cumulative impacts within the context of the proposal and the surrounding locality. Furthermore, the impacts of the proposed development are assessed in detail at Section 6 of this EIS.

The impacts associated with SSDA 77260958 are reasonably expected by the bonus density incentives under SEPP (Housing) 2021 and align with what is anticipated for this scale of development, which is permissible on the site under the SEPP.

Overall, the cumulative impacts of the proposal have been assessed in relation to:

- **Overshadowing:** The proposal continues to maintain appropriate levels of solar access to surrounding properties in accordance with the applicable controls. Existing shadows cast by surrounding development have been considered in the assessment of shadows cast by the proposal to ensure the overall shadow impacts are presented to understand the future context and amenity of the locality. Proposed new apartments and communal open spaces for residents meet solar access requirements.
- **Visual Privacy:** The proposal generally provides ADG compliant setbacks to ensure adequate levels of visual privacy are achieved and to ensure that surrounding properties, when redeveloped, are not burdened with a requirement for greater building setbacks to accommodate additional separation. Where ADG setbacks are not achieved, the proposal has been designed with suitable glazing specifications to mitigate privacy impacts.
- **Visual Impact:** The proposal provides a bulk and scale of development which is anticipated by the applicable built form controls. Whilst the proposal will increase the scale of the development on the site, the visual bulk of the development is mitigated by the design and siting of built form. When viewed from the streetscape, the cumulative impact of the development on the streetscape is to be reasonably anticipated, particularly as a result of the provision of a street podium level which creates a human scaled design element at the street frontages. The visual impact to the streetscapes are considered compatible with the presence of heritage items in the locality.
- **Traffic:** The Traffic Management Report assesses the impacts of the additional traffic and parking from the proposal on the surrounding road and pedestrian network. The Report finds that the proposal will have acceptable impacts with regard to traffic and parking and safe pedestrian movement.
- **Noise:** The Noise and Vibration Impact Assessment has considered the cumulative impacts of the development with regard to noise impacts from the proposal and from nearby noise sources including road and rail infrastructure. The Assessment concludes that the proposal will comply with the acceptable noise levels set by the relevant standards.

2.5 ALTERNATIVE DEVELOPMENT OPTION

The consequence of not redeveloping the site would result in a lost opportunity to contribute to housing supply, including affordable housing, and new jobs within a highly accessible location. The site is a prime location to provide high density housing and a mix of uses supporting the town centre and tourism.



The subject site is zoned MU1 Mixed Use and therefore the proposed use for a mixed use development consisting of residential apartments, commercial office premises and a hotel is permissible with consent in the zone and consistent with the objectives of the zone. Notably, there are restrictions on the amount of residential floor space within the development to ensure the redevelopment contributes both housing and employment-generating uses. The proposal complies with these restrictions and provides a substantial amount of non-residential floor space as desired for the Burwood Town Centre, whilst also satisfying the aims of the Housing SEPP incentives to provide additional affordable housing within accessible locations. It is also important to highlight that the proposed hotel use is suitable for the sites location which has been marked as a prime spot for tourist and visitors in proximity to Sydney Olympic Park.

In terms of alternative design options, PTI Architecture have undertaken an extensive design iteration process to determine the best design response to the subject site and surrounding context under the applicable built form controls and the arrangement of floor space and ancillary features to different uses. The Architecture Design Statement prepared by PTI Architecture details the proposed built form, materials and finishes and how these have been chosen in response to the existing and emerging character of the Burwood Town Centre. The proposed podium and tower form directly respond to the LEP and DCP in terms of building height and setbacks to establish a form which is anticipated for the locality and is capable of supporting the planned increase in density for the site.

It is acknowledged that there could be an alternative design options for the redevelopment of the site, however, the proposal is considered to exhibit design excellence and achieve the permitted density and floor space allocation for a viable mix of compatible uses. The commercial levels can be adapted to a variety of configurations which may be subject to future development applications with minimal redesign effort.





3. Project Description

3.1 THE PROPOSAL

SSDA 77260958 seeks consent for the construction of a mixed use development containing a hotel with 120 rooms, commercial office premises, 48 residential apartments and basement car parking.

The building has a podium and a 37-storey tower.

The 5 levels of basement parking contain a total of 138 spaces including 88 residential spaces and 2 visitor spaces for the residential apartments, 42 spaces for the hotel and 6 spaces for the commercial premises. Vehicle access to the basement is provided off Railway Parade, with an additional service access off Burleigh Street for waste collection and loading. A *porte cochere* entry is also provided off Railway Parade with an exit to Burleigh Street. The *porte cochere* will allow for drop off and pick up in front of the commercial entry for hotel guests.

The hotel includes 120 rooms at Level 20 to 31 with a lobby and café at the ground floor, function rooms and outdoor space at Level 1 and a gym and restaurant with outdoor dining at Level 2. An additional hotel restaurant and bar with outdoor seating is proposed at Levels 36 and 37.

The proposal will also contain 48 residential apartments, with 18 of these to be managed by a Community Housing Provider (CHP) as affordable housing. The residential entrance and lobby is separated from the non-residential uses. The apartments are contained within Levels 3 to 18. The affordable housing units are located from Levels 3 to 8. Communal open space for all residential apartments is located at the Level 2 podium and at the rooftop.

Level 33 to 35 consist of the commercial office levels, which provide for a combined total of 998m² of commercial GFA.

Demolition of the existing buildings across the site has been completed under an existing Complying Development Certificate, and as such does not form part of this application.

The proposed development is illustrated in the Architectural Plans prepared by PTI Architecture at Appendix 8 and is described in detail under Section 4 of this EIS.

3.1.1 Project summary

A summary of the key numerical data of the proposed development is provided in the table below.

Table 4 Project Data	
Site Area	1,329m ²
Affordable Housing	1,882m ² (17% of total GFA)
Permissible FSR	6.6:1 + 30% = 8.58:1 (11,403m ²)
Proposed FSR	8.58:1 (11,402m ²)
Permissible Height	Subject to Building Height Plane (BHP)
Proposed Height	143.9m (below BHP)
Storeys	39 storeys
Basements	5 levels



Table 4 Project Data

Residential Floor Space	4,887m ²
Residential Units	48 x 2 bedroom (dual key apartments)
Affordable Housing Units	18
Non-residential Floor Space	Commercial office floor space = 998m ² Hotel floor space = 5,517m ²
Hotel Rooms	120
Landscape Area	332m ² (25%)
Communal open space	450m ² (34%)
Parking	138 spaces including: <ul style="list-style-type: none">- 88 residential spaces;- 2 visitor spaces;- 42 hotel spaces; and- 6 commercial spaces.
Jobs	250 construction and operational jobs
Estimated Development Cost	\$117,976,065 (excluding GST). Refer to the Estimated Development Cost Report prepared by Archi-QS (Appendix 5).

3.1.2 Residential Apartments

The proposal will contain 48 residential apartments within Level 3 to 18 of the proposed tower. The apartments are designed to be dual key to allow for flexibility for future users and adapt to the diversity of living spaces across various age groups and household needs. All dual key apartments consist of a 1 bedroom apartment and a studio apartment. All dual key apartments achieve the minimum internal area requirements and private open space requirements both when counted as two sole occupancy units and when counted together as two bedroom apartments.

A private residential entrance and lobby is provided off Railway Parade which leads to two lifts dedicated to the apartments only.

A total of 88 residential parking spaces, including 10 accessible spaces, and 2 residential visitor spaces (both accessible) are provided within Basement Level 3, 4 and 5. These basement levels also contain bicycle parking, storage dedicated to the residential units in accordance with the ADG requirements and relevant services.



Two communal open spaces are provided for the residential units, being a primary open space at the rooftop level and a secondary open space at the Level 2 podium. The rooftop open space contains a swimming pool, seating area, landscape planters and a bathroom.

As per Table 4, 18 affordable housing units are proposed within Levels 3 to 8 to allow for efficient management of the units by the community housing provider. The affordable housing units are designed to achieve the same high level of amenity as the market value units and all residents will have access to the same common areas, basement parking and communal open spaces.

3.1.3 Commercial Office Space

The building contains three (3) levels of commercial office space from Level 33 to 35 of the tower. The proposal will provide a total of 998m² of commercial GFA.

The commercial offices will be accessed via two separate entry points to the building off Railway Parade and Burleigh Street, both of which will be shared with the hotel use. There will be a single shared lobby for the commercial and hotel use. Two (2) lifts link



the lobby with Levels 33 to 35. The commercial office levels offer open plan layouts and 5200mm floor to floor heights to allow for flexibility of fitout arrangements. The office levels are provided with open internal stair access connecting the levels.

Six (6) parking spaces, including 1 accessible space, are proposed at Basement Level 1 for commercial tenants.

3.1.4 Hotel

The hotel component includes 120 rooms on Levels 20 to 31 and a lobby and café at the ground floor. As stated above, the hotel use will share the main building entry points and two lift cores with the commercial offices. The proposed *porte cochere* entry will allow drop off and pick up of hotel guests at the main building entrance. The hotel includes function rooms and outdoor space at Level 1 and a gym and restaurant with outdoor dining at Level 2. An additional hotel restaurant and bar with outdoor seating is proposed at Levels 36 and 37.

Hotel parking for 42 parking spaces, including 6 accessible spaces, is provided across Basement Level 1 and 2. Basement Level 1 contains hotel back of house, linen storage and services.

3.1.5 Plant

The proposal has been designed to co-locate mechanical plant as much as possible within the proposed tower by containing plant to Level 19, Level 32 and the roof. As shown on the Architectural Plans, Level 19 is to contain the AC condenser units, Level 32 is to contain fire tanks and a fire pump room and the roof will accommodate all plant associated with the pool and hot water facilities.

3.1.6 Earthworks

The proposal includes excavation and construction of five levels of basement parking with the finished floor level of the lower basement set at RL10.5 AHD. Construction of the basement will require bulk excavation to depths of 15.5 to 16.5m below the existing ground surface and localised deeper excavations will likely be required for footings, lift overrun pits, crane pads and service trenches. Excavation is not anticipated to intercept, or require extraction of, groundwater.

3.1.7 Built Form

The proposal will deliver a high quality built form with an external appearance that makes a positive contribution to the streetscape and to the overall character of development within the locality. The proposed built form has been carefully considered and designed to ensure it responds to the urban context of the Burwood Town Centre whilst employing various architectural styles and elements which go to reducing the visual bulk of the development and minimising adverse impacts which inevitably result from increased density.

The built form presents as a slender tower emerging from a podium (equivalent to 3 storeys in scale) which creates a street wall height and scale matching the proportions and scale of the newer buildings in the streetscape and the older 2 to 3 storey buildings. Active street frontages and improvements to the adjoining public domain will create a positive pedestrian experience and safe movement of vehicles.

The tower is setback from the base podium giving visual relief to the streetscape, creating solar access and sky views. The design of the tower consists of inter-connected, rounded, stacked elements and the tower form has been articulated through variations in the facade which match the different uses of the building and the levels containing plant equipment.

3.1.8 Materials and Finishes

The building has high quality finishes and attention to detail that will set a design benchmark and desirable precedent for future nearby developments.



SSDA 77260958 incorporates sandstone cladding at the podium level to relate to the sandstone block heritage church at No. 26 Railway Parade. The composition of the tower materials is two shades of bronze tinted glass. The design of the tower consists of two connected tubular elements, with the larger outer tube defined by lighter tinted bronze glass which encases the smaller inner tube defined by the darker tinted bronze glass.

A palette of materials and architectural language gives definition to each part of the building while ensuring that the development has a unifying character.

3.1.9 Landscaping

No deep soil planting is proposed nor required for a Mixed Use MU1 zone. There are a series of landscaped terraces and spaces which will improve the amenity for future residents by softening the proposed built form including planting at ground level and building edges visible from the public domain. The proposed communal open spaces include soft landscaping with small trees, shrubs, feature plants and groundcover plants.

As shown in the Landscape Plan prepared by iScape Landscape Architects and provided at Appendix 10, landscaping is concentrated at the podium and terrace areas at the Ground Floor, Level 1, Level 2, Level 37, Level 38 and the roof. The extent of landscaping proposed is shown on the Landscape Plan in detail and summarised below:

Ground Floor

- Feature planting to highlight residential and commercial/hotel entries;
- Feature planting and tree proposed on prominent corner of Railway Parade and Burleigh Street; and
- Supplementary planting at the Burleigh Street frontage.

Level 1

- Planting to function room 1 terrace planters; and
- Planting to function room 2 terrace planters.

Level 2

- Landscape buffer planting providing screening from neighbouring properties to the east;
- Cascading planting along the street frontages to present a green façade to the building;
- Mixed planting to residential open space to create an interesting outlook for residents; and
- Shade tolerant feature planting to the hotel restaurant terrace.

Level 37

- Feature planting to the hotel bar outdoor terrace.

Level 38

- Feature planting and small tree plantings to residential communal open space and swimming pool area; and
- Landscape buffer planting to soften edge of communal open space outdoor terrace.

Roof Level

- Cascading planting to add visual interest to the pool level below; and
- Landscape buffer planting to soften edge of roof plant.

3.1.10 Private Open Space

SSDA 77260958 will provide balconies for all apartments which meet the Apartment Design Guide (ADG) requirements ensuring residents are offered high levels of amenity.





All two bedroom, dual key apartments have a combined private open space which exceeds the minimum spatial requirement of 10m². When the dual key apartments are considered as two sole occupancy units consisting of a studio and 1 bedroom apartment, they achieve the minimum area requirements of 4m² and 8m², respectively.

3.1.11 Communal Open Space

SSDA 77260958 will provide 450m² of communal open space for the residential apartments which equates to 34% of the total site area. The total communal open space complies with the requirements under the Apartment Design Guide and provides quality spaces which offer high levels of amenity for residents.

Two communal open spaces are provided for the residential units, being a primary open space at the rooftop level and a secondary open space at the Level 2 podium. The rooftop open space contains a swimming pool, seating area, landscape planters and a bathroom.

The communal open spaces will only be accessible to residents within the development to ensure a reasonable level of privacy is provided to residents of the site.

The communal open spaces have a range of surface, furniture and landscaping that will enhance the microclimate and use of those spaces.

3.1.12 Access and Parking

Pedestrian access is provided to the residential apartments via a private entry off Railway Parade which leads to a residential lobby and two lifts. The commercial offices and hotel use will share multiple building entrances off Railway Parade and Burleigh Street.

A two-way driveway crossover is located in Railway Parade to access the 5 basement parking levels. A total of 138 parking spaces are provided across the 5 basement levels, including 88 residential spaces (10 of which are accessible spaces), 2 residential visitor spaces (both accessible), 42 hotel spaces (6 of which are accessible) and 6 commercial spaces (1 of which is accessible).

An additional vehicle entry point off Railway Parade connects to a *porte cochere* with two lanes for drop off and pick up of hotel guests and a vehicle exit point to Burleigh Street.

A separate vehicle crossing off Burleigh Street connects service vehicles to the loading/service bay.

3.1.13 Waste Management

Details of waste management during the construction phase are provided within the Waste Management Plan (Appendix 29) prepared by AusWide Consulting. Construction waste will be sorted and collected in skip bins and taken to the construction contractors nominated reprocessing facility,

For operational waste management, waste storage rooms for the development are located at the Ground Floor. Residential and commercial waste rooms are separated and a bulky waste room for the commercial uses is also provided. The waste storage rooms are directly accessible from the MRV loading/service zone for waste collection.

The waste collection service for the residential and non-residential development will be provided by a private contractor whereby an MRV waste truck will enter the site from Burleigh Street, reverse into the loading area and exit the site in a forward direction. Residential general waste will be collected on a weekly basis while the residential recycling will be collected twice a week. The commercial general waste should be collected twice a week, and recycling on a weekly basis.

The residential levels are fitted with waste chutes for general waste and a 240L bin in a cupboard for recycling waste. Building management will bring 16 recycling bins from the residential levels to the loading dock using the service lift twice a week. When emptied, the bins will be taken to the Basement level 1 bin room for inspection and cleaning if necessary.



3.1.14 Stormwater

SSDA 77260958 is accompanied by a Stormwater Management Plan (Appendix 20) and accompanying Stormwater SEARs Report (Appendix 21) prepared by ADP.

The Stormwater Management Plan shows the overall design intent of stormwater conveyance across the site. The discharge of stormwater from the site to Council's drainage system is by gravity and will be controlled by an OSD tank sized for storm events up to 1% AEP. The OSD discharges to the Council drainage system via a new connection to an existing Council kerb inlet pit located on Railway Parade.

The Stormwater Management Report addresses Item 14 and 15 of the SEARs in relation to stormwater management. Notably, the Report identifies that the site is not located on flood prone land and therefore is not subject to any flood management controls.

3.1.15 Sustainability

An Ecologically Sustainable Development (ESD) report has been prepared by Partners Energy and is provided at Appendix 19 of this EIS. The ESD Report identifies measures that will be taken to achieve sustainability outcomes in the design, construction and operation phases. A standard macro-enabled spreadsheet of materials has been included in Appendix 19 to demonstrate quantification of the embodied energy of materials to be used.

Energy consumption will be minimised through thermally efficient construction, energy efficient services, insulation and natural ventilation. Water efficient fixtures and fitting, use of rainwater capture and reuse and WSUD infrastructure will improve water management and efficiency. A contract Agreement to Rate energy and water use from the hotel operation has been prepared and is included in Appendix 19. The agreement has the potential to be enacted upon commencement of occupation of the building.

The development will result in separation of waste streams to minimise the amount of waste sent to landfill and maximise recycling of materials. EV charging connections will be available to nominated car parking spaces. A Green Travel Plan is included in Appendix 27. Refer to the ESD Report for further details on the ESD measures which have or will be implemented.

3.1.16 Construction Details

A detailed Construction Traffic Management Plan (CTMP) prepared by Solution 1 Traffic Engineers is at Appendix 28. The CTMP describes how the project management team shall implement site management responsibilities during both the demolition and construction phases of the redevelopment of the site. Notably, demolition has already been undertaken on the site in accordance with the issued CDC.

The CTMP provides measures to minimise the overall impact of the construction activity on the surrounding road network.

The CTMP presents details of the proposed construction methodology including information on hours of construction, roles and responsibilities, construction methodology, site access arrangement, details on construction vehicles, vehicle route plan and construction traffic activity. Refer to Section 4 of the CTMP for details on these aspects of the development.

The construction hours will be as follows:

- Monday to Friday: 7:00am to 5:00pm
- Saturdays: 8:00am to 1:00pm
- No work on Sunday and Public Holidays

The CTMP also notes that a work zone will be established at the site's frontage on Railway Parade. All vehicles will load and unload from this zone.



3.1.17 Staging

Whilst the construction will occur in working stages in accordance the construction methodology, SSDA 77260958 is not a 'staged' application. It is noted that demolition has been previously approved and has been completed on the site.





4. Statutory Context

4.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

4.1.1 Objects of the Act

The objects of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979) are as follows—

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- (c) to promote the orderly and economic use and development of land,
- (d) to promote the delivery and maintenance of affordable housing,
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
- (g) to promote good design and amenity of the built environment,
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
- (j) to provide increased opportunity for community participation in environmental planning and assessment.

The proposed development is consistent with the objects of the EP&A Act 1979 for the following reasons:

- The proposal promotes the social and economic welfare of the community by providing a mixed use development and affordable housing which is an asset to the community;
- The proposal facilitates ESD (refer to ESD Report in Appendix 19);
- The proposal allows the orderly and economic use and development of land consistent with the strategic and statutory plans adopted;
- The proposal provides affordable housing on a site which does not currently provide it;
- The proposal does not impact on threatened and other species of native animal and plants or habitats;
- The proposal does not impact on Aboriginal Cultural Heritage or European heritage;
- The proposal exhibits good design and design excellence (refer to Design Statement in Appendix 9); and
- The proposed development has undergone an engagement process during preparation of the EIS (See Engagement Report in Appendix 33).



4.2 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATIONS 2021

The Environmental Planning and Assessment Regulations 2021 (EP&A Regulations) contains the key operational provisions for the NSW planning system. The EP&A Regulations contain requirements in regard to state significant development applications which have been followed in the preparation of this application.

Part 8 contains the requirements and general provisions relating to environmental impact statements, including the requirement to make a written application to the Planning Secretary for the environmental assessment requirements (SEARs). This application was made and the SEARs were provided 25 October 2024.

4.3 STATUTORY PLANNING POLICIES

The legislation and environmental planning instruments applying to the proposed development include:

- *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 (Biodiversity and Conservation) 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.*

A detailed assessment against the relevant statutory requirements is provided in Section 6 of the EIS and the Statutory Compliance Table which is included at Appendix 3 of this report.

4.3.1 Power to grant approval

The legal pathway under which consent is sought is the State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP). Specifically, Clause 26A of Schedule 1 of Planning Systems SEPP states the following:

“(1) Development to which State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 applies if—

(a) the part of the development that is residential development has an Estimated Development Cost of—

(i) for development on land in the Eastern Harbour City, Central River City, Western Parkland City or Central Coast City in the Six Cities Region—more than \$75 million, or Note— The Act, Schedule 9 sets out the local government areas in each city in the Six Cities Region.

(ii) for development on other land—more than \$30 million, and

(b) the development does not involve development prohibited under an environmental planning instrument applying to the land.”

The proposed development is located within the Eastern Harbour City, contains a residential component with an estimated development cost of more than \$75 million and does not contain any prohibited development under an EPI applying to the land.



As such, the development is State Significant Development (SSD) pursuant to Clause 26A of Schedule 1 of the Planning Systems SEPP.

In accordance with Section 4.5 of the EP&A Act and Section 2.7 of the Planning Systems SEPP, the consent authority for SSD is the Minister for Planning unless the development triggers the matter set out in Section 2.7(1) in which case the consent authority will be the Independent Planning Commission.

4.3.2 Permissibility

The site is located within Zone MU1 Mixed Use under the Burwood Local Environmental Plan 2012 (BLEP 2012).

SSDA 77260958 is for a mixed use development comprising of a hotel, residential apartments and commercial office premises.

In accordance with the Land Use Table for Zone MU1 in BLEP 2012, tourist and visitor accommodation, residential flat buildings and commercial premises are permissible with consent in the zone.

4.3.3 Other approvals

As previously stated, the site is subject to a Complying Development Certificate for the demolition of existing structures on the site. As such this application does not seek consent for demolition.

There are no other approvals on the site which are relevant to this proposal.

4.3.4 Pre-conditions

The pre-conditions to exercising the power to grant approval for the project are set out in the table below.

Table 5 Pre-conditions			
Statutory Reference	Pre-conditions	Relevance	Section in EIS
Biodiversity Conservation Act 2016 – Clause 7.9	(1) This section applies to— (a) an application for development consent under Part 4 of the Environmental Planning and Assessment Act 1979 for State significant development, and (2) Any such application is to be accompanied by a biodiversity development assessment report unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.	This clause applies to SSD applications. A BDAR waiver has been granted to the development and therefore a BDAR is not required.	Section 6.20 and Appendix 14
State Environmental Planning Policy (Resilience and Hazards) 2001 – Clause 4.6(1) and (3)	(1) A consent authority must not consent to the carrying out of any development on land unless— (a) it has considered whether the land is contaminated, and (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out,	The proposal includes excavation and construction of five levels of basement parking with the finished floor level of the lower basement set at RL10.5 AHD. A Preliminary and Detailed Site Investigation is submitted with the SSD which concludes that the site is suitable for the proposed development.	Section 6.24 and Appendix 11 and 11A



Table 5 Pre-conditions

it is satisfied that the land will be remediated before the land is used for that purpose.

(3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

<p>State Environmental Planning Policy (Transport and Infrastructure) 2021 – Clause 2.99, 2.100, 2.119, 2.120 and 2.122</p>	<p>Clause 2.99 Excavation in., above, below or adjacent to rail corridors</p> <p>(1) This section applies to development (other than development to which section 2.101 applies) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land—</p> <p>(a) within, below or above a rail corridor, or</p> <p>(b) within 25m (measured horizontally) of a rail corridor, or</p> <p>(c) within 25m (measured horizontally) of the ground directly below a rail corridor, or</p> <p>(d) within 25m (measured horizontally) of the ground directly above an underground rail corridor.</p> <p>(2) Before determining a development application for development to which this section applies, the consent authority must—</p> <p>(a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and</p> <p>(b) take into consideration—</p> <p>(i) any response to the notice that is received within 21 days after the notice is given, and</p> <p>(ii) any guidelines issued by the Planning Secretary for the purposes of this section and published in the Gazette.</p> <p>(3) Subject to subsection (5), the consent authority must not grant consent to development to which this section applies without the concurrence of the rail authority for the rail corridor to which the development application relates.</p> <p>(4) In deciding whether to provide concurrence, the rail authority must take into account—</p> <p>(a) the potential effects of the development (whether alone or cumulatively with other</p>	<p>Clause 2.99 applies because the proposed development requires excavation adjacent to a rail corridor.</p>	<p>Section 6.25 and Appendix 12</p>
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Table 5 Pre-conditions

development or proposed development) on—

- (i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and
- (ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and
- (b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.

Clause 2.100 Impact of rail noise or vibration on non-rail development.

(1) This section applies to development for any of the following purposes that is on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration—

- (a) residential accommodation,
- (b) a place of public worship,
- (c) a hospital,
- (d) an educational establishment or centre-based child care facility.

(2) Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.

(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—

- (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am,
- (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

Clause 2.119 Development with frontage to classified road.

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

Clause 2.100 applies as the proposed development includes residential accommodation adjacent to a rail corridor.

Section 6.23 and Appendix 24

Table 5 Pre-conditions

(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and
 (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—
 (i) the design of the vehicular access to the land, or
 (ii) the emission of smoke or dust from the development, or
 (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
 (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

Clause 2.119 applies as the development has a frontage to a classified road.

Section 6.19 and Appendix 26

Clause 2.120 Impact of road noise or vibration on non-road development.
 (2) Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.
 (3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—
 (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,
 (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time

Clause 2.120 applies as the site adjoins Railway Parade a classified road which has an approximate annual average daily traffic volume of 28,000 vehicles.

Section 6.19 and Appendix 26

Clause 2.122 Traffic-generating development.
 (4) Before determining a development application for development to which this section applies, the consent authority must—

Table 5 Pre-conditions

	<p>(a) give written notice of the application to TfNSW within 7 days after the application is made, and</p> <p>(b) take into consideration—</p> <p>(i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and</p> <p>(ii) the accessibility of the site concerned, including—</p> <p>(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and</p> <p>(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and</p> <p>(iii) any potential traffic safety, road congestion or parking implications of the development.</p>	<p>Clause 2.122 applies 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.</p>	<p>Section 6.19 and Appendix 26</p>
<p>State Environmental Planning Policy (Housing) 2021 – Clause 21 and 147</p>	<p>21 Must be used for affordable housing for at least 15 years</p> <p>(1) Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development—</p> <p>(a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and</p> <p>(b) the affordable housing component will be managed by a registered community housing provider.</p>	<p>The proposal seeks to provide 16.5% of the total floor space as affordable housing for a period of 15 years.</p>	<p>Section 6.2 and Appendix 3</p>
	<p>147 Determination of development applications and modification applications for residential apartment development</p> <p>(1) Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—</p> <p>(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,</p> <p>(b) the Apartment Design Guide,</p>	<p>Chapter 4 of the Housing SEPP applies to the proposed development.</p>	<p>Section 6.2 and Appendix 3</p>



Table 5 Pre-conditions

State Environmental Planning Policy (Sustainable Buildings) 2022 – Clause 21 and 147	Section 2.1(5) Development consent must not be granted to development to which the standards specified in Schedule 1 or 2 apply unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.	Embodied emissions are quantified.	Section 6.3 and Appendix 19.
	Section 3.2(2) Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.	An Agreement to Rate has commenced for energy and water use set in Schedule 3.	
	Section 3.3(2) Development consent must not be granted to large commercial development unless the consent authority is satisfied the development is capable of achieving the standards for energy and water use specified in Schedule 3.		
Burwood LEP 2012 – Clause 6.1, Clause 6.5	Clause 6.1 (3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.	The Geotechnical Investigation concluded that an Acid Sulfate Soils Management Plan was not required for the site.	Section 6.25 and Appendix 3 and Appendix 12
	Clause 6.5 (3) Development consent must not be granted for development to which this clause applies unless the consent authority is satisfied that the development exhibits design excellence.	The proposal is subject to urban design requirements. The development will be reviewed by the State Design Review Panel.	Section 6.4.4 and Appendix 34 and 34A

4.3.5 Mandatory considerations

The following table summarises the mandatory considerations that the consent authority is required to consider in deciding whether to grant approval.

Table 6 Mandatory Considerations

Statutory Reference	Mandatory Consideration	Section in EIS
Considerations under the Act and Regulation		
Section 1.3	Relevant objects of the Act <ul style="list-style-type: none"> to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment to promote the orderly and economic use and development of land 	Section 4.1.1

Table 6 Mandatory Considerations

	<ul style="list-style-type: none"> to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats 	
Section 4.15	<p>Relevant environmental planning instruments</p> <ul style="list-style-type: none"> <i>State Environmental Planning Policy (Planning Systems) 2021</i> <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> <i>State Environmental Planning Policy (Housing) 2021 – Chapter 2– Affordable Housing</i> <i>State Environmental Planning Policy (Housing) 2021 – Chapter 4– Design Quality of Residential Apartment Development and the Apartment Design Guide</i> <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i> <i>Burwood Local Environmental Plan 2012</i> <p>Development control plan</p> <p>Section 2.10 of the Planning Systems SEPP provides that development control plans do not apply to state significant development</p> <p>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.</p> <p>the suitability of the site for the development</p> <p>the public interest</p>	Section 4 and 6 and Appendix 3
Mandatory relevant considerations under EPIs		
State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land	<p>Clause 4.6</p> <p>(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.</p>	Section 6.24 and Appendix 11 and 11A
State Environmental Planning Policy (Housing) 2021 – Chapter 2	<p>Clause 20</p> <p>(3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with—</p> <p>(a) the desirable elements of the character of the local area, or</p> <p>(b) for precincts undergoing transition—the desired future character of the precinct.</p>	Section 6.2 and Appendix 9
State Environmental Planning Policy (Housing) 2021 – Chapter 4	<p>Clause 147</p> <p>(1) Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—</p>	Section 6.2, Appendix 3, Appendix 9 and Appendix 34

Table 6 Mandatory Considerations

	<p>(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,</p> <p>(b) the Apartment Design Guide,</p> <p>(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.</p> <p>(3) To avoid doubt, subsection (1)(b) does not require a consent authority to require compliance with design criteria specified in the Apartment Design Guide.</p> <p>(4) Subsection (1)(c) does not apply to State significant development.</p>	
State Environmental Planning Policy (Sustainable Buildings) 2022	<p>A BASIX certificate is required to accompany the development application to demonstrate compliance with the BASIX water, energy and thermal efficiency targets.</p> <p>The hotel component of the development meets the definition of prescribed hotel or motel accommodation in the Dictionary to the Policy which is <i>“prescribed hotel or motel accommodation means hotel or motel accommodation with at least 100 rooms”</i>.</p> <p>An agreement to rate has been commenced to demonstrate compliance with Schedule 3.</p> <p>Embodied emissions for all proposed materials have been quantified.</p>	Section 6.3 and Appendix 18 and Appendix 19
Burwood LEP 2012	<p>Objectives and land uses for MU1 zone</p> <ul style="list-style-type: none"> • Part 4 – Principal development standards • Part 5 – Miscellaneous provisions • Part 6 – Local provisions 	Section 6.4 and Appendix 3



5. Engagement

5.1 OVERVIEW OF ENGAGEMENT UNDERTAKEN

A pre-lodgement engagement process has been completed with key relevant stakeholders in accordance with the SEARs and *Undertaking Engagement Guidelines for State Significant Projects*. The SEARs identified key stakeholders to be consulted during the preparation of the EIS, including the relevant Department assessment team, local council, agencies and the community.

An Engagement Report has been prepared to detail the engagement undertaken, including the issues raised and feedback provided. The Engagement Report is provided at Appendix 33.

The following stakeholders have been engaged:

- Department of Planning, Housing and Infrastructure;
- Burwood Council;
- NSW Police;
- NSW Rural Fire Service;
- Sydney Water;
- Transport for NSW;
- Metro Aboriginal Land Council;
- Government Architect NSW; and
- Local Community.

5.2 DEPARTMENT OF PLANNING, HOUSING AND INFRASTRUCTURE

Formal and informal communications have been made with Department of Planning, Housing and Infrastructure throughout the SSDA preparation.

The Department has not raised any major concerns with the proposed development during the pre-lodgement phase of the application.

Further correspondence between the applicant and the Department will occur during the SSDA assessment phase.

5.3 BURWOOD COUNCIL

As the relevant local council, a briefing meeting was held with Burwood Council on 19 December 2024. It is important to highlight that a meeting request was originally made on 11 November 2024 where the Architectural Plans and Scoping Report were submitted alongside the meeting request. A follow up meeting request with the supporting documentation was sent directly to the Manager of City Development on 18 November 2024 and further calls and emails were made in order to set a meeting with Council.

Meeting attendance included representatives from Council, the Applicant and Planning Ingenuity staff.

The meeting ran for approximately 30 minutes.

Following the meeting a letter of advice was issued by Council on 4 February 2025.

The items raised by Council in their letter and the applicant's responses are detailed within the Engagement Report at Appendix 33. Council's letter of advice is provided at Annexure C of the Engagement Report.



Following receipt of Council's comments, a further meeting was held with Burwood Council representatives on 13 February 2025.

The meeting was held online and ran for one (1) hour.

The purpose of the meeting was to discuss Council's comments dated 4 February 2025 and the VPA process in order to address Item 1 of the Additional Assessment Requirements of the SEARs Cover Letter (see Appendix 1).

Notably, with regard to the VPA, numerous calls and emails were made to Council to facilitate discussions in order to come to an agreement with Council as to the process and procedures prior to the lodgement of the SSDA to meet SEARs requirements. No response was received from Council. Evidence of the attempted correspondence are provided at Appendix 36.

At the meeting on 13 February 2025 Council planning staff advised that the Applicant need to set up a meeting with Sumathi Navaratnam and a different team of Council officers, who are responsible for coordinating VPAs. Efforts have been made to contact Sumathi Navaratnam and team since the online meeting was held to no avail. Evidence of the attempted correspondence are provided at Appendix 36A.

The Applicant intends to continue their efforts in coming to an agreement with Council in relation to the VPA. The VPA Letter of Offer has been issued to Council concurrently with the lodgement of the SSDA.

During the meeting held on 13 February 2025 Council advised that their main concern with the proposal was how it related to the surrounding sites, particularly with regard to the lower level interface to the south. Council officers stated that their interest in this interface relates to Council's ownership of land directly to the south of the site, in addition to the Elizabeth Street Car Park.

Council advised that they are in the process of commencing a Planning Proposal under the *Environmental Planning and Assessment Act 1979* to update the provisions of *Burwood Local Environmental Plan 2012* (BLEP), to reclassify and list certain Council-owned public land from Community Land to Operational Land under the *Local Government Act 1993* (LG Act). This is detailed within the report prepared by the Director of City Strategy which was put forward at Council's Ordinary Meeting held on 11 February 2025. Extracts from the report are provided in **Figure 27** and **28** below, which indicates the extent of Council owned land adjoining the site and what Council intends to do with the land once it becomes operational.

As detailed in the Council Meeting Agenda, at present Council does not have any plan or vision for the adjoining sites and therefore there is nothing to guide the Applicant on how the proposal might address the southern interface to the Council owned land. Furthermore, despite references to 'Council's strategic vision' for the area, there are currently no strategic planning documents for the precinct to guide development on the site. Notwithstanding the proposed development has been designed in accordance with the current built form controls. Specifically with regard to the podium form, nil setbacks have been proposed to both the eastern and southern boundaries in accordance with the DCP requirements.

Given that Council is an adjoining landowner, the Applicant expects Council to establish a probity plan to ensure that comments made by Council during the assessment of this SSD are appropriately separated into (i) Council's interest as an adjoining property owner and (ii) Council's role as a referral authority in commenting on strategic and statutory compliance.

Ultimately, whilst the Applicant appreciates Council's undefined comments in relation to treatment of the southern interface, there are no site-specific requirements adopted in the current planning controls. If Council were to advise their intentions for the south adjoining site, the Applicant would be willing to consider a review the ground plane design and provide an appropriate interface to south subject to those design changes being founded on a reliable future scenario for redevelopment of the neighbouring property.


Item 7		Burleigh Street Dwellings	
Address	6, 12, 14, 16, 18, 20, 22 Burleigh Street, Burwood		
Title	Lot 1 DP 205162, Lots 1 – 6 DP 202437		
Zoning	Mixed Use MU1		
Land Use	Single Dwellings		
Description	<p>6 and 12-22 Burleigh Street are seven terrace houses used for residential purposes.</p> <p>12-22 Burleigh Street is a heritage item in the LEP as Victorian Terraces.</p>		
<p>The properties located at 6, 12, 14, 16, 18, 20, and 22 Burleigh Street, Burwood, comprising Lot 1 DP 205162 and Lots 1 - 6 DP 202437, were acquired by Council at various times as part of its long-term strategic vision for the area. These terraced properties were individually purchased over a period of time, reflecting Council's forward-thinking approach to land assembly for future community needs.</p> <p>The acquisitions of these properties occurred progressively between 1976 – 2023.</p> <p>The strategic nature of these purchases indicates a deliberate and planned approach by Council to secure key sites within the Burwood area.</p> <p>The properties were acquired through direct purchases from private owners, aligning with Council's practice of strategically obtaining land to support future community development and urban planning objectives. This approach allowed Council to gradually assemble a significant land holding in a key location, providing flexibility for future use and development in line with evolving community needs.</p> <p>Currently, only three of these terraces remain leased due to the dilapidated state of the buildings. The remaining properties require significant capital investment to remediate their condition, making them unsuitable for use. As a result, Council proposes to reclassify these properties as operational land. This reclassification will enable Council to develop a long-term masterplan for the entire precinct, allowing for a comprehensive approach to revitalisation and future development that aligns with Council's strategic vision.</p> <p>The proposed reclassification to operational land will provide Council with the necessary flexibility to address the significant remediation needs of these properties and to explore various options for their future use. This approach will ensure that these valuable assets can be effectively utilised to meet the evolving needs of the Burwood community.</p> <p>Council's decision to seek reclassification demonstrates its commitment to responsible asset management and its dedication to realising the long-term strategic vision for this important precinct in Burwood. As the premises are and intend to be an operational use it is appropriate to classify it as operational land.</p>			

Figure 27 Extract from Report for Operational Land Classification of certain Council Owned Land for Burleigh Street Dwellings.


Item 8		Elizabeth Street Car Park	
Address	5-11 Elizabeth Street, 18B Railway Parade and 8-10 Burleigh Street, Burwood		
Title	Lot 1 DP 574391 Lot 2 DP 205162 Lots A & B DP420885 Lot 3 DP 511953 Lots A & B DP321515 Lot 1 DP 305065		
Zoning	Mixed Use MU1		
Land Use	Car Park		
Description	<p>The Elizabeth Street Car Park is a town centre car park located behind buildings fronting Railway Parade and accessed off Burleigh and Elizabeth Streets</p> <p>As the carpark is in operational use it is appropriate to classify it as operational land.</p>		
<p>The properties located at 5-11 Elizabeth Street and 8-10 Burleigh Street, were acquired by Council at various times as part of its long-term strategic vision for the area. These properties were individually purchased over a period of time, reflecting Council's forward-thinking approach to land assembly for future community needs.</p> <p>The acquisitions of these properties occurred progressively between 1976 – 2023.</p> <p>The strategic nature of these purchases indicates a deliberate and planned approach by Council to secure key sites within the Burwood area.</p> <p>The properties were acquired through direct purchases from private owners, aligning with Council's practice of strategically obtaining land to support future community development and urban planning objectives. This approach allowed Council to gradually assemble a significant land holding in a key location, providing flexibility for future use and development in line with evolving community needs.</p> <p>Council's decision to seek reclassification demonstrates its commitment to responsible asset management and its dedication to realising the long-term strategic vision for this important precinct in Burwood.</p> <p>The land is not leased and is not a public reserve. There are no development approval records available, however the use of land as a car park is permitted with consent in the MU1 zone. It has been used as a car park since before the Burwood LEP commenced in 2012.</p>			

Figure 28 Extract from Report for Operational Land Classification of certain Council Owned Land for Elizabeth Street Car Park.

5.4 NSW POLICE

Consultation was sought with NSW Police with email requests and draft plans for review and comment. No response was received prior to lodgement of the SSDA. It is noted that NSW Police will likely be requested to comment on the application during the standard notification and referral process which occurs during assessment.



5.5 RURAL FIRE SERVICE

Consultation was sought with Rural Fire Service. However, no response was received prior to lodgement of the SSDA. It is noted that the Rural Fire Service will be able to comment on the application during the standard notification and referral process which occurs during assessment.

5.6 SYDNEY WATER

Consultation was sought with Sydney Water. No response was received prior to lodgement of the SSDA. It is noted that Sydney Water will be able to comment on the application during the standard notification and referral process which occurs during assessment.

5.7 TRANSPORT FOR NSW (TFNSW)

Consultation was sought with TfNSW. No response was received prior to lodgement of the SSDA. It is noted that TfNSW will be able to comment on the application during the standard notification and referral process which occurs during assessment particularly given the provisions of SEPP (Transport and Infrastructure) 2021 that apply to Traffic Generating Development and frontage to a classified road.

5.8 METROPOLITAN LOCAL ABORIGINAL LAND COUNCIL

Consultation was sought with the Metropolitan Local Aboriginal Land Council. No response was received prior to lodgement of the SSDA. It is noted that the Metropolitan Local Aboriginal Land Council will be able to comment on the application during the standard notification and referral process which occurs during assessment. Furthermore the interest of the Aboriginal stakeholders have been considered in the ACHAR (Appendix 13).

5.9 GOVERNMENT ARCHITECT NSW

In accordance with the SEARs Item No. 3, a State Design Review Panel (SDRP) meeting request was made to The Government Architect New South Wales (GANSW) on 29 October 2024.

On 30 October the GANSW responded via email to advise that the wait time for a meeting with the SDRP would be in excess of 12 weeks. As such, GANSW advised that a SDRP meeting prior to the lodgement of SSDA 77260958 would not be required.

5.10 LOCAL COMMUNITY

The Engagement Report at Appendix 33 provides details of the consultation within the local community.

The community engagement 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.

Notably, the community will have the opportunity to make a submission to the SSDA when it is subject to formal public notification during the assessment.





6. Assessment of Impacts

This section of the EIS collates the potential impacts of the project as identified through specialist investigations. The section also demonstrates how the SEARs requirements have been addressed by the relevant specialist technical reports. This section also identifies the mitigation measures to avoid, manage and/or mitigate the impacts of the project.

6.1 STATUTORY CONTEXT

The issued SEARs requires the EIS to address all relevant legislation, Environmental Planning Instruments (EPIs), plans, policies and guidelines, and identify compliance with the applicable development standards, whilst also providing detailed justification for any non-compliances specific to this case.

As required by the State Significant Development Guidelines - Preparing an Environmental Impact Statement, Section 4 of the EIS identifies the power to grant approval, permissibility of the development, preconditions and mandatory considerations.

Furthermore, a checklist of compliance with the applicable EPIs is provided at Appendix 3.

Of relevance to the impacts of the proposal is the development standards within SEPP (Housing) 2021, SEPP (Sustainable Buildings) 2022 and Burwood LEP 2012 (BLEP 2012), which are addressed in Appendix 3 and below.

6.2 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. Clause 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 proposal satisfies the above requirements because it is permissible with consent under the BLEP 2012, 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.

Clause 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 Clause 16(1) the maximum FSR for the proposed development is the maximum permissible FSR for the site under the BLEP plus an additional FSR of up to 30% based on the affordable housing component.

SSDA 77260958 seeks to dedicate 15% of the total GFA of the development as affordable housing and therefore is permitted the maximum FSR bonus under Clause 16 of the Housing SEPP of 30%.

The maximum permissible FSR for the site under the BLEP is 6.6:1, as discussed in detail at Section 6.3.3 of this Statement. When applying the 30% FSR bonus to the base FSR of 6.6:1, the proposal is permitted a maximum FSR of 8.58:1 which equates to a permissible GFA on the site of 11,403m². The proposal complies with the maximum permissible GFA, inclusive of the 30% bonus, as the development will have a total GFA of 11,402m², equating to and FSR of 8.58:1.

Notably, the proposal seeks to dedicate 1,882m² or 17% of the total proposed GFA as affordable housing, as required by Clause 16 of the Housing SEPP.

With regard to building height, whilst the proposal would be afforded a 30% height bonus above the maximum permitted on the site, this is not sought under SSDA 77260958. In accordance with the BLEP, the site is subject to the Burwood Building Height Plane for which SSDA 77260958 achieves full compliance.

Other Development Standards for Consideration

There are a number of development standards under Part 2 Division 1 of Chapter 2 of the Housing SEPP which apply to SSDA 77260958. A summary of the proposal compliance against Clause 19 is provided at **Table 7**.

Table 7 SEPP (Housing) 2021 Compliance Summary

Clause	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,	<p>The proposal provides 34% of the site area as landscaped area across the ground floor, Level 1, Level 2, Level 37 and Level 38 in accordance with the SEPP definition which is reproduced below:</p> <p><i>landscaped area means the part of the site area <u>not occupied by a building</u> and includes a part used or intended to be used for a rainwater tank, swimming pool or open-air recreation facility, but does not include a part used or intended to be used for a driveway or parking area.</i></p> <p>The landscaped area provided is not occupied by a building and not for the use of a driveway or parking area. The space includes planters, grass, trees and communal pathways and is counted as landscaped area in accordance with the definition. Notably, the swimming pool has not been counted as landscaped area, however, can be in accordance with the definition, thereby far exceeding the 30% requirement.</p>
	(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,	<p>The proposal requires 9 parking spaces for the affordable housing units and 30 parking spaces for the market apartments. A total residential parking provision of 88 is provided which achieves the SEPP requirement of at least 39 parking spaces.</p>
	(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,	

Table 7 SEPP (Housing) 2021 Compliance Summary

	(ii) for each dwelling containing 2 bedrooms—at least 1 parking space, (iii) for each dwelling containing at least 3 bedrooms—at least 1.5 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.
	(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.
20 Design requirements	(1) Development consent must not be granted to development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces) under this division unless the consent authority has considered the Low Rise Housing Diversity Design Guide, to the extent to which the guide is not inconsistent with this policy.	Not applicable, see below.
	(2) Subsection (1) does not apply to development to which Chapter 4 applies.	Chapter 4 applies to the proposal.
	(3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with— (a) the desirable elements of the character of the local area, or (b) for precincts undergoing transition—the desired future character of the precinct.	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. 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 two storey podium of the proposed development is primarily sandstone which relates to the heritage church in terms of materials and scale.

Table 7 SEPP (Housing) 2021 Compliance Summary

21 Must be used for affordable housing for at least 15 years	(1) Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development— (a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and (b) the affordable housing component will be managed by a registered community housing provider.	It is acknowledged that a condition of consent will be imposed to give effect to this requirement.
	(2) This section does not apply to development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation.	Not applicable.

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 Clause 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 detailed assessment of the proposal’s compliance against the design criteria of the Apartment Design Guide is provided at Appendix 9.

It is important to highlight that the Apartment Design Guide contains limited information on how the design guidance and criteria is to be applied to dual key apartments, which are proposed under this SSD. Notably, the only references made to dual key apartments relate to BCA and apartment mix, are as follows:

dual key apartments which are separate but on the same title are regarded as two sole occupancy units for the purposes of the Building Code of Australia and for calculating the mix of apartments

In accordance with the above, the dual key apartments do not need to be regarded as two sole occupancy units for any purpose relating to apartment size, solar access, natural ventilation or parking, and only need to be counted separately when the BCA is concerned or when calculating the mix of apartments.

The main reason for this is that the dual key apartments are proposed to offer flexibility to future residents who may seek to rent out one or both components of their apartment for additional income or allow for visitors to stay in the component which they do not reside in. Overall, in all circumstances the dual key apartment is intended to support short stays for at least one half of the dual key, and to require both components of each dual key apartment to achieve the certain ADG requirements in their own right is unnecessary and restrictive.

6.3 STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2021

The State Environmental Planning Policy (Sustainable Buildings) 2021 (“Sustainable Buildings SEPP”) applies to the residential apartments and the hotel accommodation.

Chapter 2 and Schedule 1 require all residential apartments to comply with minimum standards for energy efficient thermal comfort and efficient use of water. Compliance is demonstrated by the BASIX certificates in Appendix 18.

Clause 2.1(5) of the Policy states development consent must not be granted to the residential apartment development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified. also requires the quantification of the embodied emissions of materials. This data is included in Appendix 19.

Chapter 3 sets standards for prescribed non-residential development which includes a new building with an estimated development cost exceeding \$5 million and a prescribed hotel or motel accommodation which is defined as:

“prescribed hotel or motel accommodation means hotel or motel accommodation with at least 100 rooms.”

The hotel component proposes 120 accommodation rooms.

Note that the proposed office premises does not trigger the prescribed office premises definition which is:

“prescribed office premises means office premises with a net lettable area of at least 1,000m².”

The commercial office floor space proposed is 998m².

Section 3.2(1) of the Policy requires the consent authority to consider whether the development is designed to enable the following:

“(a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,

(b) a reduction in peak demand for electricity, including through the use of energy efficient technology,

(c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,

(d) the generation and storage of renewable energy,

(e) the metering and monitoring of energy consumption,

(f) the minimisation of the consumption of potable water.”

Regarding (a) – re-use opportunities for construction materials have been identified in the Waste Management Plan in Appendix 29.

Regarding (b) – options for reducing peak energy demand are identified in Appendix 19 and an Agreement to Rate energy consumption for the hotel component has commenced (a copy is included in Appendix 19).

Regarding (c) – passive design features for natural lighting, natural ventilation and passive heating and cooling are described in Appendix 9 and Appendix 19. Glazing, tinting, window and balcony orientation and floor plans have been coordinated to optimise natural sources of light and ventilation throughout the building.

Regarding (d) and (e)– there is sufficient space for solar panels to be installed on the rooftop and for battery storage in the plant and meter rooms.

Regarding (e) and (f) – agreements to rate energy and water consumption have been commenced as evidenced in Appendix 19.

Section 3.2(2) and Section 3.3 of the Policy states that development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified. The quantification of embodied emissions is included in Appendix 19.

Chapter 3 and Schedule 2 of the Sustainable Buildings SEPP set the minimum standards for efficient energy and water use for the hotel component of the development. These standards are:

- 4 stars NABERS energy rating; and
- 3 star NABERS water rating.

Compliance with these standards is demonstrated in the Agreement to Rate in Appendix 19.

6.4 BURWOOD LOCAL ENVIRONMENTAL PLAN 2012

Burwood Local Environmental Plan 2012 (BLEP 2012) applies to the site. The relevant planning controls are outlined under the below headings.

6.4.1 Zoning and Permissibility

The subject site is within Zone MU1 – Mixed Use zone

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

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 development, commercial premises, residential apartments and the hotel are permissible in the MU1 Mixed Use zone under the provisions of BLEP 2012.

An extract of the LEP Land Zoning Map is provided at **Figure 29** below.

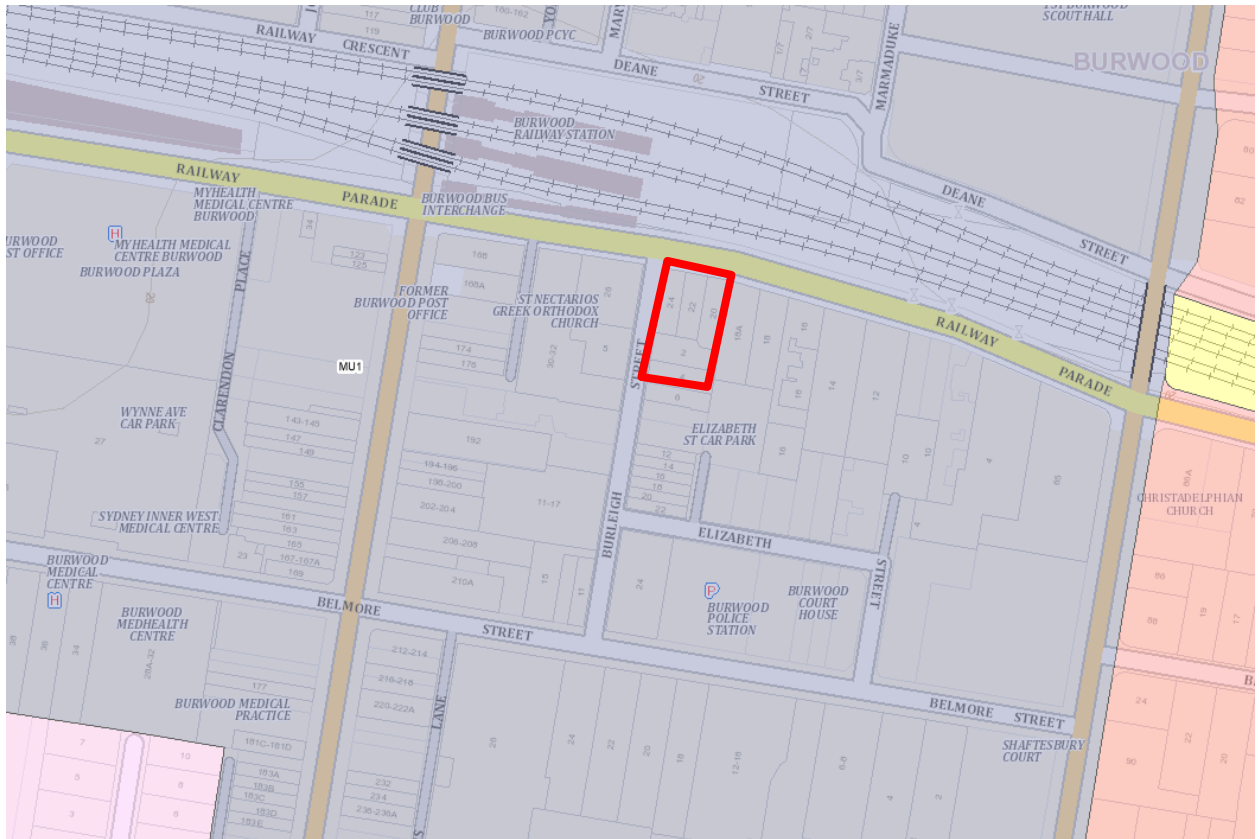


Figure 29 Extract of the Land Use zoning map, subject site outlined red (Source: NSW Planning Portal).

The objectives for development in Zone MU1 are as follows:

1 Objectives of zone

- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings

In accordance with Clause 2.3(2) of BLEP 2012, 'the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone'.

SSDA 77260958 seeks consent for a mixed use development within the Burwood Town Centre which will contribute to the diversity of commercial land uses within the centre and generate additional employment opportunities. The proposal provides only non-residential uses at the ground floor which provide active frontages to Burleigh Street and Railway Parade which will attract pedestrian foot traffic and contribute to the vibrancy of the public domain. The proposed land uses are compatible, and anticipated by the zoning, and the proposal has been suitably designed to ensure there is no conflict between the uses on the site and the adjoining land uses.

Notably, SSDA 77260958 provides for additional residential housing ideally located as evidenced by Burwood Council's LSPS and Housing Strategy, both which target the Burwood Town Centre for high intensity infill land use. Not only will the proposal

contribute to the general residential housing supply within the locality, but it will also introduce affordable housing on the site, which aligns with Council's strategic planning and the wider State strategic vision to increase affordable housing across NSW.

As such, the proposal is considered to meet the objectives of the MU1 zone.

6.4.2 Building Height

Clause 4.3 of BLP 2012 prescribes a maximum building heights as shown on the relevant height of building map. As shown in **Figure 30**, the site is subject to a maximum building height of 70m under Clause 4.3 of the BLP, whilst also being located in 'Area A'.

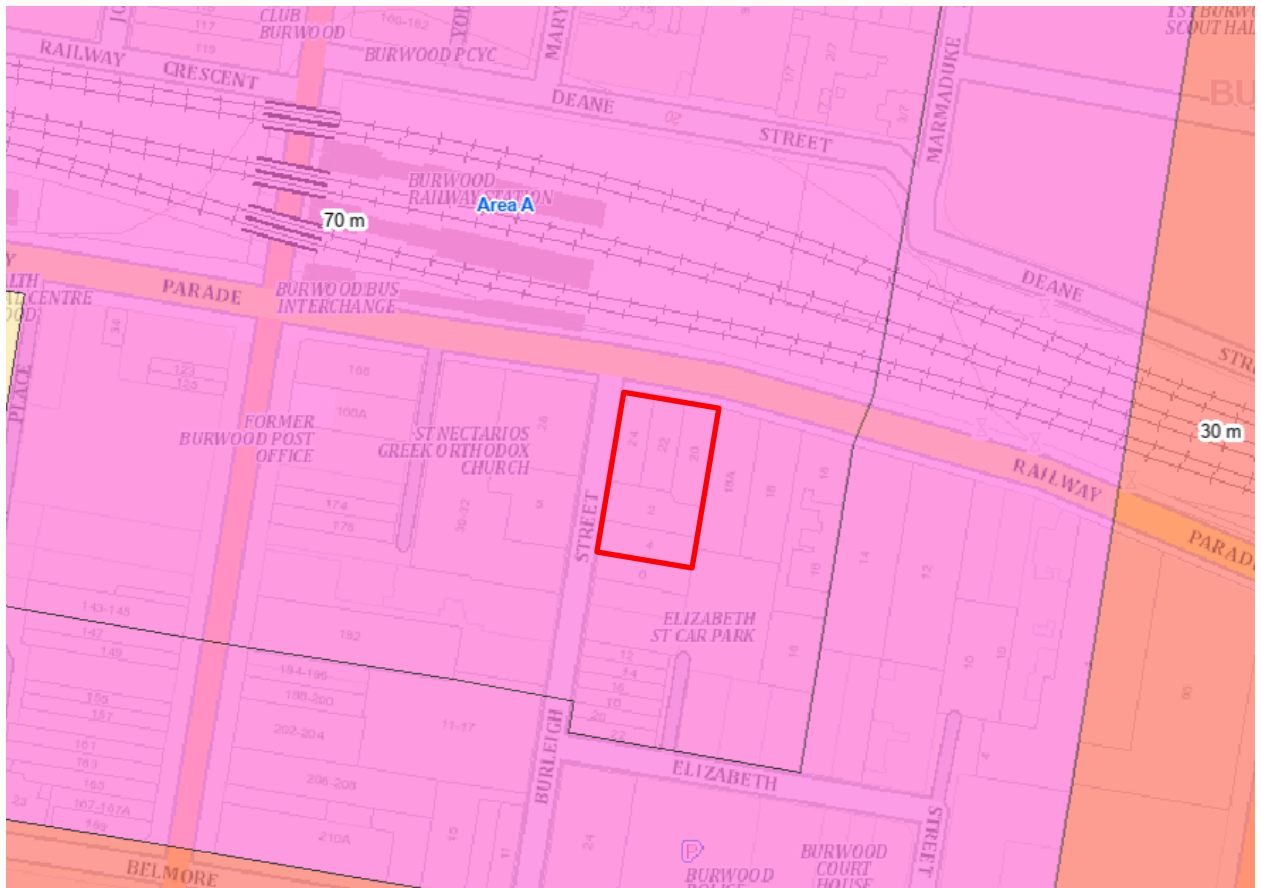


Figure 30 Building Height Map- Extract (Source: NSW Planning Portal).

Notably Clause 4.3A of the BLP 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 building height plane for the land is established by the Building Height Plane Map which is reproduced in **Figure 31** below.

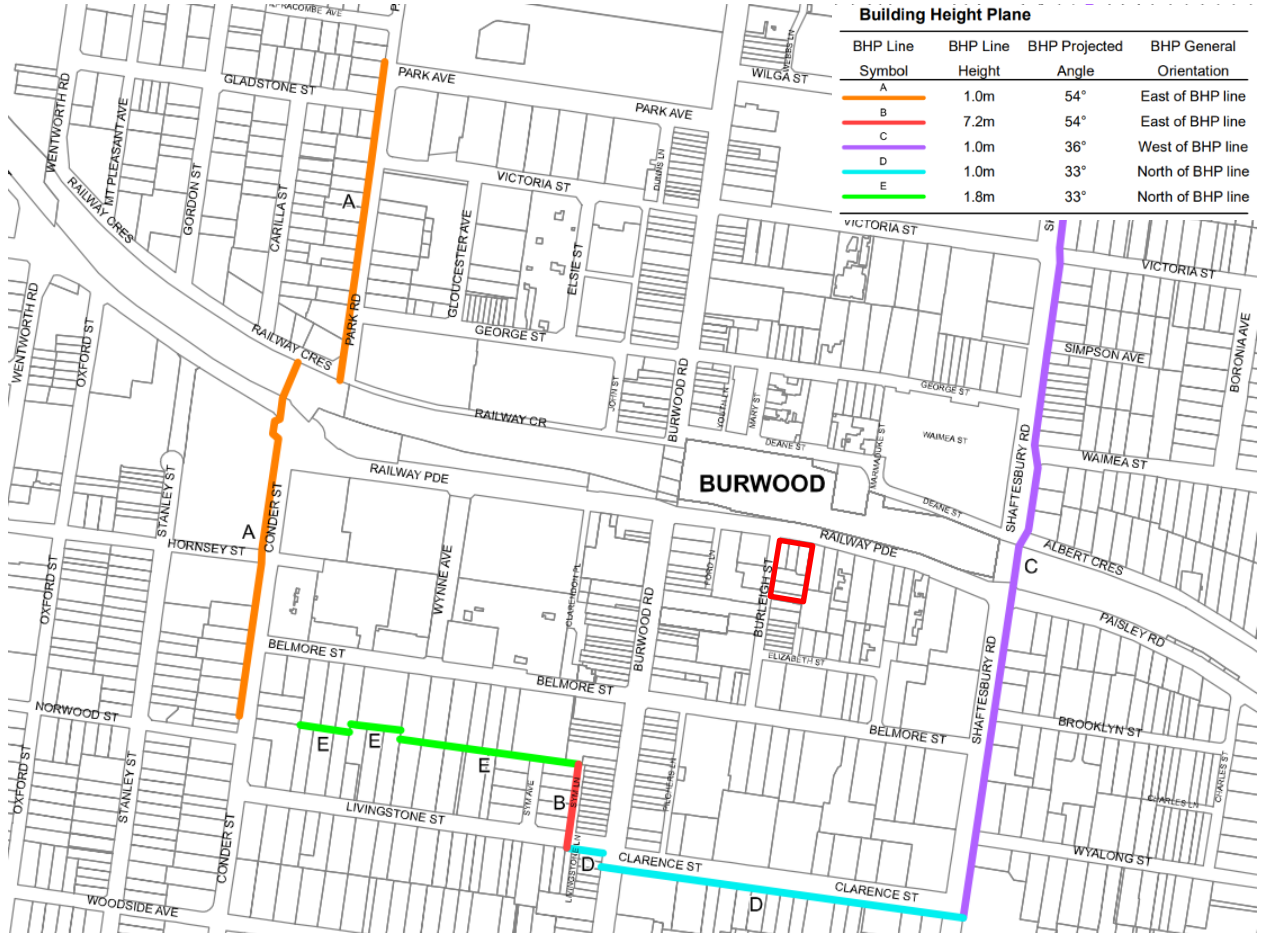


Figure 31 Building Height Plane Map- Extract (Source: BLEP).

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 32** and **33** below.

It is 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.

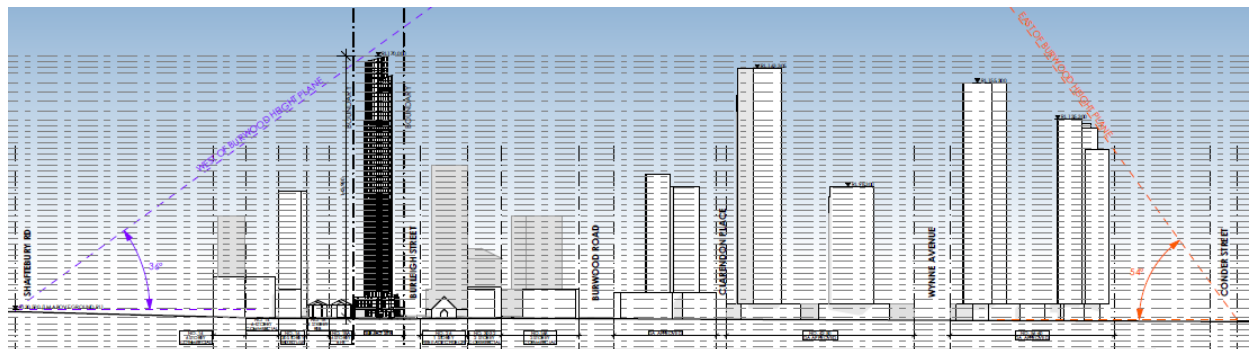


Figure 32 Railway Parade Height Plane Elevation.

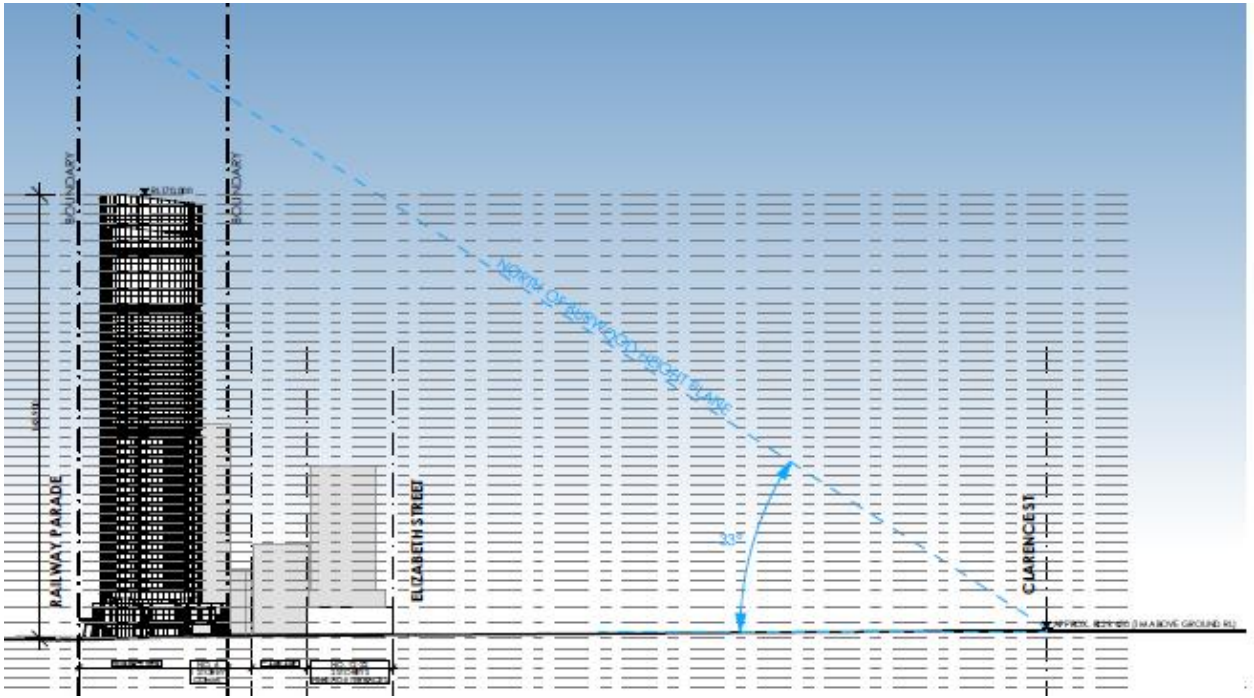


Figure 33 Burleigh Street Height Plane Elevation.

6.4.3 Floor Space Ratio

Clause 4.4 of the BLEP stipulates that the maximum floor space ratio (FSR) for a building on any land is not to exceed the floor space ratio shown for the land on the FSR Map. The relevant FSR Map identifies a maximum FSR for the site of 6:1, as shown in Figure 34 below.

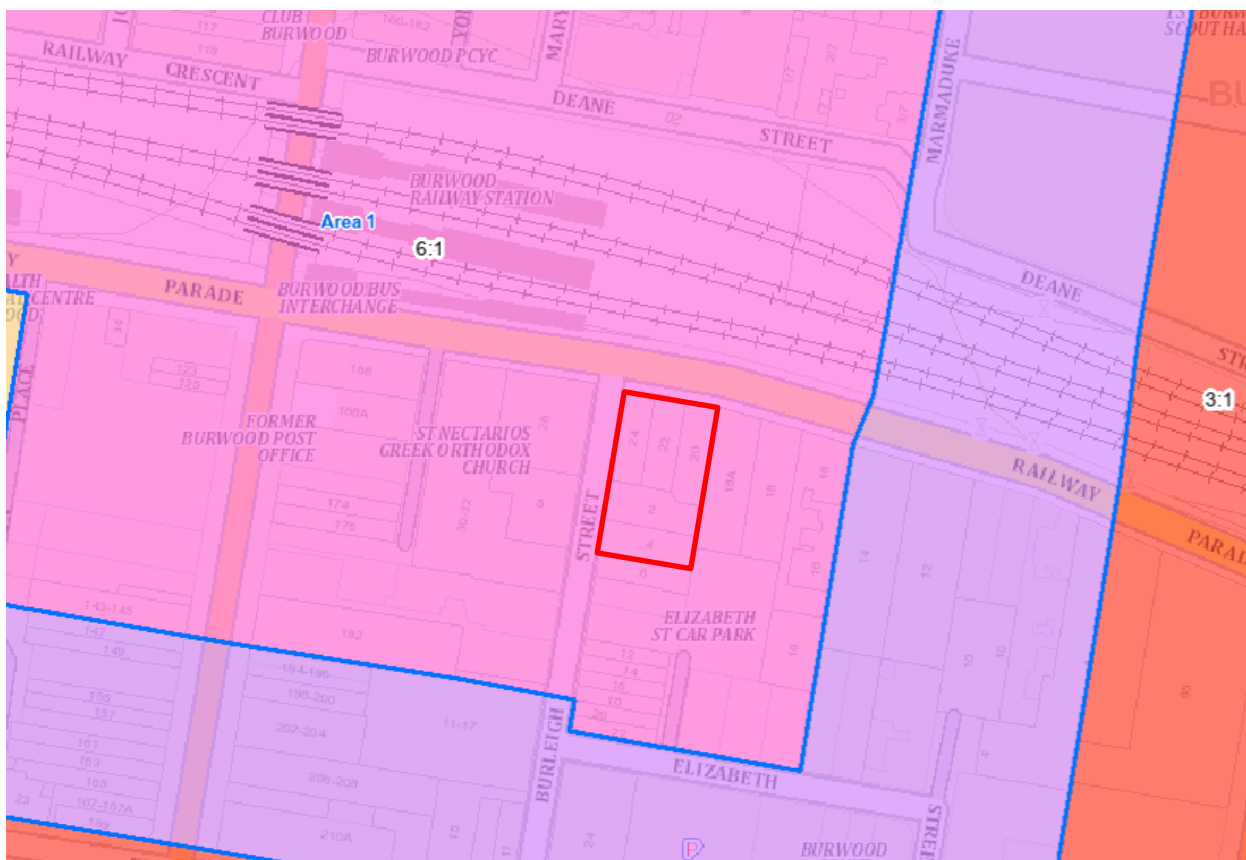


Figure 34 FSR Map- Extract (Source: NSW Planning Portal).

However, and as shown in **Figure 35**, the site is located within 'Area 1' on the FSR Map and as such Clause 4.4A(5) applies as follows:

- (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—
 - (a) the floor space ratio for the building does not exceed—
 - (i) 6.6:1—if the building is in Area 1, or
 - (ii) 4.95:1—if the building is in Area 2, and
 - (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) 40 percent—if the building is in Area 1, or
 - (ii) 70 percent—if the building is in Area 2.

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%.

The proposed development contains a total residential GFA of 4,887m², inclusive of 1,882m² 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.



Therefore, it is logical that the bonus 30% GFA afforded by the Housing SEPP, and subsequently the GFA dedicated to affordable housing within the development, be excluded from the residential GFA percentage. Based on this application, the proposal provides a maximum residential GFA of 3,087m², exclusive of the affordable housing component. This equates to 35.19% of the permissible GFA for the site being 8,771.4m² when applying only the 6.6:1 FSR permitted under the BLEP.

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.

Furthermore, Clause 4.4A(6) applies to development seeking to utilise the bonus FSR under Clause 4.4A(5).

Clause 4.4A(6) is reproduced below:

(6) Subclause (5) applies in relation to proposed development only if—

(a) the proposed development on the land includes development resulting in community infrastructure or the use of land as community infrastructure, and

(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.

In order to satisfy Clause 4.4A(6), a Voluntary Planning Agreement (VPA) is submitted and is to be negotiated with Burwood Council during the SSDA process. The VPA is to include a monetary contribution in place of the provision of community infrastructure on the site.

A VPA Letter of Offer has been prepared to accompany this application and is provided at Appendix 35. The VPA is to be formalised prior to the approval of the SSDA.

6.4.4 Design Excellence

Clause 6.5 of BLEP 2012 sets requirements for certain development within the MU1 zone to exhibit design excellence to ensure that the highest standard of architectural, landscape and urban design is delivered by new development within the zone.

In determining whether a development exhibits design excellence, Clause 6.5 sets out a number of matters for the consent authority to have regard to. These matters are addressed in turn below.

It is important to note that in accordance with Item No. 3 of the SEARs, SSDA 77260958 was required to attend a State Design Review Panel (SDRP) meeting, however, and as advised by GANSW, this meeting was not required since the waiting time for the meeting was in excess of 12 weeks from the time of the meeting request.

Notwithstanding the above, SSDA 77260958 has been subject to significant design development to ensure it achieves design excellence, particularly with regard to the matters for consideration under Clause 6.5, as detailed below.

(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),

SSDA 77260958 provides a high standard of architectural, landscape and urban design throughout a bulk and scale that is appropriate in the existing and desired context of the site and locality. The proposal has been designed to adequately respond to the streetscape and present a high quality built form which improves the quality and amenity of the public domain. The proposal includes high quality materials which respect the context of the locality and the proposed podium and tower form suitably addresses the streetscape whilst responding to the permissible density for the site and anticipated for the precinct. Refer to the Architectural Design Statement (Appendix 9) prepared by PTI Architecture which described the proposed design in detail.



(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,

SSDA 77260958 is a single tower above a two storey podium form. The podium is treated with a two-storey feature glass element which emphasises the Porte Cochere and provides an inviting visual connection between the public domain and the podium levels. The podium has been appropriately setback to improve pedestrian movement and experience along the public domain by increasing the publicly accessible width of the existing footpath of both frontages providing street activation. The ground floor provides active frontages which directly integrate with public spaces. Importantly, the podium ensures that the building retains a human scale at the street edge to ensure a high level of amenity for users of the public domain.

(c) how any streetscape and heritage issues have been addressed,

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. Furthermore, and as stated above, the proposed 3m setback at the ground floor to Railway Parade and Burleigh Street increase the publicly accessible width of the existing footpath on both frontages and therefore enhance the pedestrian experience within the streetscape. The recessed tower design also goes to enhancing the streetscape appearance of the development and improving the relationship to the public domain.

(d) whether the amenity of the surrounding area, including any view corridors, vistas or landmark locations, will be adversely affected,

SSDA 77260958 is accompanied by a View Impact Assessment (Appendix 22) prepared by Urbaine Design. The VIA concludes that the proposal results in an acceptable amount of visual impact and view loss, particularly when assessed against the permissible building envelope for the site and the proposed future growth of the Burwood CBD. The proposed slender tower and recessed design ensures that the visual bulk and scale of the development is minimised and the amenity of the surrounding properties is protected within reason. The proposal allows for appropriate building separation and creates view corridors which are anticipated for the Burwood Town Centre.

(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,

SSDA 77260958 is accompanied by a Traffic Impact Assessment (Appendix 28) prepared by Solution 1 Traffic Engineers. The TIA confirms that the proposal presents a suitable response to the site and locality in terms of vehicular access and provides sufficient circulation space within those areas of the development which permit vehicular access. The TIA has dealt with sight distances, access widths and swept paths and confirms that the proposal will result in a suitable outcome. With regard to service access, this is separate to the main parking access to avoid conflict between servicing and general parking access. Furthermore, the proposal has increased the publicly accessible width of the existing footpath on both frontages to enhance pedestrian and cycle access within the streetscape. The pedestrian entry points are separated from vehicle access to ensure safety of pedestrians. It is also noted that sufficient bicycle parking spaces are provided for each of the proposed land uses.

(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),

SSDA 77260958 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 existing footpath on both frontages providing street activation. 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. 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.

(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,

SSDA 77260958 is for a mixed use development which integrates residential and non-residential land uses to ensure that there are no conflicts between land uses. The proposed land uses will contribute to the vibrancy of the zone by increasing the residential density in the centre and increasing the amount of commercial floor space for the precinct. The proposal provides for open spaces for the hotel which support restaurants and function spaces and will be accessible to the public. The proposal also includes open spaces for the commercial premises and the residential apartments which are provided across different levels within the development.

(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,

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.

(i) whether a high standard of ecologically sustainable design (including low-energy or passive design) will be achieved and overshadowing, wind effects and reflectivity will be minimised.

SSDA 77260958 is accompanied by an Ecological and Sustainability Design Report (Appendix 19) prepared by Partners Energy. As detailed within the ESD Report, the development has integrated a number of initiatives which go to enhancing the buildings ecological footprint. The proposal has incorporated energy-efficient systems, water conservation measures and the use of sustainable materials that enhance indoor environmental quality and promote the well-being of occupants.

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.

With regard to overshadowing, the slender design of the tower ensures the extent of shadowing caused by the proposal is minimised as far as practicable, noting that the scheme achieves full compliance with the permissible height and FSR for the development.

Wind effects have been addressed within the Wind Impact Assessment (Appendix 25) prepared by MEL Consultants which concludes that the wind conditions for the proposed configuration satisfy the relevant criterion.

To avoid any adverse glare to surrounding properties, motorists and pedestrians, it is recommended that glazing used on the façade has a maximum normal specular reflectance of visible light of 20% to ensure the proposal will not result in any hazardous or undesirable glare



6.5 BURWOOD DEVELOPMENT CONTROL PLAN

Clause 2.10 of the Planning Systems SEPP provides that development control plans do not apply to state significant development applications as follows:

- (1) *Development control plans (whether made before or after the commencement of this Chapter) do not apply to—*
 - (a) *State significant development, or*
 - (b) *development for which a relevant council is the consent authority under section 4.37 of the Act.*

Notwithstanding the above, Section 4.15(3) of the EP&A Act requires a consent authority to take into consideration any development control plan which is relevant to the subject application.

Furthermore, in relation to strict numerical compliance, attention is drawn to Section 4.15(3A) of the EP&A Act, 1979 which states as follows:

- "(3A) Development control plans**
If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:
- (a) *if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and*
 - (b) *if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and*
 - (c) *may consider those provisions only in connection with the assessment of that development application"*

Subclause (b) is of most relevance as it emphasises that there may be alternatives to strict numeric compliance in achieving the objectives of a DCP control. It compels the consent authority to be flexible in the application of DCP controls where the objectives of that control are met.

A compliance table is provided at **Table 8** below which identifies that the proposal achieves a high level of compliance with the relevant provisions of the Burwood DCP (BDCP), noting that the DCP does not have any legislative weight as part of this SSDA.

Chapter 3 of the BDCP provides area specific controls that relate to the Burwood Town Centre in which the subject site is located. The proposed development is assessed against the relevant provisions of Chapter 3 in **Table 8**.

Table 8 Burwood DCP Compliance Summary		
Clause	Requirement	Compliance
3.2 General Building Design Controls in Centres and Corridors		
Building Design	P1 Architectural design excellence is to be achieved in the following ways: <ul style="list-style-type: none"> ♣ The form and external appearance of any development should significantly improve the quality and amenity of the public domain. ♣ Cohesive design and visual interest should be provided by articulation, modulation and fenestration as well as textures, materials and colours. ♣ The development should respond positively to its context, environment and function. 	The proposal significantly enhances the appearance of the site from the streetscape and makes a positive contribution to the public domain. The proposal is highly articulated with a simple palette of colours and materials utilised to highlight key features.

Table 8 Burwood DCP Compliance Summary

P2 New facades should complement the predominant scale, proportion and rhythm of the existing streetscape.

P3 Façade elements including roof form, materials, colours and awnings are to make a cohesive and visually interesting building appearance.

P4 New facades are to respond to the proportion, texture and material of surrounding notable buildings including heritage or locally valued buildings within the immediate surrounding context. Mimicking of heritage features is to be avoided.

P8 New developments on corner sites should orient to both street frontages. Also they should accentuate the corner's unique location with architectural features that actively engage the public realm and create a visual presence at the corner, such as:

- ♣ Chamfered or rounded corners
- ♣ Different material and colours
- ♣ Recessed balconies or windows

P9 Building service elements, such as drainage pipes, grilles, screens, ventilation louvres and car park entry doors should be integrated into the overall facade design.

P10 A simplified response to the required DCP height plane is encouraged.

P11 The primary façade proportion should distinguish the podium, middle and top elements.

Base/Podium

P12 Ground level façades are to have modulation every 5-6m to reflect the existing 'fine grain' storefront scale.

P13 Podium façade articulation above the ground level should contribute to the modulation and rhythm of the ground level and reflect a human scale development.

P15 A minimum of 90% of the front façades on the ground level are to be activated with storefronts and openings.

P16 A minimum of 30% - 50% of side façades within podia are to be activated with windows and openings. This applies where a side façade is next to a heritage item, a pedestrian link or a laneway.

The podium form and proposed materials directly respond to the surrounding site context.

The proposed podium presents a suitable street height and proportion which complements the existing streetscape.

The proposal strikes a balance between offering visual interest and complementing the existing streetscape through the use of tonal colours, the large porte cochere and use of sympathetic materials.

The proposed podium form which is finished in sandstone materials directly relates to the nearby heritage item, without mimicking any heritage features.

The proposal has been designed to address both street frontages. The porte cochere accentuates the corner location.

Building service elements are suitably integrated or screened.

The podium and tower present a sleek and simple design which complies with the building height plane.

The podium and tower are distinguished by materials and setbacks.

The podium presents as a highly articulated form with various building entrances.

The podium sits at a height which respects the human scale. The outdoor space at the podium and landscaping contribute to the articulation of the building.

The ground floor level has been activated as far as practicable with glazing maximised and various building entries provided.

The side faced is built to the boundary as permitted.

Not applicable. The rear façade is built to the boundary, as permitted.

Table 8 Burwood DCP Compliance Summary

<p>P17 A minimum of 60% - 70% of the rear façade within podia is to include windows and openings. This applies where the rear façade is not built to the rear boundary, or where it is built to the rear boundary but has frontage to a laneway or a pedestrian link.</p>	<p>Building entrances are clearly visible.</p>
<p>P18 Main entrances are to be clearly visible from the public domain. Different materials or visually interesting modulations/rhythms are encouraged.</p>	<p>The service and parking entrances comply with the requirements in terms of width and gradient. The entries are setback from the façade and are well integrated into the built form. Both frontages have been activated by the proposal.</p>
<p>P19 Service/parking entrances are to have a minimum width, be integrated with the overall façade of the podium element and show quality materials around the mouth of the entrance up to 3m inwards or after the security gate.</p>	<p>Glazing has been maximised and all apartments are provided with balconies.</p>
<p>P20 Podium façades in corner sites should activate both streets. Middle P23 Front and rear façades to include 60% - 70% windows and balconies to habitable rooms.</p>	<p>The tower has been designed to provide glazing to the facades which maximise visibility to the public domain. The proposed separation distances are appropriate due to the selection of glazing which has been designed to maximise privacy.</p>
<p>P24 Side façades - if not attached to the adjacent development - are to include windows and openings within at least 30% - 50% of the façade visible from the public domain and the surrounding habitable areas. Where separation distances are less than the guidelines in the ADG, redirection of views from the widows and openings is encouraged to avoid adverse privacy impacts.</p>	<p>Blanks walls are not proposed. Openings are maximised at the northern elevation. Shading is not considered necessary.</p>
<p>P26 New development should avoid having blank walls on the northern façade. A minimum of 70% of the northern façade is to include habitable windows and balconies.</p>	<p>The building faced reflects the proposed uses.</p>
<p>P27 Horizontal shading on the northern façades and vertical shading for eastern/western facades are encouraged to control heat gain to the internal areas.</p>	<p>The proposal presents a highly articulated form with variation offered by setbacks, materials/finishes and design.</p>
<p>P28 Façade proportions should reflect the internal use of each building.</p>	<p>The proposed roof design adds visual interest to the Burwood skyline.</p>
<p>P29 Variety of architectural modulation and rhythm is encouraged to enhance the visual interest of the façade. Vertical articulation is preferred to break the façade into smaller elements.</p>	<p>The proposal clearly presents roof termination.</p>
<p>Building Top and Roof Gardens P33 Roof designs are to be integrated into the overall architectural character of the building and enhance the skyline of the centre or corridor.</p>	<p>The roof level is distinguished from the levels below.</p>
<p>P34 Buildings are to have recognisable roof termination or capping distinguishable from the public domain.</p>	<p>The rooftop area is accessible to residents and present the primary open space for</p>

Table 8 Burwood DCP Compliance Summary

		<p>P35 The use of different façade expression including articulation, material, parapet, colour and texture to differentiate the top level or roof is encouraged.</p> <p>P39 Residents shall have access to rooftop and podium gardens wherever possible. At least 50% of the roof area shall be vegetated with grasses, shrubs and trees.</p> <p>P40 Planter boxes must be located at the perimeter of rooftop gardens to minimise overlooking of neighbouring dwellings.</p> <p>P41 Planting containers must allow sufficient depth and volume, growing medium and irrigation to support the mature size of plants.</p>	<p>residents o enjoy. The rooftop space is not 50% landscape area, however, planter boxes which allow for tree planting are proposed and are considered sufficient to add to the amenity of residents.</p> <p>Planter boxes are located around the perimeter where possible.</p> <p>The proposed planters allow for sufficient depth for planting.</p>
Materials and Finishes		<p>P1 The existing material, texture or colours of the surrounding developments are to be considered in the façade design of the new developments.</p> <p>P2 The new façade is to consider the texture and materials of their adjacent heritage buildings or contributory items.</p> <p>P3 Different treatment is to be considered for the base, middle and top in the overall facade composition.</p> <p>P6 Monotonous/bland façade expressions are to be avoided. Building materials and colours should be used to unify and provide visual interest to building exteriors. However, the number of materials and colours should be limited to maintain a visual simplicity and harmony.</p> <p>P7 Changes in façade material or colour should be associated with a change in façade plane or separated by a pilaster, recess or change in scale.</p> <p>P8 Opening frames are generally to be recessive colours to mitigate any visual clutter of the overall façade.</p> <p>P9 An appropriate palette of colours should be used. Stronger primary colours can be used as the main building colour when used in combination with lighter colours to highlight building accents and create contrast.</p> <p>P10 The use of white shall only be permitted on trimming with bright colours to highlight items. Generally neutral tones should predominate and colours selected should fall into the spectrum of the preferred community colour palette.</p>	<p>The proposed materials and colours are sympathetic to the surrounding context.</p> <p>The proposed sandstone for the podium directly responds to the nearby heritage item.</p> <p>The materials for the podium differ to the tower.</p> <p>The number of materials have been minimised to ensure a simple visual presentation which still providing a high level of visual interest at both the podium and tower.</p> <p>The materials differ between the podium and tower to emphasise the different proportions of the building.</p> <p>Visual clutter has been minimised through the use of neutral, recessive colours. The proposed palette of colours are neutral and have been chosen to appropriately highlight the buildings features.</p> <p>White is not proposed. The building is finished in neutral colours.</p> <p>Details of glazing are provided within the Architectural Plans. Highly reflected glass is avoided where possible.</p>

Table 8 Burwood DCP Compliance Summary

		<p>P11 Buildings are to avoid high reflectivity glass. No clear glass balustrades will be permitted. Use of translucent or opaque materials for balustrades is encouraged.</p> <p>P12 Materials in high rise building forms particularly those terminating views and vistas should help elevate the building's iconic status.</p>	<p>The proposed materials are considered to establish the building as an iconic tower within the skyline.</p>
Lighting and Signage		<p>P1 The size of the street address sign on the main facade is to be legible for pedestrians walking in the public domain.</p>	<p>Noted. The proposal can comply.</p>
		<p>P2 Building names and street addresses are to have contrasting colours and/or material to enhance their legibility.</p>	<p>Noted. The proposal can comply.</p>
		<p>P3 External lighting to enhance the details of facade and character of the surrounding context is to be incorporated. Use of indirect lighting is encouraged.</p>	<p>External lighting will be placed to enhance the presentation of the façade.</p>
		<p>P4 In town centres and corridors, the external lighting is to illuminate the specific character of the building including the entrances, corner element or roof features.</p>	<p>Noted. The lighting will emphasise the development as a corner feature building.</p>
		<p>P5 Night-lighting of retail display windows in mixed-use buildings in town centres and corridors is encouraged.</p>	<p>Noted. Night lighting can be provided.</p>
Street-Front Activities and Building Access		<p>P2 Ground floor level development must:</p> <ul style="list-style-type: none"> ♣ Promote quality non-residential activities in accordance with the zone. ♣ Minimise the number of service doors. ♣ Encourage visual interest on service doors with displays etc. ♣ Provide access points to and from the public domain at not more than 20 metre intervals. ♣ Provide at-grade access at entry points. ♣ Incorporate visually interesting streetscape frontages at ground level with attractive entries, clear glazed windows and window displays, artworks, articulated architecture and facade modulation. 	<p>Non-residential uses are provided at the ground floor. Service doors are limited. Noted.</p> <p>Building entries are maximised.</p> <p>At-grade access is provided. Interest at the ground floor is provided by the variety of entries, glazing and architectural features, including the porte cochere.</p>
		<p>P3 Separate and clearly identifiable entrances must be provided from the street for pedestrians and cars, and different uses (residential and non-residential).</p>	<p>Vehicle and pedestrian access points are separated.</p>
		<p>P4 Building entrances must have a direct physical and visual connection with the street.</p>	<p>Building entries have direct and clear access to the street.</p>
		<p>P5 Residential component of any development must have a clear street address and a separate entry.</p>	<p>The residential entry is clearly visible from Railway Parade and is separate from other building entrances.</p>
		<p>P6 Outdoor dining is generally encouraged on the footpath of commercially active street frontages, subject to compliance with Council's Outdoor Eating Area Policy.</p>	<p>Outdoor dining is not proposed but can be implemented for the café.</p>
		<p>P7 All commercial components must have a clear street address.</p>	<p>Commercial uses clearly address the street frontages.</p>
		<p>P8 CCTV cameras shall be installed over any entrance points (including car parking entrance) for residential flat buildings and</p>	

Table 8 Burwood DCP Compliance Summary

	<p>major developments. The CCTV system shall provide a quality image that can assist with the detection of crime and be used by the NSW Police in any investigation (preferably a quality digital system). CCTV system footage shall be retained for a period of no less than fourteen days and be available upon request by the NSW Police when required.</p>	<p>CCTV cameras can be installed.</p>
	<p>P9 All mail box and postal facilities shall be incorporated into the building in accordance with the requirements of Australia Post. Mail boxes shall be sited and designed for attractive visual appearance and function, as well as to complement the architecture and environs.</p>	<p>Mail boxes will be located within the residential lobby.</p>
	<p>P10 A locking device shall be installed to all mailboxes.</p>	
	<p>P12 Development Application documentation must show all required mechanical/functional installations for utilities such as fire hydrant boosters and electrical substations. These must have coverings or shielding to screen their setting so as to minimise their visual impacts.</p>	<p>Noted.</p> <p>Noted.</p>
	<p>P13 Fire safety utilities such as fire hydrant boosters must be screened, accessible at all times and integrated within the overall architectural design of the building.</p>	<p>Utilities will be adequately screened.</p>
	<p>P14 Large power supply utilities such as electrical substations must be shielded from public view or encapsulated within the building envelope.</p>	<p>The substation is integrated into the podium form.</p>
	<p>P15 Mechanical ventilation and plant equipment must not be visible from the public domain, or be attached to the external façades or elevations. It must be located within a central plant area and screened from public view.</p>	<p>Plant is located within the built form.</p>
	<p>P16 Mechanical ventilation and plant equipment must not adversely affect the architectural quality and presentation of façades, elevations or roof features.</p>	<p>Plant is integrated into the built form.</p>
Site Isolation	<p>P1 The creation of isolated sites is discouraged.</p> <p>P2 Where a development may result in the creation of an isolated site or sites, the applicant is required to demonstrate that negotiations between the owners of the properties commenced at an early stage that was prior to the lodgement of the Development Application. Where no satisfactory result is achieved, the Development Application must include evidence of negotiations with the owners of the properties. These details must include offers to such owners. Such offers are to be reasonable and are to be based on at least one recent independent valuation and include other reasonable expenses likely to be incurred in the sale of the process.</p> <p>P3 Where a development may result in the creation of an isolated site the applicant must demonstrate that orderly and</p>	<p>The adjoining sites will not be isolated as a result of the proposal.</p> <p>As above.</p>

Table 8 Burwood DCP Compliance Summary

		<p>economic use and development of the separate sites can be achieved that is consistent with the planning controls. Such demonstration is achieved by the applicant providing an envelope for that site, indicating height, setbacks, resultant site coverage and/or built area (building and basement), sufficient to understand the relationship between the development and that site, the likely impacts the development will have on each other, such as solar access, visual and acoustic privacy, impacts for residential development and traffic impacts if that site is on a main road.</p> <p>P4 The development of an isolated site is not to detract from the character of the streetscape and is to achieve a satisfactory level of amenity, including solar access, visual and acoustic privacy.</p>	<p>As shown in the Architectural Plans, the adjoining sites are capable of being redeveloped.</p> <p>Not applicable.</p>
Residential Buildings and Shop Top Housing	Flat	<p>P1 In the B4 Mixed Use zone, both residential flat buildings and shop top housing are permitted with consent. For the purposes of implementation of the BLEP 2012 in this zone, where the residential component of a mixed development comprises three or more dwellings, it will be regarded as a residential flat building, not shop top housing. In these cases there will be no restriction on ground floor uses.</p> <p>In the B4 Mixed Use zone development comprising residential flat buildings or shop top housing will be subject to the same provisions of Part 3 of this DCP, together with SEPP 65 and the Apartment Design Guide (ADG).</p>	Noted.
Apartment and Dwelling Sizes	Mix and Minimum	<p>P1 Residential development in excess of 20 dwellings must provide a mix of dwellings containing one, two or more bedrooms.</p> <p>P2 All residential developments must provide the following minimum apartment sizes:</p> <ul style="list-style-type: none"> ♣ Studio apartments - 40 square metres. ♣ One bedroom apartments - 50 square metres. ♣ Two bedroom apartments - 70 square metres. ♣ Three or more bedroom apartments - 95 square metres 	<p>The proposal contains 48 dwellings. Whilst all dwellings contain 2 bedroom they are dual key apartments consisting of 1 bedroom apartment and a studio which offers flexibility and diversity in housing mix for future residents.</p> <p>The size of apartments achieve the minimum ADG requirements.</p>
Minimum Area	Site	<p>P1 Any development with a height over 10m is generally required to have a minimum site area of 500sqm.</p>	The site has an area of 1329sqm.
Ceiling Height		<p>P1 Development must provide the following minimum ceiling heights. Dimensions are expressed from finished floor levels to finished ceiling levels:</p> <ul style="list-style-type: none"> ♣ Ground level of all development (commercial and residential): 3.3 metres. ♣ Non-residential floors above ground level: 3.0 metres. ♣ Residential floors above ground level: 2.7 metres for habitable rooms and 2.4 metres for non-habitable rooms. <p>P2 In developments where 50% or more units on a level do not receive a minimum of 2 hours of direct sunlight to habitable spaces in midwinter (balconies excluded) the floor to ceiling</p>	<p>All floor levels exceed the minimum required.</p> <p>100% of apartments achieve solar access in midwinter.</p>

Table 8 Burwood DCP Compliance Summary

		height must be a minimum of 3 metres for the entire floor (approx. 3.3 metres floor to floor).	
Visual and Acoustic Privacy		<p>P1 Development must be located and orientated to maximise visual privacy between development on the site and adjacent development by:</p> <ul style="list-style-type: none"> ♣ Providing adequate rear and side setbacks. ♣ Utilising the site layout to increase building separation. For example, orientation of buildings on narrow sites to the front and rear of the lot, thereby utilising the street width and rear garden depth to increase the apparent building separation distance. <p>P2 Detailed site and building design elements may be incorporated to increase privacy without compromising access to light and air. Design detailing may include:</p> <ul style="list-style-type: none"> ♣ Solid or semi-solid balustrades to balconies. ♣ Offset windows of dwellings. ♣ Recessed balconies and/or vertical fins. ♣ Louvres or screen panels to windows and/or balconies. ♣ Fencing. ♣ Vegetation as a screen between spaces. ♣ Pergolas or shading devices to limit overlooking. 	<p>The proposal has been designed to maximise visual privacy. Appropriate building setbacks are provided and glazing has been selected in order to achieve suitable building separation distances.</p> <p>The proposal incorporates building design elements to maximise privacy including louvres and vegetation, whilst also ensuring building orientation contributed to alleviating privacy impacts.</p>
Private Space	Open	<p>P1 All dwellings must have direct access to one primary open space from the main living area.</p> <p>P2 The primary open space must be dimensioned to promote indoor/outdoor living. A dining table and two chairs (small apartment, i.e. 1 bedroom) or four chairs (large apartment, i.e. 2 or more bedrooms) should fit on the primary open space. The following minimum dimensions, clear of balustrades, must be achieved:</p> <ul style="list-style-type: none"> ♣ Minimum depth - 2 metres (up to one bedroom). ♣ Minimum depth - 2.5 metres (two or more bedrooms). ♣ Minimum area - 8 sq metres (one and two bedrooms). ♣ Minimum area - 10 sq metres (three bedrooms or larger). 	<p>All dwellings are provided within private open space accessed from the main living area.</p> <p>Primary open spaces achieve the ADG requirements. Notably, when counted as a two bedroom apartment, the dual keys comply with the minimum areas for private open space.</p>
Lobbies and Internal Circulation		<p>P1 Entry lobbies must be designed to provide facilities for seating, mail delivery and collection, and supervising personnel wherever possible.</p> <p>P2 Lift lobbies must be naturally ventilated. Daylight is to enter all residential lift lobbies.</p> <p>P3 Common area corridors must be designed to facilitate easy movement of people and furniture. Corridors must incorporate varied surfaces, textured and materials, and clearly identified apartment numbers.</p> <p>P4 Common area corridors must be a minimum of 2 metres in width. Areas in front of arrival points i.e. lifts and fire stairs should have an additional depth up to 2.5 metres to facilitate improved internal building amenity. Access to facilities such as doors to rooms enclosing garbage chutes or vertical risers, if</p>	<p>Entry lobbies are capable of accommodating the required facilities.</p> <p>Noted. All lobbies are naturally ventilated and achieve suitable solar access. Corridors are suitable for the movement of people and furniture.</p> <p>Noted. The proposal complies with the minimum width requirements.</p>

Table 8 Burwood DCP Compliance Summary

		clustered around lift cores, should also benefit from additional corridor depth.	
Safety and Security		<p>P1 The routes between a development’s entrance and its dwellings must be designed to maximise occupant safety. The routes from car parking areas to the lift lobby are particularly important in this regard. Clear sight lines and well-lit routes must be provided.</p> <p>P2 Development must comply with Council’s Burwood Community Crime Prevention and Safety Plan.</p> <p>P3 Development must be provided with clearly defined site boundaries to strengthen the distinction between public and private space.</p> <p>P4 Facades at ground level must be activated by locating after hours uses so they are visible from the publicly accessible areas.</p> <p>P5 Development access must be controlled by:</p> <ul style="list-style-type: none"> ♣ Restricting access from balconies, roofs and windows of neighbouring development. ♣ Providing separate access from public and common areas. ♣ Providing separate access for residents in mixed-use developments. ♣ Providing an audio or video intercom system at the pedestrian or vehicular entrance or in the lobby for visitors to communicate with residents. ♣ Providing secure keyed or electronic access for residents. <p>P6 Concealment opportunities must be minimised from development by:</p> <ul style="list-style-type: none"> ♣ Eliminating blind or dark alcoves near lifts and stairwells. ♣ Providing clear sight lines and well lit routes throughout the development. ♣ Providing appropriate levels of illumination for all common areas. <p>P7 Residential development must be oriented so that primary windows and private open space address the street and publicly accessible areas.</p> <p>P8 Where, as a result of the nature of the development, there are specific security requirements, security measures must form an integral part of the building design.</p>	<p>Routes are direct as possible to maximise safety.</p> <p>The proposal achieves compliance. Refer to the CPTED Report prepared for this application.</p> <p>The boundaries to the site are clearly defined by the proposed built form and entrances.</p> <p>The ground floor facades are activated by non-residential uses.</p> <p>Access is not permitted.</p> <p>Access is separate from public and common spaces.</p> <p>Residential access is separate.</p> <p>This will be provided.</p> <p>This will be provided.</p> <p>Areas of concealment have been avoided.</p> <p>Clear site lines are provided.</p> <p>Common areas will be illuminated.</p> <p>Residential apartments are oriented towards the street frontages.</p> <p>The necessary security measures will be implemented.</p>
Access and Mobility		<p>P1 The main entry of development must be designed and identified for use by persons with a mobility impairment.</p> <p>P2 The main entry must be accessible from the street footpath in accordance with Australian Standard (AS) 1428: Design for Access and Mobility.</p>	<p>Building entrances are accessible.</p> <p>As above.</p>

Table 8 Burwood DCP Compliance Summary

	P3 All ground level setbacks are to be finished at-grade with Council's footpath and finished with materials to match Council's current public domain requirements.	Noted.
Secondary Setbacks	<p>P1 Where development in the Commercial Core and Middle Ring Areas exceed 15 metres in height, the part of the development above 15 metres must be set back a minimum of 6 metres from the street front boundary, unless otherwise specified in P3 and Figure 28Figure 26. Refer to Figure 26 and Figure 27.</p> <p>6m</p> <p>P2 Setback areas must be free of any projections or encroachments.</p>	<p>The proposal complies with the 6m setback requirement for the tower.</p> <p>No projections into the 6m setback are proposed.</p>
Side and Rear Setbacks	<p>P1 For residential development refer to the building separation setback provisions of the ADG which supplements SEPP 65 - Design Quality of Residential Flat Development.</p> <p>P2 Other street front development up to 15 metres in height must be built to the side boundary and may be built to the rear boundary.</p>	<p>Noted.</p> <p>The podium is built to the side and rear boundary.</p>
Building Separation/Frontage Overview	<p>P1 For all development refer to the building separation provisions of the ADG which supplements SEPP 65 - Design Quality of Residential Flat Development.</p> <p>P2 The building separation requirements established under P1 must be shared equally with adjoining development across a boundary (refer to Figure 30. The applicant must demonstrate that daylight access, urban form, open space and visual and acoustic privacy can be satisfactorily achieved.</p> <p>P3 The maximum length in any direction of any part of a building parallel to the street above 15 metres in height is 45m (refer to Figure 31). This portion of the building must be suitably articulated to alleviate building mass and improve building appearance.</p>	<p>The proposal achieves compliance with the ADG building separation requirements.</p> <p>Noted. The proposal complies and ensures suitable levels of sunlight, ventilation and privacy are enjoyed.</p> <p>The proposed tower form complies with the BHP and is considered acceptable.</p>
Communal Open Space	<p>Podium Areas</p> <p>P1 Podium areas must be made accessible as communal open space.</p> <p>P2 Landscaping must be provided in communal open space. A minimum 0.6 metre soil depth must be provided over 50% of the area to support planting or soft landscaping.</p> <p>Roof Tops</p> <p>P3 Accessible communal open space may be provided on roof tops of development.</p> <p>P4 The design of roof top communal open space must also have regard to its visual and acoustic impact and effects of wind.</p>	<p>Podium areas contain communal open space.</p> <p>Landscaping is provided in communal open spaces with appropriate soil depth to allow for quality plantings.</p> <p>The roof top is made accessible.</p> <p>The roof top will not result in any visual or acoustic impacts and is suitably designed to mitigate any wind effects.</p>

Table 8 Burwood DCP Compliance Summary

P5 For residential development refer to the communal open space provisions of the ADG which supplements SEPP 65 – Design Quality of Residential Flat Development.

The proposal complies with the 25% communal open space requirement under the ADG.

6.6 CONTRIBUTIONS

6.6.1 Section 7.12 Contributions

The Section 7.12 Plan for Burwood Town Centre applies to the land and to this development. The contributions received from this Plan go towards the provision, extension or augmentation of public facilities, or towards recouping the cost of their provision, extension or augmentation. Contributions will be calculated as a percentage of the development value at a rate of 4% for development with a cost of more than \$250,000.

6.6.2 Housing and Productivity Contribution

The Housing and Productivity Contribution replaces the previous Special Infrastructure Contribution (SIC) in the NSW planning legislation. The contribution seeks to deliver the infrastructure need to support housing and productivity across fourth growth regions of NSW including Greater Sydney. The contribution applies to residential development that intensifies land use where new dwellings are created and to commercial development where new floorspace is created. As such the contributions will apply to SSDA 77260958.

6.7 BUILT FORM AND URBAN DESIGN

An Architectural Desing Statement is provided at Appendix 9.

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 and open spaces provided at Level 2 and Level 37, which 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.

The building has high quality finishes and attention to detail that will set a benchmark for future developments in the locality. The materials palette and architectural language gives definition to each part of the building while ensuring that the development has a single holistic character. A material schedule is provided within the architectural package at Appendix 8.

Photomontages of the proposed development are provided at **Figure 35** and **36**.



Figure 35 3D montage of the podium of the proposed development.

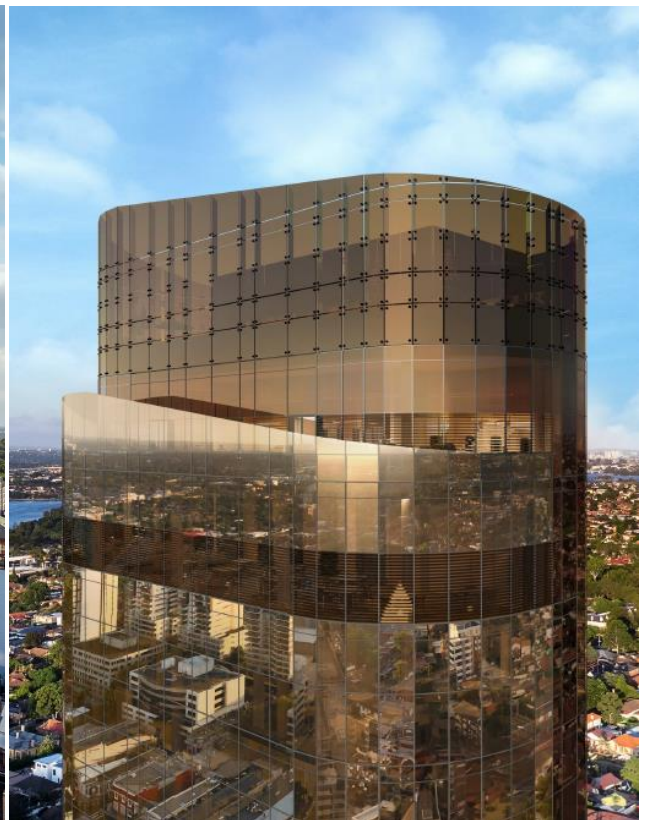


Figure 36 3D montage of the tower of the proposed development.



6.8 VIEWS AND VISUAL IMPACT ASSESSMENT

SSDA 77260958 will not result in any unreasonable impacts on any significant views enjoyed from surrounding properties or the public domain. A Visual Impact Assessment (VIA) prepared by Urbaine and provided at Appendix 22, provides a detailed analysis of the existing views enjoyed from a number of vantage points and how the proposed built form will impact those views.

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.

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.

Furthermore, the VIA provides the following summary:

Within the context of the BLEP and other, recently approved developments within the area, the assessment of visual impact varies from Negligible to Moderate-to-Severe. The higher values relate to views where the tower is observed in silhouette against the sky, although this will reduce over time, as further developments are approved within the CBD.

Since the proposal is largely compliant, according to the permitted FSR uplift, it satisfies the Council's guidelines for view sharing and visual impact, experienced between neighbouring properties and also from public spaces, as described within the commentary in this report.

6.9 SOLAR ACCESS

SSDA 77260958 has been designed to maximise solar access for the proposed apartments, as well as the hotel rooms and commercial office spaces.

Importantly, the ADG requires living rooms and private open spaces of at least 70% of apartments in a high density setting to receive at least 2 hours direct sunlight between 9am and 3pm at mid-winter in the Sydney Metropolitan Regional. The ADG also requires no more than 15% of apartments receive no direct sunlight in this time.

Solar access diagrams have been prepared by PTI Architecture and are provided within the Architectural Plans at-Appendix 8.

The diagrams indicate that, when the dual key apartments are counted as 48 x two bedroom apartments, 100% achieve at least 3 hours of direct sunlight between 9am and 3pm during midwinter. Furthermore, although not required, the apartments also achieve the solar access requirements when counted as sole occupancy units. Indeed, when counting the dual key apartments as 2 x sole occupancy units, resulting in a total of 96 individual apartments, 83% of these achieve at least 3 hours of solar access between 9am and 3pm during midwinter.

6.10 OVERSHADOWING

Shadow diagrams are provided within the Architectural Plans prepared by PTI Architecture at Appendix 8.

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 37 to 39** 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 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.

Therefore, the proposed development will not have any significant or unreasonable impact in terms of solar access and overshadowing to adjoining properties.

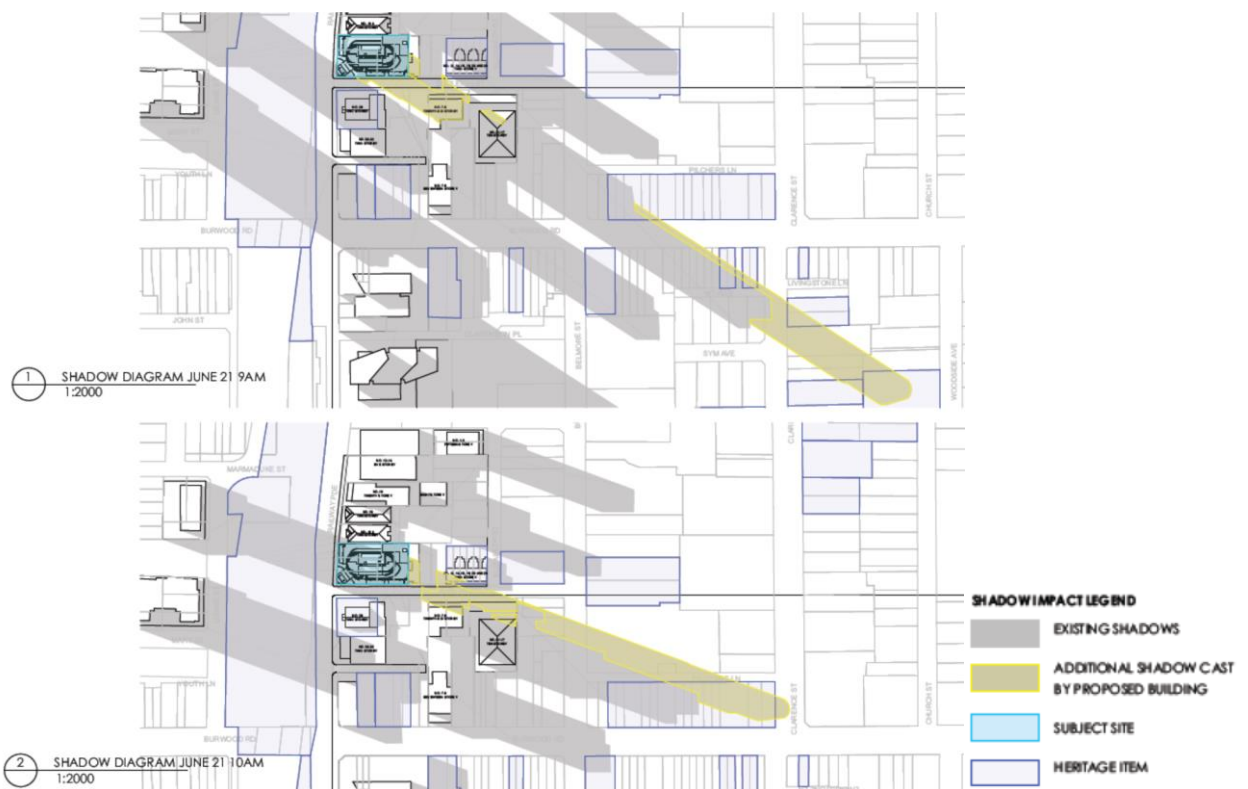


Figure 37 Shadow diagrams for June 21 at 9am and 10am.



Figure 38 Shadow diagrams for June 21 at 11am and 12pm.

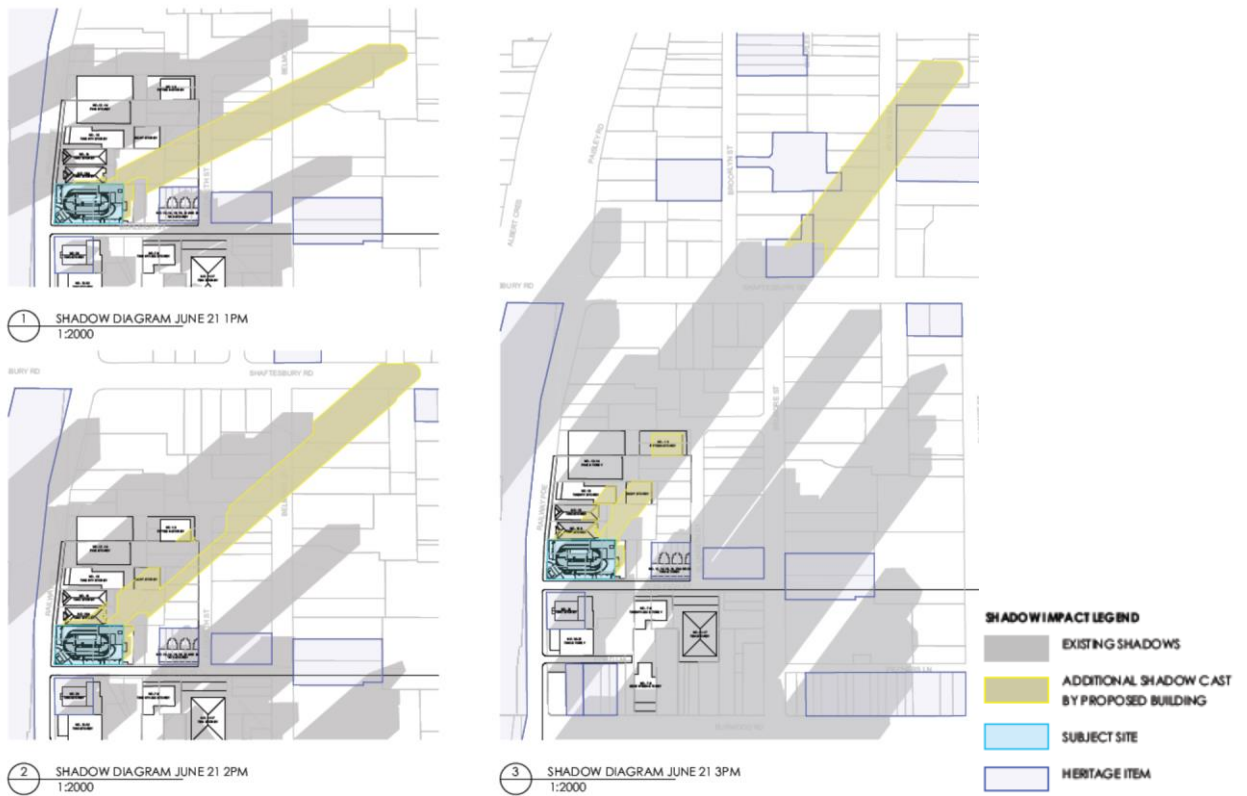


Figure 39 Shadow diagrams for June 21 at 1pm, 2pm and 3pm.



6.11 NATURAL VENTILATION

The ADG requires that at least 60% of apartments are naturally cross ventilated in the first nine storeys. Apartments that are ten storeys and above are deemed to be naturally cross ventilated.

Cross ventilation diagrams have been prepared by PTI Architecture and are provided within the Architectural Plans at Appendix 8.

The diagrams indicate that, when the dual key apartments are counted as 48 x two bedroom apartments, 83% achieve natural cross ventilation, and when counting the dual key apartments as 2 x sole occupancy units, resulting in a total of 96 individual apartments, 67% achieve natural cross ventilation.

6.12 VISUAL PRIVACY

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.

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.

Importantly, the proposal has maximised window and openings towards the street frontages and away from the neighbouring sites.

6.13 ACOUSTIC PRIVACY

In terms of acoustic privacy, a Noise and Vibration Impact Assessment has been prepared by Acoustic Logic and is provided at Appendix 24. The relevant noise criteria and recommended measures are addressed in detail in the Noise and Vibration Impact Assessment. The residential apartments within SSDA 77260958 can achieve compliant levels of acoustic amenity compatible with noise sources from the adjoining roads and rail line and from noise sources from plant and equipment associated with the non-residential uses proposed.

6.14 WIND IMPACTS

A Pedestrian Wind Environment Statement has been prepared by MEL Consultants and is provided at Appendix 25.

The report provides an assessment the likely impact on the local wind environment of the critical outdoor areas within and around the subject site.

The results of the assessment indicate that the development is expected to be suitable for the intended use of the outdoor trafficable areas.

The Statement concludes:

The wind tunnel study has been conducted on a 1/400 scale model of the proposed 2-4 Burleigh Street and 20-24 Railway Parade development in Burwood. The model of the Development within surrounding buildings was tested in a simulated upstream boundary layer of the natural wind to determine likely environmental wind conditions. These wind conditions have been related to the freestream mean wind speed at a reference height of 300m, which is used to calculate the gust windspeed and the mean windspeed.



At the Ground Level, the wind conditions for the Proposed Configuration at all Test Locations in the streetscapes surrounding the proposed development, have been shown to satisfy the walking in retail areas comfort criterion at a minimum, with most locations satisfying the standing comfort criteria. The wind conditions for the Proposed Configuration at the entrances into the development have been shown to satisfy the recommended standing comfort criterion.

At level 1, the Proposed Configuration at the outdoor terraces have been shown to satisfy the sitting comfort criterion at a minimum.

At level 2, the Proposed Configuration at the outdoor terraces have been shown to satisfy the standing comfort criterion at a minimum.

At level 36, the Proposed Configuration at the outdoor seating area have been shown to satisfy the standing comfort criterion.

At level 37, the Proposed Configuration at the outdoor terraces have been shown to satisfy the standing comfort criterion at a minimum, and the outdoor seating area was shown to satisfy the sitting comfort criterion.

At level 38, the Proposed Configuration at the outdoor terraces have been shown to satisfy the standing comfort criterion at a minimum.

The wind conditions for the Proposed Configuration satisfy the safety criterion at all Test Locations on the Ground Level; at terraces on the podium; at terraces and vented sections of the tower; and on the rooftop terrace.

6.15 REFLECTIVITY

To avoid any adverse glare to surrounding properties, motorists and pedestrians, it is recommended that glazing used on the façade has a maximum normal specular reflectance of visible light of 20% to ensure the proposal will not result in any hazardous or undesirable glare.

6.16 PUBLIC DOMAIN

SSDA 77260958 will enhance the sites relationship with the public domain and overall have a positive impact on the streetscape and pedestrian experience.

The two storey podium of the proposed development is primarily sandstone which relates to the heritage church in terms of materials and scale. The proposed development introduces a 3m setback at ground floor to both Railway Parade and Burleigh St in compliance with the DCP requirements. This setback improves the pedestrian movement and experience by increasing the publicly accessible width of the existing footpath on both frontages providing street activation. 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. 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.

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.

Notably, a CPTED Report is provided at Appendix 31, which provides an assessment of the proposal against the CPTED principles.

6.17 ACCESSIBILITY

An Accessibility Report has been prepared by AllCert and is included in Appendix 15. It provides advice on the compliance of SSDA 77260958 with the relevant provisions with regard to access and has informed the design of the proposed development.

Indeed, the Report has assessed the proposed design and presents the findings of a detailed assessment undertaken against the Disability (Access to Premises – Buildings) Standards 2010 and Part D4 provisions of the BCA 2022. Where performance solutions are required, they will be incorporated into the building design at the relevant stages and detailed in Construction Certificate documents to ensure that appropriate outcomes are achieved with regard to accessibility.

Furthermore, and as required by the ADG, SSDA 77260958 provides 33% of apartments as silver level liveable fitouts and a further 10% as adaptable/accessible apartments.

6.18 LANDSCAPE

Whilst the site will not provide any deep soil planting, as anticipated by a site within the MU1 zone, the landscape design allows for a series of landscaped terraces and spaces which will improve the amenity for future residents by softening the proposed built form. The proposed communal open spaces provide for soft landscaping with the proposed plantings consisting of small trees, shrubs, feature plants and groundcover plants.

As shown in the Landscape Plan prepared by iScape Landscape Architects and provided at Appendix 10, landscaping is concentrated at the podium and terrace areas at the Ground Floor, Level 1, Level 2, Level 37, Level 38 and the roof. The extent of landscaping proposed is shown on the Landscape Plan in detail and summarised below:

Ground Floor

- Feature planting to highlight residential and commercial/hotel entries;
- Feature planting and tree proposed on prominent corner of Railway Parade and Burleigh Street; and
- Supplementary planting at the Burleigh Street frontage.

Level 1

- Planting to function room 1 terrace planters; and
- Planting to function room 2 terrace planters.

Level 2

- Landscape buffer planting providing screening from neighbouring properties to the east;
- Cascading planting along the street frontages to present a green façade to the building;
- Mixed planting to residential open space to create an interesting outlook for residents; and
- Shade tolerant feature planting to the hotel restaurant terrace.

Level 37

- Feature planting to the hotel bar outdoor terrace.

Level 38

- Feature planting and small tree plantings to residential communal open space and swimming pool area; and
- Landscape buffer planting to soften edge of communal open space outdoor terrace.

Roof Level

- Cascading planting to add visual interest to the pool level below; and

- Landscape buffer planting to soften edge of roof plant

6.19 TRAFFIC, PARKING AND ACCESS

A Traffic Impact Assessment (TIA) has been prepared by Solution 1 Traffic Engineers and is provided at Appendix 26.-The Report identifies the impacts of the proposal on the local street network and mitigation measures required to ameliorate any impacts. This includes an assessment of the adequacy and suitability of the quantum of off-street parking provided.

6.19.1 Traffic

The Traffic Impact Assessment has assessed the proposed traffic generation and identifies that SSDA 77260958 will result in a peak hour traffic activity of 61 and 59 vehicle trips per hour (bi-directions) during morning and evening peak period.

With regards to the traffic generation rates of the proposal, the TIA concludes the following:

When assessing these rates using the Guide, it is evident that the vehicle traffic generation of the proposed site is considerably low. Furthermore, the proposed development site is currently occupied by residential dwelling houses, an educational coaching centre, a medical centre, and a hearing aid clinic, all of which generate traffic activity. If we adopt the standard engineering practice and deduct the existing traffic activity from that of the projected activity of the proposal – this will further reduce the net increase in the local traffic activity.

It is expected that the vehicular traffic generated by the site will be evenly distributed across the road network in the vicinity and will not generate any significant impacts on the local road network.

Furthermore, intersection modelling of the surveyed intersection concluded that the existing surrounding road network operates well below its capacity.

In conclusion, the proposal is highly unlikely to have any detrimental impact on the operation of the local road network.

6.19.2 Parking

The Traffic Impact Assessment also sets out the applicable parking requirements for the proposed development.

In accordance with the requirements set out in the Report, the proposal is subject to the following parking requirements in accordance with Housing SEPP or Burwood DCP parking rates:

- Residential Flat Building: 39 parking spaces for 48 units
 - Affordable Housing Units: 9 parking spaces for 18 units (0.5 spaces per 2-bedroom unit)
 - Non-affordable Housing Units: 30 parking spaces for 30 units (1 space per 2 bedroom unit)
- Commercial Office Premises: 6 parking spaces for 998sqm of GFA (1 space per 400sqm GFA + 1 space per 120sqm over 400sqm)
- Hotel: 122 parking spaces (1 space per room +2 spaces for employees)

In accordance with the above requirements, the mixed use development would have a combined parking requirement of 167 spaces.

Notwithstanding the above, with regards to the hotel use, the DCP parking rates is considered to be excessive to the actual expected parking demand for the proposal. The TIA makes the following comments in regards to applying acceptable parking rates for the proposed hotel:

In 2017, Bitzios Consulting conducted a parking study to assess the on-site parking requirements for hotel use in support of a development application (DA) for a site within the Burwood Council LGA. The study compared hotel parking rates across various strategic centres, including Chatswood, St Leonards, Parramatta, and Hurstville, which share

characteristics similar to Burwood Town Centre. These areas all feature key amenities such as a train station, bus interchange, major shopping centre, significant employment hub, and multiple nearby attractions with established hotels.

The study found that hotels in these strategic centres primarily offer paid parking on-site, with spaces available either through pre-booking or on a "first come, first served" basis. As a result, these hotels do not maintain a parking provision of one space per room. Based on these findings, the study recommended a parking rate of 0.3 spaces per room. The suggested parking rates are similar to those recommended by the TfNSW Guide to Traffic Generation Developments for Motel Use (i.e. one space per 4 rooms).

Therefore, as part of this assessment, we have used the on-site parking rate recommended by Bitzios Consulting of 0.3 spaces per room.

In accordance with the above, a parking rate of 0.3 spaces per room plus 2 spaces for employees has been used for the purpose of the proposed development. Based on the provision of 120 hotel rooms, Solution 1 Traffic Engineers have suggested a parking requirement of 38 spaces for the proposed hotel.

When considering the above, the mixed use development would have a combined parking requirement of 81 spaces, based on actual evidence based requirements, rather than generalised controls.

SSDA 77260958 includes an on-site parking provision of 138 spaces, including 10 accessible parking spaces in which Solution 1 Traffic Engineers considers to be compliant and appropriate to service the proposed mix use development.

The TIA also notes that the proposed development site is currently home to residential dwellings, an educational coaching centre, a medical centre, and a hearing aid clinic which rely on the available public parking to support their operations.

In this regard, the proposed on-site parking provision is considered adequate to service the proposed development and unlikely to exacerbate the existing parking demand experienced in the area.

6.19.3 Access

A two-way driveway crossover is provided via Railway Parade to access the 5 basement parking levels. An additional vehicle entry point off Railway Parade is provided which leads to a porte cochere with two lanes for drop off and pick up of hotel guests, with a separate vehicle exit point to Burleigh Steet.

The Traffic Impact Assessment confirms that the proposed vehicle crossings, driveways and manoeuvring areas have been designed in accordance with the Australian Standards with regard to access width and gradient.

6.19.4 Servicing

The proposal also provides a vehicle crossing off Burleigh Street for service vehicles to access the loading/service bay. The service area is capable of accommodating an MRV for the purpose of waste collection and other general servicing. The Traffic Impact Assessment provides vehicle swept path which confirm that the proposed service area has sufficient manoeuvring area to allow for an MRV to enter and exit the site in a forward direction.

The waste storage areas are provided adjacent to the loading bay for servicing.

6.20 BIODIVERSITY

As detailed within the Biodiversity Development Assessment Report (BDAR) Waiver prepared by Abel Ecology which was submitted to the Department of Climate Change, Energy, the Environment and Water, SSDA 77260958 is considered unlikely to have a significant impact on threatened species or their habitats for the following reasons:

- The Project involves minimal removal of landscape and weedy vegetation.
- No threatened species or threatened ecological communities have been identified within the subject site.
- The site is not part of a recognised movement corridor between breeding grounds, foraging grounds, or other habitats important for the lifecycle of species such as staging points for migration.
- No barriers to movement will be introduced and no further fragmentation of habitats will occur.
- Impacts to flight path integrity will be minor.
- Water quality, water bodies and hydrological processes do not sustain threatened species at the subject site.

On this basis, a BDAR Waiver was issued on 20 February 2025 by the Department of Climate Change, Energy, the Environment and Water.

6.21 ECOLOGICALLY SUSTAINABLE DEVELOPMENT

An Ecologically Sustainable Development (ESD) Report has been prepared by Partners Energy and is provided at-Appendix 19.

The ESD Report provides a comprehensive holistic review of the project's design, identifying beneficial, easy-to-implement, and best practice initiatives that enhance the buildings ecological footprint. It evaluates the integration of energy-efficient systems, water conservation measures, and the use of sustainable materials, and highlights initiatives that enhance indoor environmental quality and promote the well-being of occupants.

6.22 HERITAGE

6.22.1 Aboriginal Cultural Heritage

A preliminary Aboriginal Heritage Assessment Report (ACHAR) has been prepared by Heritage Now Pty Ltd and is provided at Appendix 13.

The ACHAR concludes the following:

No Aboriginal sites, objects or Potential Archaeological Deposits (PADs) have been identified within the Project Area. Based on previous Cumberland Plain investigations which have identified only low average artefact density and sparse artefact distributions in the vicinity of 1st order streams, the geotechnical investigation revealing relatively shallow topsoil, and the degree of disturbance caused by construction and demolition of buildings, asphalt and other services (on a slope landform which would have been modified to provide a level surface for these buildings), subsurface archaeological potential in the Project Area is assessed to be low.

Based on the conclusions of the preliminary ACHAR, a full ACHAR is not considered necessary since there is no known Aboriginal cultural heritage on or near the site, and it is not reasonably likely that there is.

Furthermore, the ACHAR makes the following recommendations:

Recommendation 1

All on-site personnel are to be made aware of their obligations under the National Parks and Wildlife Act 1974. This includes the protection of Aboriginal sites and the reporting of any new or suspected Aboriginal heritage sites. This may be done through an on-site Aboriginal cultural heritage induction or other suitable format.

Recommendation 2

In the unlikely event that Aboriginal, or suspected Aboriginal, archaeological material is uncovered during the development, then works in that area are to stop and the area is to be cordoned off. The project manager is to contact the heritage consultant to make an assessment as to whether the material is classed as Aboriginal object/s under the

National Parks and Wildlife Act 1974, and advise on the required management and mitigation measures. Works are not to recommence in the cordoned off area until heritage clearance has been given and/or the required management and mitigation measures have been implemented.

Recommendation 3

In the unlikely event that human remains, or suspected human remains, are uncovered during the development, works in that area are to stop and the area is to be cordoned off. The project manager is to contact the NSW Police to establish whether the area is a crime scene. If it is not a crime scene, and the remains are determined to be Aboriginal ancestral remains, Heritage NSW is to be notified via the Environment Line on 131 555 and management measures are to be devised in consultation with the local Aboriginal community. Works are not to recommence in the area until the management measures have been implemented.

The above recommendations should be implemented within the conditions of consent for-SSDA 77260958.

6.22.2 European Heritage

A Heritage Impact Statement (HIS) has been prepared by Tropman & Tropman Architects and is provided at Appendix 23.

The site is not identified as containing a heritage item or being within a heritage conservation area. The site is however located within the vicinity of a number of heritage listed items, of most relevance being the St Nectarios Greek Orthodox Church at No. 26 Railway Parade to the west of the subject site.

The HIS provides the following conclusions:

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 at 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 keeping with the adjacent heritage listed item St. Nectarios Greek Orthodox Church. Further, the design provides a setback to improve the pedestrian movement by increasing publically accessible footpaths to the two main street frontages of Railway Parade and Burleigh Street. This design approach provides an appropriate human scale and sense of place to the development at street level.

The streetscape and landscape of the development are important interfaces between the large scale new high rise development and the low scale highly significant church and Railway Parade precinct. The streetscape and landscape are critical for the successful integration of the development and the local community. The porte cochere is a prominent feature, located at the important corner junction of Railway Parade and Burleigh Street. The urban and landscape treatment in particular to the corner junction of Railway Parade and Burleigh Street is critical.

Ultimately, the proposal is considered to have acceptable heritage impacts.

6.22.3 Archaeological

The HIS includes a preliminary archaeological assessment which concludes that due to the low to moderate archaeological potential across the site for all identified phases, it is unlikely that the proposed works will impact any archaeological potential.

The HIS does however state that if any archaeological findings were to be discovered, the following “Unexpected Finds Procedure and Human Remains Procedure”, in accordance with Heritage NSW guidelines, should be undertaken and implemented:

- 1. All works within the vicinity of the finding must immediately stop. The archaeological finding must not be removed or relocated and must be protected to avoid any damage.*

2. The nominated site representative must contact either the nominated archaeologist or Heritage NSW. **NOTE:** If human remains are uncovered, NSW Police must be notified.

3. The nominated archaeologist must examine the find, provide a preliminary assessment of significance, record the item and decide on appropriate management measures, in accordance with S.146 of the Heritage Act 1977.

4. Works in the vicinity of the finding can only recommence upon receipt of approval from the nominated archaeologist or Heritage NSW.

Given the results of the preliminary assessment of archaeological potential completed by Tropman and Tropman Architects, a comprehensive assessment is not considered necessary.

6.23 NOISE AND VIBRATION

6.23.1 Noise Intrusion from Adjacent Roadways and Rails

The Noise and Vibration Assessment prepared by Acoustic Logic and provided at Appendix 24, considers the potential noise and vibration impacts of the adjacent roadway and rail corridor on the proposed development.

The Assessment identifies acoustic treatments required in the construction of the development to ensure the proposal achieves the applicable acoustic noise criteria and amenity standards. The recommended façade constructions, inclusive of glazing recommendations, are to be reviewed at the Construction Certificate (CC) stage based on construction drawings.

6.23.2 Noise Emissions

The Noise and Vibration Assessment also considers the noise emissions from the proposed development.

The Assessment concludes that predicted noise levels from operation of SSDA 77260958 show that it is capable of meeting the noise emission requirements at all times. It states that all feasible and reasonable noise mitigation measures have been applied to reduce noise levels and provides the following recommendations:

- *Engines should be turned off during loading and unloading movements, thus effectively having no idling noise during the loading and unloading operations.*
- *Only 4 truck movements (MRV/delivery truck under 14.7 metres) are to be allowed in any given 1-hour period. Deliveries shall be managed accordingly.*
- *Loading Dock is only to operate throughout the daytime period (7:00am to 6:00pm).*
- *Acoustic barrier is to be implemented as per Section 11.4.1.*

The Assessment concludes that the noise modelling predicts noise emissions will comply to all sensitive receivers.

6.23.3 Construction Noise and Vibration

The Noise and Vibration Assessment also considers the construction noise and vibration impacts of SSDA 77260958.

The Assessment provides an analysis which predicts the potential noise impacts from construction activities on the amenity of the surrounding identified sensitive receivers. The analysis includes the following recommendations in order to limit noise impacts resulting for the construction of SSDA 77260958:

- *The scheduling of construction activities should be undertaken to reasonably minimise noise impacts to all surrounding land uses.*
 - *In this regard, highly noise intrusive works such as hammering should not take place prior to 8am.*
- *Materials handling/vehicles:*



- Trucks to use a non-tonal reversing beacon (subject to OH&S requirements) to minimise potential disturbance of neighbours.
- Avoid careless dropping of construction materials into empty trucks.
- Trucks, trailers and concrete trucks (if feasible) should turn off their engines during idling to reduce noise impacts (unless truck ignition needs to remain on during concrete pumping).
- High Noise Generating Demolition:
 - Where high noise generating demolition are proposed to be undertaken, respite hours should be implemented to reduce the impact on surrounding receivers.
- Complaints handling:
 - An after hours contact number is to be displayed outside of the building site, so that in the event that surrounding developments believe that a noise breach is occurring, they may contact the site.

The above recommendations will be implemented during the construction stage SSDA 77260958.

The Noise and Vibration Assessment also recommends that a review and detailed design of all mechanical plant associated with the site be undertaken prior to the issue of a construction certificate to ensure plant noise levels meet the noise emission requirements

With regards to vibration, the Assessment only identifies demolition of existing structures as a vibration producing activity. As such, since SSDA 77260958 does not seek consent for the demolition of any structure on the site, further consideration of construction vibration impacts is not considered necessary.

6.24 CONTAMINATION

Historical use of the subject site has been for commercial premises including printing, wholesale of electrical supplies and appliances, electrical contractors and health care clinics. As such, a Preliminary Site Investigation or PSI (Appendix 11) was conducted by EI Australia to accompany SSDA 77260958. Based on the recommendations of the PSI a Detailed Site Investigation (DSI) was further conducted by EI Australia to confirm that the site will be suitable for the proposed development.

The DSI concludes as follows:

In accordance with State Environmental Planning Policy (Resilience and Hazards) 2021, the site was deemed suitable for the proposed (mixed commercial and residential) development and use, subject to the implementation of the recommendations made in Section 10.

The recommendations made by EI in their report at Section 10 will be implemented and can be undertaken throughout the development process through the testing of all soils and materials excavated from the site prior to those materials being removed from the site. Classification on-site at the point of extraction combined with containment of the construction site within suitable hoardings will ensure no material leaves the site without being classified and subject to validation as to its source and destination. This process will enable the site to be made suitable for the proposed construction and use.

Notwithstanding the above it must be noted that demolition of the existing buildings and structures on the site has been approved by way of CDC and undertaken prior to the lodgement of SSDA 77260958. Any recommendations made in relation to demolition works are no longer relevant, except for those requirements for post demolition.

6.25 GEOTECHNICAL

The proposal includes excavation and construction of five levels of basement parking with the finished floor level of the lower basement set at RL10.5 AHD. Construction of the basement will require bulk excavation to depths of 15.5 to 16.5m below the existing ground surface and localised deeper excavations will likely be required for footings, lift overrun pits, crane pads and service trenches.



SSDA 77260958 is accompanied by a Geotechnical Investigation (Appendix 12) prepared by Green Geotechnics in response to Item 13 of the SEARs.

The Investigation makes the following conclusions to address the SEARs requirement:

Based on the location of the site within an urban setting, and considering the proposed structure will cover the majority of the sites footprint we do foresee any impacts to soil resources or riparian lands. As per the assessment in Section 6 the site is not impacted by Acid Sulfate Soil and based on the laboratory test results presented in Section 4.9 the soils are non-saline. Soil erosion will be controlled by the installation of a temporary shoring wall around the perimeter of the basement.

As per the assessment and recommendations provided in Section 4.5, we do not anticipate the basement excavations encountering a regional or free flowing groundwater table. Further, there are no watercourse or water dependant ecosystems on the site. Therefore, we see no reason why the development would impact on surface water resources, hydrology, ecosystems, downstream assets or watercourses.

Notably, the Investigation also recommends further geotechnical work to be undertaken as follows:

- *Undertake detailed geotechnical investigations of the site following demolition of existing structures or when access for drilling equipment is provided. The additional investigations should include the drilling of at least two (2) further cored boreholes which extend a minimum of three (3) metres below bulk excavation level.*
- *Complete dilapidation surveys of the adjoining buildings and structures.*
- *Inspection of shoring piles during installation.*
- *Where required, quantitative monitoring of transmitted vibrations during rock excavation using rock hammers.*
- *Inspection of footing excavations to ascertain that the recommended foundation has been reached and to check initial assumptions regarding foundation conditions and possible variations that might occur.*
- *We also recommend that Green Geotechnics view the proposed earthworks and structural drawings in order to confirm they are within the guidelines of this report.*

Nevertheless, it will be essential during excavation and construction works that progressive geotechnical inspections be commissioned to check initial assumptions about excavation and foundation conditions and possible variations that may occur between inspected and tested locations and to provide further relevant geotechnical advice.

The above recommendations will be implemented under SSDA 77260958.

6.26 WATER MANAGEMENT

SSDA 77260958 is accompanied by a Stormwater Management Plan (Appendix 20) and accompanying Stormwater SEARs Report (Appendix 21) prepared by ADP.

The Stormwater Management Plan shows the overall design intent of stormwater conveyance across the site. The discharge of stormwater from the site to Council's drainage system is by gravity and will be controlled by an OSD tank sized for storm events up to 1% AEP. The OSD discharges to the Council drainage system via a new connection to an existing Council kerb inlet pit located on Railway Parade.

The Stormwater Management Report clearly addresses Item 14 and 15 of the SEARs in relation to stormwater management. Notably, the Report identifies that the site is not located on flood prone land and therefore is not subject to any flood management controls



6.27 FLOODING

The Stormwater SEARs Report (Appendix 21) identifies that the site is not located on flood prone land and therefore is not subject to any flood management controls

6.28 WASTE

A Waste Management Plan (WMP) prepared by AusWide Consulting is provided at Appendix 29.–The WMP addresses the demolition, construction and operational waste management arrangements for the site. Importantly, whilst details of demolition waste management are provided this relates solely to the approved demolition works for the site which have already been undertaken.

6.28.1 Construction Waste Management

The proposal aims, where possible, to minimise waste generation and promote the reuse and the recycling of material, particularly during the course of construction works.

As detailed within the WMP, the following

- Purchasing Policy – i.e. ordering the right quantities of materials and prefabrication of materials where possible;
- Reusing formwork;
- Minimising site disturbance, limiting unnecessary excavation;
- Careful source separation of off-cuts to facilitate re-use, resale, or efficient recycling; and
- Co-ordination/sequencing of various trades.

6.28.2 Operational Waste Management

The WMP details the waste production and storage requirements for the mixed use development to identify how the waste storage arrangements will accommodate the waste requirements of the proposed development.

The proposal has been designed to accommodate the required number of Mobile Garbage Bins (MGBs) which are to be stored within the waste rooms on Basement Level 1 and the Ground Floor.

At each residential level, residents will utilise a waste chute for general waste, and a 240L MGB in a cupboard will be used for recycling waste. Building management will bring the 16 recycling MGBs from the residential floors to the ground level loading dock using the service lift twice a week. When emptied, the bins will be taken to the Basement Level 1 bin room for inspection and cleaning if necessary, before being swapped out for full bins on the residential floors using the service lift.

At the Ground Floor, the residential waste chute room and the commercial bin room for the hotel, offices and café, are located adjacent to the loading dock for waste collection with a rear-loading MRV waste truck.

The waste collection service for the residential and non-residential uses will be provided by a private contractor. Swept paths for an MRV waste truck entering the site, reversing to the loading area, and exiting the site are provided within the WMP.

Both residential general waste will be collected on a weekly basis, while the residential recycling will be collected twice a week. The commercial general waste should be collected twice a week, and the recyclables on a weekly basis.

6.29 SOCIAL IMPACTS

A Social Impact Assessment (SIA) has been prepared by Planning Ingenuity and is provided at Appendix 32 of the EIS. The SIA provides a detailed assessment of likely future social impacts of the development. The SIA makes the following conclusion:



The demographic data for Burwood indicated that the proposed mixed-use development will accommodate an anticipated growing population in the locality and Council's adopted strategic planning documents indicate that the residential apartments is anticipated and will be serviced by existing infrastructure and community facilities and services. The proposed dwelling stock will increase the mixture of housing stock in the area and improve affordability for residents.

The proposed site is classified as quintile 4 of the SEIFA index which indicates a medium to low level of disadvantage. Thus, the proposed development will have positive social impacts on the area as a whole by providing additional housing stock which is more affordable to those seeking to live in an area well serviced by employment and education opportunities.

The proposed site is classified as quintile 5 of the SEIFA index which indicates a low level of disadvantage. Thus, the proposed development will have positive social impacts on the area as a whole by providing additional housing stock which is more affordable to those seeking to live in an area well serviced by employment and education opportunities.

The site is located within a suburb that is highly accessible through a variety of public transport options with bus and train all be accessed within close proximity to the site. Additionally, the site is located within the Burwood town centre and various retail and other businesses are within walking distance. The site also is in close proximity to open space as well as several hospitals and schools. Accordingly, the location of the proposed mixed use development is ideal.

Community consultation has been undertaken and the issues raised have been considered and addressed within this Report.

The proposal has been identified as having potential positive and negative social impacts. The potential negative social impacts are identified in Section 6 along with specific management and mitigation strategies.

The potential positive impacts include:

- *Improved housing stock and diversity of cost and tenure,*
- *Improvement employment opportunities, and*
- *Improves security of private and communal spaces.*

The proposal is aligned with the Greater Sydney Regional Plan by responding to the demand for additional dwellings within the East District. The proposal is consistent with the targets and goals of the Burwood Local Strategic Plan and the Local Housing Strategy which identify Burwood as a place suitable for growth and development to higher densities, and the need for affordable housing located near employment, health facilities and transport.

Overall, the proposed development will result in positive impacts and should be favoured by Council with regards to its social impacts.

Negative impacts are limited to temporary impacts to neighbourhood amenity during construction and can be managed by standard construction environmental management measures.

6.30 ACCESS TO SERVICES

All necessary services will be available for the proposed development as detailed within the Infrastructure Delivery, Management and Staging prepared by Neuron at Appendix 30.



7. Justification of the Project

Justification for the proposed development has been established throughout this EIS, particularly in relation to the impacts of the proposal, how it aligns with the overarching strategic directions and the statutory planning legislation applicable to the site, and how it has been designed to respond to the context of the site to provide an outcome that minimises adverse impacts on the surrounding locality and meets the needs of the local community.

A summary of the key points of justification for the project, as detailed within the EIS and accompanying technical reports, is provided below.

7.1 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.

7.2 CONSISTENCY WITH STRATEGIC CONTEXT

This EIS has demonstrated how 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.

7.3 COMPLIANCE WITH STATUORY REQUIREMENTS

The EIS identifies that the development is 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 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.

This EIS has assessed the proposed development against the applicable statutory 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.*

The EIS demonstrates the proposal achieves compliance against the relevant statutory requirements.

7.4 ENVIRONMENTAL IMPACTS

This EIS has 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 as set out in Appendix 4.

Based on the environmental impact assessment that has been undertaken within this EIS, 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 as summarised in Appendix 4.





7.5 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.

7.6 COMMUNITY RESPONSE

The Engagement Report at Appendix 33 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 which required any adjustments to the design or potential operation at this time. The Applicant will continue to communicate with all stakeholders during the assessment process and update the Engagement Strategy with Responses to Submissions.

The lack of response to the letter box drop is assumed to indicate surrounding occupants and land owners are, at the very least, neutral to, SSDA 77260958.



8. Conclusion

This EIS has been prepared to consider the potential environmental impacts of the proposed mixed use development containing a hotel with 120 rooms, commercial office premises and a residential flat building with 48 apartments, including 18 apartments dedicated to affordable housing at No. 2-4 Burleigh Street and No. 20-24 Railway Parade, Burwood.

This EIS has been prepared in accordance with the requirements of Part 8 of the Environmental Planning and Assessment Regulation 2021 (the Regulation). The EIS addresses the issues listed in the SEARs (Appendix 1).

The EIS is supported by specialist reports, to address the key issues of the project identified in the SEARs and identifies mitigation measures for the potential impacts of the proposed development.

The proposal aligns with the strategic vision for the site with regard to the regional and local strategic planning documents, and satisfies the objectives and/or controls of key development standards applying to the site, specifically with regard to SEPP (Housing) 2021 and BLEP 2012.

Overall, SSDA 77260958 seeks to provide for a mixed use development which will increase the amount of commercial floor space and employment opportunities within the Burwood Town Centre and increase the residential density on the site and allow for an affordable housing dedication to contribute to the affordable housing supply within the locality. Importantly, the site provides an ideal location for both additional commercial floor space and for greater residential density and affordable housing as a result of its transport connectivity and location within the Burwood Town Centre and the diversity of services and facilities within walking distance. SSDA 77260958 has been designed to exhibit design excellence and provide a bulk and scale of development that does not result in any unreasonable adverse impacts upon the surrounding properties.

Accordingly, in the circumstances of the case, SSDA 77260958 is considered to be in the public interest and it is recommended that the Minister grant consent to the application.