



The Greek Orthodox Parish and Community of Burwood and District Saint Nectarios

Η Ελληνική Ορθόδοξος Ενορία και Κοινότης Μπέργουντ και Περιχώρων - Ο Άγιος Νεκτάριος
Est. 1970

26 May 2025

Planning Submission in Response to Public Exhibition SSDA Proposal: 2-4 Burleigh Street and 20-24 Railway Parade, Burwood

Submitted on behalf of: The Greek Orthodox Parish and Community of Burwood and District Saint Nectarios Limited – located at 26 Railway Parade and 5 Burleigh Street, Burwood.

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To Whom It May Concern,

We are the landowners of **26 Railway Parade, Burwood** (heritage-listed church and publicly accessible courtyards) and **5 Burleigh Street Burwood** (community facilities and courtyard). We are writing in response to the public exhibition of the proposed development by NSW Housing Corporation at **2-4 Burleigh Street and 20-24 Railway Parade, Burwood**.

Our Parish and Community acknowledges the intent to increase housing and community outcomes in the area; however, we wish to raise a number of critical concerns in relation to this development, specifically relating to building separation, visual privacy, development interface and traffic impacts, particularly in relation to our adjoining properties.

1. Western Boundary Setback – ADG Building Separation Non-Compliance (Levels 6-18)

The proposed development provides a 6-metre setback to the western boundary, which adjoins our properties at 5 Burleigh Street AND 26 Railway Parade Burwood. This setback is inconsistent with the minimum building separation requirements of the Apartment Design Guide (ADG) under Objective 3F-1 – Visual Privacy.

Under the ADG, the purpose of building separation controls is to protect visual and acoustic privacy between residential apartments and between developments on adjoining sites. The minimum separation distances apply where habitable rooms or balconies face side or rear boundaries, and are based on building height as follows:

Building Height	Minimum Separation (Habitable to Habitable)
Up to 12 metres (4 storeys)	6 metres total (3m each side)
Up to 25 metres (5-8 storeys)	12 metres total (6m each side)
Over 25 metres (9+ storeys)	24 metres total (12m each side)

The proposed development contains residential apartments from Levels 3 to 18, but only Levels 6 to 18 are subject to the 12-metre habitable-to-habitable separation requirement, as Level 6 (RL 50.8) is the first floor to exceed 25 metres above ground level (RL 26.1).

In this case:

- The building setback from the western boundary is proposed at 6 metres, and
- The property boundary to the centreline of Burleigh Street is approximately 4.5 metres, meaning the total separation distance is 10.5 metres.

This falls short of the required 12-metre separation, resulting in a non-compliance with Objective 3F-1 of the ADG.

It is important to note that our adjoining properties at 5 Burleigh Street and 26 Railway Parade Burwood are zoned MU1 Mixed Use under the Burwood LEP and are subject to the same development standards as the subject site. These include:

- A maximum Floor Space Ratio (FSR) of 6.6:1, and
- A residential GFA entitlement of 2.64:1, enabling it to support future residential apartment development.

Under Figure 3F.4 of the ADG, where adjoining sites are capable of residential use, the building separation should be shared equitably between both sites to ensure a fair and consistent application of privacy standards.

In this instance, the subject development must account for the likely future residential character of our property 5 Burleigh Street, Burwood, and therefore cannot rely on a reduced setback based on a commercial-only assumption.

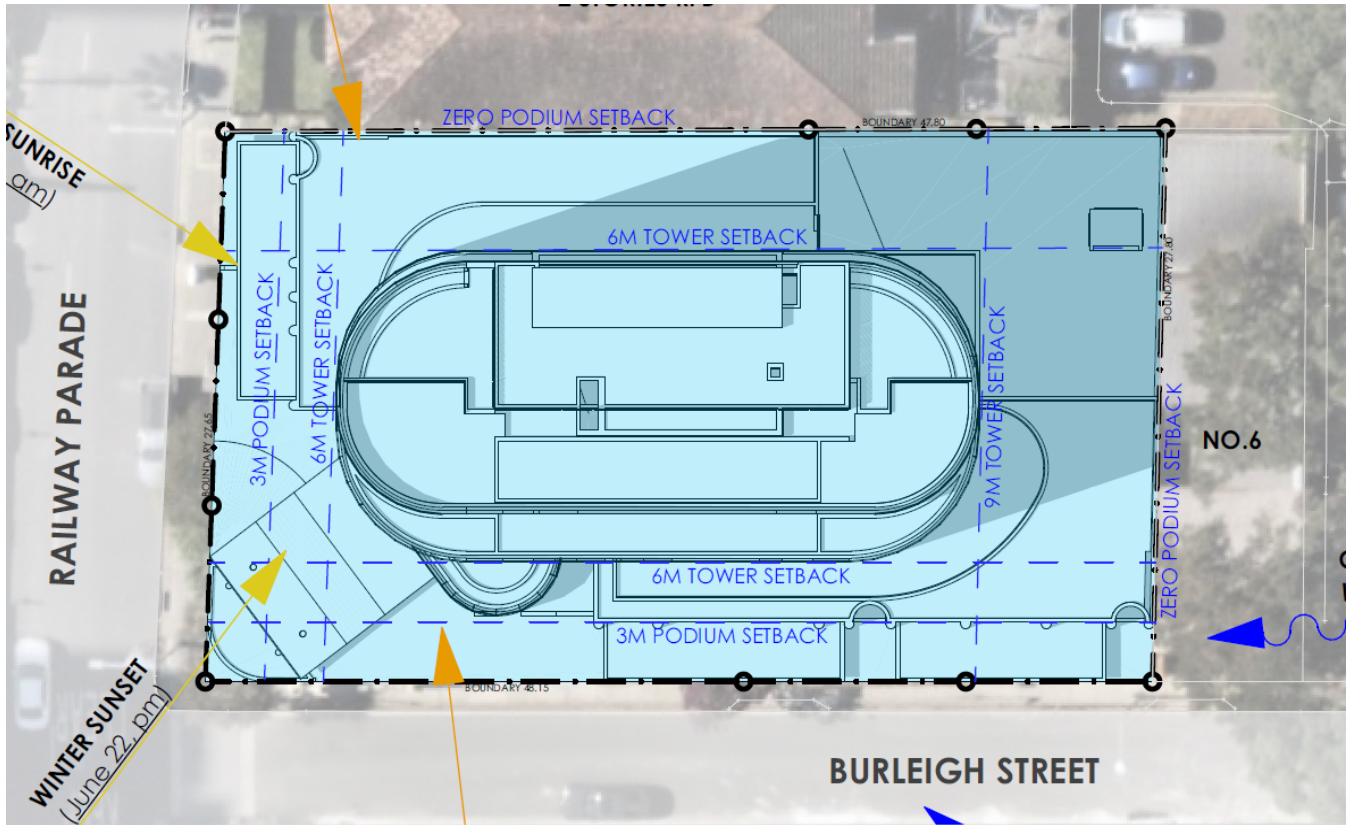
The proposed 6-metre setback from the western boundary is insufficient, and without adjustment, it would undermine the ability of our adjoining property to develop in a compliant and equitable manner.

Furthermore, no justification has been provided in the development application for this shortfall.

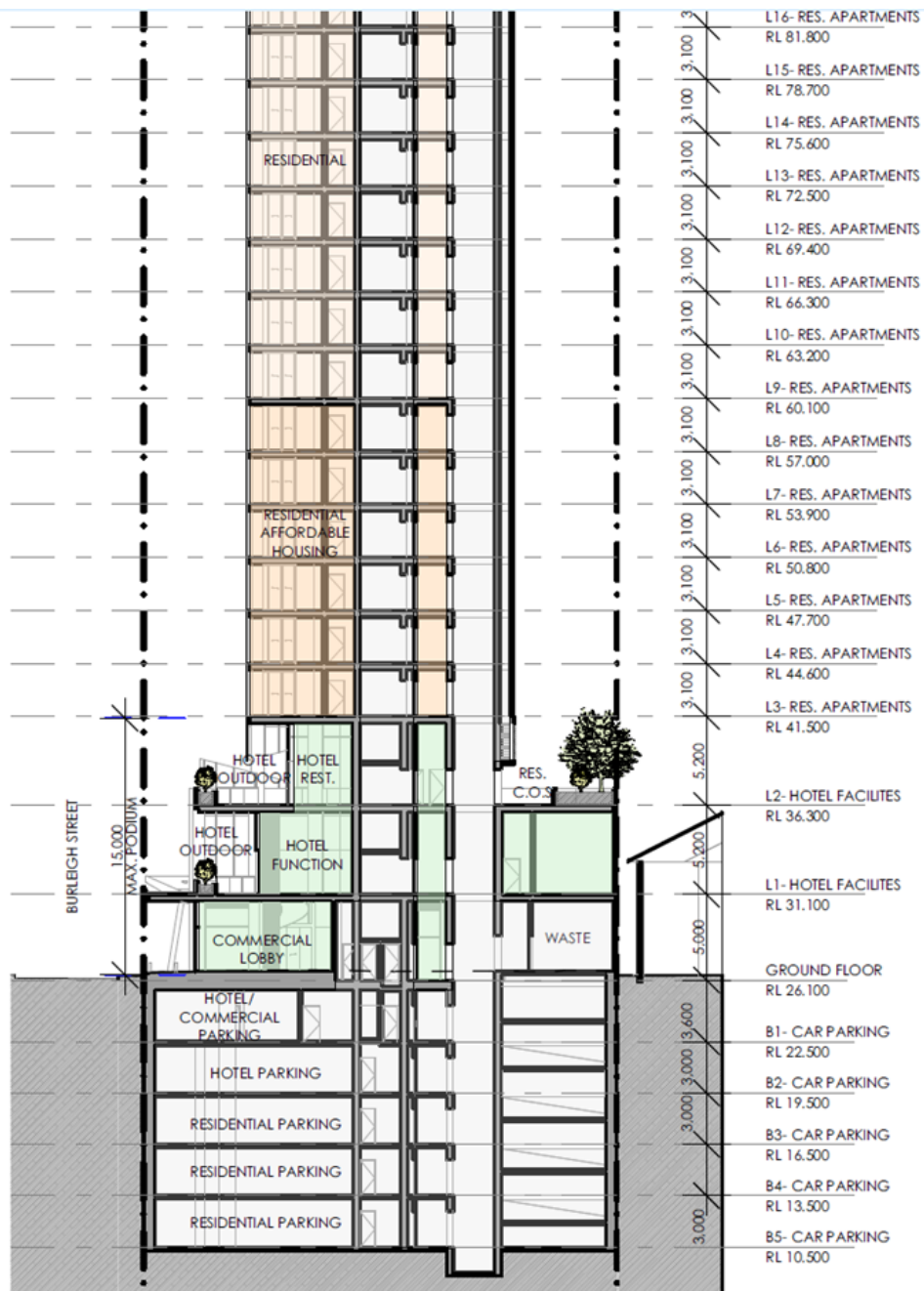
We respectfully request that the consent authority requires the applicant to amend the proposal to comply with the ADG's 12-metre minimum separation requirement for Levels 6 to 18, which can be achieved by introducing an additional 1.5-metre setback to the western façade. This revision is critical to:

- Preserve the development potential of our adjoining site at 5 Burleigh Street Burwood;
- Maintain equitable privacy outcomes in line with ADG objectives; and

- Avoid setting a planning precedent that allows for underperformance on separation standards in dense mixed-use precincts.



Extract from Architectural Drawing: Site Plan – 06 / B



1 SECTION A
1:600

Extract from Architectural Drawing: Sections A & B – 26 / B

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2. Eastern Boundary Setback to 18A Railway Parade, Burwood

The proposed development provides a minimal setback to the eastern boundary, adjoining 18A Railway Parade, which appears to be inconsistent with the minimum side boundary setback requirements under the Apartment Design Guide (ADG).

Under Objective 3F-1 of the ADG, residential development is required to provide adequate building separation to ensure reasonable levels of visual privacy and amenity. Where buildings are located on adjoining sites, and habitable rooms or balconies face side boundaries, the ADG specifies the following minimum separations:

Building Height	Minimum Separation (Habitable to Habitable)
Up to 12 metres (4 storeys)	6 metres total (3m each side)
Up to 25 metres (5–8 storeys)	12 metres total (6m each side)
Over 25 metres (9+ storeys)	24 metres total (12m each side)

Where separation distances cannot be achieved on a single site, the ADG allows for setbacks to be split between adjoining developments, provided that future development potential on adjacent sites is not compromised.

In this case, the submitted architectural plans appear to provide less than 6 metres setback to the eastern boundary where habitable rooms and balconies are positioned.

This is especially concerning for the mid-rise tower levels, where 12 metres of separation should apply between habitable areas (i.e. 6m on the subject site, assuming the same on the adjoining site). It is unclear whether the applicant has demonstrated full compliance with this requirement, or tested potential overshadowing and privacy impacts on the neighbouring site at 18A Railway Parade, which is a low-scale residential property.

Furthermore, the proposal has not adopted a party wall or zero-lot line approach, which is a common strategy used in high-density urban contexts to mitigate privacy impacts and concentrate bulk on one side of the building. Had this approach been used, the built form may have been more efficient and better managed its interface to 18A Railway Parade.

Given the above, we are concerned that:

- The current eastern boundary condition fails to meet the separation and amenity standards required under ADG 3F-1,
- The privacy and solar access of 18A Railway Parade may be compromised without adequate analysis,
- And that the design has not adequately considered alternatives that may better respond to the site's context and minimise impact on neighbours.

We respectfully request that the consent authority undertakes a detailed review of the eastern boundary setback, test compliance with ADG separation requirements, and

require justification as to why a party wall or alternate building form strategy was not adopted to address this sensitive interface.

These issues should be addressed prior to determination to ensure equitable and compliant development outcomes for both the subject and neighbouring sites.

3. Vehicle Conflict and Safety Risk at the Burleigh Street / Railway Parade Burwood Intersection

The proposed design includes a porte-cochère exit onto Burleigh Street, positioned immediately adjacent to the T-intersection with Railway Parade. This location creates a high-risk traffic conflict zone, particularly given the narrow width and one-way operation of Burleigh Street.

Vehicles exiting the porte-cochère - such as taxis, ride-share vehicles, or hotel guests - will emerge from the left (eastern) side of Burleigh Street and may attempt to:

- Turn right into Railway Parade, crossing in front of vehicles already waiting at the intersection, or
- Merge into traffic, potentially queuing beside or cutting across vehicles in the single moving lane.

This creates a dual right-turn conflict, where two vehicles may attempt to queue side-by-side at the intersection, despite the roadway not being designed to support multiple turning lanes. No provision is made for lane delineation, merging space, or separation of exiting vehicles from those already queuing - conditions which are clearly demonstrated in the swept path diagrams.

From a traffic engineering perspective, driveways should not be located within 6-10 metres of an intersection, as this impairs turning operations, increases congestion, and introduces avoidable safety hazards. The proposed porte-cochère egress violates this principle, introducing serious operational and safety risks, both for motorists and pedestrians.

We respectfully request that the consent authority undertakes a detailed assessment of this issue, including a review of swept path performance, intersection queueing conditions, and adherence to standard driveway placement guidelines. Consideration should also be given to requiring a redesign or relocation of the porte-cochère egress to mitigate conflict and improve intersection safety.

4. Pedestrian, Church and Community Facility User Safety

Further to the proposed porte-cochère egress that discharges directly onto Burleigh Street, Burwood immediately adjacent to the intersection with Railway Parade, this design presents a critical concern regarding pedestrian safety, particularly for our church and our many parishioners (St Nectarios Greek Orthodox Church, 26 Railway Parade), and for the many users of our heavily utilised community facility (The Cottage, 5 Burleigh Street, Burwood), which are both located directly opposite the proposed development.

The church is a longstanding community facility, (built in 1879 and purchased by our Parish and Community in 1970). It is a popular church that experiences high levels of foot traffic, including vulnerable users such as the elderly, young children, and families, particularly during weekend services, major feast days and community events. The Cottage, is also a heavily utilised community space, used by youth, children, seniors, and families, who take advantage of the many community services and events that we deliver there on a daily basis.

The proposed vehicle exit introduces a new conflict point in an already congested pedestrian environment, increasing the risk of vehicular-pedestrian collisions at a very active intersection.

Of particular concern is the likelihood that drivers exiting the porte-cochère will be primarily focused on navigating traffic conditions or executing turning movements, rather than maintaining awareness of pedestrians on the adjacent footpaths or crossing the street. This raises a significant risk of driver inattention, particularly during high-turnover periods when hotel guests, ride-share vehicles, and taxis are entering and exiting the site in quick succession.

The design appears to lack adequate pedestrian protection measures, such as:

- Separation or buffering between vehicle exit points and footpaths,
- Traffic calming or visibility aids, and
- Any indication of active travel design principles that prioritise pedestrian movement in a high-footfall area.

We respectfully request that the consent authority undertakes a thorough review of the pedestrian safety implications of the proposed vehicle egress design, particularly in relation to its proximity to St Nectarios Church (26 Railway Parade) and our community facility The Cottage (5 Burleigh Street) and the surrounding pedestrian network.

In light of the increased vehicular activity proposed by the development and the proximity of significant community and pedestrian-generating facilities—including St Nectarios Church and The Cottage - we respectfully request that the consent authority gives strong consideration to requiring the developer to fund and facilitate the delivery of a **formal pedestrian crossing on Burleigh Street at its junction with Railway Parade**.

This east-west crossing is essential to protect the safety of parishioners, community facility users, and the broader public who navigate this intersection on a daily basis. Regardless of the final land use approved for the site, a dedicated pedestrian crossing at this location would provide a vital public safety improvement, directly responding to the intensification of vehicle movements and ensuring alignment with best-practice walkability and pedestrian-prioritised design outcomes.

Appropriate design amendments or conditions should be considered to ensure safe and equitable movement for all users, in accordance with public domain safety standards and pedestrian-oriented planning principles.

Conclusion

The Greek Orthodox Parish and Community of Burwood and District Saint Nectarios Limited formally objects to the proposed development at 2-4 Burleigh Street and 20-24 Railway Parade, Burwood in its current form.

While we acknowledge the importance of facilitating well-planned housing and community outcomes, this proposal presents a series of significant and unresolved planning, design, and safety issues that directly impact our property, our parishioners, and the surrounding community.

Specifically, the proposal:

- Fails to comply with **ADG building separation requirements** along the western boundary, compromising the future development potential and residential amenity of adjoining land,
- Provides **insufficient eastern boundary treatment** to 18A Railway Parade, raising serious privacy and overshadowing concerns,
- Introduces **traffic movement risks** and unacceptable conflict at a constrained and highly trafficked intersection, and
- Poses a **clear safety risk to pedestrians**, including members of our church community, due to the poorly positioned vehicle egress.

These issues are not minor or peripheral - they strike at the core of good planning practice and public domain safety. The proposed development, if approved without meaningful amendments, would undermine equitable planning outcomes in the precinct and place unnecessary strain on local amenity and safety.

We therefore urge the consent authority to refuse the application in its current form, and require that the proponent undertake substantial design modifications to address the concerns raised in this submission.

We appreciate the opportunity to comment and remain available to discuss these matters further should the consent authority require additional input.

For and on behalf of the Board,

Christina Efthymiades



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