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25 July 2024
Ref: 242059.4L
Prity Cleary
Senior Planner
Department of Housing Planning & Infrastructure
Via NSW Planning Portal

Dear Ms Cleary,

[Submission for SSD69615996 - Mixed use development including infill affordable housing - Victoria Street and George Street, Burwood](#)

We act on behalf of Burwood RSL Club Ltd, the operator of Club Burwood RSL and provide this submission to SSD69615996 (**the SSD**) at the direction of its CEO Andrew Anderson.

Burwood RSL Club Ltd received development consent under DA/2020/103 (PPSEC-105) to relocate from its existing location at 94 - 96 Shaftesbury Road, Burwood to a new location located at 2 George Street, Burwood (**the Subject Site**). The SSD adjoins the Subject Site.

DA/2020/103 provides approval for four storeys (and rooftop) of dining, a function centre, entertainment space and auditorium, and various recreational facilities such as a gym (**the Club**). Moreover, the Club is designed as a podium for a future overnight accommodation tower.

We have reviewed the SSD and provide this submission objecting to the SSD. The SSD as currently proposed contains a number of errors and is accompanied by insufficient information to properly assess the potential negative impact on the Club and surrounding area.

We provide objection on the following grounds:

- Height & No Power to Approve the SSD;
 - Solar Access;
- Traffic Impact;
- Acoustic Impact; and
- Social Impact.

Our concerns are presented in additional detail below.

[The Subject Site and Surrounding Area](#)

The Subject Site is addressed as 2 George Street and is legally known as Lot 1 of Deposited Plan 1261150.

The Subject Site amalgamated several previous lots and has a ~107m frontage to Shaftesbury Road, ~115m frontage to Deane Street, ~87m frontage to Marmaduke Street, and 112m frontage to George Street.

Preparations to obtain a construction certificate are currently underway.

The SSD is located at 28-34 Victoria Street, 17 George Street, and 21 George Street Burwood.

Figure 1 below depicts the Subject Site in relation to the SSD.



Figure 1 - Surrounding Area Subject Site (red) SSD (blue) (source: nearmaps; dated 14 July 2024)

Height & No Power to Approve Application

The Application is not accompanied by a cl. 4.6 Variation Request. One is required for a substantial breach of the height of building control that applies under cl. 4.3 of the LEP of 60 metres. Without a clause 4.6 variation request, there is no power to determine the application other than by refusal.

The SSD proposes a height of 136.73m, 110.3m, and 83.35m at 28-34 Victoria Street, 21 George Street, and 17 George Street respectively, which it says complies with the maximum building height subject to additional height available under the State Environmental Planning Policy (Housing) 2021 (**SEPP (Housing) 2021**). That is shown in the **Figure 2** below. However, the Application advances on an incorrect basis.

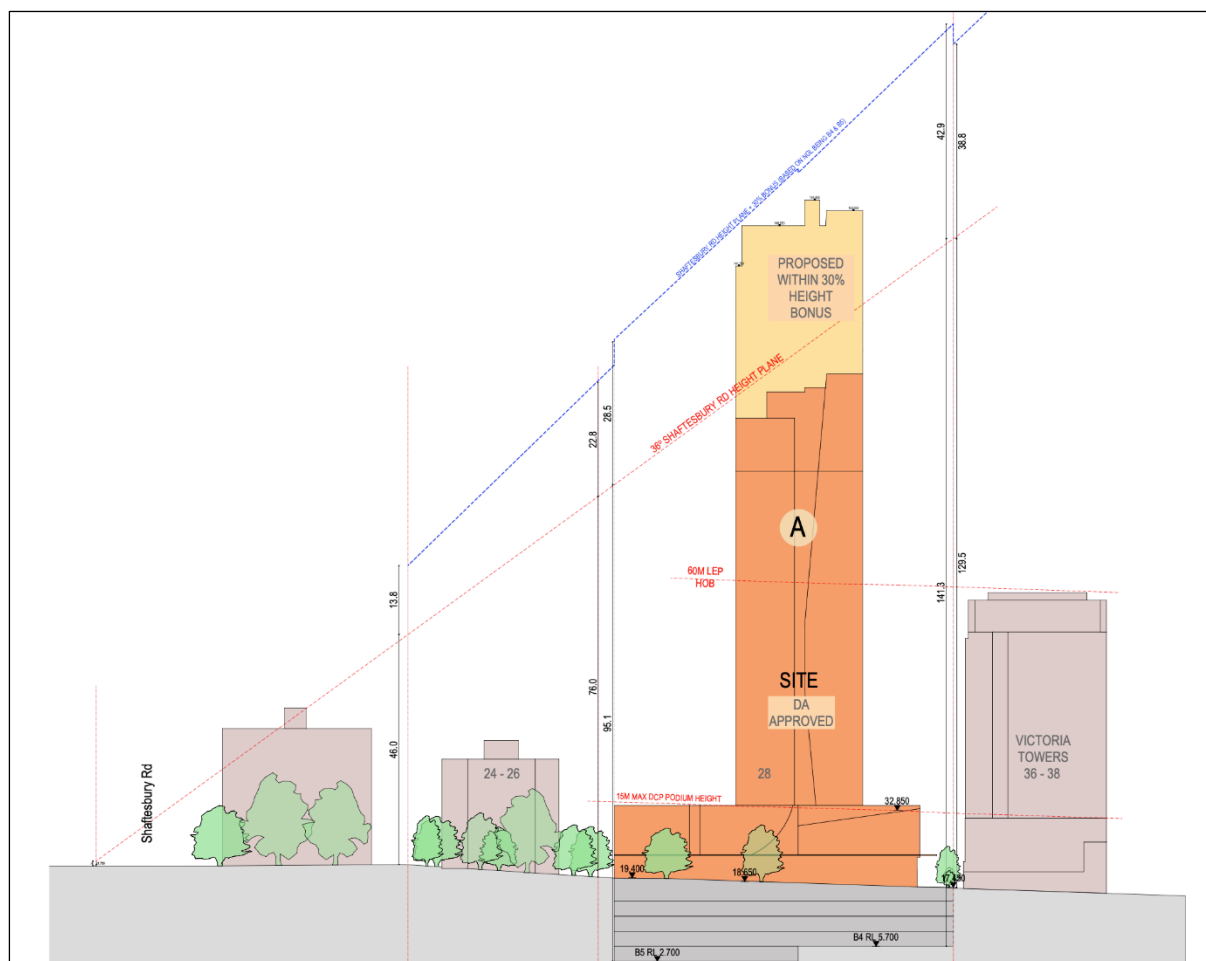


Figure 2 - SSD Depicted with Height Planes (source: The Applicant: Urban Link; dated 2024)

Clauses 16 and 18 of SEPP (Housing) 2021 provide exceptions to a development standard for height, that is met, vary the development standard for height. Clause 18(2), for example, provides the following:

*"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** of up to 30%, based on a minimum affordable housing component calculated in accordance with subsection (3)."*

The operative part of the provision is to determine *"the maximum permissible building height for the land"*. This term should not be read in the ordinary sense, i.e., what the land is physically capable of supporting but as a reference to a defined provision for **maximum building height**. That is, a **development standard**. A definition for **maximum permissible building height** is provided in SEPP (Housing) 2021 for the purpose of Chapter 5 (and so does not apply) but provides a similarly plain meaning having regard to the whole of the statutory context.

*"**maximum permissible building height** means the maximum **building height** permitted on the land under Chapter 5, where relevant, an environmental planning instrument, other than this Policy, or a development control plan."*

Under Burwood LEP, the maximum building height is defined under cl 4.3 'Height of Buildings' to be the maximum height shown for the land, which is 60 metres for the subject site. It reads as follows.

4.3 Height of buildings

- (1) The objectives of this clause are as follows—
- (a) to **establish the maximum height of buildings** to encourage medium density development in specified areas and maintain Burwood's low density character in other areas,
 - (b) to control the potentially adverse impacts of building height on adjoining areas.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the *Height of Buildings Map*.

Figure 3 - Clause 4.3 Height of Buildings (source: Burwood LEP 2012; accessed 24 July 2024)

Particular regard must be had to objective 1(a) "to establish the maximum height of buildings." Two avenues for exception to the above maximum height of buildings are provided within Burwood LEP, as follows:

- Clause 4.3A 'Exceptions to height of buildings' and
- Clause 4.6 'Exceptions to development standards.'

The Application complies with neither the development standard nor the terms of the either exception. Clause 4.3A reads as follows.

4.3A Exceptions to height of buildings

- (1) The objectives of this clause are as follows—
- (a) to focus greater building height in the inner part of the Burwood Town Centre and to provide a transition in heights towards the edge of the Burwood Town Centre,
 - (b) to mitigate any adverse effects on the amenity of existing and future residents living adjacent to the Burwood Town Centre,
 - (c) to limit building heights to facilitate adequate solar access to land adjoining the Burwood Town Centre.
- (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.
- (3) In this clause—
- building height plane** or **BHP** means a plane—
- (a) commencing at a building height plane line shown on the *Building Height Plane Map* and referred to in Column 1 of the Table to this clause and at the height above ground level (existing) as shown opposite in Column 2 of that Table, and
 - (b) projected at the angle measured above the horizontal as shown opposite in Column 3 of that Table, and
 - (c) having the general orientation as shown opposite in Column 4 of that Table.

Column 1	Column 2	Column 3	Column 4
BHP line symbol	BHP line height	BHP projected angle	BHP general orientation
A	1.0 metre	54°	East of BHP line
B	7.2m	54°	East of BHP line
C	1.0 metre	36°	West of BHP line
D	1.0 metre	33°	North of BHP line
E	1.8 metres	33°	North of BHP line

Figure 4 - Clause 4.3A Height of Buildings (source: Burwood LEP 2012; accessed 24 July 2024)

Clause 4.3A, like cl. 4.6, provides specific environmental grounds and criteria required to be satisfied in order for derogation from the maximum building height under cl. 4.3 to be permitted.

The Applicant has applied the 30% SEPP (Housing) 2021 variation to the **building height plane** under cl 4.3A, which is an environmental ground for exception to the **maximum building height** under cl. 4.3. It is as absurd as adding 30% to the maximum variation achievable under cl. 4.6 on environmental planning grounds. The building height plane is not a **development standard** as defined in the EP&A Act because it does not fix a standard and so cannot be relied upon to define the maximum permissible building height for the purpose of SEPP (Housing) 2021.

The Applicant's submission and legal advice proceeds on the basis that '**maximum permissible building height**' is defined under cl 4.3A 'Exceptions to Height of Buildings' of the LEP. To do so, leaves cl 4.3 'Height of Buildings' with no work to do whatsoever and ignores the objective of that provision. As a matter of statutory construction, that cannot be correct. The building height map clearly shows that both provisions apply. So, it cannot simply be a matter that cl. 4.3A automatically prevails.

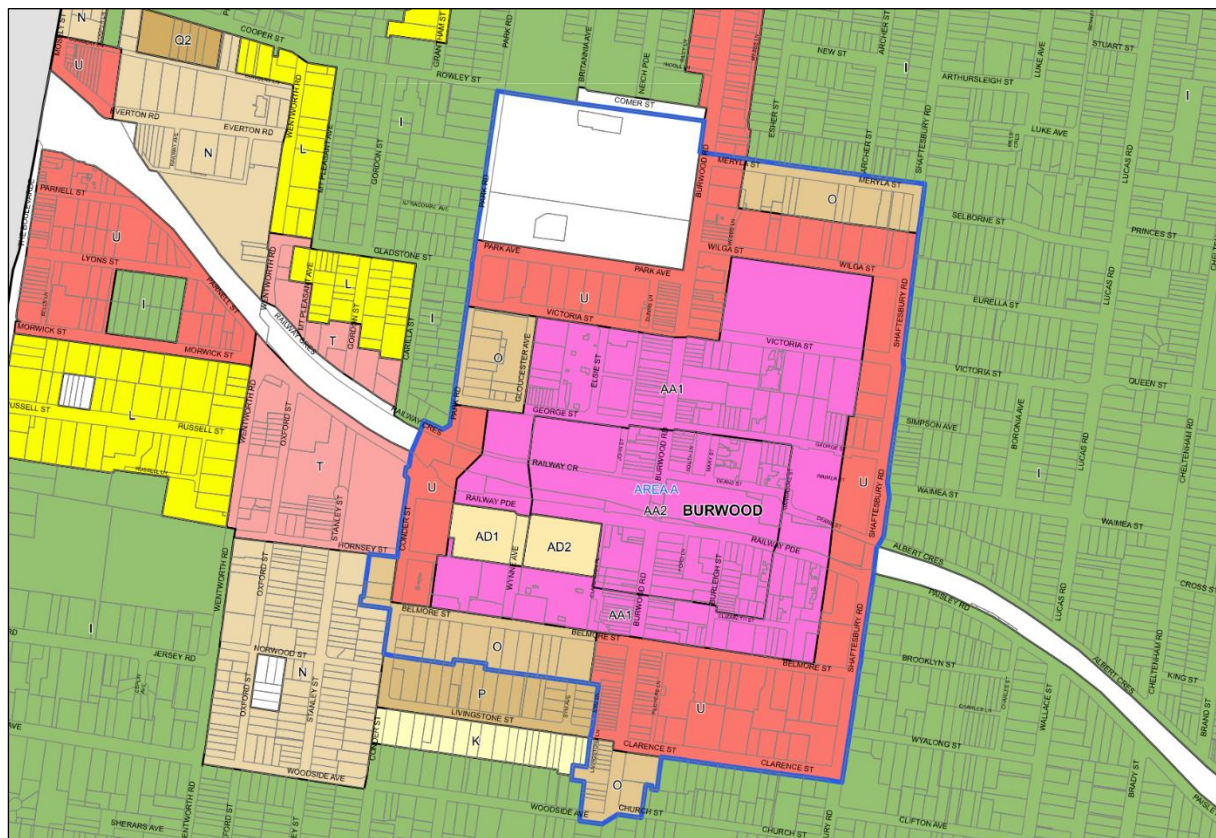


Figure 5 - Maximum Building Height Map (Source: Burwood LEP 2012; accessed 24 July 2024)

There is a potential conflict between these two provisions.

There are two relevant cases. They are: *R.I.G. Consulting Pty Ltd v Queanbeyan-Palerang Regional Council* [2021] NSWCA 130 (Basten JA, Leeming JA and Preston CJ of the LEC) and *Elimatta Pty Ltd v Read and Anor* [2021] NSWLEC 75 (Robson J).

In *RIG Consulting* at [22] it is said:

[22] If there were overlap, this would be on its face a clear case for the application of the principle of construction in Anthony Hordern & Sons Ltd v Amalgamated Clothing and Allied Trades Union of Australia (1932) 47 CLR 1; [1932] HCA 9. In Minister for Immigration and Border Protection v Makasa [2021] HCA 1; 95 ALJR 117 at [54] the joint judgment referred to “the well-settled principle of construction that ‘when a statute confers both a general power, not subject to limitations and qualifications, and a special power, subject to limitations and qualifications, the general power cannot be exercised to do that which is the subject of the special power’.” The same approach is capable of application wherever there is overlap between a general and a specific provision. In Ombudsman v Laughton (2005) 64 NSWLR 114; [2005] NSWCA 339 at [19], Spigelman CJ referred to an “underlying principle” that a detailed regime for regulating a particular matter is intended to operate in accordance with its complete terms, and continued:

“Where any conflict arises with the general words of another provision, the very generality of the words of which indicates that the legislature is not able to identify or even anticipate every circumstance in which it may apply, the legislature is taken not to have intended to impinge upon its own comprehensive regime of a specific character.”

In *Elimatta* it is said at [58] and [59] (in relation to an exception to a development standard for subdivision lot sizes):

[58] When cl 4.1B(3) of the YLEP is considered holistically in the context of the broader YLEP, it is clear that the statutory provision is part of a broader part of the environmental planning instrument which sets out the requirements for subdivision of land. Within this broader context, cl 4.1(3) sets out a development standard, and cl 4.1B(3) provides an exception to the development standard that is available in certain circumstances.

[59] Simply stated, cl 4.1B(3) of the YLEP operates to allow development consent to be granted for a subdivision of that that does not satisfy the minimum subdivision lot size development standards in cl 4.1(3) provided that the requirements of cl 4.1B(3) are satisfied: cf. R.I.G Consulting at [54] regarding provisions of the Palerang Local Environmental Plan 2014. Where those requirements are not met, it not that a development standard has been contravened (as considered by Mr Read and Council), but rather that there is a failure to obtain the benefit from the exception provided by cl 4.1B(3).

Applying the above considerations to the SSD, it is clear that the maximum permissible building height that applies to the land is 60 metres. This is a “general provision” as determined in *RIG Consulting*. That is also consistent with the objectives of cl 4.3 of Burwood LEP 2012. Under certain circumstances, building height up to the building height plane is permitted under cl 4.3A of Burwood LEP 2012. This is a specific provision, and as determined by precedent referred to in *RIG Consulting* and relied upon in *Elimatta*, one that cannot be used interchangeably with the general provision. The failure to comply with the provisions of 4.3A does not mean that a cl. 4.6 variation is warranted (or even possible) it merely means that there is a failure to obtain the benefit from the exception.

There are two ramifications for the SSD. Firstly, it might be said that the reliance on cl. 4.3A for the purpose of the additional height of 30% under SEPP (Housing) 2021 was always misplaced; an outcome permitted by an exception can never be considered the same as the base provision.

On an alternative interpretation where cl. 4.3A is considered to provide for the maximum building height under special circumstances, the SSD cannot be said to obtain that the benefit where it is also in breach of those circumstances. This would result in an absurd Catch-22 whereby the additional height afforded by SEPP (Housing) 2021 provides a mechanism for additional height and a breach of the circumstances that make it permissible.

This may not seem intuitive at first, but that is merely because cl. 4.3A of Burwood LEP provides a specific provision that is formulated by reference to a single environmental outcome that is measurable in the same way as the general provision. When compared to other similar such exceptions that provide for entirely different environmental outcomes and are measured differently, the outcome is absurd. For example:

- Clauses 6.17 and 6.18 of Sydney LEP 2012 provide a maximum building height having regard to solar access to public parks and spaces. Clause 6.19A provides a maximum envelope to protect views of Sydney Harbour. Reliance on SEPP (Housing) 2021 to provide for a 30% intrusion into these protection zones would be an incredibly poor and unacceptable outcome and one clearly outside of the intent of SEPP (Housing) 2021.
- Clause 4.3A of North Sydney LEP 2013 permits an additional height of five metres for architectural roof features. It would be absurd to say that SEPP (Housing) 2021 could rely on this provision as indicating the maximum building height. Instead, the additional 30% under SEPP (Housing) 2021 would apply to the maximum building height under cl 4.3 and the additional five metres for architectural roof features above that.
- Clause 4.3A of Ryde LEP 2013 permits additional height in certain areas if the lot exceeds a certain size. It would be absurd to say that SEPP (Housing) 2021 could rely on this provision to provide an even greater maximum building height, where an application complies with neither required environmental outcome of lot size nor height.
- Clause 4.3A of Randwick LEP 2013 permits additional height if the lot has a certain sized frontage or provides certain land uses. It would be absurd to say that SEPP (Housing) 2021 could rely on this provision to provide an even greater maximum building height, where an application complies with neither required environmental outcome of frontage dimensions, land use nor height.
- Clause 4.3A(3) of Canada Bay LEP 2013 permits an increase in height if the lots are consolidated and a pedestrian walkway is provided. It would be absurd to say that SEPP (Housing) 2021 could rely on this provision to provide an even greater maximum building height, where an application complies with neither required environmental outcome of lot consolidation, pedestrian walk-way nor height.

Consequently, the correct interpretation must be the first because it avoids this absurdity and gives supremacy to the general provisions and its clear objective to provide for maximum building height as set out in the Burwood LEP 2012. An exception to the maximum building height cannot be taken as providing for the maximum building height for the land.

The maximum building height for the purpose of SEPP (Housing) 2021 is therefore 60 metres plus 30%, or, 78 metres. Any additional height would require the support of a clause 4.6 variation request for the consent authority to be empowered otherwise than to refuse development consent.

Once a cl. 4.6 variation request is prepared, the SSD must be renotified so that the public is aware of the significant non-compliance and has an opportunity to review in that context and with the benefit of the variation request.

Solar Access

The SSD will substantially increase overshadowing to the Club’s rooftop dining areas, atrium lightwells, and future overnight accommodation. This will result in the practical complete loss of solar access from 1:30pm.

Our client’s development has been appropriately designed having regard to likely future development in order to provide maximum solar access throughout the day. As noted above, the SSD is considered to have advanced on an incorrect basis such that the additional height is not permissible and should be refused as a consequence of adverse solar access impacts.

Traffic Impact

The SSD is accompanied by a Traffic Assessment Report prepared by VARGA Traffic Planning Pty Ltd dated 16 May 2024 (**the SSD’s Traffic Report**).

The SSD’s Traffic Report projects a 44 vehicle decline in traffic generation during the AM Peak from the originally approved development. This reduction in traffic generation, despite the additional 45 cumulative storeys of apartments results from the conversion of roughly 5,076sqm of office, retail, and café floorspace into a private hospital and health imaging facility since original approval.

Notwithstanding this reduction in traffic generation, the SSD’s Traffic Report does not provide an accurate assessment of the SSD’s traffic impacts. There are several outstanding issues that must be addressed as detailed below.

Significant Underestimation of Existing Traffic Conditions

The development application for the Club was supported by a Traffic Assessment Report (**the Club’s Traffic Report**) and Comments and can be found at **Attachment 1**.

Both the Club’s and SSD’s Traffic Report conducted surveys for the number of vehicles at surrounding intersections. That data was input into SIDRA to model existing travel levels, output as Level of Service (**LOS**), degree of saturation, and average vehicle delay.

The Club’s Traffic Report consistently depicts surrounding intersections as more congested than the SSD’s Traffic Report. A comparison table of intersections assessed by both Traffic Reports is shown below. Original tables can be found at **Attachment 2**.

Table 1: Existing Level of Service PM Peak				
Intersection	Report	Level of Service	Degree of Saturation	Average Vehicle Delay (s)
Burwood Road & George Street	Club	A - Good Operation	0.169	7.7
	SSD	A - Good Operation	0.313	2.9
Shaftesbury Road & George Street	Club	C - Satisfactory	0.108	35.7
	SSD	A - Good Operation	0.426	1.8
Shaftesbury Road & Victoria Street	Club	E - At Capacity	1.278	69.2
	SSD	C - Satisfactory	0.788	37.9

As shown above, existing LOS significantly varies between the two Traffic Reports at the Shaftesbury Road intersections. Notably, the Shaftesbury Road and Victoria Street intersection is *LOS E - at capacity* in the Club's Traffic Report, but *LOS B - good with acceptable delay / LOS C - at capacity* in SSD's Traffic Report.

The Club's Traffic Report implies the Shaftesbury Road and Victoria Street intersection cannot accommodate more vehicles without upgrades. Whereas the SSD's Traffic Report implies that there is spare capacity.

In addition, the degree of saturation is consistently higher in the SSD's Traffic Report, yet at the same time, the average vehicle delay is substantially lower.

The reason for these discrepancies is not explained. While some variation can be expected as the traffic surveys were conducted at different times, the discrepancy is disproportionate. The Club's Traffic Report conducted surveys before COVID, whereas the SSD's Traffic Report conducted surveys 7:00am to 10:00am and 4:00pm to 7:00pm Tuesday 19 March 2024. It is difficult to determine the exact impact of COVID on Burwood's travel patterns. Fewer people use public transport since COVID, and more people drive, but at the same time, more people work from home. However, based on the six-year gap alone, it would be expected that traffic conditions would worsen. Yet, the SSD's Traffic Report suggests traffic conditions have vastly improved.

Contrasting the two survey results it appears that SSD's Traffic Report is significantly underestimating existing traffic levels. While we do not have more recent traffic surveys to dispute the SSD's Traffic Report's findings, anecdotally, traffic congestion in the assessed area is severe and a common complaint.

Without an accurate understanding of baseline conditions, it is impossible to accurately assess the SSD's traffic impacts that would allow for determination. The Applicant has provided a single day of traffic surveys. Additional surveys must be provided to ensure an accurate reflection of traffic conditions is provided.

Failure to Account for the Club's Traffic Generation and Background Growth

The Club's Traffic Report modelled the impact of 1.5% growth in background traffic in addition to the Club's traffic generation when assessing impacts. It concluded:

"The road network adjacent to the proposed new development is running at a high degree of saturation and all main roads will be reaching their maximum capacities in the short-term as a result of background traffic growth."

The SSD's Traffic Report's findings contradict the above assessment, which is further evidence of undercounting vehicles.

Regardless we note that the Club's Traffic Report found that a combination of the Club's traffic generation, 1.5% background growth would result in an unacceptable level of traffic impact. The Club's traffic impact was found to be acceptable after including the substantial road upgrades proposed with the Club. In contrast, the SSD's Traffic Report (which is yet to account for the Club's future traffic or road upgrades) assessed its own impacts to result in *LOS C - satisfactory*. This is a large difference from *LOS F* that is highly unlikely to be explained by 1.5% background growth and Club's traffic generation.

The SSD's Traffic Report did not account for general background traffic growth nor did it account for the Club's traffic generation, which is expected to be over 400 vehicles during the evening peak. Without assessing background traffic growth and the Club's traffic, the SSD's Traffic Report is flawed and cannot provide an accurate understanding of impact and future traffic conditions.

As such, the Applicant must provide additional information assessing the traffic impact of the SSD, the Club, and background growth before the SSD can be determined.

Failure to Assess Road Upgrades Associated with the Club

The SSD's Traffic Report assessed impact on the surrounding road network as it exists currently. As noted above and detailed page 2 of **Attachment 1**, the Club will be accompanied by a suite of road upgrades. While those road upgrades will improve the flow of traffic in the area, until a proper assessment is conducted by the SSD, it cannot be confirmed if they can also accommodate the SSD's traffic.

As the SSD did not assess traffic impacts on the road network as it will exist in the near future, it is fundamentally flawed and cannot provide an accurate understanding of actual impact and future traffic conditions. The Applicant must provide additional information reassessing the SSD's traffic impacts accounting for the Club's road upgrades before the SSD is determined.

Failure to Assess Traffic Impacts to Marmaduke Street and Deane Street

As noted in the Table 1 above, the intersections with Shaftesbury Road are congested or approaching congestion, which will be worsened by the Club and SSD. The SSD's traffic report did not assess the impact on the Deane Street's intersection with Shaftesbury Road.

It is possible cars entering or exiting the SSD would choose to travel along Marmaduke Street and use the Deane / Shaftesbury Road intersection as a rat run for significant time savings, rather than turning at George Street. The Club's road upgrades will convert a large portion of Marmaduke Street and Deane Street into a low traffic shared environment, as shown in the **Figure** below.



Figure 6 - Deane Street as approved (source: Buchan; dated 14 August 2020)

Additional vehicles from the SSD, especially in large numbers, would significantly reduce the safety and amenity of this pedestrian vehicle shared zone, and impact the efficient operation of Shaftesbury Road.

Therefore, the Applicant must provide additional information assessing the impact to the Deane Street Shaftesbury Road intersection before determination is issued.

Summary

We acknowledge the SSD, as a result of change of use, may result in a reduction of vehicle generation from that originally approved. However, the traffic assessment remains insufficient to properly consider the impacts of the SSD as required by s 4.15 (1) (b) of the *Environmental Planning and Assessment Act 1979*.

There are existing traffic congestion issues on George Street and Shaftesbury Road, and the SSD has the potential to significantly impact local amenity.

To rectify this information shortcoming and ensure an acceptable level of traffic impact to the surrounding area and Club's operation, we respectfully request the Consent Authority require the following additional information before determination:

1. Provide evidence or additional surveys demonstrating that stated existing traffic conditions are not underestimated and accurately reflect real world conditions;
2. Update traffic impact assessment to consider background traffic growth and traffic generated by the Club;
3. Revise traffic impact assessment to reflect the road network as upgraded by the construction of the Club; and
4. Assess the SSD's impact to the Deane Street shared zone and intersection with Shaftesbury Road.

The additional information should recommend road network upgrades if the road network as approved is insufficient to accommodate the SSD's traffic generation.

Acoustic Impact

The Club is licensed premises that may serve liquor 24 hours a day, seven days a week and will offer live entertainment. The Club provides function space to cater to large groups and outdoor spaces that may trade during night time periods.

The Club has been designed to operate in accordance with its Plan of Management and Conditions of Consent to manage its own noise emissions. However, there is the potential for breakout noise and departing patrons to disturb the future occupants of the SSD. The approval of the Club predates the changes to the SSD which may not be accounted for in the Club's approval.

The SSD's Noise and Vibration Impact Assessment prepared by Acoustic Logic, dated 13 June 2024 did not assess the Club as a potential noise source. This is a significant shortcoming. Whether the SSD can offer an adequate level of amenity to future occupants is unknown at this stage. Should the SSD be unable to acoustically insulate future occupants, they may direct

complaint to the Club. Repeated complaints from future occupants would significantly impact the Club's operation.

We note, the NSW Government and Burwood Council are striving to encourage the growth of a vibrant night-time economy and live entertainment. Please refer to the [Vibrancy Reforms](#) and [Burwood After Dark Strategy](#). It is not in the public interest to potentially allow the Club's operation to be stifled by incomplete acoustic assessment and mitigation. Moreover, when considering order of occupancy, the Club was approved prior to the SSD future determination. Therefore, the burden of confirming acceptable acoustic impacts and providing any necessary mitigation should fall on the SSD's Applicant.

As such, we request the Consent Authority not determine the SSD until the Applicant is required to provide additional information is provided that assesses the Club as a noise source and confirms that the Club's operation will not impact the SSD and any mitigation measures required to achieve acoustic compliance.

Regardless, out of abundant caution, we request the Consent Authority require the Applicant to provide additional noise dampening at the SSD's facades, in particular, where it fronts George Street before determination or impose a Condition of Consent.

[Social Impact](#)

[Licensed Operation](#)

The Club is a licensed premises that offers access to liquor and gaming machines. The Club is committed to minimising the harm from both by operating in accordance with its Plan of Management and Gaming Plan of Management.

However, the SSD's Social Impact Assessment prepared by GYDE dated 22 May 2024 does not assess the social impact of the Club's operation on the SSD. Of particular note, the SSD will provide a substantial amount of new social housing.

Alcohol related harm, and harm from problem gambling disproportionately falls upon those with less to lose such as social housing tenants. While the Independent Liquor and Gaming Authority have already approved the Club's removal to the Subject Site, the effect of a large increase in social housing in the immediate of the Club on future applications is unknown.

As the Club predates the SSD, the Applicant holds the burden of proof to demonstrate the SSD can co-exist with the Club with resulting acceptable social impact. The Applicant must therefore provide additional information confirming acceptable social impact of readily accessible liquor and gaming and / or mitigating measures before the SSD is determined.

[Through Site Link](#)

The SSD proposes a through-site-link from Victoria Street to George Street. However, the Applicant proposes to close the through-site-link via automatic gates from 10:00pm till 7:00am.

The Burwood DCP at control 3.13.3 P4 requires through-site-links to remain open and publicly accessible 24 hours a day, seven days a week. Closing the through-site-link during the night would diminish the public benefit offered by the SSD. As the SSD is located in Burwood Town Centre, a vibrant late-night dining destination, pedestrian permeability and walkability should be maximised.

The through-site-link should remain open at all times.

Conclusion

This letter provides a submission offering qualified objection to SSD69615996 at 28-34 Victoria Street, 17 George Street, and 21 George Street Burwood.

We respectfully request the Consent Authority to require the following additional information and design changes before determination:

1. Additional Legal Advice provided by the Applicant or sought by the Consent Authority confirming whether there is the power to approve the SSD as currently proposed, and whether a clause 4.6 variation is required;
2. Amended Traffic Assessment Report including:
 - (a) demonstrating that stated existing traffic conditions accurately reflect real world conditions;
 - (b) assessing background traffic growth and traffic generated by the Club;
 - (c) assessing the traffic impact to the road network as upgraded by the Club;
 - (d) assessing the traffic impact to the Deane Street shared zone and intersection with Shaftesbury Road.
3. Amended Noise and Vibration Impact Assessment which assesses the Club as a noise source and makes appropriate recommendations if required;
4. Amended Social Impact Assessment, which assess the SSD and social housing's the proximity to the Club's licensed and gaming operation; and
5. Maintain access to the through-site-link 24/7 between George Street and Victoria Street.

We request the opportunity to review and make further submission on any additional information provided by the Applicant in reply to this submission.

Should you have any questions, please do not hesitate to contact the undersigned to discuss.

Yours faithfully,

DESIGN COLLABORATIVE



David Rippingill
Director