



NOTICE OF BURWOOD LOCAL PLANNING PANEL MEETING

The meeting of the Burwood Local Planning Panel will be held at Conference Room, 2 Conder Street, Burwood on Tuesday 20 January 2026 at 6:00 PM to consider the matters contained in the attached Agenda.

**Tommaso Briscese
General Manager**

Agenda

For a Notice of Burwood Local Planning Panel Meeting of Burwood Council to be held in the Conference Room, Level 1, 2 Conder Street, Burwood on Tuesday 20 January 2026 at 6.00pm.

Welcome to the meeting of the Burwood Local Planning Panel

I declare the Meeting opened at

1. Acknowledgement of Country

Burwood Council acknowledges the Wangal Peoples who are the traditional custodians of the area. We pay our respects to their elders past and present.

2. Introduction of Panel Members

3. Recording of Meeting

Members of the public are advised that Meetings of the Panel are audio recorded for the purpose of assisting with the preparation of Minutes and the recording of the public part of the meeting will be published on Council's website.

4. Explanation of how the panel will operate

None of the matters before the Panel today qualify for a public hearing. Consequently, there are no members of the public making representations to the Panel for this meeting.

The Panel has undertaken site investigations and we have before us reports provided by Burwood Council officers on the matters for consideration.

For each matter, the Council officer will briefly give an overview.

All members of the public who have registered to speak will have the opportunity to address the panel. I will invite you to speak and commence by stating your name and address or whom you represent.

After all speakers have been heard, the panel will adjourn to deliberate on the matter.

The Panel will make determinations on the matters before it. Each determination will include reasons for the determination, and all such details will be included in the official record of the meeting.

5. Apologies/Leave of Absences

6. Declarations of Interest by Panel Members

7. Chair introduction of Agenda Item

8. Council Officer Overview

9. Development Applications

(Item DA1/26) Development Application No. DA.2025.66 at 28-34 Victoria Street,
17 George Street and 21 George Street, Burwood..... 3

Development Applications

(Item DA1/26) Development Application No. DA.2025.66 at 28-34 Victoria Street, 17 George Street and 21 George Street, Burwood.

File No: 25/71788

Report by Senior Assessment Planner

Owner: Pierre Sleiman
Applicant: Georges Jreije c/o Urban Link Architects
Location: 28-34 Victoria Street, 17 George Street, and 21 George Street, Burwood
Zoning: MU1 Mixed Use

Proposal

Alterations and additions to add additional storeys and residential apartments to three multi-storey buildings within an approved mixed-use development, known as Building A, Building B, and Building C, located at 28-34 Victoria Street, 21 George Street and 17 George Street, Burwood, respectively.

The application proposes an additional 4 stories to a lower component of Building A (without increasing the overall height of the approved 40 storey building), an additional 4 stories to Building B (increasing from 33 to 37 stories, and an additional 4 stories to Building C (increasing from 26 to 30 stories). Amendments to communal open space, adaptable/liveable units, waste bins, basement storage and parking arrangements are also proposed to facilitate the additional apartments.

The application proposes an additional 29 residential apartments across the site, 5 of which are affordable housing units. The proposal will result in the overall number of residential apartments on the site increasing from 380 to 409, including an increase of affordable housing units from 75 to 80.



1. **Figure 1:** Extract from the architectural plans of the proposed development. Source: Urban Link Architects.

The proposal is outlined in detail below:

Building A – 28-34 Victoria Street (40 storey building)

- 10 additional units added over 4 floors to the lower component of the tower (no change to the existing maximum building height).
- Increase in the number of units from 252 to 262 (10 additional units).
- Residential gross floor area (GFA) increased from 21,516m² to 22,775m² (1259m² increase).
- Communal open space split into two levels and relocated to Level 36 and 37, and increased in size by 7m².
- Visitor car parking spaces converted to residential car spaces at basement level, and bicycle spaces added.
- 2 additional bins (1 waste and 1 recycling bin) added to basement level.

Building B – 21 George Street (37 storey building)

- Four additional storeys, increasing the building height from 33 to 37 storeys.
- Increase in the number of units from 75 to 83 (8 additional), including increasing the number of affordable housing units from 75 to 77.

- Residential GFA increased from 6365m² to 7360m² (995m² increase).
- Additional residential car and motorcycle parking spaces at the basement level.
- Communal open space relocated from Level 28 to Level 31.

Building C – 17 George Street (30 storey building)

- Four additional storeys, increasing the building height from 26 to 30 storeys.
- Increase in the number of units from 53 to 64 (11 additional), including adding 3 affordable housing units.
- Residential GFA increased from 4746m² to 5755m² (1009m² increase).
- 2 additional bins added to the ground floor level (1 waste and 1 recycling bin).
- Unit L9.03 converted to an adaptable and liveable unit.
- Increased floorplate of penthouse at Level 28 and 29.
- 2 additional bins (1 waste and 1 recycling bin) added to basement level.
- Added storage cages and increase of 13 residential car spaces and bicycle racks to basement levels.

Development Summary		
	Approved	Proposed
Floor Space Ratio	6.44:1	6.93:1
Total GFA	42,419m ²	45,683m ²
Total Residential GFA	32,6/27m ²	35,890m ²
Affordable Housing Residential GFA	6,365m ² (15% of Total GFA)	6909m ² (15% of total GFA)
Max. Building Height	136.70m	Unchanged
Market priced residential units	305	329
Car parking spaces (residential component of the development)	410	423
Affordable housing residential units	75	80
Overall number of residential units	380	409

2. *Table 1: Development Summary*

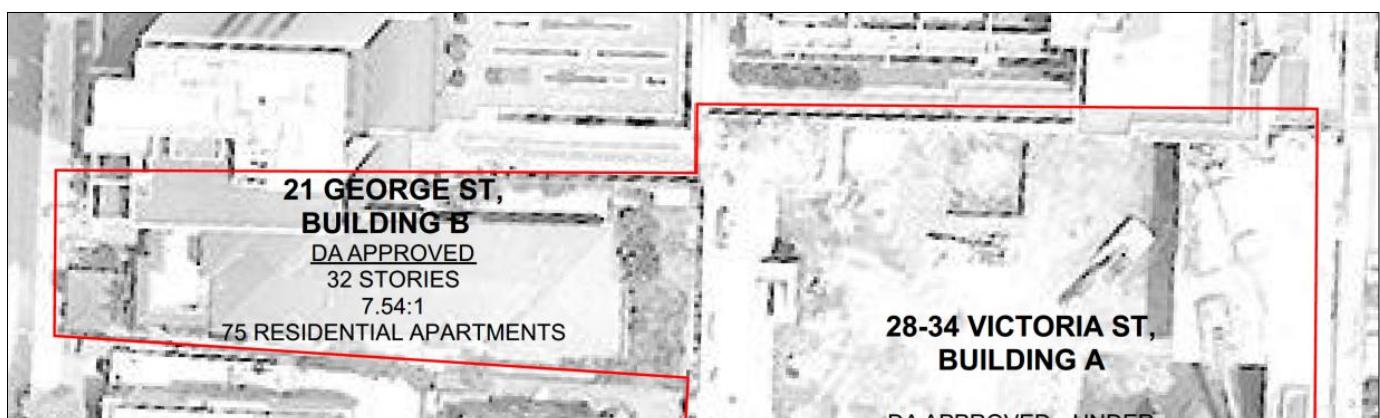


Figure 1: (above) Site Plan Overview, showing the currently approved configuration of the site from above.
Source: Urban Link Architects

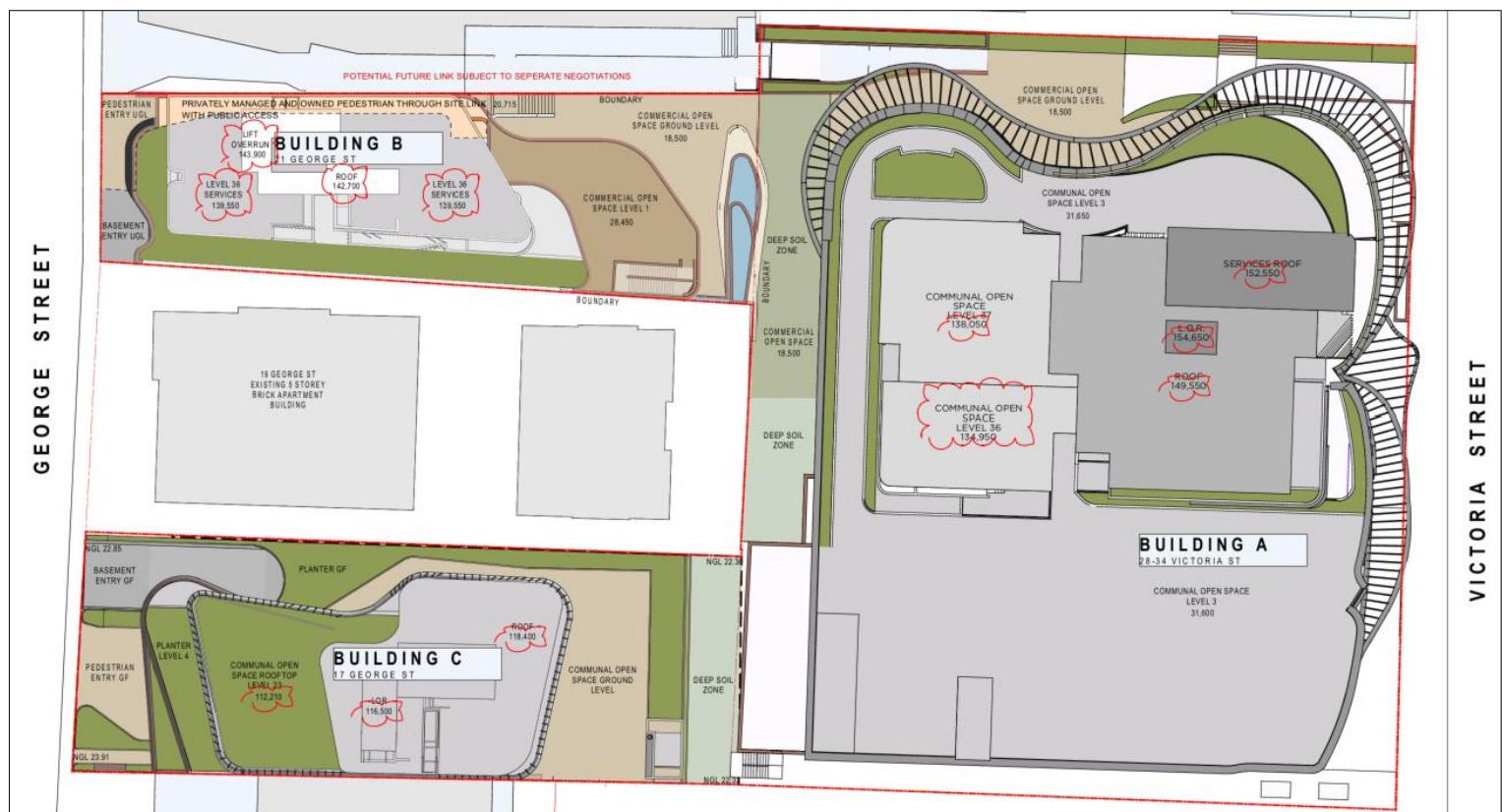


Figure 2: (above) Site Plan provided by the applicant. Source: Urban Link Architects.





Figure 4: (above) 3D render of the development as proposed, looking north. Source: Urban Link Architects.

Details of the proposed changes to each building is provided in the table below:

Building A – 28-34 Victoria Street		
Control	Approved SSDA	Proposed
Floor Space Ratio	6.559:1	6.852:1
Gross Floor Area (total)	27,812m ²	29,058m ²
Residential GFA	21,528m ²	22,774m ²
Building Height	136.73m (RL 154.65)	As Existing (RL 154.65)
Carparking (total)	383 spaces	As Existing

Residential Units (total)	252	262
Affordable Housing Residential Units	0	0
Communal open space	2,208m ²	2,215m ² (52.2%)
Deep soil	325.63m ²	As Existing

Building B – 21 George Street

Control	Approved	Proposed
Floor Space Ratio	7.54:1	8.49:1
Gross Floor Area (total)	7,939m ²	8,934m ²
Residential GFA	6,365m ² (including 6365m ² affordable housing)	7,360m ² (including 6679m ² of affordable housing)
Building Height	110.3m (RL 131.30)	122.84m (RL 143.90)
Carparking (total)	74	As Existing
Residential Units (total)	75	83
Affordable Housing Residential Units	75	77
Communal open space	16	17 (20%)
Deep soil	0	0

Building C – 17 George Street

Control	Approved	Proposed
Floor Space Ratio	5.13:1	5.91:1
Gross Floor Area (total)	6,668m ²	7,677m ²
Residential GFA	4,746m ²	5,755m ² (including 230m ² of affordable housing)
Building Height	83.35m (RL 107.70)	95.91m (RL 120.10)
Carparking (total)	97	110
Residential Units (total)	53	64
Affordable Housing Residential Units	0	3
Communal open space	432m ² (33.2%)	As Existing
Deep soil	91m ²	As Existing

BLPP Referral Criteria

Pursuant to the Ministerial direction dated 6 May 2024, under Section 9.1 of the *Environmental Planning and Assessment Act 1979*, the DA is to be determined by the BLPP for the following reasons:

1. The proposal is ‘sensitive development’ to which *State Environmental Planning Policy (Housing) 2021* – Chapter 4 (Design of residential apartment development) applies.
2. Development applications for which the developer has offered to enter into a planning agreement.
 - 1.
3. The development contravenes a development standard imposed by *State Environmental Planning Policy (Housing) 2021* by more than 10%.

Background

Below is a timeline of previous DAs and modifications that are relevant to the subject application:

DA No.	Description	Determination
Council DA - DA.2019.91	28 Victoria St, Burwood 2134 NSW 28A-30 Victoria St, Burwood 2134 NSW 32-34 Victoria St, Burwood 2134 NSW	Approved 15/09/2020

	Demolition of the existing structures and the construction of a 30-level mixed use development containing 179 residential units above basement parking.	Sydney Eastern City Planning Panel
Council DA DA.2020.104	28 Victoria St, Burwood 2134 NSW Temporary installation of three (3) Advertising Signage panels	Approved 17/12/2020 Council staff under delegation
Council DA DA.2020.110	17 George St, Burwood Demolition of all existing structures and construction of a 24-storey mixed-use development comprising of a 4-storey podium and 20-storey tower, including a retail ground floor, 3-storeys of commercial, 2-storeys of serviced apartments and 19-residential levels, over 4-levels of basement car parking at 17 George St.	Approved 12/04/2022 Burwood Local Planning Panel
Council Mod DA.2020.110	17 George St, Burwood Shop top housing S4.55(1) Modification Application to modify an existing Consent No. 110/2020 for alterations and amendments to the unit mix.	Approved 15/02/2023 Council staff under delegation
Council Mod DA.2019.91	28-32 Victoria St, Burwood Construct an additional half basement level and configure the basement level layout.	Approved 18/05/2023 Council staff under delegation
Council DA DA.2023.93	28 Victoria St, Burwood 2134 NSW Change of use of land or a building or the classification of a building. Converting the previously approved commercial/retail podium to a private hospital as well as minor modifications to the building envelope and footprint. There is no change to the previously approved residential component.	Approved 3/04/2024
State Significant DA SSD 69615996	28-34 Victoria St, 17 George St and 21 George St, Burwood The proposed development contains a total of 150 <i>additional</i> apartments, including 75 market and 75 in-fill affordable housing units, and would provide a total of 380 apartments across the three buildings, increasing the total number of overall apartments from 230 to 380. The construction of the three buildings will be undertaken in three stages, with stage 1 comprising Building A due to be complete in March 2027, and stages 2 and 3 comprising Building B and Building C, which are both due to be complete in November 2027. Building A Alterations and additions to an approved mixed-use building at 28-34 Victoria Street involving: <ul style="list-style-type: none">• construction of ten additional storeys containing 73 units (total of 40 storeys and 252 units)• construction of an additional half storey basement to accommodate additional parking and waste	Approved 16/12/2024 NSW Department of Planning, Housing and Infrastructure

	<p>requirements</p> <ul style="list-style-type: none"> • amendments to level 3 of the podium to increase communal open space • minor amendments throughout the building to facilitate the development <p>Building C</p> <p>Alterations and additions to an approved mixed-use building at 17 George Street involving:</p> <ul style="list-style-type: none"> • construction of two additional storeys containing two units (total of 26 storeys and 53 units) • construction of an additional basement level to accommodate additional parking and waste requirements • minor amendments throughout the building to facilitate the development <p>Building B</p> <p>Demolition of an existing building, earthworks and construction of a new 33 storey mixed-use building at 21 George Street involving:</p> <ul style="list-style-type: none"> • a five-level basement for parking and waste services • four storey podium containing commercial and retail uses • a 29-storey tower containing 75 affordable housing units and nine serviced apartments. <p>Associated works</p> <ul style="list-style-type: none"> • Provision of a publicly accessible privately-owned through-site link located between 17 George Street and 28-34 Victoria Street • Landscape works at 17 George Street and 28-34 Victoria Street. 	
Council Mod DA.2019.091	Section 4.55(1A) Modification to DA.2019.91 seeking modifications to the windows and minor internal layout amendments at the podium level in association with the hospital use approved under DA.2023.93.	Approved 24/09/2025 Council staff under delegation

3. *Table 2: Development Background*

Timeline of this development application:

- 1) **11 September 2025** - application lodged with Council via the NSW Planning Portal. Once lodged, internal referrals and public notification were carried out. The application was publicly notified between 01 October 2025 to 29 October 2025. Two (2) submissions from the public were received during the notification process.
2.
- 2) **10 November 2025** – request for additional information letter sent to the applicant, which raised concerns about non-compliance with Clause 16(1) of the Housing SEPP and the associated Clause 4.6 variation request. Specifically, Council raised concerns that the proposal did not maintain the overall percentage of affordable housing, relative to total GFA, as was approved under the SSDA.
3.
- 3) **14 November 2025** – The applicant submitted an amended clause 4.6 variation request, however, in Council's view the proposal remained unsatisfactory as it did not provide at least 15% of the overall GFA on the site as affordable housing.

- 4.
- 4) **25 November 2025** – The application was formally reviewed by Council's Design Review Panel (DRP).
- 5.
- 5) **26 November 2025** – Council advised the applicant that a reduction in the percentage of affordable housing below the 15% approved would not be supported. The applicant subsequently agreed to amend the proposal and provide architectural plans which provided at least 15% affordable housing. The amended plans were submitted to Council on 26 November 2025.
- 6.
- 6) **1 December 2025** – a further request for additional information was sent to the applicant after an assessment of the architectural plans for 'Building A' revealed that physical changes to the building associated with the hospital component, approved under the Section 4.55(1A) modification of DA.2019.091 on 24 September 2025, had not been incorporated into the applicant's latest architectural plans.
- 7.
8. Considering that it is the intent of the applicant to retain the changes to the building approved under the recent Section 4.55(1A) modification of DA.2019.091, the proposed architectural plans needed to be updated to reflect this. The applicant also needed to submit a traffic and parking letter to confirm that the proposal will not result in any changes to the previously approved non-residential components, including but not limited to vehicular access and loading/servicing arrangements.
- 9.
- 7) **2 December 2025** – the applicant submitted updated plans for 'Building A' which accurately depict physical changes to the building associated with the hospital component, that were approved under the recent Section 4.55(1A) modification of DA.2019.091.
- 10.
- 8) **12 December 2025** – the applicant submitted an updated Traffic and Parking letter, prepared by Varga Traffic Planning, to support the updated plans for 'Building A'. The applicant also submitted a written response to address the minutes of the DRP meeting.
- 11.
- 9) **23 December 2025** – the applicant submitted an additional clause 4.6 variation request, seeking to justify a variation to clause 16(2) of the Housing SEPP.

Statutory Requirements

The application is assessed under the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), as amended, which include:

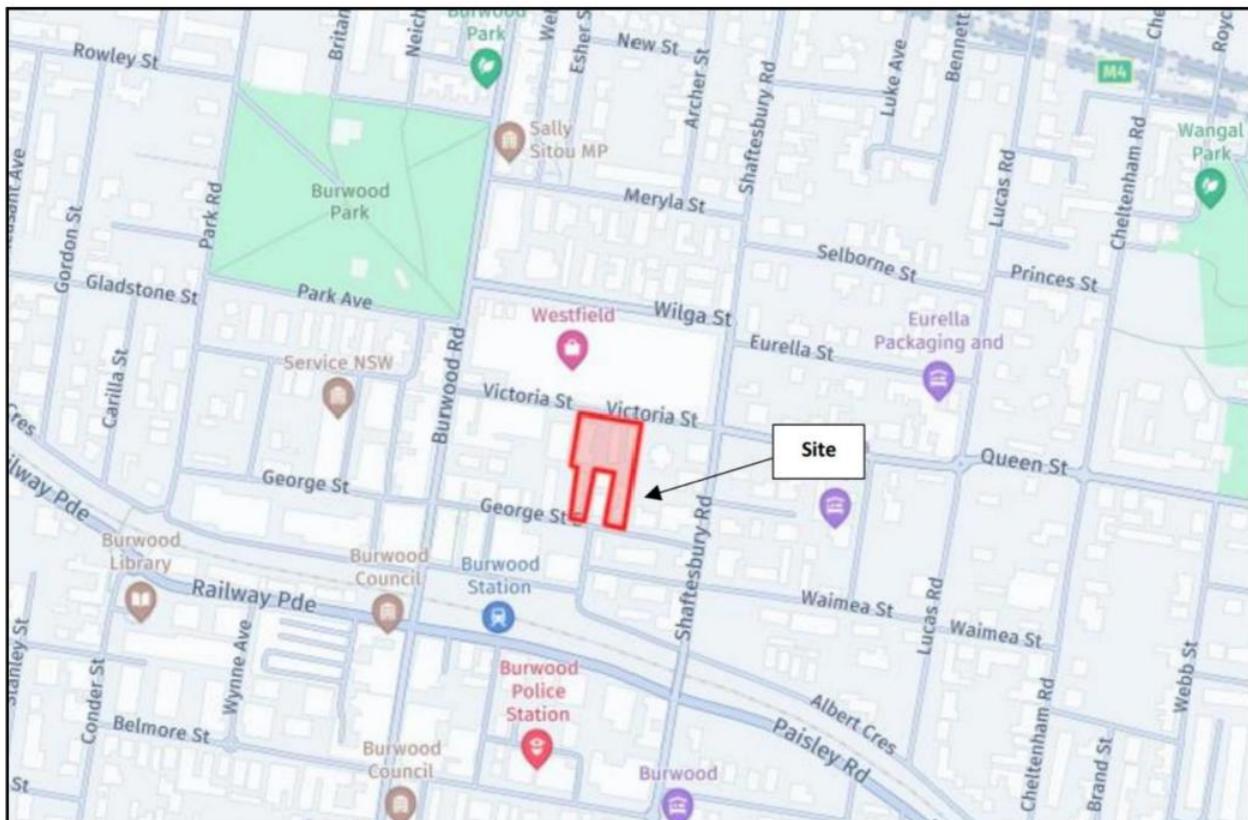
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022
- Burwood Local Environmental Plan (BLEP) 2012.
- Burwood Development Control Plan (BDCP) 2013, as amended.
- The regulations (of the EP&A Act).
- The likely social, environmental and economic impacts of the development.
- The suitability of the site for development.
- Submissions made under the Act and Regulations, and
- The public interest.

Locality

The Site

Legal Description	The subject site is commonly referred to as 28-34 Victoria Street, 17 George Street, and 21 George Street, Burwood.
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	<p>It is comprised of three adjoining land parcels legally described as:</p> <ul style="list-style-type: none">• Lot 2308 in DP1286895 (28-34 Victoria Street); and• Lot 170 in DP 1301780 (17 George Street); and• SP 63994 (21 George Street).
Site Area	6,592m ²
Site Dimensions	Irregular shaped site (horseshoe shape)



4. *Figure 6: Location Map. Source: NSW DPHI.*



5. **Figure 7: (above)** Aerial view showing the subject site and the surrounding area.

The site fronts Victoria Street to the north and George Street to the south. Existing vehicular crossovers are located along the George Street and Victoria Street frontages of each of the lots. The site is located 150m north of Burwood railway station and within 100m of multiple bus stops on Burwood Road and Victoria Street, that are used by regular bus services. The site is not identified as being flood prone. A sewer easement extends along the rear boundaries of 17 and 21 George Street.

Existing development on the site

The site has approval for three multi-storey buildings, with one building (Building A) reaching 40-storeys in height. The approved development is currently under construction. The site does not contain any heritage items, is not located in a heritage conservation area, and is not in the immediate vicinity of any heritage items.

Currently, a mixed-use building with a 5-level basement is currently under construction at 28-34 Victoria Street (Building A).

17 George Street is currently a vacant site, following demolition of a 4-storey residential flat building in 2024. Development consent DA.2020.110 was issued for the construction of a 24-storey shop-top housing development at 17 George Street.

21 George Street is currently occupied by a 3-storey residential flat building, which is to be demolished.

An SSD application (SSD 69615996) was approved by the NSW DPHI in December 2024, which includes three 26-40 storey buildings (Buildings A, B & C) across the site.

The surrounding area

The site is situated within the Burwood Town Centre and is surrounded by a diverse mix of land uses and built forms. The locality is currently transitioning from low-density to high-density development. Nearby, several new mixed-use developments featuring shop-top housing have been completed at 36–38 Victoria Street and at 9–15, 23–27, and 29 George Street.

Burwood Road lies approximately 150 metres to the west, while Parramatta Road, a State arterial road, is about 675 metres to the north. The Burwood Town Centre, together with the adjoining Burwood North precinct, is organised around a north–south ‘main street’ (Burwood Road) which extends from Parramatta Road in the north to Woodside Avenue in the south. Beyond this main street, but still within the town centre boundaries, recent developments range in height from three to 28 storeys. Several nearby redevelopments have taken the form of shop-top housing, reflecting growing demand for new residential accommodation. Victoria Street accommodates two-way traffic, with its northern side designated as a bus zone.

Planning Assessment

SECTION 4.15 EVALUATION

(1) Matters for consideration-general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—

(a) the provisions of—

(i) Any environmental planning instrument:

State Environmental Planning Policy (Resilience and Hazards) 2021 - Chapter 4 Remediation of land

The object of [Chapter 4 of the SEPP] is to provide for a Statewide planning approach to the remediation of contaminated land. In particular, this Chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment—

- (a) by specifying when consent is required, and when it is not required, for a remediation work, and
- (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and
- (c) by requiring that a remediation work meet certain standards and notification requirements.

Comment: The application does not propose any changes to the extent of excavation approved under Council development consents DA.2019.91 (as modified), DA.2020.110 (as modified), and State Significant Development consent SSD 69615996. The works proposed under this application are either above-ground or contained within the area of already approved basement excavation. As a result, no concerns are raised in relation to land contamination.

State Environmental Planning Policy (Sustainable Buildings) 2022 – Chapter 2 Standards for residential development

The aims of the SEPP encourage design and construction of more sustainable buildings across NSW. Chapter 2 prescribes standards for residential development that is considered BASIX development.

Comment: The applicant has submitted a BASIX Certificate and a 7-star NatHERS Certificate to support the proposal. These certificates form part of the approved, stamped plans and documentation.

State Environmental Planning Policy (Housing) 2021

Part 2 of State Environmental Planning Policy (Housing) 2021 relates to development for affordable housing. In December 2023, the NSW Government implemented in-fill affordable housing reforms to encourage private developers to boost affordable housing and deliver more market housing. The objective of the new provisions is to facilitate the delivery of new in-fill affordable housing to meet the needs of very low, low and moderate income households.

Chapter 2, Division 1 In-Fill Affordable Housing

State Environmental Planning Policy (Housing) 2021 Chapter 2, Division 1 In-Fill Affordable Housing	Proposed	Compliance
15C Development to which division applies		
<p>(1) This division applies to development that includes residential development if</p> <ul style="list-style-type: none"> <li data-bbox="182 871 759 1010">(a) The development is permitted with consent under Chapter 3, Part 4, Chapter 5 or another environmental planning instrument, and 	The development is permitted with consent in the zone.	Yes
<ul style="list-style-type: none"> <li data-bbox="182 1044 759 1111">(b) The affordable housing component is at least 10%, and <li data-bbox="182 1145 759 1212">(c) All or part of the development is carried out <ul style="list-style-type: none"> <li data-bbox="230 1224 759 1381">(i) For development on land in the Six Cities Region, other than in the City Shoalhaven local government area, in an accessible area, or <li data-bbox="230 1381 759 1522">(ii) For development on other land – within 800m walking distance of land in a relevant zone or an equivalent land use zone. 	<p>The overall affordable housing component equates to 15% (6909sqm of gross floor area); and 16.7% of the additional gross floor area proposed under this application is for affordable housing.</p> <p>The site is located within an accessible area. It is centrally located within the Burwood Town Centre and 800m of the entry to Burwood Railway Station.</p>	Yes
<p>(2) Affordable housing provided as part of development because of a requirement under another chapter of this policy, another environmental planning instrument or a planning agreement is not counted towards the affordable housing component under this division.</p>	N/A	N/A
<p>(3) In this Section, relevant zone means the following:</p> <ul style="list-style-type: none"> <li data-bbox="198 1897 759 1931">(a) Zone E1 Local Centre, <li data-bbox="198 1931 759 1965">(b) Zone MU1 Mixed Use, <li data-bbox="198 1965 759 1998">(c) Zone B1 Neighbourhood Centre, <li data-bbox="198 1998 759 2032">(d) Zone B2 Local Centre <li data-bbox="198 2032 759 2066">(e) Zone B4 Mixed Use. 	The site is zoned MU1 Mixed Use	Yes

State Environmental Planning Policy (Housing) 2021 Chapter 2, Division 1 In-Fill Affordable Housing	Proposed	Compliance
16 Affordable Housing Requirements for additional floor space ratio.		
<p>(1) The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio of 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).</p> <p>(2) The minimum affordable housing component, which must be at least 10%, is calculated as follows—</p> <p>affordable housing component = additional floor space ratio $\div 2$ (as a percentage)</p>	<p>Site Area: 6592sqm.</p> <p>The maximum floor space ratio (FSR) for the development is calculated as follows:</p> <p>The maximum permissible FSR for land in 'Area 2' under clause 4.4A of the BLEP is 4.95:1 (total GFA of 32,630.40sqm). For the purposes of this application, this can be referred to as the 'Base FSR' ; plus</p> <p>A bonus additional FSR of 30% of the maximum permissible FSR of the land, which equates to 4.95:1 + 1.98:1 (13,052.16 GFA) = 6.44:1 (42,452.48sqm).</p>	<p>No, refer to Note 1 – Variation of the floor space ratio development standard, below in this report.</p>
<p>(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).</p> <p>(4) This section does not apply to development on land for which there is no maximum permissible floor space ratio.</p>	<p>The maximum permissible FSR under clause 16(1) is therefore 6.44:1.</p> <p>Currently Approved FSR</p> <p>The approved FSR under the existing SSDA consent is 6.44:1. This is explained in detail in the State Significant Development Assessment Report for SSD-69615996, dated December 2024.</p> <p>Proposed FSR</p> <p>The proposed FSR for the development is: 6.44:1 + an additional 7.69%, which equates to 6.93:1.</p> <p>The proposal therefore exceeds the maximum permissible FSR by 7.69% or 0.49:1.</p> <p>The applicant has submitted a written request to vary clause 16(1) pursuant to clause 4.6 Exception to Development Standards of the BLEP. Refer to Note 1 – Variation of the floor</p>	

State Environmental Planning Policy (Housing) 2021 Chapter 2, Division 1 In-Fill Affordable Housing	Proposed	Compliance
	<p>space ratio development standard, below in this report.</p> <p>The proposal seeks an additional floor space ratio of 1.98:1 (13,052.16sqm of GFA) above the BLEP maximum 'Base FSR' of 4.95:1.</p> <p>Clause 16(2) of the Housing SEPP requires the minimum affordable housing component to be half of the additional floor space ratio (as a percentage).</p> <p>The proposed additional floor space ratio is 1.98:1, which is 40% of the BLEP maximum 'Base FSR' of 4.95:1. Therefore, the affordable housing component should be 20% of the total GFA (45,683sqm) of the development. This equates to an overall total of 9,136.60sqm of GFA required for the purposes of affordable housing on the site.</p> <p>The proposal provides 6909sqm or 15% of total GFA for the purposes of affordable housing, which is a shortfall of 2,227.60sqm, and does not comply with clause 16(2).</p> <p>The applicant has submitted a written request to vary clause 16(2) pursuant to clause 4.6 Exception to Development Standards of the BLEP. Refer to Note 2 – Variation to the minimum affordable housing component, below in this report.</p> <p>Yes, the proposal complies with the maximum building height under this clause. Please refer below to Note 3 – Maximum Building Height for details.</p>	<p>No, refer to Note 2 – Variation to the minimum affordable housing component, below in this report.</p> <p>Yes, Please refer below to Note 3 – Maximum Building Height for details.</p>

State Environmental Planning Policy (Housing) 2021 Chapter 2, Division 1 In-Fill Affordable Housing	Proposed	Compliance
	N/A	N/A
19 Non-discretionary development standards – the Act, S4.15		
(1) The object of this section is to identify development standards for particular matters relating to residential development under this division that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.		
(2) The following are non-discretionary development standards in relation to the residential development to which this division applies		
(a) a minimum site area of 450m ²	The subject site has a total area of 6,592m ²	Yes
(b) a minimum landscaped area that is the lesser of (i) 35m ² per dwelling or (ii) 30% of the site area	The site is located within the 'commercial core' of the Burwood Town Centre, as mapped in the BDCP (page 65).	Yes
(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, 12.	The proposal provides 48.5% of the site area as communal open space, exceeding the minimum requirements for amenity and landscaping. Vegetation is provided through landscaped areas, planter boxes positioned around upper-level communal areas and within rooftop communal spaces, to provide visual relief and greenery.	
(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	N/A – does not apply.	N/A
(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	N/A – does not apply.	N/A
	<u>Currently Approved Car Parking Spaces</u>	Yes

State Environmental Planning Policy (Housing) 2021 Chapter 2, Division 1 In-Fill Affordable Housing	Proposed	Compliance																																																																						
<p>least 3 bedrooms— at least 1 parking space; and</p> <p>13.</p> <p>(f) the following number of parking spaces for dwellings not used for affordable housing:</p> <ul style="list-style-type: none"> (i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces, (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, <p>(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development</p>	<p>As currently approved, the development provides the following number of residential and visitor car parking spaces:</p> <table border="1" data-bbox="767 467 1211 579"> <thead> <tr> <th>Spaces</th> <th>A</th> <th>B</th> <th>C</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Res</td> <td>229</td> <td>46</td> <td>61</td> <td>336</td> </tr> <tr> <td>Visitor</td> <td>52</td> <td>11</td> <td>11</td> <td>74</td> </tr> <tr> <td>Total</td> <td>281</td> <td>57</td> <td>72</td> <td>410</td> </tr> </tbody> </table> <p>Proposed Car Parking Spaces</p> <p>The Applicant has submitted a <i>Traffic and Parking Assessment Report, prepared by Varga Traffic Planning, Ref. 25223, dated 22.07.25</i>, and a supplementary <i>Traffic & Parking Matters letter prepared by Varga Traffic Planning, Ref. 25223, dated 12.12.25</i>, to support the proposal.</p> <p>The proposal involves the <i>addition</i> of 29 residential apartments to the previously approved development, resulting in a total of 409 residential apartments across three buildings known as Building A, Building B & Building C, as follows:</p> <table border="1" data-bbox="767 1327 1211 1495"> <thead> <tr> <th>Units</th> <th>A</th> <th>B</th> <th>C</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>1-bed</td> <td>64</td> <td>25</td> <td>8</td> <td>97</td> </tr> <tr> <td>2-bed</td> <td>156</td> <td>29</td> <td>44</td> <td>229</td> </tr> <tr> <td>3-bed</td> <td>33</td> <td>29</td> <td>11</td> <td>73</td> </tr> <tr> <td>4-bed</td> <td>9</td> <td>0</td> <td>1</td> <td>10</td> </tr> <tr> <td>Total</td> <td>262</td> <td>83</td> <td>64</td> <td>409</td> </tr> </tbody> </table> <p>The following number of residential and visitor parking spaces are proposed within Building A, Building B & Building C:</p> <table border="1" data-bbox="767 1832 1211 1945"> <thead> <tr> <th>Spaces</th> <th>A</th> <th>B</th> <th>C</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Res</td> <td>243</td> <td>54</td> <td>75</td> <td>372</td> </tr> <tr> <td>Visitor</td> <td>38</td> <td>3</td> <td>10</td> <td>51</td> </tr> <tr> <td>Total</td> <td>281</td> <td>57</td> <td>85</td> <td>423</td> </tr> </tbody> </table> <p>It is also noted that total of 162 bicycle parking spaces and 28 motorbike parking spaces are</p>	Spaces	A	B	C	Total	Res	229	46	61	336	Visitor	52	11	11	74	Total	281	57	72	410	Units	A	B	C	Total	1-bed	64	25	8	97	2-bed	156	29	44	229	3-bed	33	29	11	73	4-bed	9	0	1	10	Total	262	83	64	409	Spaces	A	B	C	Total	Res	243	54	75	372	Visitor	38	3	10	51	Total	281	57	85	423	<p>Yes</p>
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State Environmental Planning Policy (Housing) 2021 Chapter 2, Division 1 In-Fill Affordable Housing	Proposed	Compliance
	<p>proposed, distributed across the three buildings.</p> <p>Conclusion</p> <p>The proposal will add 29 residential apartments to the site (an increase from 380 to 409 apartments), including 5 additional affordable housing apartments (an increase from 75 to 80).</p> <p>Despite the reduction in visitor parking spaces, the Housing SEPP does not mandate the provision of any off-street visitor parking spaces.</p> <p>The proposal will result in net increase of 13 car parking spaces (410 to 423, including residential and visitor spaces), distributed across three buildings, relative to the approved development. This is considered satisfactory overall when considering the site's central and accessible location within the Burwood Town Centre.</p> <p>Refer to ADG assessment below</p>	Yes
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	The proposed development is for a residential flat building.	N/A
(2) Subsection (1) does not apply to development to which Chapter 4 applies.	Noted. Chapter 4 applies.	Yes
(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	The proposed additional storeys to the approved development are consistent with the desired built form and character of the 'commercial core' of the Burwood Town Centre. The site is suitable	Yes

State Environmental Planning Policy (Housing) 2021 Chapter 2, Division 1 In-Fill Affordable Housing	Proposed	Compliance
<p>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>	to accommodate increased density, and the proposal aligns with the desired future character for the precinct.	
21 Must be used for affordable housing for at least 15 years		
<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>(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.</p>	<p>The affordable housing units are clearly labelled on the architectural plans.</p> <p>Condition to be imposed to ensure compliance.</p> <p>N/A</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p>
22 Subdivision permitted with consent		
<p>(1) Land on which development has been carried out under this division may be subdivided with development consent.</p>	Subdivision is not proposed as part of this development application.	N/A

Note 1 – Variation of the floor space ratio development standard

The development exceeds the maximum permitted floor space ratio of **6.44:1** (42,452sqm of gross floor area) prescribed under clause 16(1) of the Housing SEPP. The development proposes a floor space ratio of **6.93:1** (45,683sqm of gross floor area), which exceeds the development standard by **7.69%** (3263sqm).

The applicant has submitted a written request to vary the development standard pursuant to clause 4.6 Exception to Development Standards of the BLEP, which presents a case that compliance with the development standard is unreasonable or unnecessary in the circumstances, and that there are sufficient environmental planning grounds to justify the contravention of the development standard. The applicant's case is set out below:

Compliance with the development standard is unreasonable or unnecessary in the circumstances

The Court held that there are at least five ways by which an applicant may demonstrate that compliance with a development standard is unreasonable or unnecessary. This principle was established in *Wehbe v Pittwater Council* [2007] NSWLEC 827 (Wehbe). The five (5) ways of establishing that compliance is unreasonable or unnecessary are:

1. *The objectives of the development standard are achieved notwithstanding non-compliance with the standard; (First Test)*
2. *The underlying objectives or purpose is not relevant to the development with the consequence that compliance is unnecessary; (Second Test)*
3. *The objectives would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable; (Third Test)*
4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granted consents departing from the standard hence the standard is unreasonable and unnecessary; (Fourth Test) and*
5. *The zoning of the land is unreasonable or inappropriate. (Fifth Test)*

It is generally understood that clause 4.6(3)(a) of the BLEP can be satisfied if it is established that a development satisfies one or more of points 1-5 above.

The applicant has submitted that compliance with the development standard would be unreasonable or unnecessary in the circumstances, for the following reasons:

First Test

The objectives of the development standard are achieved notwithstanding non-compliance with the standard.

Clause 16(1) does not have a specific objective. The objectives can be deduced from Clause 15A – Objective of Division, as well as Clause 3 – Principles of Policy. The table on the following page demonstrates whether the principle of the Housing SEPP (i.e. Clause 3) are achieved notwithstanding the proposed variation (First Test under Wehbe).

The objective of the in-fill affordable housing division as stipulated in Clause 15A of the Housing SEPP is as follows:

The objective of this division is to facilitate the delivery of new in-fill affordable housing to meet the needs of very low, low and moderate-income households.

The proposal satisfies this objective by providing 29 additional residential units at market value. Increases in overall dwelling supplies enables more dwellings for very low, low and moderate-income households. Essentially, an increase in overall supply provides for additional housing for all households including very low to moderate income households. On this basis, the objective in Clause 15A is satisfied despite the numerical non-compliance.

(Note: Amended plans provided by the applicant provide 24 additional residential units at market value and 5 additional affordable housing units, instead of all 29 units at market value.)

Further, the principles of the policy as prescribed under Clause 3 of Chapter 1 in the Housing SEPP has been considered under this exercise, as shown in the table below.

Objective	Comments
Chapter 1 Clause 3 Principles of Policy	
The principles of the Housing SEPP are as follows –	
<i>(a) enabling the development of diverse housing types, including purpose-built rental housing,</i>	<p>The proposal will provide an additional 29 residential units consisting of 1, 2, 3, 4 and 5 bedrooms. These dwellings can be provided for rental purposes. The PA includes a monetary contribution which far exceeds the minimum required by Council's '<i>Carrying out bonus development in the public interest policy</i>', for the purpose of delivering diverse and affordable in-fill rental housing.</p>
<i>(b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,</i>	<p>The provision of additional residential units will provide for members of the community that require housing, including those of moderate income, seniors and people with a disability. The proposal includes the provision of 3 additional adaptable units and the building continues to provide for accessibility. The abovementioned PA will enable the delivery of affordable rental, in-fill housing.</p>
<i>(c) ensuring new housing development provides residents with a reasonable level of amenity,</i>	<p>The proposal complies with ADG requirements in relation to solar access, natural ventilation, apartment size and layout, private open space, common circulation, storage, acoustic and visual privacy.</p>
<i>(d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,</i>	<p>The additional housing proposed is located above the existing approved development which makes good use of existing and planned infrastructure and services on-site. Notwithstanding, the site is located within Burwood Town Centre which is a centralised location with plenty of infrastructure and services to provide for the needs of the occupants.</p>
<i>(e) minimising adverse climate and environmental impacts of new housing development,</i>	<p>The proposal will not increase the footprint of the approved building which will be entirely located above the approved storeys. The site is located in subcategory 1A within the TfNSW Guide to Traffic Impact Assessment, and therefore it is anticipated that most occupants will be commuting via public transport. The Traffic and Parking Assessment Report prepared by Varga Traffic Planning P/L concludes that the development complies with all relevant legislation and will not result in any unacceptable traffic, parking, access, or servicing implications. Additional climate and environmental impacts are unlikely to occur.</p>

<i>(f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,</i>	The additional storeys proposed will be designed to complement the approved development in form, materiality and style. The design is considered to reflect the characteristics of other developments in Burwood Town Centre.
<i>(g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,</i>	The proposal does not inhibit short-term rental accommodation. The proposal increases the quantity of housing, which could be used for short term rental accommodation.
<i>(h) mitigating the loss of existing affordable rental housing.</i>	The proposal will continue to maintain the approved affordable housing units.

6. **Table 3:** Submitted by the applicant with the Clause 4.6 request.

Second Test

The underlying objectives or purpose is not relevant to the development with the consequence that compliance is unnecessary.

The underlying objectives or purpose is relevant to the development and therefore is not relied upon.

Third Test

The objective would be defeated or thwarted if compliance was required with the consequence that compliance is unnecessary.

As outlined earlier, the overriding objectives of the Housing SEPP are to increase the quantity of housing, including diverse housing and affordable rental housing. Strict compliance with the FSR development standard would reduce the number of dwellings at the site, which thwarts the objective.

Fourth Test

The development standard has been virtually abandoned or destroyed by Council's own actions in granting consents departing from the standard and hence the standard is unreasonable and unnecessary.

The standard has not been entirely abandoned by Council; however, it is worth noting that there are records of development within the recent decade that have been approved exceeding the permissible FSR as prescribed by the LEP. Please see **Table 4** below for details.

Ref No.	Description	Permissible FSR (GFA)	Approved FSR (GFA)	% variation
BD.2017.027	17 Deane St, Burwood	6.6:1, 40% - Clause 4.4A	6.6:1, 39%	10%
DA103/2016	180-186 Burwood Road & 7-9 Burleigh St, Burwood	6:1	6.6:1	10%
193/2015	39-47 Belmore St, Burwood	4.45:1 (LEP + bonus policy) 45,195sqm	4.77:1 48,461sqm	3266sqm 7.8%
12/2012 Sec 96(2)	36-38 Victoria St, Burwood	4.5:1	4.95:1	10%
BD.2014.149	121-133 Burwood Road & 38-40 Railway Parade, Burwood	6:1	6.54:1	8.95%

7. *Table 4: Submitted by the applicant with the Clause 4.6 request.*

Fifth Test

The zoning of the land is unreasonable or inappropriate.

The zoning of the land is reasonable and appropriate and therefore this reason is not relied upon.

(Note: The applicant also provided an assessment against the objectives of clause 4.4 Floor space ratio and clause 4.4A Exceptions to floor space ratio of the BLED. However, Council has not considered the assessment as these clauses are not the development standards sought to be varied. The standard being varied is clause 16(1) of the Housing SEPP.)

Council Comment: It is noted that amended plans submitted by the applicant now propose 24 additional market-rate units and 5 additional affordable housing units (rather than all 29 units at market rate).

Notwithstanding this, it is considered that the applicant has adequately demonstrated that strict compliance with the development standard prescribed by clause 16(1) of the Housing SEPP would be unreasonable or unnecessary in the circumstances, in accordance with Clause 4.6(3)(a) of the BLED.

Sufficient environmental planning grounds to justify the contravention of the development standard

In *Initial Action Pty Ltd v Woollahra Council [2018] NSWLEC 118*, Preston CJ observed that in order for there to be 'sufficient' environmental planning grounds to justify a written request under Clause 4.6 to contravene a development standard, the focus must be on the aspect or element of the development that contravenes the development standard, not on the development as a whole.

In *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90*, Plain J observed that it is within the discretion of the consent authority to consider whether the environmental planning grounds relied on are particular to the circumstances of the proposed development on the particular site.

The applicant has submitted that there are sufficient environmental planning grounds to justify the contravention of the development standard, for the following reasons:

- The variation sought satisfies the objectives of the Clause 4.4-4.4A Floor Space Ratio development standard in BLED 2012.
- The proposal satisfies the objectives of the MU1 Mixed Use zone in the following manner:

- The development does not discourage other land uses that generate employment opportunities.
- The proposed development does not affect the approved development at street level. The approved street frontages will remain the same.
- The proposal seeks to provide additional storeys to the approved multi-storey buildings on the site. Additional conflicts between land uses with adjoining zones are not likely to occur.
- Approved land uses on the ground floor of the buildings will remain as approved.

- Overall, the proposed building height and bulk is of an appropriate form and scale and is compatible with surrounding development and the desired future character for the locality. It is also not uncommon for FSR variations in Burwood Town Centre as demonstrated by **[Table 4]**.
- Exceedance of the FSR standard will not create additional building bulk that results in unreasonable environmental amenity impacts as follows:
 - The proposal will not result in the loss of views from surrounding development;
 - The proposal will not result in unreasonable overshadowing of adjoining properties. In particular, the low-density residential dwellings to the south-eastern side of the site will only be affected between 2pm to 3pm on 21 June (i.e. one hour only). Please refer to Solar Studies prepared by Urban Link Architects for details.
 - The proposal will provide a development which has been designed to ensure that the visual and acoustic privacy of adjoining properties is maintained.
 - The proposal maintains the same building separations and setbacks as approved.
- The additional storeys proposed on the approved building form continue to be stepped and comply with the building height plane as prescribed by Burwood LEP 2012 and Housing SEPP bonus provisions.
- The proposed additions incorporate articulated facades that are a continuation of the approved which provides a well-proportioned building that is consistent with the streetscape.
- Communal areas in Building A and B are relocated to higher levels which provide an improvement of solar access to these spaces. Communal open space in Building A will also be split into two levels (at Level 36 and 37) and increased in size by 7sqm.
- The proposal complies with all relevant requirements stipulated by the Housing SEPP, Chapter 4, Design of residential apartment development, and Apartment Design Guidelines, in terms of solar access, natural ventilation, apartment size and layout, private open space and balconies, storage and communal open space. A complete assessment is provided within the accompanying Statement of Environmental Effects prepared by Principle Planning & Urban Design. A Design Verification Statement prepared by Urban Link Architects is also submitted with this application.
- Additional bins are provided at the basement levels of the buildings to cater to the increased residential units proposed.
- A Traffic and Parking Assessment Report prepared by Varga Traffic Planning P/L is submitted with this application. The report concludes that the proposed development complies with Council's DCP, Housing SEPP and ADG/TfNSW numerical parking requirements as well as Australian Standards design requirements. It also states that the proposal will not result in unacceptable traffic, parking, access or servicing implications.
- The site falls within sub-category 1A of the TfNSW Guide to Traffic Impact Assessment, indicating that it is located within a high density inner metropolitan area where Council's

typically mandate reduced parking provisions. Nonetheless, adequate parking is provided as confirmed by the Traffic and Parking Assessment Report.

- Affordable housing shortfall is addressed under separate Clause 4.6 Variation Statement.
- The proposal will provide a suitable design and continue to provide suitable amenity in terms of the built environment and represents orderly and economic use and development of land, which are identified as objects of the Act. The building envelope and design is an appropriate response to the unique opportunities and constraints of the site, particularly, it strategically leverages the site's location within the Burwood Town Centre and the building height allowances under the BLEP and Housing SEPP bonus provisions, enabling the delivery of additional housing units that will help address the critical housing shortage.

Council Comment: Based on the above, it is considered that the applicant has provided sufficient environmental planning grounds to justify the contravention of the development standard prescribed by clause 16(1) of the Housing SEPP, in accordance with Clause 4.6(3)(b) of the BLEP.

Conclusion

Council is satisfied that the applicant has demonstrated that—

- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and;
- (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

Note 2 – Variation to the minimum affordable housing component

The proposal seeks a variation to clause 16(2) of the Housing SEPP, which sets out the minimum affordable housing component required to access the bonus floor space ratio under clause 16(1).

The proposal seeks an additional floor space ratio of **1.98:1** or 13,052.16sqm of GFA above the 'Base' BLEP maximum FSR of **4.95:1**, proposing a total FSR of **6.93:1**, which is equates to a **40% bonus** above the 'Base' BLEP maximum FSR.

The proposal seeks to add an additional 3,263sqm of gross floor area to the approved development, and of this 544sqm will be dedicated as affordable housing (**16.7%** of the additional gross floor area).

Clause 16(2) of the Housing SEPP requires the minimum affordable housing component to be at least **10%**. The affordable housing component is calculated in accordance with this formula:



As the floor space ratio of 6.93:1 is **40%** above of the BLEP maximum FSR of 4.95:1 (as a percentage), the affordable housing component should be **20% of the total GFA** of the development, in accordance with the formula. This equates to **9,136.60sqm** of the total GFA of 45,683sqm being required for the purposes of affordable housing. The proposal provides **6909sqm** or **15% of GFA** for the purposes of affordable housing, which is a shortfall of 2,227.60sqm or a 25% departure from the development standard prescribed by clause 16(2).

The applicant has submitted a written request to vary the standard pursuant to clause 4.6 Exception to Development Standards of the BLEP, which presents a case that compliance with the development standard is unreasonable or unnecessary in the circumstances, and that there are sufficient environmental planning grounds to justify the contravention of the development standard.

The applicant's case is set out below:

Compliance with the development standard is unreasonable or unnecessary in the circumstances

The Court held that there are at least five ways by which an applicant may demonstrate that compliance with a development standard is unreasonable or unnecessary. This principle was established in *Wehbe v Pittwater Council* [2007] NSWLEC 827 (Wehbe). The five (5) ways of establishing that compliance is unreasonable or unnecessary are:

1. *The objectives of the development standard are achieved notwithstanding non-compliance with the standard; (First Test)*
2. *The underlying objectives or purpose is not relevant to the development with the consequence that compliance is unnecessary; (Second Test)*
3. *The objectives would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable; (Third Test)*
4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granted consents departing from the standard hence the standard is unreasonable and unnecessary; (Fourth Test) and*
5. *The zoning of the land is unreasonable or inappropriate. (Fifth Test)*

It is generally understood that clause 4.6(3)(a) of the BLEP can be satisfied if it is established that a development satisfies one or more of points 1-5 above.

The applicant has submitted that compliance with the development standard would be unreasonable or unnecessary in the circumstances, for the following reasons:

First Test

The objectives of the development standard are achieved notwithstanding non-compliance with the standard.

Clause 16(2) does not have a specific objective. The objectives can be deduced from Clause 15A – Objective of Division, as well as Clause 3 – Principles of Policy. The table on the following page demonstrates whether the principles of the Housing SEPP (i.e. Clause 3) are achieved notwithstanding the proposed variation (First Test under Wehbe). The objective of the in-fill affordable housing division as stipulated in Clause 15A of the Housing SEPP is as follows:

The objective of this division is to facilitate the delivery of new in-fill affordable housing to meet the needs of very low-, low- and moderate-income households.

The DA itself includes 544sqm of 'affordable housing'. As the proposal delivers new in fill affordable housing, the objective is satisfied. This 544sqm of affordable housing is in addition to the 6,365sqm of affordable housing already approved at the site. Therefore, a total of 6,909sqm of gross floor area will be provided for affordable housing purposes.

An application simply needs to provide affordable housing to satisfy the objective. It has been demonstrated that both the stand alone DA, and the development as a whole, will provide affordable housing. Therefore, the objective is satisfied.

Further, the principles of the policy as prescribed under Clause 3 of Chapter 1 in the Housing SEPP has been considered under this exercise, as shown in the table on the following page.

Objective	Comments
<p>Chapter 1 Clause 3 Principles of Policy</p> <p>The principles of the Housing SEPP are as follows –</p>	
<p><i>(a) enabling the development of diverse housing types, including purpose-built rental housing,</i></p>	<p>The variation to the affordable housing component of the development does not affect the provision of diverse housing types. Rather, the proposal is specifically for diverse housing which can be used for rental purposes. Further, the DA will include diverse housing in the form of 1, 2 and 3 bedroom dwellings. This principle is therefore satisfied</p>
<p><i>(b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,</i></p>	<p>The proposal itself provides 544m2 of 'affordable housing', which will be managed by a CHP for very low, low and moderate income households. Therefore, this principle is satisfied.</p>
<p><i>(c) ensuring new housing development provides residents with a reasonable level of amenity,</i></p>	<p>The variation to the affordable housing component does not affect residential amenity. The proposal complies with all key ADG requirements. Further, the site is highly accessible and convenient, which also contributes towards reasonable levels of amenity. Therefore, this principle is satisfied.</p>
<p><i>(d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,</i></p>	<p>The site location is suitable for housing delivery given it is a short and convenient walk to Burwood Railway Station and several other key public transport options, such as public buses. A range of retail, professional and educational services are also in close proximity to the site. Therefore, this principle is satisfied.</p>
<p><i>(e) minimising adverse climate and environmental impacts of new housing development,</i></p>	<p>The variation to the affordable housing component does not create the specified impacts. Further, the proposal meets mandatory climate related requirements such as 'BASIX'. This principle is therefore satisfied.</p>
<p><i>(f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,</i></p>	<p>The variation to the affordable housing component does not create any tangible impacts on the locality. Rather, the proposal reinforces the high rise nature of development which characterises the Burwood Town Centre. This principle is therefore satisfied.</p>

<p><i>(f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,</i></p>	<p>The variation to the affordable housing component does not create any tangible impacts on the locality. Rather, the proposal reinforces the high rise nature of development which characterises the Burwood Town Centre. This principle is therefore satisfied.</p>
<p><i>(g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,</i></p>	<p>The proposal does not inhibit short-term rental accommodation. Rather, it increases options for short term renting should this be required by the relevant CHP. This principle is therefore satisfied.</p>
<p><i>(h) mitigating the loss of existing affordable rental housing.</i></p>	<p>The proposal will continue to maintain the approved affordable housing units. This principle is therefore satisfied.</p>

8. **Table 5:** Submitted by the applicant with the Clause 4.6 request.

As demonstrated above, the principles of the Housing SEPP under Chapter 1 Clause 3, and objectives of Chapter 2 Division 1 Infill Affordable Housing Clause 15A, are achieved notwithstanding the proposed variation.

Second Test

The underlying objectives or purpose is not relevant to the development with the consequence that compliance is unnecessary.

The underlying objectives or purpose is relevant to the development and therefore is not relied upon.

Third Test

The objective would be defeated or thwarted if compliance was required with the consequence that compliance is unnecessary.

The DA would provide an additional 544sqm of affordable housing floor space to the 6,365m² of affordable housing floor space already approved at the site. This equates to a total affordable housing floor space of 6,909sqm, or 15.12% of the total GFA at the site.

Strict compliance would require 20% of the total floor space for use as affordable housing. Such a figure, when combined with the lower rental yields from affordable housing (i.e. 20- 30% below market rent) over a period of 15 years, is a significant impact to cash flow. It would render the project unfeasible and result in less overall housing supply and less affordable housing. This outcome thwarts the principles of the Housing SEPP and the objectives of the Part 2, Division.

Fourth Test

The development standard has been virtually abandoned or destroyed by Council's own actions in granting consents departing from the standard and hence the standard is unreasonable and unnecessary.

The standard has not been abandoned by Council in this case and so this reason is not relied upon.

Fifth Test

The zoning of the land is unreasonable or inappropriate.

The zoning of the land is reasonable and appropriate and therefore this reason is not relied upon.

Council Comment: Based on the above, is considered that the applicant has adequately demonstrated that strict compliance with the development standard prescribed by clause 16(2) of the Housing SEPP would be unreasonable or unnecessary in the circumstances, in accordance with Clause 4.6(3)(a) of the BLP.

Sufficient environmental planning grounds to justify the contravention of the development standard

In *Initial Action Pty Ltd v Woollahra Council [2018] NSWLEC 118*, Preston CJ observed that in order for there to be 'sufficient' environmental planning grounds to justify a written request under Clause 4.6 to contravene a development standard, the focus must be on the aspect or element of the development that contravenes the development standard, not on the development as a whole.

In *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90*, Plain J observed that it is within the discretion of the consent authority to consider whether the environmental planning grounds relied on are particular to the circumstances of the proposed development on the particular site.

The applicant has submitted there are sufficient environmental planning grounds to justify the contravention of the development standard, for the following reasons:

- The variation sought satisfies the principles of the Housing SEPP under Chapter 1 Clause 3, and the objectives of Clause 15A of Chapter 2 Division 1 Infill Affordable Housing.
- The proposal satisfies the objectives of the MU1 Mixed Use zone in the following manner:
 - The development does not discourage other land uses that generate employment opportunities;
 - The proposed variation relates to the affordable housing component of the development and will not affect active street frontages;
 - No additional conflict is created.
 - Approved land uses on the ground floor of the buildings will remain as approved.
- The variation to the affordable housing component will not create any unreasonable visible or physical impacts on the site or adjoining properties.

Council Comment: Based on the above, it is considered that the applicant provided sufficient environmental planning grounds to justify the contravention of the development standard prescribed by clause 16(2) of the Housing SEPP, in accordance with Clause 4.6(3)(b) of the BLP.

Conclusion

Council is satisfied that the applicant has demonstrated that—

- (c) compliance with the development standard is unreasonable or unnecessary in the circumstances, and;
- (d) there are sufficient environmental planning grounds to justify the contravention of the development standard.

Note 3 – Maximum Building Height

The maximum building height under the BLEP is set by Building Height Plane (BHP) lines in the Burwood Town Centre. The BHP provides that development must not exceed 36 degrees measured at a height of 1m above ground level from the eastern side of Shaftesbury Road. The BHP aims to maintain the amenity of land outside and adjoining the Burwood Town Centre and provide such land with adequate solar access.

The maximum building height under clause 16(3) of the Housing SEPP is 30% above the maximum permissible building height under the BLEP, measured from ground level to the point where the BHP intersects with the site.

The maximum permissible building heights (BLEP BHP height + an additional 30% height), for each building are:

Building A – RL 144.46 to RL 168.38 (160.42 RL directly above the highest point of the building)

Building B – RL 168.72 to RL 184

Building C – RL 122.73 to RL130.73

Currently Approved Building Heights (max.)

Building A – RL 154.65 (136.73m)

Building B – RL 131.3 (110.3m)

Building C – RL 107.7 (83.35m)

Proposed Building Heights (max.)

Building A – RL 154.65 (136.73m) (as approved)

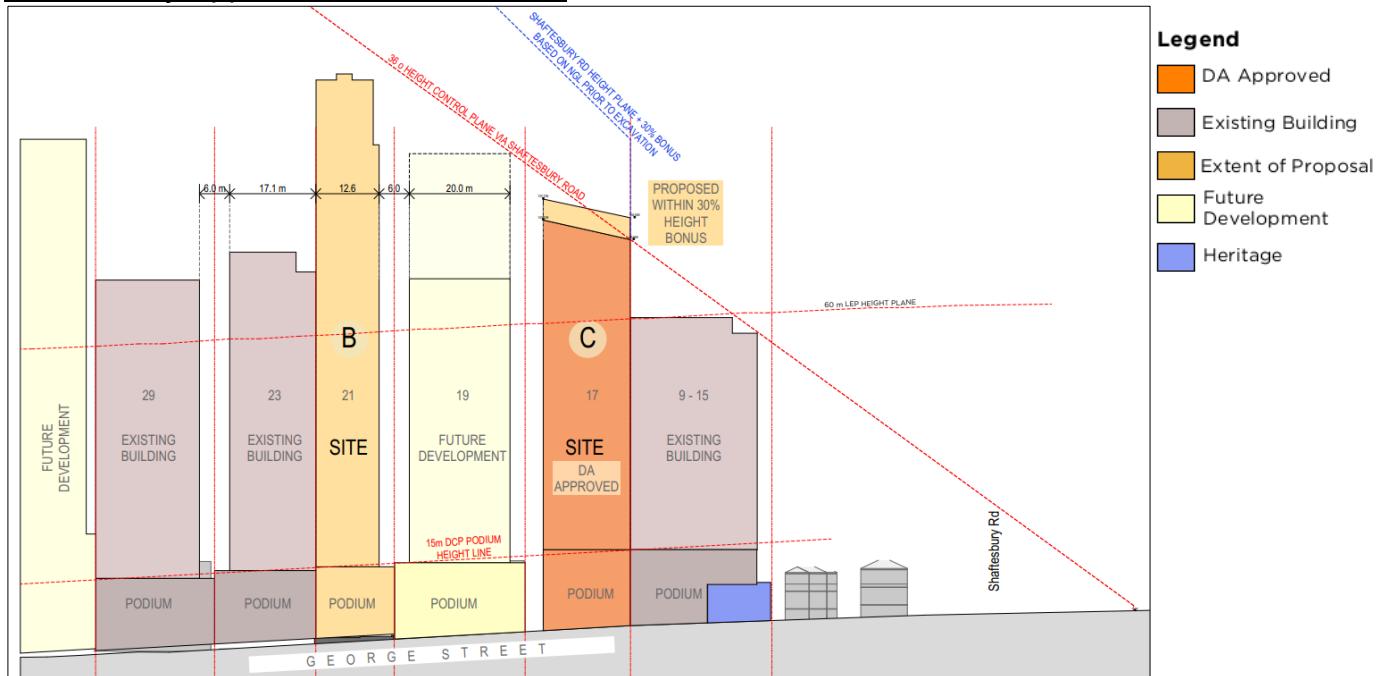
Building B – RL 143.9 (122.84m)

Building C – RL 120.1 (95.91m)

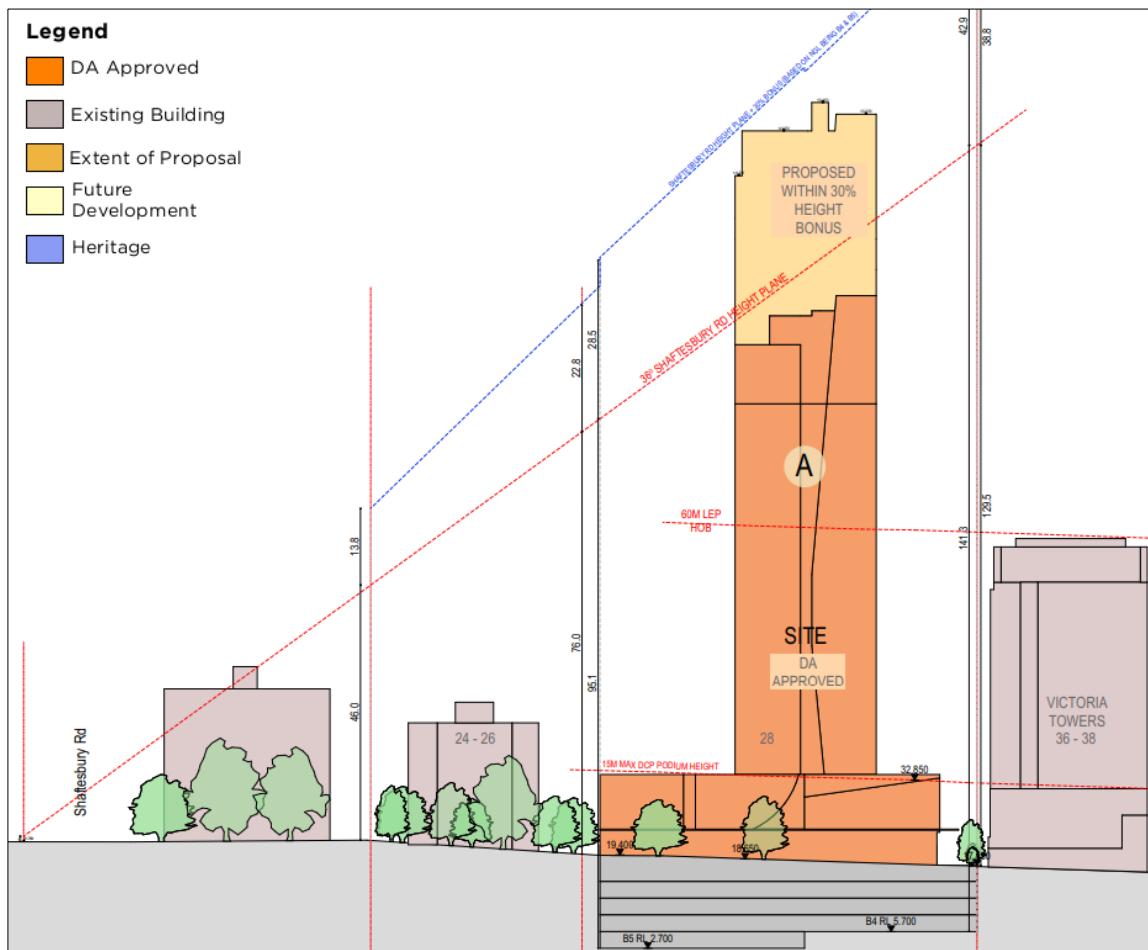
The proposal remains below the BHP and therefore does not exceed the maximum permissible height prescribed by clause 16(3) of the Housing SEPP.

Presented on the following page are BHP diagrams of the approved SSDA development compared with those for the proposed development.

As Currently Approved under the SSDA

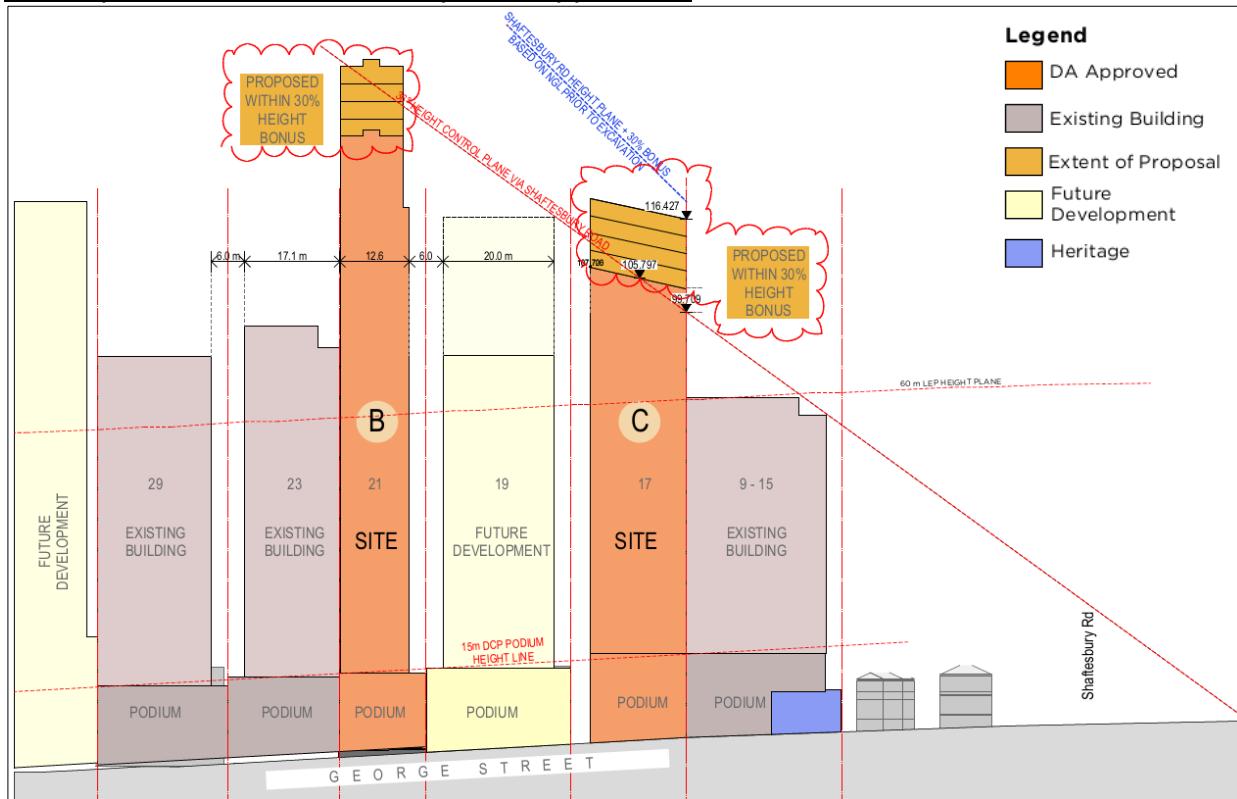


9. **Figure 7: (above)** BHP lines along George St, approved by DPHI on 16.12.24. Source: Urban Link Architects.

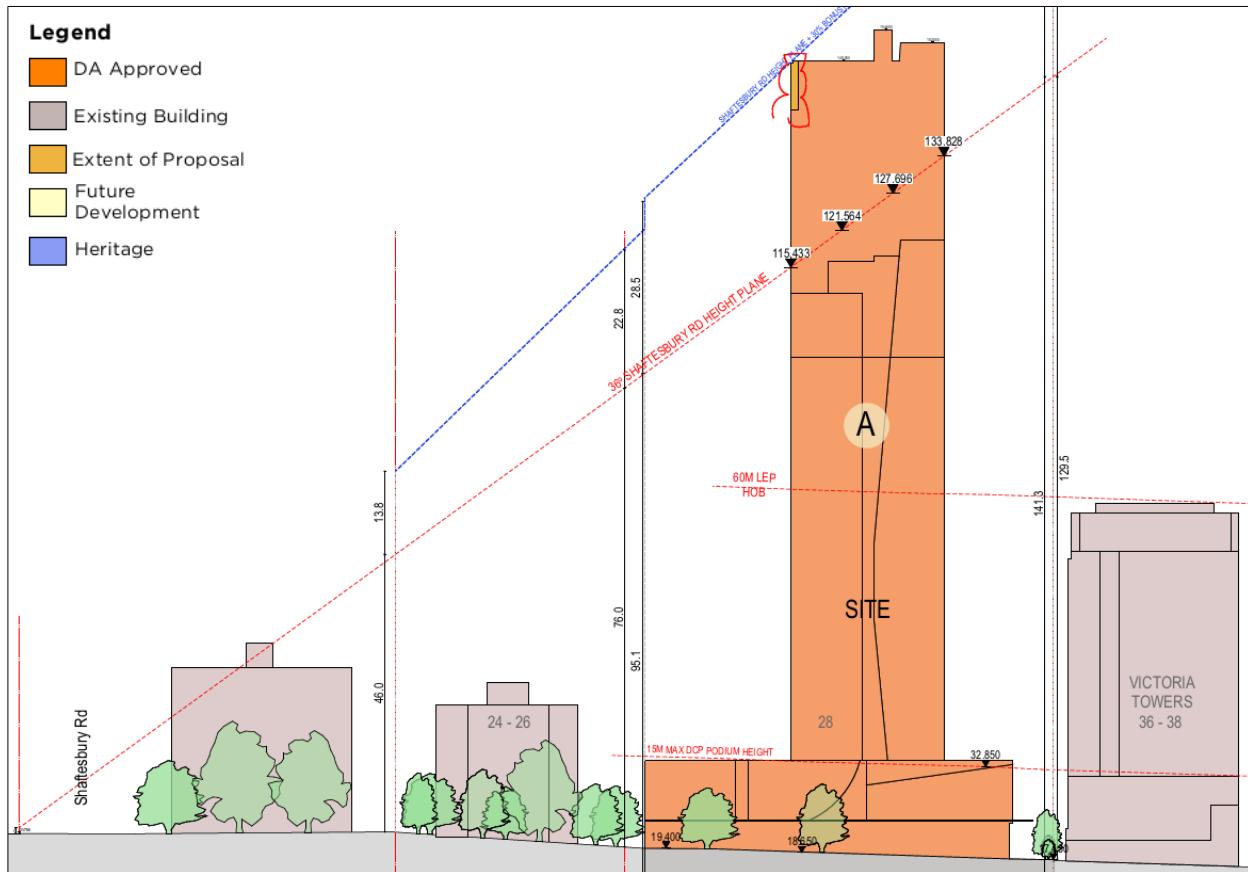


10. **Figure 8: (above)** BHP lines along Victoria St approved by DPHI on 16.12.24. Source: Urban Link Architects.

As Proposed under this development application



11. **Figure 9: (above)** BHP lines along George Street. Source: Urban Link Architects (2025).



12. **Figure 10: (above)** BHP lines along Victoria Street. Source: Urban Link Architects (2025).

Chapter 4 Design of residential apartment development

State Environmental Planning Policy (Housing) 2021 - Chapter 4 Design of residential apartment development applies to the proposal as it is a mixed use development with a residential component that does not include boarding houses or co-living housing, it is three or more storeys and contains four or more dwellings.

145 Referral to design review panel for development applications

Before determining the development application, the consent authority must refer the application to the design review panel for the local government area in which the development will be carried out for advice on the quality of the design of the development.

Comment: The application was reviewed by Burwood Council's Design Review Panel (DRP) on 25 November 2025.

147 Determination of development applications and modification applications for residential apartment development

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—

- 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 [of the SEPP];

Comment: An assessment against Schedule 9 of the SEPP is provided below.

- b) the Apartment Design Guide;

Comment: An assessment against the ADG is provided below.

- 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.

Comment: The application was referred to the DRP for design advice on 25 November 2025. The DRP's advice has been taken into account in this assessment. Both the Panel's recommendations and the applicant's responses are outlined in this report below under **Note 4**.

14.

148 Non-discretionary development standards for residential apartment development—the Act, s 4.15

The object of this section is to identify development standards for particular matters relating to residential apartment development that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.

The following are non-discretionary development standards apply to the proposal:

- b) the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide; and
- c) the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.

Comment: Complies. Please refer to Apartment Design Guide assessment below in this report.

149 Apartment Design Guide prevails over development control plans

A requirement, standard or control for residential apartment development that is specified in a development control plan and relates to the following matters has no effect if the Apartment Design Guide also specifies a requirement, standard or control in relation to the same matter—

- a) visual privacy,
- b) solar and daylight access,
- c) common circulation and spaces,
- d) apartment size and layout,
- e) ceiling heights,
- f) private open space and balconies,
- g) natural ventilation,
- h) storage.

Comment: Please refer to Apartment Design Guide assessment below in this report.

Schedule 9 - Design Quality Principles

Development consent must not be granted to residential apartment development unless the consent authority has considered the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9 of the Housing SEPP.

Council is satisfied that the proposal achieves the objectives of Schedule 9 of the Housing SEPP as detailed in the table below:

Principle 1: Context and Neighbourhood Character

The proposal aligns with the desired future character of the ‘commercial core’ of the Burwood Town Centre. It delivers a multi-storey mixed-use development consistent with the area’s transition to a higher-density precinct. The design generally enhances the public realm with articulated podiums tower forms, and integrated communal open space.

Principle 2: Built Form and Scale

The proposal’s height, bulk, and scale are appropriate to the site and compatible with the town centre’s desired future character. The additional height proposed to the tower elements is at a height where visual impact is minimal at street level. The overall design is satisfactory in terms of internal amenity, outlook, and pedestrian experience.

Principle 3: Density

The proposed density is appropriate for the site and its central location. Apartment numbers, parking provision, and dwelling mix support housing diversity and precinct objectives. Increased density at this location is appropriate given proximity to transport, services, infrastructure, and community facilities.

Principle 4: Sustainability

The development meets BASIX requirements and achieves an average 7-Star NatHERs rating. Building orientation, massing, and articulation provide solar access, ventilation, and daylight for apartments and communal spaces. Design features, including overhangs and performance glazing, enhance energy efficiency.

Principle 5: Landscape

Landscaped communal spaces are provided along the through-site link (approved under the SSDA), at the rear of 21 George Street, and on upper levels. These are usable and functional that spaces will provide amenity and opportunities for passive recreation for residents and visitors.

Principle 6: Amenity

The proposal achieves a level of residential amenity consistent with the Apartment Design Guide, incorporating adequate setbacks to minimise overshadowing and privacy impacts and provide solar access. Solar diagrams confirm acceptable impacts on the surrounding area.

Principle 7: Safety

Safety and security are maintained through clear, secure entrances, passive surveillance from balconies and common spaces, and basement parking layouts compliant with Australian Standards. Safety and security aspects remain unchanged from the SSDA.

Principle 8: Housing Diversity and Social Interaction

The development offers a diverse mix of apartments sizes, and includes 80 in-fill affordable housing units under the management of a community housing provider. Communal open spaces, through-site links and landscaping encourage social interaction and community engagement.

Principle 9: Aesthetics

The proposal demonstrates a high standard of architectural design, using varied materials, colours, and external finishes that complement the existing context and desired future character of the town centre.

Conclusion

Council has evaluated the proposal in generally accordance with the design principles (1-9) for residential apartment development above and it is considered satisfactory.

Apartment Design Guide (ADG) assessment

As the proposed development contains a residential flat building of three or more storeys and four or more dwellings, the provisions of the Apartment Design Guide (ADG) are applicable. The ADG contains objectives, design criteria and design guidelines for residential apartment development.

As Currently Approved

The development, as approved, was assessed by the NSW DPHI against the relevant design principles of the Apartment Design Guide (ADG). The table below presents information from the State Significant Development Assessment Report for SSDA-69615996, dated December 2024, showing the approved development's consistency with relevant design principles:

Relevant ADG Criteria	Consideration
3A Site Analysis <i>Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.</i>	Consistent, as demonstrated in the SSDA Assessment Report
3B Orientation <i>Building types and layouts respond to the streetscape and site while optimising solar access within the development.</i> <i>Overshadowing of neighbouring properties is minimised during mid-winter.</i>	Consistent, as demonstrated in the SSDA Assessment Report
3C Public Domain Interface <i>Transition between private and public domain is achieved without compromising safety and security.</i> <i>Amenity of the public domain is retained and enhanced.</i>	Consistent, as demonstrated in the SSDA Assessment Report
3D Communal and Public Open Space	Consistent, as demonstrated in the SSDA Assessment Report

<p><i>Communal open space has a minimum area equal to 25% of the site.</i></p> <p><i>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).</i></p>	<p>Assessment Report.</p>
<p>3E Deep Soil Zones</p> <p><i>Deep soil zones are to meet the following minimum requirements: Minimum dimensions of 6m and 7% of the site area.</i></p>	<p>Does not numerically comply with the ADG recommendation for 7% of the site to be provided as deep soil zones with minimum dimensions of 6 metres. However, it was considered acceptable by the Department, given the site's high-density location within Burwood Town Centre and the provision of approximately 427m² of deep soil through landscaping and pervious paving.</p>
<p>3F Building Separation & Visual Privacy</p> <p><i>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</i></p> <p><i>Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.</i></p>	<p>Does not numerically comply with building separation requirements.</p> <p>Council initially raised concern in a submission that the proposed setbacks did not provide adequate amenity to adjoining properties and that screened windows in the development do not provide adequate amenity to future residents.</p> <p>In response, the applicant noted that:</p> <ul style="list-style-type: none"> • the east-facing windows on Building B create visual interest on the eastern facade and were not provided for essential amenity to the apartments, noting that habitable rooms have a primary north and southern aspect; • the addition of screening hoods on the east facing windows of Building B would ensure privacy and reduce opportunities for overlooking between 19 George Street and Building B; • the side setbacks of Building B are consistent with a previous urban design study undertaken by Council to demonstrate development potential of George Street, and which has since been relied on for other development on George Street; and • future development of 19 George Street can be undertaken with a blank wall to its western boundary as bedrooms and living areas can be oriented to the north, east and south. <p>Following this clarification, Council was satisfied with the additional screening to provide privacy between Building B and the</p>

	<p>future development of 19 George Street withdrew its objections.</p> <p>As a result, the DPHI was satisfied that the development provided an appropriate level of visual privacy and building separation for future residents and surrounding properties</p>
<p>3G Pedestrian Access to Entries</p> <p><i>Building entries and pedestrian access connects to and addresses the public domain</i></p> <p><i>Access, entries and pathways are accessible and easy to identify</i></p> <p><i>Large sites provide pedestrian links for access to streets and connection to destinations</i></p>	<p>Consistent, as demonstrated in the SSDA Assessment Report</p>
<p>3H Vehicle Access</p> <p><i>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</i></p>	<p>Consistent, as demonstrated in the SSDA Assessment Report</p>
<p>3J Bicycle and Car Parking</p> <p><i>Car parking is provided based on 800m proximity of a railway station or light rail stop in metropolitan Sydney.</i></p> <p><i>The car parking needs for a development must be provided off street.</i></p>	<p>Consistent, as demonstrated in the SSDA Assessment Report</p>
<p>4A Solar and Daylight Access</p> <p><i>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.</i></p> <p><i>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.</i></p>	<p>Consistent, as demonstrated in the SSDA Assessment Report</p>
<p>4B Natural Ventilation</p> <p><i>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</i></p> <p><i>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</i></p>	<p>Consistent, as demonstrated in the SSDA Assessment Report</p>
<p>4C Ceiling Heights</p>	<p>Consistent, as demonstrated in the SSDA Assessment Report</p>

<table border="1"> <thead> <tr> <th colspan="2">Minimum ceiling height for apartment and mixed use buildings</th></tr> </thead> <tbody> <tr> <td>Habitable rooms</td><td>2.7m</td></tr> <tr> <td>Non-habitable</td><td>2.4m</td></tr> <tr> <td>For 2 storey apartments</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr> <tr> <td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr> <tr> <td>If located in mixed used areas</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr> </tbody> </table>	Minimum ceiling height for apartment and mixed use buildings		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use				
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<p><i>These minimums do not preclude higher ceilings if desired.</i></p>																
<p>4D Apartment Size and Layout</p> <p><i>Apartments are required to have the following minimum internal areas:</i></p> <table border="1"> <thead> <tr> <th>Apartment type</th><th>Minimum internal area</th></tr> </thead> <tbody> <tr> <td>Studio</td><td>35m²</td></tr> <tr> <td>1 bedroom</td><td>50m²</td></tr> <tr> <td>2 bedroom</td><td>70m²</td></tr> <tr> <td>3 bedroom</td><td>90m²</td></tr> </tbody> </table>	Apartment type	Minimum internal area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	<p>Consistent, as demonstrated in the SSDA Assessment Report</p>					
Apartment type	Minimum internal area															
Studio	35m ²															
1 bedroom	50m ²															
2 bedroom	70m ²															
3 bedroom	90m ²															
<p>4E Private Open Space and Balconies</p> <p><i>All apartments are required to have primary balconies as follows. The minimum balcony depth to be counted as contributing to the balcony area is 1m.</i></p> <table border="1"> <thead> <tr> <th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr> </thead> <tbody> <tr> <td>Studio apartments</td><td>4m²</td><td>-</td></tr> <tr> <td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr> <tr> <td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr> <tr> <td>3+ bedroom apartments</td><td>12m²</td><td>2.4m</td></tr> </tbody> </table>	Dwelling type	Minimum area	Minimum depth	Studio apartments	4m ²	-	1 bedroom apartments	8m ²	2m	2 bedroom apartments	10m ²	2m	3+ bedroom apartments	12m ²	2.4m	<p>Consistent, as demonstrated in the SSDA Assessment Report</p>
Dwelling type	Minimum area	Minimum depth														
Studio apartments	4m ²	-														
1 bedroom apartments	8m ²	2m														
2 bedroom apartments	10m ²	2m														
3+ bedroom apartments	12m ²	2.4m														
<p>4F Common Circulation and Spaces</p> <p><i>The maximum number of apartments off a circulation core on a single level is eight.</i></p> <p><i>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</i></p>	<p>Does not numerically comply. The ADG recommends that for buildings 10 storeys and over, the maximum number of apartments, sharing a single lift is 40 (1:40). Building A provides four lifts for 252 apartments (ratio of 1:63), while Buildings B and C comply. The Department reviewed the applicant's Vertical Transport Study and was satisfied that the proposed lift configuration is acceptable, given adequate travel times, speed, and wait times.</p>															
<p>4G Storage</p> <p><i>Adequate, well-designed storage is provided in each apartment.</i></p>	<p>Consistent, as demonstrated in the SSDA Assessment Report (was addressed via a condition of consent)</p>															

<p>4H Acoustic Privacy and 4J Noise and Pollution</p> <p><i>Noise transfer is minimised through the siting of buildings and building layout.</i></p> <p><i>Noise impacts are mitigated within apartments through layout and acoustic treatments.</i></p> <p><i>Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.</i></p>	<p>Consistent, as demonstrated in the SSDA Assessment Report</p>
<p>4K Apartment Mix</p> <p><i>A range of apartment types and sizes is provided to cater for different household types now and into the future.</i></p> <p><i>The apartment mix is distributed to suitable locations within the building.</i></p>	<p>Consistent, as demonstrated in the SSDA Assessment Report</p>
<p>4L Ground Floor Apartments</p> <p><i>Street frontage activity is maximised where ground floor apartments are located.</i></p> <p><i>Design of ground floor apartments delivers amenity and safety for residents.</i></p>	<p>Consistent, as demonstrated in the SSDA Assessment Report</p>
<p>4M Facades</p> <p><i>Building facades provide visual interest along the street while respecting the character of the local area.</i></p> <p><i>Building functions are expressed by the façade.</i></p>	<p>Consistent, as demonstrated in the SSDA Assessment Report</p>
<p>4N Roof Design</p> <p><i>Roof treatments are integrated into the building design and positively respond to the street.</i></p> <p><i>Opportunities to use roof space for residential accommodation and open space are maximised.</i></p> <p><i>Roof design incorporates sustainability features.</i></p>	<p>Consistent, as demonstrated in the SSDA Assessment Report</p>
<p>4O Landscape Design and 4P Planting on Structures</p> <p><i>Landscape design is viable and sustainable.</i></p> <p><i>Landscape design contributes to the streetscape and amenity.</i></p> <p><i>Appropriate soil profiles are provided. Plant growth is optimised with appropriate selection and maintenance. Planting on structures contributes to the quality and amenity of communal and public open spaces.</i></p>	<p>Consistent, as demonstrated in the SSDA Assessment Report</p>

<p>4Q Universal Design</p> <p><i>Universal design features are included in apartment design to promote flexible housing for all community members.</i></p> <p><i>A variety of apartments with adaptable designs are provided.</i></p> <p><i>Apartment layouts are flexible and accommodate a range of lifestyle needs.</i></p>	<p>Consistent, as demonstrated in the SSDA Assessment Report</p>
<p>4T Awning and Signage</p> <p><i>Awnings are well located and complement and integrate with the building design.</i></p> <p><i>Signage responds to the context and desired streetscape character.</i></p>	<p>Consistent, as demonstrated in the SSDA Assessment Report</p>
<p>4U Energy Efficiency</p> <p><i>Development incorporates passive environmental design.</i></p> <p><i>Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.</i></p> <p><i>Adequate natural ventilation minimises the need for mechanical ventilation.</i></p>	<p>Consistent, as demonstrated in the SSDA Assessment Report</p>
<p>4V Water Management and Conservation</p> <p><i>Potable water use is minimised.</i></p> <p><i>Urban stormwater is treated on site before being discharged to receiving waters.</i></p> <p><i>Flood management systems are integrated into site design.</i></p>	<p>Consistent, as demonstrated in the SSDA Assessment Report</p>
<p>4W Waste Management</p> <p><i>Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.</i></p> <p><i>Domestic waste is minimised by providing safe and convenient source separation and recycling.</i></p>	<p>Consistent, as demonstrated in the SSDA Assessment Report</p>
<p>4X Building Maintenance</p> <p><i>Building design detail provides protection from weathering.</i></p> <p><i>Systems and access enable ease of maintenance.</i></p> <p><i>Material selection reduces ongoing maintenance costs.</i></p>	<p>Consistent, as demonstrated in the SSDA Assessment Report</p>

As Proposed

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 ADG. The proposed development has been considered against the design principles in Parts 3 and 4 of the ADG in table below:

Relevant ADG Criteria	Consideration
3A Site Analysis <i>Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.</i>	Consistent – unchanged from the approved SSDA.
3B Orientation <i>Building types and layouts respond to the streetscape and site while optimising solar access within the development.</i> <i>Overshadowing of neighbouring properties is minimised during mid-winter.</i>	Consistent – unchanged from the approved SSDA Shadow diagrams and solar analysis submitted with the application demonstrate that overshadowing of neighbouring properties during mid-winter is not excessive.
3C Public Domain Interface <i>Transition between private and public domain is achieved without compromising safety and security.</i> <i>Amenity of the public domain is retained and enhanced.</i>	Consistent – unchanged from the approved SSDA
3D Communal and Public Open Space <i>Communal open space has a minimum area equal to 25% of the site.</i> <i>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).</i>	Consistent - the proposal includes 48.5% of the site area used for communal open space, an increase of 7sqm from the approved development. Communal areas in Buildings A and B have been relocated to higher levels, improving solar access. In Building A, communal open space will be split across two levels (Levels 36 and 37).
3E Deep Soil Zones <i>Deep soil zones are to meet the following minimum requirements: Minimum dimensions of 6m and 7% of the site area.</i>	Considered acceptable – unchanged from the approved SSDA
3F Building Separation & Visual Privacy <i>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</i> <i>Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.</i>	Consistent – unchanged from the approved SSDA
3G Pedestrian Access to Entries <i>Building entries and pedestrian access connects to and addresses the public domain</i>	Consistent – unchanged from the approved SSDA No changes to building entries, pedestrian access, pathways or links.

<p><i>Access, entries and pathways are accessible and easy to identify</i></p> <p><i>Large sites provide pedestrian links for access to streets and connection to destinations</i></p>	
<p>3H Vehicle Access</p> <p><i>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</i></p>	<p>Consistent – unchanged from the approved SSDA</p>
<p>3J Bicycle and Car Parking</p> <p><i>Car parking is provided based on 800m proximity of a railway station or light rail stop in metropolitan Sydney.</i></p> <p><i>The car parking needs for a development must be provided off street.</i></p>	<p>Basement parking arrangements are generally consistent with the car parking requirements of Chapter 2, Division 1 In-Fill Affordable Housing of the Housing SEPP, and bicycle parking requirements of Burwood Council's DCP.</p> <p>Moreover, the Applicant has submitted a Traffic and Parking Assessment Report, prepared by Varga Traffic Planning, Ref. 25223, dated 22.07.25, and a supplementary Traffic & Parking Matters letter prepared by Varga Traffic Planning, Ref. 25223, dated 12.12.25, to support the proposal.</p>
<p>4A Solar and Daylight Access</p> <p><i>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.</i></p> <p><i>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.</i></p>	<p>Consistent – unchanged from the approved SSDA</p>
<p>4B Natural Ventilation</p> <p><i>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</i></p> <p><i>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</i></p>	<p>Consistent – unchanged from the approved SSDA</p>
<p>4C Ceiling Heights</p>	<p>Consistent – unchanged from the approved SSDA</p>

<table border="1"> <thead> <tr> <th colspan="2">Minimum ceiling height for apartment and mixed use buildings</th></tr> </thead> <tbody> <tr> <td>Habitable rooms</td><td>2.7m</td></tr> <tr> <td>Non-habitable</td><td>2.4m</td></tr> <tr> <td>For 2 storey apartments</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr> <tr> <td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr> <tr> <td>If located in mixed used areas</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr> </tbody> </table> <p><i>These minimums do not preclude higher ceilings if desired.</i></p>	Minimum ceiling height for apartment and mixed use buildings		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use				
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<p>4D Apartment Size and Layout</p> <p><i>Apartments are required to have the following minimum internal areas:</i></p> <table border="1"> <thead> <tr> <th>Apartment type</th><th>Minimum internal area</th></tr> </thead> <tbody> <tr> <td>Studio</td><td>35m²</td></tr> <tr> <td>1 bedroom</td><td>50m²</td></tr> <tr> <td>2 bedroom</td><td>70m²</td></tr> <tr> <td>3 bedroom</td><td>90m²</td></tr> </tbody> </table>	Apartment type	Minimum internal area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	<p>Consistent – unchanged from the approved SSDA</p>					
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<p>4E Private Open Space and Balconies</p> <p><i>All apartments are required to have primary balconies as follows. The minimum balcony depth to be counted as contributing to the balcony area is 1m.</i></p> <table border="1"> <thead> <tr> <th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr> </thead> <tbody> <tr> <td>Studio apartments</td><td>4m²</td><td>-</td></tr> <tr> <td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr> <tr> <td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr> <tr> <td>3+ bedroom apartments</td><td>12m²</td><td>2.4m</td></tr> </tbody> </table>	Dwelling type	Minimum area	Minimum depth	Studio apartments	4m ²	-	1 bedroom apartments	8m ²	2m	2 bedroom apartments	10m ²	2m	3+ bedroom apartments	12m ²	2.4m	<p>Consistent – unchanged from the approved SSDA</p>
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<p>4F Common Circulation and Spaces</p> <p><i>The maximum number of apartments off a circulation core on a single level is eight.</i></p> <p><i>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</i></p>	<p>Does not numerically comply. The ADG recommends that for buildings 10 storeys and over, the maximum number of apartments, sharing a single lift is 40 (1:40).</p> <p>Building A provides four lifts for 262 apartments (ratio of 1:65.5), The proposal provides a minor variation from the SSDA approved ratio of 1:63 apartments, which was considered acceptable by the DPHI. Given the difference with the approved SSDA is minor, Council raises no objections in the circumstances.</p> <p>Building B is non-compliant with a ratio of</p>															

	<p>1:41.5. Given the minor nature of the variation, Council raises no objections in the circumstances.</p> <p>Building C remains compliant with a ratio of 1:32.</p>
4G Storage <i>Adequate, well-designed storage is provided in each apartment.</i>	Consistent – unchanged from the approved SSDA
4H Acoustic Privacy and 4J Noise and Pollution <i>Noise transfer is minimised through the siting of buildings and building layout.</i> <i>Noise impacts are mitigated within apartments through layout and acoustic treatments.</i> <i>Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.</i>	Consistent – unchanged from the approved SSDA
4K Apartment Mix <i>A range of apartment types and sizes is provided to cater for different household types now and into the future.</i> <i>The apartment mix is distributed to suitable locations within the building.</i>	Consistent – unchanged from the approved SSDA
4L Ground Floor Apartments <i>Street frontage activity is maximised where ground floor apartments are located.</i> <i>Design of ground floor apartments delivers amenity and safety for residents.</i>	Consistent – unchanged from the approved SSDA No changes to ground floor apartments.
4M Facades <i>Building facades provide visual interest along the street while respecting the character of the local area.</i> <i>Building functions are expressed by the façade.</i>	Consistent – unchanged from the approved SSDA
4N Roof Design <i>Roof treatments are integrated into the building design and positively respond to the street.</i> <i>Opportunities to use roof space for residential accommodation and open space are maximised.</i> <i>Roof design incorporates sustainability features.</i>	Consistent – unchanged from the approved SSDA
4O Landscape Design and 4P Planting on Structures	Consistent – Proposed landscape plans prepared by Canvas Landscape Architects, ref, SSD-L104-BA, Rev. B, are satisfactory.

<p><i>Landscape design is viable and sustainable.</i></p> <p><i>Landscape design contributes to the streetscape and amenity.</i></p> <p><i>Appropriate soil profiles are provided. Plant growth is optimised with appropriate selection and maintenance. Planting on structures contributes to the quality and amenity of communal and public open spaces.</i></p>	
<p>4Q Universal Design</p> <p><i>Universal design features are included in apartment design to promote flexible housing for all community members.</i></p> <p><i>A variety of apartments with adaptable designs are provided.</i></p> <p><i>Apartment layouts are flexible and accommodate a range of lifestyle needs.</i></p>	Consistent – unchanged from the approved SSDA
<p>4T Awning and Signage</p> <p><i>Awnings are well located and complement and integrate with the building design.</i></p> <p><i>Signage responds to the context and desired streetscape character.</i></p>	Consistent – unchanged from the approved SSDA
<p>4U Energy Efficiency</p> <p><i>Development incorporates passive environmental design.</i></p> <p><i>Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.</i></p> <p><i>Adequate natural ventilation minimises the need for mechanical ventilation.</i></p>	Consistent – unchanged from the approved SSDA The proposal meets BASIX requirements and achieves an average 7-Star NatHERs rating.
<p>4V Water Management and Conservation</p> <p><i>Potable water use is minimised.</i></p> <p><i>Urban stormwater is treated on site before being discharged to receiving waters.</i></p> <p><i>Flood management systems are integrated into site design.</i></p>	Consistent – unchanged from the approved SSDA Council's development engineers reviewed the proposal and raised no concerns regarding stormwater management, as the extent of roof surface areas remains unchanged
<p>4W Waste Management</p> <p><i>Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.</i></p> <p><i>Domestic waste is minimised by providing safe and convenient source separation and recycling.</i></p>	Consistent – additional bins within the designated bin storage areas are provided to cater for the additional twenty-nine (29) residential apartments across the three buildings.
<p>4X Building Maintenance</p>	Consistent – unchanged from the approved

<p><i>Building design detail provides protection from weathering.</i></p> <p><i>Systems and access enable ease of maintenance.</i></p> <p><i>Material selection reduces ongoing maintenance costs.</i></p>	SSDA
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Burwood Local Environmental Plan 2012 (BLEP)

The BLP came into effect on 9 November 2012 and contains a number of controls including development standards which apply to the proposed development. A summary of the assessment of the application against the relevant provisions within the BLP is provided below.

Permissibility of the development in the zone

Land Use Zone: MU1 Mixed Use.



13. *Figure 11: (above) Zoning Map from the BLP, showing the site within the MU1 Mixed Use zone.*

Proposal: The proposed development considered a *residential flat building*, which are permitted in the MU1 Mixed Use zone with consent.

Compliance with relevant BLP development standards

Note: Clause 16 of the Housing SEPP establishes the applicable controls for building height and floor space ratio.

Burwood LEP 2012	Proposal	Compliance
4.6 Exceptions to Development Standards		
(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause. (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating – (a) the compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and, (b) that there are sufficient environmental planning grounds to justify contravening the development standard.	The application seeks variations to the development standards set out in clauses 16(1) and 16(2) of the Housing SEPP. The applicant has submitted written requests to vary the development standards, pursuant to clause 4.6 of the BLEP.	Refer to Note 1 – Variation of the floor space ratio development standard; and Note 2 – Variation to the minimum affordable housing component, above in this report
5.1 Relevant acquisition authority		
Land reserved to be acquired for public purposes	The subject site is not identified on the Land Reservation Acquisition Maps.	N/A
5.10 Heritage Conservation		
(1) Objectives The objectives of this clause are as follows— (a) to conserve the environmental heritage of Burwood, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.	The site does not contain a heritage item and is not located in a heritage conservation area. The site is not adjacent to or in the immediate vicinity of any heritage items or heritage conservation areas. No Aboriginal objects and Aboriginal places of heritage significance are identified on the site.	N/A
6.1 Acid Sulfate Soils		
(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	The subject site is affected by Class 5 Acid Sulfate Soils. However, there are no works proposed within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian height Datum.	Yes

Burwood LEP 2012	Proposal	Compliance
6.5 Design excellence in Zones E1 and MU1 (1) The objective of this clause is to deliver the highest standard of architectural, landscape and urban design. (2) This clause applies to development involving the erection of a new building of 3 or more storeys on land in Zone E1 Local Centre or Zone MU1 Mixed Use. (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 development is subject to this clause and overall is considered consistent with its requirements.	Yes, Please refer to Note 4 – Clause 6.5 Design excellence in Zones E1 and MU1 of the BLEP below in this report.

Note 4 – Clause 6.5 Design excellence in Zones E1 and MU1 of the BLEP

The objective of clause 6.5 of the BLEP is to deliver the highest standard of architectural, landscape and urban design. This clause applies to development involving the erection of a new building of 3 or more storeys on land in Zone E1 Local Centre or Zone MU1 Mixed Use. 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 application was referred to the Burwood Design Review Panel (DRP) for review and comment.

The DRP raised no fundamental objection to the proposed additional height. The key recommendations provided by the DRP to the applicant are summarised below in points 1 - 5. The Applicant's provided responses to the recommendations in a letter from Urban Link Architects, dated 12.12.25, and are also summarised below:

- 1) Overshadowing & Solar Access:** Verify that the additional overshadowing is acceptable, particularly for existing and future residential properties, and ensure this is clearly documented.

Applicant's response: Shadow and sun-eye diagrams for the winter solstice (21 June), comparing approved and proposed conditions, have been provided. The additional overshadowing primarily affects commercial properties and the approved Burwood RSL redevelopment, with minor impact on private open spaces of R2 dwellings east of Shaftesbury Road after 2:30 pm. These dwellings retain solar access between 9:00 am and 2:00 pm, and the impact is considered negligible. The applicant notes that the long-term vision for these properties is higher-density residential development.

- 2) Rooftop & Skyline Treatment:** Enhance the architectural resolution of tower tops to deliver a cohesive, well-detailed skyline, with careful integration and screening of plant and services.

Applicant's response: Rooftop treatments remain consistent with the approved design. Additional floor plates have been inserted mid-tower without altering rooftop plant or services. Building B incorporates mid-level service zones to avoid excessive rooftop allocation for plant.

- 3) Artwork / Blank Wall Strategy:** Review the proposed mural/artwork to confirm its location, visibility, and cost are justified, and ensure it is integrated with the building design using durable materials.

Applicant's response: The applicant agrees that a painted mural is excessive and not durable and suggests replacing it with grooved, patterned precast integrated into façade. Suggests a condition to remove painted artwork and adopt durable, low maintenance public art treatment.

Note: Council has recommended that a condition of approval be imposed so that the proposed public art work on the West Elevation of the building at 21 George Street should not be painted

art work, but rather use durable materials that will not require regular maintenance and repainting.

4) Lobby Quality (Building B): Where feasible, improve the arrival experience through modest increases in space and enhancements to glazing and detailing to better serve residents.

Applicant's response: No changes are proposed. The applicant acknowledges the lobby is compact but notes higher than standard floor-to-floor height.

5) Documentation: Clearly identify all modifications and provide easy-to-understand comparative diagrams (approved vs proposed) for assessment and future reference

Applicant's response: The applicant states that all changes are clouded and labelled on the plans and comparative diagrams have been provided to distinguish approved vs amended elements.

Conclusion

Council has carefully considered the recommendations provided by the DRP, and the applicant's response to each. Overall, Council is satisfied that the proposed development, subject to appropriate conditions, exhibits design excellence and is consistent with clause 6.5 of the BLEP.

(ii) Any proposed instrument (Draft LEP etc.)

There are no draft planning instruments for consideration.

(iii) Any development control plan

Burwood Development Control Plan 2013 (BDCP)

The Burwood Development Control Plan (BDCP) applies to the proposed development. A summary of the assessment of the application against the parts of the BDCP is shown in the table below:

Part 3.2 General Building Design Controls in Centres and Corridors			
Issue	Requirement/standard	Proposal	Compliance
Building design, roofs and roof tops	Design excellence encouraged; high quality materials and finishes; roof design to contribute to overall design and performance outcomes.	The proposed external materials, colour palette, finishes, and roof design remain substantially consistent with those approved under the SSDA. This continuity is considered satisfactory and aligns with the previously endorsed design intent.	Yes
Street front activities, building access, safety and security	Security measures to form integral part of building; ground floor integrated with streetscape; appropriate building entrances and clear street address; appropriate mail box provision; casual surveillance to be provided by design	The proposed security measures, building entrances, street addressing, and mailbox configuration remain in essence unchanged from those approved under the SSDA.	Yes
Lobbies and internal circulation	Lobbies must be designed for natural ventilation and natural	Lobbies and internal circulation within the	Yes

	lighting; common area corridors must be minimum of 2m width	building remains compliant and consistent with the approved SSDA. The applicant has acknowledged that the lobby of Building B is compact but notes that it provides a higher than standard floor-to-floor height.	
Access and mobility	Compliance with Australian Standards for adaptable units and car parking accessibility	The proposal increases the number of adaptable units from 40 to 43, and 'liveable housing silver level' units from 80 to 83. A standard condition of approval is imposed to ensure that the development complies with all applicable Australian Standards.	Yes

Part 3.3 Area Based Controls – Burwood Town Centre and Burwood Road North

Issue	Requirement/standard	Proposal	Compliance
Aims for the Burwood Town Centre and the contiguous Burwood Road North area	<ul style="list-style-type: none"> ▪ To provide for a vibrant centre with a level of amenity that reflects its Major Centre status. ▪ To provide for a built form that supports appropriate urban design outcomes ▪ To ensure a building scale that complements existing heritage items and human-scale streetscape environments. ▪ To deliver a high standard of acoustic measures for residents within the Burwood Town Centre, High and Medium Density Areas, and Active Precincts – Zones R1, R3, E1 and MU1. ▪ To enable the delivery of housing in mixed use areas 	<p>The proposal is reflective of the Major Centre status of the town centre, being a high-density residential tower development. The additional residential apartments proposed are located at the top of the approved buildings and will maintain reasonable amenity for future residents of the town centre.</p> <p>The scale of the building at ground level remains unchanged. The proposal has minimal impact on the human-scale streetscapes of Victoria St and George St.</p> <p>The proposed changes are to the residential component of the approved development, and not any entertainment and other noise generating activities or land uses.</p>	Yes

	that include entertainment and other noise generating activities	The proposal delivers additional high-density housing in central location within a mixed-use major centre.	
Building Height Plane (BHP)	<p>The BLEP controls height through the maximum permissible building heights established in the Height of Buildings Map for the whole LGA, and through the application in addition of a Building Height Plane (BHP) in the Burwood Town Centre.</p>	<p>The maximum building height under the BLEP is set by Building Height Plane (BHP) lines in the Burwood Town Centre. The BHP provides that development must not exceed 36 degrees measured at a height of 1m above ground level from the eastern side of Shaftesbury Road.</p> <p>The BHP aims to maintain the amenity of land outside and adjoining the Burwood Town Centre and provide such land with adequate solar access.</p> <p>Under clause 16(3) of the Housing SEPP, which takes precedent over the BLEP height provision, the maximum building height for the development is 30% above the maximum permissible building height under the BLEP, measured from ground level to the point where the BHP intersects with the site.</p> <p>The development does not exceed the maximum permissible height prescribed by clause 16(3) of the Housing SEPP, as discussed above in Note 3 - Maximum Building Height</p>	Yes
Building Separation/Frontage Overview (Commercial Core and Middle Ring Areas)	Building separation provides appropriate levels of amenity for the private and public domain.	The proposed building separation remains consistent with the approved SSDA and maintains consistency with the previously endorsed level of visual privacy and separation	Yes

		for future residents and surrounding properties.	
Communal Open Space (Commercial Core and Middle Ring Areas)	<p>To provide communal passive and active recreational opportunities. To provide communal open space that facilitates soft landscaping. To ensure that communal open space is consolidated, configured and designed to be usable and attractive.</p>	<p>The proposal includes 48.5% of the site area used for communal open space, an increase of 7sqm from the approved development. Communal areas in Buildings A and B have been relocated to higher levels, improving solar access. In Building A, communal open space will be split across two levels (Levels 36 and 37).</p> <p>Vegetation is provided through landscaped areas and planter boxes positioned around upper-level communal areas and within rooftop communal spaces, creating visual relief and greenery.</p>	Yes

Part 6.2 Waste Management

Issue	Requirement/standard	Proposal	Compliance
Waste Management – additional bins	<p>This aim of this BDCP section is to achieve effective waste management and minimisation in the Burwood local government area.</p>	<p><u>Building A</u> 2 additional bins (1 waste and 1 recycling bin) added to basement level.</p> <p><u>Building B</u> 2 additional bins (1 waste and 1 recycling bin) added to ground level.</p> <p><u>Building C</u> 2 additional new bins (1 waste and 1 recycling bin) added to basement level.</p> <p><u>Additional condition of consent</u> Prior to the issue of a Construction Certificate, the Operational Waste Management Plan for the development shall be updated and submitted to Council for approval by Council's Manager City Development. The revised Waste Management Plan must</p>	Yes

		incorporate the amendments approved under the Section 4.55(1A) modification to development consent DA.2019.91, approved by Council on 23.10.25, and reflect the changes approved under DA.2025.66.	
Part 6.5 Stormwater Management			
Issue	Requirement/standard	Proposal	Compliance
Stormwater drainage	<p>Council has adopted a separate Stormwater Management Code that aims to:</p> <ul style="list-style-type: none"> ▪ To preserve and protect the amenity and property of existing residents, property owners and the community. ▪ To ensure the safety of residents and the community. ▪ To meet reasonable expectations and statutory requirements for the development of properties. ▪ To protect the physical environment and receiving waters of catchments. 	<p>Council's development engineers reviewed the proposal and raised no concerns regarding stormwater management, as the extent of roof surface areas remains unchanged.</p> <p><u>Additional condition of consent</u></p> <p>Prior to the issue of a Construction Certificate, stormwater drainage design plans for the development approved under State Significant Development consent SSD 69615996 must be updated to ensure consistency with development consent DA.2025.66.</p> <p>The Applicant must provide the Principal Certifier with a copy of the updated stormwater drainage design plans, prepared and certified by a suitably qualified Engineer experienced in stormwater drainage design.</p>	Yes

(iv) The Regulations

The Regulation underpins the day-to-day operation of the NSW planning system. The Regulation guides the processes, plans, public consultation, impact assessment and decisions made by local councils, the Department of Planning and others. The application is accompanied by a statement prepared by a suitably qualified designer in accordance with Clause 29 Residential apartment development. The proposal is consistent with the Regulations.

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The proposed development is permissible in the MU1 Mixed Use zone with consent under the provisions of the BLEP and the Housing SEPP. It is considered to be consistent with the objectives of the zone and the objective of *Part 2 Development for affordable housing, Division 1 In-fill affordable housing* which is 'to facilitate the delivery of new in-fill affordable housing to meet the needs of very low, low and moderate income households'. Potential adverse impacts associated with the development have been appropriately mitigated through the imposition of conditions of consent, as detailed in **Attachment 1**.

(c) The suitability of the site for the development

The application proposes alterations and additions to an approved development. Internal referrals, submissions, and previous approvals have been taken into account as part of the assessment of the proposal. The assessment provided in this report demonstrates that the proposal is appropriate for the site, subject to the imposition of appropriate conditions of consent. In addition, the assessing officer viewed the site and observed no evidence to suggest the site is unsuitable for the proposed development.

(d) Any submissions made in accordance with this Act or the regulations

Please refer to the 'Community Consultation' section of this report below.

(e) The public interest

The application proposes twenty-nine (29) additional residential apartments, including five (5) additional affordable housing apartments, in a high-density town centre environment which is well-served by transport, services, and employment. It provides a public benefit by increasing housing supply during a housing shortage, including increasing the amount of affordable housing on the site. Appropriate conditions of consent will ensure the development proceeds in an orderly manner. Overall, the proposal is considered to be in the public interest.

Voluntary Planning Agreement (VPA)

A draft VPA was presented to and endorsed at a meeting of Council on 9th December 2025. The draft VPA requires the developer to pay a monetary contribution to Council towards the provision of public facilities. A condition of consent requires the VPA to be executed and its terms met **prior to the issue of a Construction Certificate associated with the approval**.

Community Consultation

The application was publicly notified between 1st October 2025 and 29th October 2025, in accordance with the requirements Burwood Council's Community Engagement Plan. Council received **two (2) unique submissions**, as they are defined in the 'Local Planning Panels Direction – Development Applications and Applications to Modify Development Consents', issued under section 9.1 of the EP&A Act, dated 6.5.2024.

The submissions have been reviewed and carefully considered as part of the assessment process. The submissions identified several significant concerns regarding the DA, summarised below:

1. Overdevelopment and Infrastructure Concerns

That the proposal is an overdevelopment, adding excessive height, bulk, and residential units beyond what the existing planning controls and bonus provisions allow. The submissions assert that local infrastructure and traffic networks are already under strain, and that the additional units will worsen congestion and pedestrian safety. The submissions argue that current traffic management around the site and public transport upgrades are insufficient.

Council comment: The proposed additional storeys to the approved development are consistent with the expected built form and character of the 'commercial core' of the Burwood Town Centre. The site is suitable to accommodate increased density, and the proposal aligns with the desired future character for the precinct. While additional floor space ratio more than the 30% bonus provision in the Housing SEPP is sought under this application, the approved maximum building height for the development will not change. The proposal will deliver 29 additional residential units, including 5 additional affordable housing units, in a strategic location at a time when there is a housing shortage. Proposed traffic and parking arrangements are addressed in this report in detail and are considered satisfactory.

2. Affordable Housing Compliance

That the proposal fails to comply with Housing SEPP 2021, in that:

- a) The DA seeks a 40% floor space bonus, rather than a maximum of 30%, as per clause 16(1).
- b) It provides less than the required affordable housing component (13.9% vs 15% minimum);
- c) It attempts to use a Voluntary Planning Agreement (VPA) to offset affordable housing obligations under the SEPP, which is considered an improper and unacceptable planning approach.

Council comment: It is acknowledged that the proposal seeks a 40% floor space bonus, rather than a maximum of 30%, as per clause 16(1). The application has submitted a clause 4.6 variation request addressing this departure from the development standard. Amended plans were requested from the applicant to ensure that at least 15% of the development's total gross floor area is dedicated as affordable housing.

Council considers that using a VPA to offset affordable housing obligations under the Housing SEPP is an improper and unacceptable planning approach. In Council's view, a VPA is a separate matter from a request to vary a development standard under Clause 4.6 of the BLEP, and the execution of a VPA cannot be relied upon as an environmental planning ground to justify such a variation. Council communicated this position to the applicant in November 2025 and requested that a revised Clause 4.6 variation statement be submitted.

3. Traffic and Parking Impacts

The increased number of car parking spaces and reallocation of visitor spaces to residential spaces will exacerbate congestion on George Street and Shaftesbury Road. The assumptions of the submitted traffic report are questioned in that it utilises the affordable housing parking rates in the Housing SEPP, despite no additional affordable housing being provided and that it underestimates existing traffic conditions and fails to account for future traffic generation from other developments.

Council Comment: The proposal will provide an additional 29 residential units and 13 additional car parking spaces. A total of 162 bicycle parking spaces and 28 motorbike parking spaces will be provided, distributed across the three buildings. The Applicant has submitted a Traffic and Parking Assessment Report, prepared by Varga Traffic Planning, Ref. 25223, dated 22.07.25, and a supplementary Traffic & Parking Matters letter prepared by Varga Traffic Planning, Ref. 25223, dated 12.12.25, to support the proposal. Proposed car parking arrangements are addressed in this report and are considered satisfactory overall, when considering the site's central and accessible location within the Burwood Town Centre.

4. Clause 4.6 Variation

That the DA relies on a clause 4.6 variation request that is not well-founded, attempting to address multiple non-compliances in one request. The variation request does not resolve the failure of the proposal to meet SEPP objectives for affordable housing.

Council Comment: The application seeks variations to the development standards under clauses 16(1) and 16(2) of the Housing SEPP. To support this, the applicant has submitted an amended

clause 4.6 variation request for clause 16(1) and a separate clause 4.6 variation request for clause 16(2). These matters are addressed in detail in this report.

5. Solar Access and Amenity

That the proposed additional building height will cause significant overshadowing of nearby hotel accommodation and rooftop dining areas, atrium lightwells and future accommodation tower, thereby reducing amenity and contradicting design expectations under the approved SSD.

Council Comment: Shadow and sun-eye diagrams for the winter solstice (21 June), comparing approved and proposed conditions, have been provided by the applicant. The additional overshadowing will primarily affect commercial properties and the approved Burwood RSL redevelopment. The additional overshadowing compared to the approved SSD is relatively minor for most of the day on 21 June, as illustrated in the shadow diagrams and solar studies prepared by Urban Link Architects (Rev. I, dated 16.07.2025). Furthermore, given that further high-density tower developments of similar bulk and scale are anticipated within the town centre over the short to medium term, some degree of additional overshadowing within the town centre area is expected.

Referrals

The application was referred to the following internal Council departments:

Building Surveying – no objections received, subject to conditions.

Traffic and Parking – no objections received, subject to conditions.

Waste Management – no objections received, new condition imposed.

Design Review Panel (DRP) – DRP advice has been considered, as has the applicant's response. Condition of approval has been imposed requiring the public art strategy to be revised as per the DRP's recommendation.

Landscaping - no objections received, no additional or amended conditions required.

Development Engineering – no objections received, new condition imposed.

The proposal was not required to be externally referred.

Conclusion

The proposed development is consistent with the relevant matters for consideration under clause 4.15 of the *Environmental Planning & Assessment Act 1979*, as detailed above in this report. Therefore, the proposal is recommended for approval (subject to conditions).

Recommendation(s)

That development application no. DA.2025.66, which proposes alterations and additions to add additional storeys and residential apartments to three multi-storey buildings within an approved mixed-use development, at 28-34 Victoria Street, 21 George Street and 17 George Street, Burwood, be approved subject to the conditions of approval contained in **Attachment 1**.

Attachments

- 1** Attachment 1 - Recommended Conditions - DA.2025.66 - 12 January 2026
- 2** Attachment 2 - Statement of Environmental Effects & Clause 4.6 Variation Requests DA.2025.66
- 3** Attachment 3 - Overall Site Plans, Solar Studies and Landscape Plans DA.2025.66 - 12 January 2026
- 4** Attachment 4 - Architectural Plans - Building A DA.2025.66 - 12 January 2026
- 5** Attachment 5 - Architectural Plans - Building B DA.2025.66 - 12 January 2026
- 6** Attachment 6 - Architectural Plans - Building C DA.2025.66 - 12 January 2026

Recommended Conditions of Approval

MODIFICATION OF CONSENTS

- 1) Pursuant to section 4.17(1)(b) of the *Environmental Planning and Assessment Act 1979*, prior to the issue of any Construction Certificate or commencement of works, the applicant must:
 - (a) Lodge a Notice of Modification of SSDA 69615996 with the relevant consent authority pursuant to Clause 67 of the Environmental Planning and Assessment Regulation 2021 on the following terms: Cause the modification of the following development consents granted under the Act in relation to the land: **State Significant Development consent SSD 69615996**.
 - i. The residential component of the development shall contain a total of **409 residential apartments**, comprising **329 market-priced apartments** and **80 affordable housing apartments**;
 - ii. Amendments in accordance with the architectural plans, landscape plans, BASIX and NatHERS Certificates set out in Condition 2;
 - iii. Amendments to the Public Art Strategy as set out in Condition 9;
 - iv. Amendments to the Operational Waste Management Plan as set out in Condition 11;
 - v. Amendments to traffic and parking arrangements as set out in Condition 12;
 - vi. Amendments to stormwater drainage design plans as set out in Condition 25.
 - (b) All conditions relating to SSD 69615996 apply to the subject consent. Where there is inconsistency between the two consents, the subject consent DA.2025.66 applies.

The modification of consents must be carried out in accordance with section 4.17(5) of the Act and clause 67 of the Environmental Planning and Assessment Regulation 2021.

Written evidence of compliance with (a) and must be provided to Council and the Principal Certifier prior to the issue of any Construction Certificate or commencement of works.

APPROVED PLANS

- 2) Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans and support documents (stamped and approved by Council). To the extent these plans depict works already carried out under development consents DA.2019.91 (as modified), DA.2020.110 (as modified), and State Significant Development consent SSD 69615996 they are not retrospectively approved as part of this consent but rather only these prospective works:

Drawing Number	Rev	Name of Plan	Date
Architectural drawings prepared by Urban Link Architects – Overall Site			
DA-005	I	Overall Site – Site Plan	16.07.25
Architectural drawings prepared by Urban Link Architects – Building C			
DA-000	J	COVER	26.11.25

DA-001	I	SITE PLAN	15.07.25
DA-002	I	CALCULATIONS	15.07.25
DA-101	I	GROUND FLOOR PLAN	15.07.25
DA-107	J	LEVEL 06	26.11.25
DA-110	I	LEVEL 09	15.07.25
DA-123	I	LEVEL 22	15.07.25
DA-124	I	LEVEL 23	15.07.25
DA-125	I	LEVEL 24	15.07.25
DA-126	I	LEVEL 25	15.07.25
DA-127	I	LEVEL 26	15.07.25
DA-128	I	LEVEL 27	15.07.25
DA-129	I	LEVEL 28 PENTHOUSE	15.07.25
DA-130	I	LEVEL 29 PENTHOUSE UPPER	15.07.25
DA-131	I	ROOF PLAN	15.07.25
DA-132	I	BASEMENT 01	15.07.25
DA-134	I	BASEMENT 03	15.07.25
DA-135	I	BASEMENT 04	15.07.25
DA-136	I	BASEMENT 05	15.07.25
DA-201	I	NORTH	15.07.25
DA-202	I	SOUTH	15.07.25
DA-203	I	EAST	15.07.25
DA-204	I	WEST	15.07.25
DA-301	I	AA	15.07.25
DA-302	I	BB	15.07.25
DA-303	I	CC	15.07.25
DA-1402	I	GFA DIAGRAMS RESI.	15.07.25
DA-1403	I	COMMUNAL OPEN SPACE	15.07.25
DA-1404	I	ADAPTABLE UNITS	15.07.25
Architectural drawings prepared by Urban Link Architects – Building B			
DA-002	I	CALCULATIONS	18.7.25

DA-003	I	SITE PLAN	18.07.25
DA-103	I	BASEMENT 03	18.07.25
DA-104	I	BASEMENT 02	18.07.25
DA-105	I	BASEMENT 01	18.07.25
DA-135	I	LEVEL 28	18.07.25
DA-136	I	LEVEL 29	18.07.25
DA-137	I	LEVEL 30	18.07.25
DA-138	J	LEVEL 21 COS & SERVICES	26.11.25
DA-139	J	LEVEL 32	26.11.25
DA-140	I	LEVEL 33	18.07.25
DA-141	I	LEVEL 34	18.07.25
DA-142	I	LEVEL 35	18.07.25
DA-143	I	ROOF	18.07.25
DA-201	I	NORTH & SOUTH ELEVATION	18.07.25
DA-202	I	EAST & WEST ELEVATION	18.07.25
DA-301	I	SECTION A & B	18.07.25
DA-1401	I	GFA DIAGRAMS 1	18.07.25
DA-1402	I	GFA DIAGRAMS 2	18.07.25
DA-1403	I	ADAPTABLE UNITS	18.07.25
DA-1404	I	SOLAR & CROSS FLOW DIAGRAMS	18.07.25
DA-1504	I	VIEW FROM THE SUN	18.07.25
Architectural drawings prepared by Urban Link Architects – Building A			
DA-002	I	CALCULATIONS	09.07.25
DA-003	I	SITE PLAN	09.07.25
DA-103	I	BASEMENT 03	09.07.25
DA-104	J	BASEMENT 02	02.12.25
DA-105	J	BASEMENT 01	02.12.25
DA-106	J	EXTENDED GROUND FLOOR	02.12.25
DA-107	J	GROUND FLOOR	02.12.25
DA-140	I	LEVEL 33	09.07.25

DA-141	I	LEVEL 34	09.07.25
DA-142	I	LEVEL 35	09.07.25
DA-143	I	LEVEL 36	09.07.25
DA-144	I	LEVEL 37	09.07.25
DA-145	I	LEVEL 38	09.07.25
DA-146	I	LEVEL 39	09.07.25
DA-201	J	NORTH ELEVATION	02.12.25
DA-202	J	EAST ELEVATION	02.12.25
DA-203	J	SOUTH ELEVATION	02.12.25
DA-204	J	WEST ELEVATION	02.12.25
DA-301	I	SECTION AA & DD	09.07.25
DA-303	I	SECTION EE	09.07.25
DA-901	I	FINISHES SCHEDULE	09.07.25
DA-1402	I	GFA DIAGRAMS	09.07.25
DA-1403	I	SOLAR ACCESS DIAGRAMS	09.07.25
DA-1505	I	VFTS - SOLAR TO PROPOSED BLDG	09.07.25
Landscape plans prepared by Canvas Landscape Architects			
SSD-L104-BA	B	LANDSCAPE CONCEPT PLAN: LEVEL 36 & 37	30.06.25
BASIX Commitments prepared by Greenworld Architectural Drafting			
1742872M_02		BASIX CERTIFICATE	22.07.25
0004214900		NATHERS CERTIFICATE	22.07.25

GENERAL CONDITIONS

- 1) The **residential component** of the development, as approved under DA.2025.66, is to contain a total of 409 residential apartments, comprising, including:
 - (a) **329** market-priced residential apartments;
 - (b) **80** affordable housing residential apartments.
- 2) No construction certificate for prospective building works approved under development consent DA.2025.66 is to be issued until such time that State Significant Development

consent SSD 69615996 for the relevant building has been authorised for constructions by way of a construction certificate and physically commenced.

PLANNING AGREEMENT

- 3) **Prior to the issue of a Construction Certificate** for the prospective building works approved under development consent DA.2025.66:
 - (a) A Voluntary Planning Agreement between Burwood Council and The George 17 Pty Limited, must be executed and registered on the title of the land; and
 - (b) The terms of the Voluntary Planning Agreement including timing of payments, shall be complied with.

FEES & INFRASTRUCTURE CONTRIBUTIONS

- 4) **Prior to the issue of a Construction Certificate** for the relevant building works approved under development consent DA.2025.66, the applicant must provide written evidence that the Building and Construction Industry Long Service Corporation levy has been paid, or that the levy is not payable. A copy of the levy receipt or exemption certificate must be submitted to the Principal Certifier.
- 5) **Prior to the issue of a Construction Certificate** for the relevant building works approved under development consent DA.2025.66, written evidence must be provided to the Principal Certifier confirming payment to Council of the monetary contribution required under Burwood Local Infrastructure Contributions Plan 2024, as applicable to this consent, in addition to any contributions required under Council development consents DA.2019.91 (as modified), DA.2020.110 (as modified), DA.2023.93, and State Significant DA SSD 69615996.
- 6) **Prior to the issue of a Construction Certificate** for the relevant building works approved under development consent DA.2025.66, the Housing and Productivity Contribution (HPC) set out in the table below is required to be made in addition to any HPC contribution required under State Significant DA SSD 69615996:

Housing and Productivity Contribution	Amount
Housing and productivity contribution (base component)	\$259,492.32
Total housing and productivity contribution	\$259,492.32

Note: The additional HPC has been calculated based on 24 additional dwellings, considering that the HPC does not apply to the 5 additional affordable housing dwellings. The contribution amount is subject to indexation in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 at the time of payment. A request for assessment of the adjusted amount and instructions on how to make a payment can be made by contacting hpc.enquiry@planning.nsw.gov.au.

IN-FILL AFFORDABLE HOUSING

- 7) **Prior to the issue of any Occupation Certificate** for the buildings at 17 George Street and 21 George Street, the Applicant must provide to the Principal Certifier evidence that:
 - (a) the affordable housing component is complete and ready for occupation;
 - (b) a restriction has been registered against the title of the site on which

Development is to be carried out, in accordance with section 88E of the *Conveyancing Act 1919*, requiring:

- (i) a minimum of **80 dwellings on the site** to be used for the purposes of affordable housing as defined by the EP&A Act and the *State Environmental Planning Policy (Housing) 2021* for a minimum of 15 years from the day an Occupation Certificate is issued for all parts of the building(s) to which this development relates;
- (ii) specifically nominating those units to be allocated and used for affordable housing; and
- (iii) the affordable housing component must be managed by a registered community housing provider;

- (c) an agreement with a registered community housing provider for the management of the affordable housing component has been given to the Registrar of Community Housing, including the name of the registered community housing provider; and
- (d) the requirements of paragraphs (b) and (c) have been met and evidence has been given to the Consent Authority.

8) **For a period of 15 years commencing on the day an Occupation Certificate is issued** for the buildings at 17 George Street and 21 George Street:

- (a) the affordable housing component must be used for affordable housing; and
- (b) the affordable housing component must be managed by a registered community housing provider; and
- (c) notice of a change in the registered community housing provider who manages the affordable housing component must be given to the Registrar of Community Housing and the Consent Authority no later than 3 months after the change; and
- (d) the registered community housing provider who manages the affordable housing component must apply the Affordable Housing Guidelines.

PUBLIC ART STRATEGY

9) The proposed public art work on the West Elevation of the building at 21 George Street must not be painted art work, but rather use durable materials that will not require regular maintenance and repainting.

Prior to the issue of the relevant Construction Certificate, the Applicant must submit to the satisfaction of the Principal Certifier a detailed Public Art Strategy for the west elevation of the building at 21 George Street prepared in consultation with Council. The Public Art Strategy must contain the final design, materials, finishes, construction methodology, ownership, ongoing maintenance methodology, associated budgeting arrangements and evidence of consultation undertaken. Details demonstrating

compliance with the above requirements shall be submitted to the Principal Certifier and to the Planning Secretary.

Reason for condition: Council's Design Review Panel expressed concerns regarding the long term durability and maintenance requirements for painted artwork on the building façade.

- 10) **Prior to the issue of any Occupation Certificate** for 21 George Street, the Applicant must submit to the satisfaction of the Principal Certifier evidence of implementation of the Public Art Strategy for the west elevation of the building at 21 George Street.

WASTE MANAGEMENT

- 11) **Prior to the issue of a Construction Certificate** for the relevant building works approved under development consent DA.2025.66, the Operational Waste Management Plan for the development shall be updated and submitted to Council for approval by Council's Manager City Development. The revised Waste Management Plan must incorporate the amendments approved under the Section 4.55(1A) modification to development consent DA.2019.91, approved by Council on 23.10.25, and reflect the changes approved under DA.2025.66.

TRAFFIC AND PARKING CONDITIONS

- 12) The approved parking spaces for the **residential component** of the development must be allocated as listed at (a) – (d) below. All spaces must be appropriately line-marked and labelled according to this requirement **prior to the issue of an Occupation Certificate**:
 - (a) 372 residential parking spaces.
 - (b) 51 residential visitor parking spaces.
 - (c) 28 motorbike parking spaces.
 - (d) 162 bicycle parking spaces.
- 13) If the development is subdivided under a future consent, the car park layout must also respect the required allocation listed in condition 14 (a) – (d).
- 14) The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian Standard AS 2890.3 – 2015 Parking Facilities Part 3: Bicycle Parking Facilities.
- 15) All owners, tenants and occupiers of this development are not eligible to participate in any existing or proposed Council on-street Permit parking schemes.
- 16) Signs reading 'all owners, tenants and occupiers of this building are advised that they are not eligible to obtain an on-street resident parking permit from Council' must **be permanently displayed and located** in prominent places such as at display apartments and on all directory boards or notice boards, where they can easily be observed and read by people entering the building. The signs must be erected prior to an Occupation

Certificate being issued and must be maintained in good order at all times **by the Owners Corporation.**

- 17) No part of the common property, apart from the residential visitor vehicle spaces which are to be used only by residential visitors to the building, and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or trailers.
- 18) Any stacked parking spaces (maximum 2 spaces, nose to tail) must be attached to the same strata title comprising a single dwelling unit or commercial/retail tenancy, subject to the maximum parking limit applying. The stacked parking spaces must be designated (with appropriate signage) for employee or tenant parking only (not visitor parking).
- 19) Residential visitor parking spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by building residential visitors.
- 20) All residential visitor spaces must be clearly line marked and signposted 'visitor' prior to the issue of an Occupation Certificate. All signs must be maintained in good order at all times.
- 21) Where a boom gate or barrier control is in place, the visitor spaces must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 6m clear of the property boundary, wired to all units. The intercom must comply with Australian Standard AS 1428.2-1992: Design for access and mobility - Enhance and additional requirements - Building and facilities Sections 22 and 23.
- 22) All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.
- 23) At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

SYDNEY WATER

- 24) A compliance certificate must be obtained from Sydney Water, under Section 73 of the *Sydney Water Act 1994*. Our assessment will determine the availability of water and wastewater services, which may require extensions, adjustments, or connections to our mains. The compliance certificate also identifies any applicable Infrastructure Contribution charges. Make an early application for the certificate, as there may be assets to be built and this can take some time. A Section 73 Compliance Certificate must be obtained before a Subdivision Certificate will be issued for the relevant building works approved under

development consent DA.2025.66. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to the Sydney Water website or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

STORMWATER DRAINAGE

25) **Prior to the issue of a Construction Certificate** for the relevant building works approved under development consent DA.2025.66 for 21 George Street, stormwater drainage design plans for the development approved under State Significant Development consent SSD 69615996 must be updated to ensure consistency with development consent DA.2025.66.

The Applicant must provide the Principal Certifier with a copy of the updated stormwater drainage design plans, prepared and certified by a suitably qualified Engineer experienced in stormwater drainage design

BUILDING CONDITIONS

26) Consideration must be given to compliance with the National Construction Code (BCA) 2022, Volume 1 Amendment 2, including but not limited to fire separation within the building with compartments and in between the buildings, adequate fire protection, structural adequacy and accessibility requirements.

27) **Prior to issue of a Construction Certificate** for the relevant building works approved under development consent DA.2025.66, an amended Fire Engineer's report will be required if such is required by the Principal Certifier to supplement previous such performance solutions fire safety determined for the relevant individual buildings.

28) **Prior to issue of a Construction Certificate** for the relevant building works approved under development consent DA.2025.66, an amended accessibility report will be provided to the Principal Certifier for additional floors / storeys to all buildings, and changes to floor layouts in Building C.

29) **Prior to issue of a Construction Certificate** for the relevant building works approved under development consent DA.2025.66, fire suppression-mitigation measures in the bicycle storage space are to be provided to the Principal Certifier for assessment for the relevant individual building. This includes details of any use of space to charge e-bicycles, and EV vehicles that demonstrate compliance with performance requirements of Section E of NCC 2022 Volume 1 Amendment 2.

30) **Building Plan Approval:** The approved plans must be submitted to the Sydney Water [Tap in™](#) online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The [Tap in™](#) service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals

- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's [Tap in™](#) online service is available on Sydney Water's website: www.sydneywater.com.au

Sydney Water recommends you apply for Building Plan approval early as in some instances the initial assessment will identify that an Out of Scope Building Plan Approval will be required.

31) Prior to the commencement of any works, for the relevant building works approved under development consent DA.2025.66 the following is to be carried out:

- a) Submit to Council a "Notice of Intention to Commence Building Work and Appointment of a Principal Certifier" via the NSW Planning Portal.
- b) Ensure detailed plans and specifications of the building are endorsed with a Construction Certificate by an Accredited Certifier.

(Vide Section 6.6 *Environmental Planning & Assessment Act 1979*)

32) Prior to the commencement of any works, a sign must be erected and maintained in a prominent position on the site, which contains the following details:

- a) name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder* permit details (as applicable);
- b) name, address and telephone number of the *Principal Certifier*;
- c) a statement stating that 'unauthorised entry to the work site is prohibited'.

33) Hours of work shall be limited to 7:00am to 7:00pm Mondays to Fridays inclusive (**during daylight savings period**), 7:00am to 6:00pm Mondays to Fridays inclusive (**outside daylight savings period**) and from 7:00am to 4:00pm on Saturdays. No work shall be carried out on Sundays or Public Holidays. The owner/builder shall be responsible for the compliance of this condition by all sub-contractors, including demolishers.

34) Toilet facilities are to be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided:

- (a) must be a standard flushing toilet, and
- (b) must be connected
- (c) to a public sewer, or
- (d) to an approved chemical closet facility.

The toilet facilities are to be completed before any other work is commenced.

35) The Applicant must ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the construction.

36) The Applicant shall take all necessary precautions to adequately protect adjoining properties during works. This shall include the submission to the Principal Certifier of specific details of the protection to be employed prior to works commencing.

37) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- (a) must preserve and protect the building from damage, and
- (b) if necessary, must underpin and support the building in an approved manner, and
- (c) must, at least 7 days before excavation below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. Allotment of land includes a public road and any other public place.

38) All excavations associated with the erection or demolition of the building are to be properly guarded and protected to prevent them from being dangerous to life or property.

39) If the work involved in the erection or demolition of a building:

- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) building involves the enclosure of a public place.

A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in a public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

40) No opening is to be made in any road or footpath, nor is any hoarding to be erected without the prior consent of Council. The builder is to obtain the relevant permit for which fees will be charged in accordance with Council's current Schedule of Fees and Charges.

41) The builder is to take all precautions to ensure footpaths and roads are kept in a safe condition and to prevent damage to Council's property. Pedestrian access across the footpath must be maintained at all times. Any damage caused will be made good by Council at Council's restoration rates, at the builder's expense.

42) All building works being erected wholly within the boundaries of the site.

43) All building work must be carried out in accordance with the National Construction Code (BCA) and any applicable Australian Standards.

44) All plumbing and drainage work being carried out by licenced tradespeople and in accordance with the requirements of the Plumbing Code of Australia.

45) The floor of internal wet areas being of a material impervious to moisture and graded and drained to the sewers of Sydney Water.

46) All sanitary plumbing being concealed in suitably enclosed ducts. Such ducts are to be constructed internally (i.e. not on the outside face of an external wall) and are to be adequately sound-proofed.

47) No materials are to be stored on Council's roads, footpaths, nature strips or parks.

48) The building works are to be inspected during construction by the Principal Certifier (PC) or an appropriate Accredited Certifier authorised by the Principal Certifier. The Principal Certifier must be satisfied that the construction satisfies the standards specified in the National Construction Code (BCA) before proceeding beyond the relevant stage of construction.

49) Structural Engineer details prepared and certified by a practicing Structural Engineer for all footings and foundations, reinforced concrete and structural members or design with engineering principles being submitted to the Principal certifier for approval **prior to the issuing of a Construction Certificate** for the relevant building works approved under development consent DA.2025.66 for each relevant individual building.

50) The Structural Engineer is to supervise the construction where required. All certificates from the supervising Structural Engineer are to be submitted to the Principal Certifier **before an Occupation Certificate is issued for the relevant** building works approved under development consent DA.2025.66 stating that all works for the relevant individual building have been erected in accordance with their certified engineering design drawings.

51) **Prior to the issue of an Occupation Certificate** for any individual buildings (A, B or C), the Applicant must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of that part of the development for the relevant individual building, is completed to the satisfaction of the relevant authority.

52) **Prior to the issue of an Occupation Certificate**, for any individual buildings (A, B or C), the Applicant must submit to the Principal Certifier evidence that all the commitments contained in the BASIX Certificate approved under this consent for the relevant individual building have been implemented.

53) The approved development must not be utilised until an Occupation Certificate (OC) as referred to in Section 6.4 (c) of the *Environmental Planning and Assessment Act 1979* is issued by the Principal certifier (PC). Copies of all documents relied upon for the issue of the OC must be attached to the OC and registered with Council. A final Occupation Certificate shall not be issued until all conditions relating to demolition, construction and site works of this development consent are satisfied applicable to each individual building (A,B or C) separately.

FIRE SAFETY

54) **Prior to the issue of any Occupation Certificate** for any individual buildings (A, B or C), a Fire Safety Certificate must be obtained for all the relevant Essential Fire or Other Safety Measures forming part of the Development that is associated with that Occupation Certificate.

55) The Applicant must submit a copy of the Fire Safety Certificate for individual buildings to the relevant authority and Certifier and display the Fire Safety Certificate prominently in the building.

56) The Development must operate in accordance with the Fire Safety Certificate obtained in accordance with this consent.

END OF CONDITIONS

DRAFT



Statement Of Environmental Effects

Victoria Street & George Street, Burwood

Additional storeys and residential units to
Building A, Building B, and Building C
(overall 4-5 additional storeys to each building
and 29 residential units)

August 2025

Prepared for VSD Investments Pty Ltd
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ACN: 685 876 386



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1. EXECUTIVE SUMMARY

PRINCIPLE Planning + Urban Design has been engaged by VSD Investments Pty Ltd to prepare a Statement of Environmental Effects (SEE) with respect to additional storeys and dwellings (overall 4-5 additional storeys to each building and 29 additional units) to Building A, Building B and Building C at 17 George St, 21 George St, and 28-34 Victoria St, Burwood. Further descriptions of the proposal are provided in **Section 3** below. The SEE will accompany a Development Application (DA) to Burwood Council.

The proposal is considered to be a suitable development on the site and does not create any unreasonable amenity impacts to the surrounding developments. The proposal does not involve any changes to the previously approved podium or street-level works. The proposed works mainly relate to the upper storeys of the approved multi-storey development; however, the proposal will include adjustments to the car parking allocation at the basement levels and additional waste bins. A Traffic and Parking Assessment Report accompanies the proposal which concludes that the proposed development complies with Council's DCP, SEPP (Housing) 2021, and ADG/TfNSW numerical parking requirements as well as Australian Standards design requirements. It also states that the proposed development will not result in any unacceptable traffic, parking, access, or servicing implications.

The proposal complies with the building height plane as prescribed by the Burwood LEP 2012 and Housing SEPP bonus provisions. A variation pursuant to Clause 4.6 of the Burwood LEP 2012 is sought in relation to Clause 16(1) of the Housing SEPP. The proposal is also accompanied by a Planning Agreement. The Planning Agreement is based on the quantity nominated in Council's Fees and Charges Policy 2024-2025, and Burwood Council's '*Carrying out bonus development in the public interest*' policy. In fact, the outcomes in the Planning Agreement far exceed the figures listed in the Fees and Charges Policy 2024-2025. Specifically, any Planning Agreement based on this proposal's gross floor should include a value of \$5,857,085.00, however, the Planning Agreement is for \$8m. This reflects the increasing demands within the town centre and the demand for housing in accessible locations such as Burwood. The Planning Agreement offer will, therefore, provide a substantial community contribution in line with works listed in Council's Developer Contributions Policy, which can include the delivery of affordable housing.

This SEE considers the proposed development against the relevant statutory environmental planning framework. It identifies the relevant potential environmental impacts, determines the suitability of the proposal, and where relevant, identifies any mitigating measures.

The consultant reports used in this assessment are detailed in the table below.

Plan/Document/Report	Author/ Consultant
Clause 4.6 Variation Statements	Principle Planning & Urban Design
Survey Plan	Geometra Consulting
Architectural Plans	Urban Link Architects
Traffic & Parking Assessment	Varga Traffic Planning Pty Ltd



Landscape Plan	Canvas Landscape Architects
Waste Management Plan	Dickens Solutions
BASIX Certificate	Greenworld Architectural Drafting
NatHERS Certificate	Greenworld Architectural Drafting



2. THE SITE AND SURROUNDS

The subject development site is commonly referred to as 28-34 Victoria Street, 17 George Street, and 21 George Street, Burwood and is located within the Burwood Council LGA.

The site is directly across from Westfield shopping mall which is located to the north of Victoria Street. The site is approximately 150m to the south-east of Burwood Park and 150m to the north-east of Burwood train station.

The site has the following legal description:

- Lot 2308 in DP1286895 (28-34 Victoria Street)
- SP 63994 (21 George Street); and
- Lot 170 in DP 1301780 (17 George Street)

The site is comprised of three adjoining land parcels in a u-shape and has a total area of 6,592m² with a zoning of MU1 – Mixed Use in the *Burwood Local Environmental Plan (BLEP)* 2012. The site has approval for three residential flat buildings, with one building reaching 40-storeys in height. The approved development is currently undergoing construction (please refer to photos below). The site does not contain any heritage items, is not located in a heritage conservation area and is not in the immediate vicinity of any heritage items.

The site is located within Burwood Town Centre in the Burwood Council Area. Burwood Town Centre comprises a variety of land uses and built forms. It is characterised by a 'main street', being Burwood Road, which extends from approximately Parramatta Road to the north to Woodside Avenue to the south.

Beyond the main street, but within the town centre boundaries, heights of new developments are generally range from 3 storeys to 28 storeys. There have been several recent nearby redevelopments generally in the form of shop-top-housing in response to recent demand for new housing.

A residential led, mixed use development with a 5 storey basement is currently under construction at 28-34 Victoria Street. 17 George Street is currently a vacant site, following demolition of a 4-storey residential flat building in 2024. Development Consent DA2020/110 has been issued for the construction of a 24-storey shop-top-housing development at 17 George Street. 21 George Street is currently occupied by a 3-storey plus basement residential flat building. An SSD application (SSD 69615996) was also approved in December 2024, which includes 26-40 storey buildings on the subject site. Refer to Section 3 of this report below for a full list of applications approved on the site.

Victoria Street enables two-way traffic with the northern side of Victoria Street being a bus zone. A small section of the street is reserved for 1/4 hour parking.

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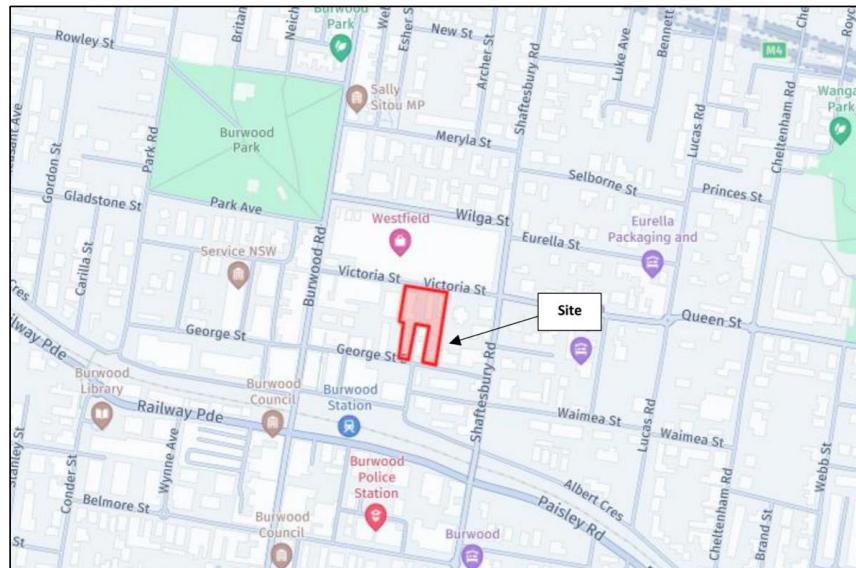


Figure 1. Site location map (Source: DPHI, 2024)



Figure 2. Aerial view of the site and immediate surrounds (Source: DPHI, 2024)

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Figure 4. View of the site from Victoria Street



Figure 5. Frontage of the subject site

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Figure 6. Subject site and western adjoining shop top housing apartment at 36 Victoria St



Figure 7. Subject site and eastern adjoining residential flat building at 24-26 Victoria St



Figure 8. Victoria St streetscape



Figure 9. Victoria St streetscape



3. APPROVED DEVELOPMENT

Council's online records reveal the following building and development applications related to the subject site.

The relevant development history relates to the subject site:

DA No.	Description	Determination
10.2019.91.1	28 Victoria St, Burwood 2134 NSW 28A-30 Victoria St, Burwood 2134 NSW 32-34 Victoria St, Burwood 2134 NSW Demolition of the existing structures and the construction of a 30-level mixed use development containing 179 residential units above basement parking.	Approved 15/09/2020
10.2020.104.1	28 Victoria St, Burwood 2134 NSW Refurbishment/Fitout Advertising sign	Approved 17/12/2020
DA2020/110	17 George St, Burwood Demolition of all existing structures and construction of a 24-storey mixed-use development comprising of a 4-storey podium and 20-storey tower, including a retail ground floor, 3-storeys of commercial, 2-storeys of serviced apartments and 19-residential levels, over 4-levels of basement car parking at 17 George St.	Approved 12/04/2022
12.2020.110.2	17 George St, Burwood Shop top housing S4.55(1) Modification Application to modify an existing Consent No. 110/2020 for alterations and amendments to the unit mix.	Approved 03/03/2025
10.2019.91.4	28-32 Victoria St, Burwood Construct an additional half basement level and configure the basement level layout.	Approved 18/05/2023
10.2023.93.1	28 Victoria St, Burwood 2134 NSW Change of use of land or a building or the classification of a building. Converting the previously approved commercial/retail podium to a private hospital as well as minor modifications to the building envelope and footprint. There is no change to the previously approved residential component.	Approved 3/04/2024
SSD 69615996	28-34 Victoria Street, 17 George Street and 21 George Street, Burwood	Approved 16/12/2024

	<p>Construction of a mixed-use development consisting of:</p> <ul style="list-style-type: none"> • alterations and additions to an approved mixed-use building at 28-34 Victoria Street involving: <ul style="list-style-type: none"> ◦ construction of ten additional storeys containing 73 units (total of 40 storeys and 252 units) ◦ construction of an additional half storey basement to accommodate additional parking and waste requirements ◦ amendments to level 3 of the podium to increase communal open space ◦ minor amendments throughout the building to facilitate the development • alterations and additions to an approved mixed-use building at 17 George Street involving: <ul style="list-style-type: none"> ◦ construction of two additional storeys containing two units (total of 26 storeys and 53 units) ◦ construction of an additional basement level to accommodate additional parking and waste requirements ◦ minor amendments throughout the building to facilitate the development • demolition of an existing building, earthworks and construction of a new 33 storey mixed-use building at 21 George Street involving: <ul style="list-style-type: none"> ◦ a five-level basement for parking and waste services ◦ four storey podium containing commercial and retail uses ◦ a 29-storey tower containing 75 affordable housing units and nine serviced apartments. 	
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4. SIMILAR NEARBY DEVELOPMENTS

There are approximately 9 multi-storey developments surrounding the subject site ranging from three storeys (Westfield Shopping Centre) to a shop-top housing development on the corner of Deane St and Marmaduke St (28-storeys).

Approved planning proposals relating to the surrounding area are also tabulated below.

Reference	Address	Description	Determination
PPSSEC-105 – Burwood – DA.2020.10.3	2 George Street, Burwood	Six levels of basement car parking, public domain works, a part three storey, part four storey podium building containing a registered club, a variety of food and beverage outlets, commercial premises, function centre and indoor recreation facilities.	Approved on 21 December 2022 by Sydney Eastern City Planning Panel



PP_2016_B URWO_005_00	42-50 and 52-60 Railway Parade, Burwood (Burwood Place)	Amendment to the Burwood Local Environmental Plan 2012 to increase the maximum building height to 107 metres and 140 metres and increase the floor space ratio to 9.9:1 for 42-50 and 52-60 Railway Parade, Burwood to facilitate a mixed-use development.	Approved on 26 February 2017 by Department of Planning and Environment
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Further, the Burwood North Precinct Masterplan which was adopted on May 2024, provides a framework that articulates a clear vision to guide future urban renewal of the Precinct and take advantage of the opportunity afforded by the delivery of the Sydney Metro West with a metro station to be delivered at Burwood North that provides access to the Sydney and Parramatta CBD and The Bays Precinct within 10 minutes. The Masterplan encourages taller built forms one block behind Burwood Road, reaching a height of 36-storeys with FSR 6:1. The masterplan also aims to deliver affordable housing including affordable housing as part of 'bonus' measures.



5. THE PROPOSAL

The subject proposal seeks Council consent for additional storeys and units to Building A, Building B, and Building C, at 28 Victoria St, 21 George St and 17 George St, Burwood.

Specifics of the proposal are as follows:

- **Building A**
 - 10 additional units added over 4 floors, to the lower component of the tower (no overall additional height)
 - Increase in the number of units from 252 to 262 (10 additional)
 - Residential GFA increased from 21,516m² to 22,775m² (1259m² increase)
 - Communal open space split into two levels (relocated to Level 36 and 37) and increased in size by 7m²
 - Visitor spaces converted to residential car spaces at basement level, and bicycle racks added
 - 2 bins (1 waste and 1 recycling bin) added to basement level
- **Building B**
 - Four additional floors; increasing the building from 33 to 37 storeys
 - Increase in the number of units from 75 to 83 (8 additional)
 - Residential GFA increased from 6365m² to 7360m² (995m² increase)
 - Additional residential car spaces at the basement level and 1 new motorcycle space
 - Communal open space relocated from Level 28 to Level 31
- **Building C**
 - Five additional floors; increasing the building from 26 to 30 storeys
 - Increasing the number of units from 53 to 64 (11 additional)
 - Residential GFA increased from 4746m² to 5755m² (1009m² increase)
 - Added two bins to the ground floor level (1 waste and 1 recycling bin)
 - Unit L9.03 converted to adaptable and liveable unit
 - Increased floorplate of penthouse at Level 28 and 29
 - 2 new bins (1 waste and 1 recycling bin) added to basement level
 - Added storage cages, 13 residential car spaces and bicycle racks to the basement levels

Overall, an additional 3263m² of residential GFA is added across the 3 buildings, increasing the overall GFA (including non-residential uses) from 42,419m² to 45,682m².

Key details of the proposed changes to the buildings are provided in the tables below.

Building A		
Control	Approved SSDA	Proposed
Floor Space Ratio	6.559:1	6.852:1
Gross Floor Area (total)	27,812m ²	29,058m ²



Residential GFA	21,528m ²	22,774m ²
Building Height	136.73m (max)	As Existing
Carparking (total)	383 spaces	As Existing
Solar access	195	194 (74%)
No solar access	0	0
Adaptable units	26	27 (10%)
Communal open space	2,208m ²	2,215m ² (52.2%)
Deep soil	325.63m ²	As Existing

Building B		
Control	Approved	Proposed
Floor Space Ratio	7.54:1	8.49:1
Gross Floor Area (total)	7,939m ²	8,934m ²
Residential GFA	6,365m ²	7,360m ²
Building Height	110.3m	122.84m
Carparking (total)	74	As Existing
Solar access	53	61 (73%)
No solar access	0	0
Adaptable units	8	9 (10%)
Communal open space	16	17 (20%)
Deep soil	0	0

Building C		
Control	Approved	Proposed
Floor Space Ratio	5.13:1	5.91:1
Gross Floor Area (total)	6,668m ²	7,677m ²
Residential GFA	4,746m ²	5,755m ²
Building Height	83.35m	95.91m
Carparking (total)	97	110 (increase of 11 residential car spaces and 2 visitor spaces)
Solar access	38	46 (72%)
No solar access	0	0
Adaptable units	6	7 (10%)
Communal open space	432m ² (33.2%)	As Existing
Deep soil	91m ²	As Existing



Figure 10. Extract from architectural plans (Source: Urban Link Architects 2025)

Reference can be made to the architectural drawings for more details.



6. ENVIRONMENTAL ASSESSMENT UNDER SECTION 4.15

The consent authority is required to take into consideration the matters listed under Section 4.15 of the *Environmental Planning & Assessment Act (EP&A Act) 1979* when determining the development application including environmental planning instruments, social and economic impacts, site suitability, the built and natural environment and the public interest.

The EP&A Act provides the broad regulatory framework for planning in NSW, including consideration of the following matters:

- Section 5A - Significant effect on threatened species, populations or ecological communities, or their habitats;
- Section 4.15 - Evaluation:
 - Section 4.15(1)(a)(i) - The provisions of any Environmental Planning Instrument;
 - Section 4.15(1)(a)(ii) - The provisions of any exhibited Draft Environmental Planning Instruments;
 - Section 4.15(1)(a)(iii) - The provisions of any Development Control Plan;
 - Section 4.15(1)(a)(iiiA) - The provisions of any Planning Agreement entered into under S7.4 or any draft Planning Agreement;
 - Section 4.15(1)(a)(iv) - The provisions of the Regulations;
 - Section 4.15(1)(a)(v) - Any Coastal Zone Management Plan;
 - Section 4.15(1)(b) - The likely environmental impacts on both the natural and built environments, and social and economic impacts of the development;
 - Section 4.15(1)(c) - The suitability of the site for the development;
 - Section 4.15(1)(d) - Any submissions made in accordance with the Act or the regulations; and
 - Section 4.15(1)(e) - The public interest.
- Section 4.47 - Integrated Development.

The proposal has been evaluated and assessed against the relevant heads of consideration contained in Section 4.15 of the *EP&A Act* and has been prepared to mitigate environmental impacts of the development.

The proposal is consistent with the objectives of the *EP&A Act* as it is considered to promote the orderly and economic use and development of land without resulting in an adverse impact on the environment. An evaluation of the proposal against the relevant provisions of Section 4.15 (1) of the Act is provided below.

ENVIRONMENTAL PLANNING INSTRUMENTS, DCPS AND PLANNING AGREEMENTS

Section 4.15(1)(a)(i) of the *EP&A Act* requires consideration of any Environmental Planning Instruments (EPI). The following EPI and Policies have been considered in the assessment of the proposed development:

- State Environmental Planning Policy (Sustainable Buildings) 2022
- State Environmental Planning Policy (Biodiversity & Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021



- State Environmental Planning Policy (Housing) 2021
- Burwood Local Environmental Plan (BLEP) 2012
- Burwood Development Control Plan (BDCP)

STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

State Environmental Planning Policy (Sustainable Buildings) 2022 is applicable to this application. A BASIX Certificate is included with this application which demonstrates compliance with BASIX targets for Water, Energy and Thermal Comfort.

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY & CONSERVATION) 2021

Chapter 2 – Vegetation in Non-Rural Areas

The Aims of this chapter are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. The proposal does not require the removal of any trees on the site. A permit for tree removal is therefore not required.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE & HAZARDS) 2021

Chapter 4 – Remediation of Land

The provisions of Chapter 4 have been considered in the original assessment of the development application relating to Contaminated Land.

On this basis, the site is considered suitable in its present state. The proposal does not include any ground works. No further investigations of contamination are considered necessary.

Chapter 6 – Water Catchments

The site is located within the Sydney Harbour Catchment. The proposed development will incorporate similar stormwater management methods as per the approved development. Adequate stormwater management is proposed to manage additional stormwater from the site and prevent any cumulative impact on the Harbour by minimizing impact on the waterbody. An updated Stormwater Management Plan can be provided prior to issue of the Construction Certificate if required by Council.

Additional adverse impacts to ecosystems, foreshores, waterways, waterbodies or watercourses are not expected to occur. The site is not affected by flooding, not within the Foreshores and Waterways Area, and not affected by Rocky Foreshores and Significant Seagrasses. The proposal is considered to be acceptable with regards to the SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

Chapter 2 – Affordable Housing – Part 2 Division 1 – Infill Affordable Housing

The objective of this division is to facilitate the delivery of new in-fill affordable housing to meet the needs of very low-, low- and moderate-income households.



Maximum Floor Space Ratio

In accordance with Clause 16(1), the maximum floor space ratio for the development is the maximum permissible floor space ratio for the development on the land plus an additional floor space ratio of up to 30%.

The site has a total site area of 6,592m² and therefore the maximum permissible FSR for the site according to the Burwood LEP 2012 and Clause 16(1) of the Housing SEPP is 6.44:1.

The following table provides a summary of the proposed GFA:

Building #	Approved GFA	Proposed GFA	Additional GFA
Building A	27,812m ² (6.559:1)	29,071m ² (6.855:1)	1259m ²
Building B	7,939m ² (7.54:1)	8,934m ² (8.49:1)	995m ²
Building C	6,668m ² (5.13:1)	7,677m ² (5.91:1)	1009m ²
Total GFA/FSR	42,419m² (6.43:1)	45,682m² (6.93:1)	3263m²

From the information provided in the table above, the proposed FSR is 6.93:1 which exceeds the permissible FSR of 6.44:1 (42,452m³) by 3263m² (7.69%). As the variation is less than 10%, and the estimated cost of the development is less than \$30m, the proposal can be determined by Council, would not require determination by the Burwood Planning Panel, and does not represent Regionally Significant Development (or similar).

A variation, prepared in accordance with Clause 4.6 of the BLP 2012, is sought from the strict application of the standard. The variation is provided separately to this SEE. The variation demonstrates that compliance with the standard is unreasonable or unnecessary, that the objectives of the standard are met despite the non-compliance, and that there are sufficient environmental planning grounds to support the variation.

The DA is accompanied by a Planning Agreement (PA) which reflects Council's '*Carrying out bonus development in the public interest policy*' and the associated *Fees & Charges Policy 2025/2026*. That is, in instances where additional FSR is proposed, a PA can be offered to Council to address any additional infrastructure demands associated with the proposal itself and growth occurring in the Burwood Town Centre generally. In fact, the PA far exceeds the monetary requirement stipulated in the '*Carrying out bonus development in the public interest policy*' and the *2025/2026 Fees and Charges Policy* for the proposal. Specifically, the proposal would be required to contribute \$5,857,085.00 to Council given the *Fees & Charges 2025/2026* stipulates a fee of \$1,795 per each square metre of FSR which exceeds a maximum FSR prescribed by the relevant environmental planning instrument, which in this case is the Housing SEPP (i.e. the quantity of exceeding floor space is 3263m²). However, the proposed PA is for \$8,000,000.00 to reflect the even greater demands currently being encountered in the Burwood Town Centre as a result of recently amended policies such as the Housing SEPP, and the housing crisis impacting Sydney generally. The \$8,000,000.00 offer can target community infrastructure needs, including affordable housing.

Maximum Building Height

In accordance with Clause 16(3) the maximum building height for residential flat building or shop top housing development is the maximum permissible building height for the development on the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1) as mentioned above.



The following building heights relate to the development:

Approved building heights (max):

Building A – 136.73m
Building B – 110.3m
Building C – 83.35m

Proposed building heights (max):

Building A – As Existing
Building B – 122.84m
Building C – 95.91m

The following building height summary table provides an overview of the permissible building heights and proposed building heights.

Location	BLEP BHP	Maximum permissible building height (BLEP + Housing SEPP)	Approved building height (SSD)	Max proposed building height	Complies
Building A	RL115.43 to RL133.83	144.46 to 168.38 (160.42 directly below the highest point of the building)	RL154.65 (136.73m)	RL154.65 (As approved)	Yes
Building B	RL134.76 to RL146.32	RL168.72 to RL184	RL131.3 (110.3m)	RL143.9 (122.84m)	Yes
Building C	RL99.71 to RL105.8	RL122.73 to RL130.73	RL107.7 (83.35m)	RL120.1 (95.91m)	Yes

As per figures above, the proposal complies with the LEP building height standard + 30% as per Housing SEPP provisions. For more details, please refer to the Clause 4.3A height of buildings section below.

Chapter 4 – Design of residential apartment development

In accordance with Clause 144(3)(c), the chapter applies to development only if –

- (a) the development consists of—
 - (i) the erection of a new building, or
 - (ii) the substantial redevelopment or substantial refurbishment of an existing building, or
 - (iii) the conversion of an existing building, and
- (b) the building is at least 3 storeys, not including underground car parking storeys, and
- (c) the building contains at least 4 dwellings.

This Chapter is therefore applicable to the proposed additional storeys to the approved residential flat buildings.

Section 148 sets out non-discretionary standards for residential development as follows:



- (a) *the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,*
- (b) *the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide,*
- (c) *the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.*

The proposal satisfies the non-discretionary standards for residential development in the following manner:

- The proposal provides an increase to the approved car parking figures for Building C from 97 car spaces to 110 spaces which involves an increase of 11 residential car spaces and 2 visitor spaces.
- The proposed internal area for each apartment satisfies the minimum internal area for the apartment type as specified in Part 4D of the ADG.
- The ceiling heights of the additional storeys satisfies the minimum ceiling heights as specified in Part 4C of the ADG.

The proposal is considered to be consistent with the nine design principles for residential apartment development provided in Schedule 9. An assessment against the design principles is provided below.

Principle	Planning Comment
1. Context and Neighbourhood Character	<p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>
2. Built Form and Scale	<p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p>

Principle	Planning Comment
<p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of the streetscapes and parks, including their views and vistas and provides internal amenity and outlook.</p>	<p>The proposed development complies with the building height plane (BHP) as prescribed by the BLEP and Housing SEPP bonus. The development will not be out of character within Burwood Town Centre and will be synonymous with surrounding mixed-use and residential flat buildings.</p> <p>The additional storeys proposed is of an appropriate bulk and scale and is consistent with the approved development. The proposal will not obstruct any significant views or vistas and will provide good internal amenity to the building that is compliant with ADG.</p> <p>A variation from the FSR and affordable housing component is requested and separate Clause 4.6 variation requests are submitted with this application that provide planning reasons to justify the contravention.</p>
<p>3. Density</p> <p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructures, public transport, access to jobs, community facilities and the environment</p>	<p>The proposal seeks to provide a mix of one-, two-bedroom, three-bedroom and four-bedroom units on a site zoned MU1 Mixed Use, representing a well-considered provision of dwellings relevant to the zoning and locality. The proposed development is suitable within Burwood Town Centre and is close to existing infrastructure, public transport, employment, and community facilities.</p> <p>The additional units above the approved buildings will continue to achieve a high standard of amenity in terms of layout, solar access, ventilation, privacy, private open space, parking, storage and views. The proposal is largely compliant with ADG requirements and Council's DCP.</p> <p>The proposal seeks a maximum FSR of 6.93:1 (45,694m²) and therefore seeks a variation from the permissible FSR by 3263m² (7.69%). This variation is justified within the Clause 4.6 variation request submitted with the application. Please see the relevant section of this report for a summary on the reasons used to justify the contravention.</p>



Principle	Planning Comment	
4. Sustainability	<p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p>A BASIX certificate prepared by Greenworld Architectural Drafting is included with this application demonstrating that the proposal has been designed appropriately in terms of resource, energy and water efficiency. The building also has a 7-star NatHERS rating.</p> <p>Each of the new residential units proposed has either a north, east or west facing balcony and windows to habitable space.</p> <p>74% of the units will receive a minimum of 2 hours of sunlight in mid-winter and 65% of the units will be naturally cross ventilated.</p> <p>The proposal will increase the communal open space area which will be 3,199m² in total (equivalent to 48.5% of the site area) which is more than that required by the ADG. No change to deep soil zones is proposed and this will remain as approved.</p>
5. Landscape	<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical</p>	<p>Each of the upper-level apartments has either a north, east or west facing balcony directly accessible from living areas.</p> <p>As outlined above, the proposal includes 48.5% of the site area used for communal open space which provides more than the required space for amenity and landscaping.</p> <p>Greenery is provided in the form of planter boxes surrounding upper-level communal areas as well as located on rooftop communal spaces.</p>



Principle		Planning Comment
	establishment and long-term management.	
6. Amenity	<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.</p>	<p>The proposed development has been designed to protect the amenity of adjoining properties, to provide mutual privacy for the occupants of the development and to provide a high level of internal amenity.</p> <p>74% of the units will receive a minimum of 2 hours of sunlight in mid-winter and 65% of the units will be naturally cross ventilated.</p> <p>There will be minimal additional overshadowing to the surrounding properties as a result of the proposed development. However as demonstrated in the shadow diagrams submitted with this DA, the proposal does not result in unreasonable overshadowing impacts to surrounding properties. In particular, the low-density residential dwellings to the south-eastern side of the site will only be affected between 2pm to 3pm on 21 June (i.e. one hour only).</p>
7. Safety	<p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximum passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>Public and private areas of the proposed development remain clearly defined. The proposal does not include any changes to the development at street-level.</p> <p>The private open spaces and window placements allow for casual surveillance of the public domain. Communal open spaces will continue to be provided within the building and therefore is considered to be safe.</p> <p>The development will continue to provide secure with well-lit entry ways clearly visible to the street, as approved.</p>
8. Housing Diversity and Social Interaction	Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.	The proposal will provide a mix of 1-bedroom units, 2-bedroom units, 3-bedroom and 4-bedroom units, which is considered appropriate for the locality.



Principle	Planning Comment	
	<p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	
9. Aesthetics	<p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>The proportions and building elements will reflect the internal layout and structure. The development uses a variety of materials that matches the approved development and complements the surrounding buildings. The overall appearance of the building will continue to be a positive contribution to the visual amenity of the street.</p>

The proposed development is defined as a residential flat building and substantial works are proposed which include additional storeys to the approved Building A, Building B, and Building C. Consequentially, the development has been assessed against the Apartment Design Guidelines to ensure adequate residential amenity is achieved.

The table below provides an assessment of the proposed development against the relevant sections of the ADG.

No.	SEPP 65 Apartment Design Guide	Compliance
Part 3 - Siting the Development		
3A	Site Analysis	
3A-1	<i>Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.</i>	Yes – Complies with the building height plane as discussed below in Cl4.3A of LEP.
3B	Orientation	
3B-1	<i>Building types and layouts respond to the streetscape and site while optimising solar access within the development.</i>	Yes
3B-2	<i>Overshadowing of neighbouring properties is minimised during mid-winter.</i>	Yes
3C	Public Domain Interface	

No.	SEPP 65 Apartment Design Guide			Compliance										
3C-1	<i>Transition between private and public domain is achieved without compromising safety and security.</i>			Yes										
3C-2	<i>Amenity of the public domain is retained and enhanced.</i>			Yes										
3D	Communal and Public Open Space													
3D-1	<i>An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.</i>													
3D-2	Design Criteria	Communal open space has a minimum area equal to 25% of the site.		Yes Approved 3,192m ² (48.4%) Proposed 3,199m ² (48.5%)										
		Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).		Yes Building A & B communal open space moved to higher levels and therefore improves solar access.										
3D-2	<i>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.</i>			Yes										
3D-3	<i>Communal open space is designed to maximise safety.</i>			Yes										
3D-4	<i>Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.</i>			Yes										
3E	Deep Soil Zones													
3E-1	<i>Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.</i>			Yes										
3F	Design Criteria	Deep soil zones are to meet the following minimum requirements:		As approved										
		<table border="1"> <thead> <tr> <th>Site area</th> <th>Minimum dimensions</th> <th>Deep soil zone (% of site area)</th> </tr> </thead> <tbody> <tr> <td>less than 650m²</td> <td>-</td> <td rowspan="4">7%</td> </tr> <tr> <td>650m² - 1,500m²</td> <td>3m</td> </tr> <tr> <td>greater than 1,500m²</td> <td>6m</td> </tr> <tr> <td>greater than 1,500m² with significant existing tree cover</td> <td>6m</td> </tr> </tbody> </table>			Site area	Minimum dimensions	Deep soil zone (% of site area)	less than 650m ²	-	7%	650m ² - 1,500m ²	3m	greater than 1,500m ²	6m
Site area	Minimum dimensions	Deep soil zone (% of site area)												
less than 650m ²	-	7%												
650m ² - 1,500m ²	3m													
greater than 1,500m ²	6m													
greater than 1,500m ² with significant existing tree cover	6m													
3F-1	Visual Privacy													
3F-1	<i>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</i>													
	Design Criteria	Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:		As approved										
		<table border="1"> <thead> <tr> <th>Building height</th> <th>Habitable rooms and balconies</th> <th>Non-habitable rooms</th> </tr> </thead> <tbody> <tr> <td>up to 12m (4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>up to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>over 25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table>			Building height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)
Building height	Habitable rooms and balconies	Non-habitable rooms												
up to 12m (4 storeys)	6m	3m												
up to 25m (5-8 storeys)	9m	4.5m												
over 25m (9+ storeys)	12m	6m												
		Separation distances between buildings on the same site must be as follows:		As approved										
		<p>Up to 4 storeys/12 metres</p> <ul style="list-style-type: none"> Habitable Rooms/Balconies to Habitable Rooms/Balconies 12 metres 												

No.	SEPP 65 Apartment Design Guide	Compliance
	<ul style="list-style-type: none"> Habitable Rooms to Non-Habitable Rooms metres Non-Habitable Rooms to Non-Habitable Rooms metres <p>5 to 8 storeys/up to 25 metres</p> <ul style="list-style-type: none"> Habitable Rooms/Balconies to Habitable Rooms/Balconies metres Habitable Rooms to Non-Habitable Rooms metres Non-Habitable Rooms to Non-Habitable Rooms metres <p>9 storeys and above/over 25 metres</p> <ul style="list-style-type: none"> Habitable Rooms/Balconies to Habitable Rooms/Balconies metres Habitable Rooms to Non-Habitable Rooms metres Non-Habitable Rooms to Non-Habitable Rooms metres 	9 6 18 12 9 12
3F-2	<i>Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.</i>	Yes
3G	Pedestrian Access and Entries	
3G-1	<i>Building entries and pedestrian access connects to and addresses the public domain.</i>	Yes – As approved
3G-2	<i>Access, entries and pathways are accessible and easy to identify.</i>	Yes – As approved
3G-3	<i>Large sites provide pedestrian links for access to streets and connection to destinations.</i>	N/A
3H	Vehicle Access	
3H-1	<i>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</i>	Yes – As approved
3J	Bicycle and Car Parking	
3J-1	<i>Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.</i>	
	<p>Design Criteria</p> <p>For development in the following locations:</p> <ul style="list-style-type: none"> on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre <p>the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p><u>NSW Guide to Traffic Impact Assessment (GTIA) 2025 (Table 8.4) requires the following car spaces for Category 1:</u></p> <p>0.4 car spaces for Studio/ 1-bedroom units</p> <p>0.7 car spaces for 2-bedroom units</p> <p>1.2 car spaces for 3+ bedroom units</p>	<p>Yes –</p> <p>The site is located within sub-category 1A which is as a high density inner metropolitan area where local councils are trending to mandate lower parking provision compared to Category 1.</p> <p>Based on the Traffic and Parking Assessment Report prepared by Varga Traffic Planning P/L, the proposal complies with Council's DCP, SEPP (Housing) 2021, and ADG/TfNSW</p>

No.	SEPP 65 Apartment Design Guide		Compliance
			numerical parking requirements.
3J-2	The car parking needs for a development must be provided off street.		Yes
3J-2	<i>Parking and facilities are provided for other modes of transport.</i>		Yes
3J-3	<i>Car park design and access is safe and secure.</i>		Yes
3J-4	<i>Visual and environmental impacts of underground car parking are minimised.</i>		N/A
3J-5	<i>Visual and environmental impacts of on-grade car parking are minimised.</i>		N/A
3J-6	<i>Visual and environmental impacts of above ground enclosed car parking are minimised.</i>		N/A
Part 4 - Designing the Building			
4A	Solar and Daylight Access		
4A-1	<i>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.</i>		
	<i>Design Criteria</i>	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.	Yes
		A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	Yes
4A-2	<i>Daylight access is maximised where sunlight is limited.</i>		
4A-3	<i>Design incorporates shading and glare control, particularly for warmer months.</i>		
4B	Natural Ventilation		
4B-1	<i>All habitable rooms are naturally ventilated.</i>		
4B-2	<i>The layout and design of single aspect apartments maximises natural ventilation.</i>		
4B-3	<i>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.</i>		
	<i>Design Criteria</i>	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	Yes – 65%
		Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	Yes
4C	Ceiling Heights		
4C-1	<i>Ceiling height achieves sufficient natural ventilation and daylight access.</i>		
	<i>Design Criteria</i>	Measured from finished floor level to finished ceiling level, minimum ceiling heights are:	Yes

No.	SEPP 65 Apartment Design Guide	Compliance												
	<table border="1"> <tr> <td colspan="2">Minimum ceiling height for apartment and mixed use buildings</td></tr> <tr> <td>Habitable rooms</td><td>2.7m</td></tr> <tr> <td>Non-habitable</td><td>2.4m</td></tr> <tr> <td>For 2 storey apartments</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr> <tr> <td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr> <tr> <td>If located in mixed used areas</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr> </table> <p>These minimums do not preclude higher ceilings if desired.</p>	Minimum ceiling height for apartment and mixed use buildings		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use	
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If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use													
4C-2	<i>Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.</i>	Yes												
4C-3	<i>Ceiling heights contribute to the flexibility of building use over the life of the building.</i>	Yes												
4D	Apartment Size and Layout													
4D-1	<i>The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.</i>													
	<p><i>Design Criteria</i></p> <p>Apartments are required to have the following minimum internal areas:</p> <table border="1"> <thead> <tr> <th>Apartment type</th><th>Minimum internal area</th></tr> </thead> <tbody> <tr> <td>Studio</td><td>35m²</td></tr> <tr> <td>1 bedroom</td><td>50m²</td></tr> <tr> <td>2 bedroom</td><td>70m²</td></tr> <tr> <td>3 bedroom</td><td>90m²</td></tr> </tbody> </table> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p>	Apartment type	Minimum internal area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	Yes		
Apartment type	Minimum internal area													
Studio	35m ²													
1 bedroom	50m ²													
2 bedroom	70m ²													
3 bedroom	90m ²													
	<i>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</i>	Yes												
4D-2	<i>Environmental performance of the apartment is maximised.</i>													
	<p><i>Design Criteria</i></p> <p>Habitable room depths are limited to a maximum of 2.5 x the ceiling height.</p>	Yes												
	<i>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</i>	Yes												
4D-3	<i>Apartment layouts are designed to accommodate a variety of household activities and needs.</i>													
	<p><i>Design Criteria</i></p> <p>Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space).</p>	Yes												
	<i>Bedrooms have a minimum dimension of 3m (excluding wardrobe space).</i>	Yes												
	<i>Living rooms or combined living/dining rooms have a minimum width of:</i>													
	<ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments. 	Yes												
	<i>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.</i>	Yes												

No.	SEPP 65 Apartment Design Guide			Compliance														
4E	Private Open Space and Balconies																	
4E-1	<i>Apartments provide appropriately sized private open space and balconies to enhance residential amenity.</i>																	
	<i>Design Criteria</i>	<p>All apartments are required to have primary balconies as follows:</p> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</p>		Yes														
		<p>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.</p> <table border="1"> <thead> <tr> <th>Dwelling type</th> <th>Minimum area</th> <th>Minimum depth</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>4m²</td> <td>-</td> </tr> <tr> <td>1 bedroom apartments</td> <td>8m²</td> <td>2m</td> </tr> <tr> <td>2 bedroom apartments</td> <td>10m²</td> <td>2m</td> </tr> <tr> <td>3+ bedroom apartments</td> <td>12m²</td> <td>2.4m</td> </tr> </tbody> </table>	Dwelling type	Minimum area	Minimum depth	Studio apartments	4m ²	-	1 bedroom apartments	8m ²	2m	2 bedroom apartments	10m ²	2m	3+ bedroom apartments	12m ²	2.4m	N/A
Dwelling type	Minimum area	Minimum depth																
Studio apartments	4m ²	-																
1 bedroom apartments	8m ²	2m																
2 bedroom apartments	10m ²	2m																
3+ bedroom apartments	12m ²	2.4m																
4E-2	<i>Primary private open space and balconies are appropriately located to enhance liveability for residents.</i>			Yes														
4E-3	<i>Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.</i>			Yes														
4E-4	<i>Private open space and balcony design maximises safety.</i>			Yes														
4F	Common Circulation and Spaces																	
4F-1	<i>Common circulation spaces achieve good amenity and properly service the number of apartments.</i>																	
	<i>Design Criteria</i>	<p>The maximum number of apartments off a circulation core on a single level is eight.</p> <p>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p>		Yes														
4F-2	<i>Common circulation spaces promote safety and provide for social interaction between residents.</i>			Yes														
4G	Storage																	
4G-1	<i>Adequate, well-designed storage is provided in each apartment.</i>																	
	<i>Design Criteria</i>	<p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <table border="1"> <thead> <tr> <th>Dwelling type</th> <th>Storage size volume</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>4m³</td> </tr> <tr> <td>1 bedroom apartments</td> <td>6m³</td> </tr> <tr> <td>2 bedroom apartments</td> <td>8m³</td> </tr> <tr> <td>3+ bedroom apartments</td> <td>10m³</td> </tr> </tbody> </table> <p>At least 50% of the required storage is to be located within the apartment.</p>		Dwelling type	Storage size volume	Studio apartments	4m ³	1 bedroom apartments	6m ³	2 bedroom apartments	8m ³	3+ bedroom apartments	10m ³	Yes				
Dwelling type	Storage size volume																	
Studio apartments	4m ³																	
1 bedroom apartments	6m ³																	
2 bedroom apartments	8m ³																	
3+ bedroom apartments	10m ³																	
4G-2	<i>Additional storage is conveniently located, accessible and nominated for individual apartments.</i>			N/A														
4H	Acoustic Privacy																	
4H-1	<i>Noise transfer is minimised through the siting of buildings and building layout.</i>			Yes														
4H-2	<i>Noise impacts are mitigated within apartments through layout and acoustic treatments.</i>			Yes														
4J	Noise and Pollution																	

No.	SEPP 65 Apartment Design Guide	Compliance
4J-1	<i>In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.</i>	N/A
4J-2	<i>Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.</i>	Yes
4K	Apartment Mix	
4K-1	<i>A range of apartment types and sizes is provided to cater for different household types now and into the future.</i>	Yes
4K-2	<i>The apartment mix is distributed to suitable locations within the building.</i>	Yes
4L	Ground Floor Apartments	
4L-1	<i>Street frontage activity is maximised where ground floor apartments are located.</i>	N/A
4L-2	<i>Design of ground floor apartments delivers amenity and safety for residents.</i>	N/A
4M	Façades	
4M-1	<i>Building facades provide visual interest along the street while respecting the character of the local area.</i>	Yes
4M-2	<i>Building functions are expressed by the façade.</i>	Yes
4N	Roof Design	
4N-1	<i>Roof treatments are integrated into the building design and positively respond to the street.</i>	Yes
4N-2	<i>Opportunities to use roof space for residential accommodation and open space are maximised.</i>	Yes
4N-3	<i>Roof design incorporates sustainability features.</i>	Yes
4O	Landscape Design	
4O-1	<i>Landscape design is viable and sustainable.</i>	Yes
4O-2	<i>Landscape design contributes to the streetscape and amenity.</i>	Yes
4P	Planting on Structures	
4P-1	<i>Appropriate soil profiles are provided.</i>	Yes
4P-2	<i>Plant growth is optimised with appropriate selection and maintenance.</i>	Yes
4P-3	<i>Planting on structures contributes to the quality and amenity of communal and public open spaces.</i>	Yes
4Q	Universal Design	
4Q-1	<i>Universal design features are included in apartment design to promote flexible housing for all community members.</i>	Yes
4Q-2	<i>A variety of apartments with adaptable designs are provided.</i>	Yes
4Q-3	<i>Apartment layouts are flexible and accommodate a range of lifestyle needs.</i>	Yes
4R	Adaptive Reuse	
4R-1	<i>New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.</i>	N/A
4R-2	<i>Adapted buildings provide residential amenity while not precluding future adaptive reuse.</i>	Yes
4S	Mixed Use	
4S-1	<i>Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.</i>	N/A
4S-2	<i>Residential levels of the building are integrated within the development, and safety and amenity are maximised for residents.</i>	Yes
4T	Awnings and Signage	
4T-1	<i>Awnings are well located and complement and integrate with the building design.</i>	N/A
4T-2	<i>Signage responds to the context and desired streetscape character.</i>	N/A
4U	Energy Efficiency	

No.	SEPP 65 Apartment Design Guide	Compliance
4U-1	<i>Development incorporates passive environmental design.</i>	Yes
4U-2	<i>Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.</i>	Yes
4U-3	<i>Adequate natural ventilation minimises the need for mechanical ventilation.</i>	Yes
4V	Water Management and Conservation	
4V-1	<i>Potable water use is minimised.</i>	N/A
4V-2	<i>Urban stormwater is treated on site before being discharged to receiving waters.</i>	As approved
4V-3	<i>Flood management systems are integrated into site design.</i>	N/A
4W	Waste Management	
4W-1	<i>Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.</i>	Additional bins are provided
4W-2	<i>Domestic waste is minimised by providing safe and convenient source separation and recycling.</i>	As approved
4X	Building Maintenance	
4X-1	<i>Building design detail provides protection from weathering.</i>	Yes
4X-2	<i>Systems and access enable ease of maintenance.</i>	Yes
4X-3	<i>Material selection reduces ongoing maintenance costs.</i>	Yes

INTEGRATED DEVELOPMENT

Section 4.47 of the Act details requirements for development known as “integrated development” which require a separate/additional approval from other government agencies and related legislation. The proposed development is not considered to be “integrated development” as indicated by the table below:

Legislation	Trigger ✓/ No Trigger X
<i>Fisheries Management Act 1994</i>	X
<i>Heritage Act 1977</i>	X
<i>Coal Mine Subsidence Compensation Act 2017</i>	X
<i>Mining Act 1992</i>	X
<i>National Parks & Wildlife Act 1974</i>	X
<i>Petroleum (Onshore Act) 1991</i>	X
<i>Protection of the Environment Operations Act 1997</i>	X
<i>Roads Act 1993</i>	X
<i>Rural Fires Act 1997</i>	X
<i>Water Management Act 2000</i>	X

BURWOOD LOCAL ENVIRONMENTAL PLAN 2012

The subject land is located within the Burwood LGA, and the primary environmental planning instrument (EPI) currently in force is the Burwood Local Environmental Plan 2012 (BLEP 2012).

Land Use Table - Zone MU1 Mixed Use

The site is zoned MU1 Mixed Use under BLP 2012. The aims and objectives of the MU1 zone are set out in the Land Use Table on the following page.



The proposal seeks to construct additional storeys above the approved residential flat buildings on the site which is permissible with consent. The proposal does not seek to change the approved use and is consistent with the objectives of the zone.

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.*

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



Statutory Compliance Table

Control	Proposal	Complies
MU1 Mixed Use	The proposal does not involve changing the approved use of the building which continues to be permissible development as a 'residential flat building' within the MU1 zone. The proposal relates to adding floors and units to the existing buildings.	Yes
4.3 Height of Buildings	<p><u>Approved building heights (max):</u> Building A – 136.73m Building B – 110.3m Building C – 83.35m</p> <p><u>Proposed building heights (max):</u> Building A – As Existing Building B – 122.84m Building C – 95.91m</p> <p>The proposal complies with the Building Height Plane as prescribed by the LEP + Housing SEPP provisions which allow an additional 30% above the LEP controls. Please refer to relevant section below for a detailed commentary on building height.</p>	Yes
4.4 Floor Space Ratio	<p>The subject proposal seeks to vary Clause 16(1) of the Housing SEPP and propose an FSR of 6.93:1 (45,682m²) which exceeds the permissible FSR of 6.44:1 (42,452m²) by 3263m² (7.69%).</p> <p>The variation is sought in accordance with a separately provided 4.6 request.</p>	No – Clause 4.6 Variation is sought in conjunction with Planning Agreement.
4.6 Exceptions to Development Standards	A Clause 4.6 Variation Statement is submitted with this application. See relevant section below for commentary.	Yes
5.10 Heritage Conservation	The site is not a heritage item and is not located in a heritage conservation area. The site is not in the immediate vicinity of any heritage items.	Yes
5.21 Flood Planning	The site is not affected by flooding.	Yes
6.1 Acid Sulfate Soils	The site is identified as Class 5 acid sulfate soils. The proposal does not include any excavation works and further investigations are not required.	Yes

Control	Proposal	Complies
6.3 Active Street Frontages	The site is not identified on the active street frontages map.	n/a
6.5 Design Excellence in Zones E1 and MU1	The proposal will continue to comply with Clause 6.5. Please see below for a full assessment.	Yes
6.8 Development on certain land at Burwood	<i>Not applicable.</i>	n/a

Clause 4.3-A Height of Buildings

Building height is controlled by the BLEP and Housing SEPP bonus provisions. The building height is set by building height plane (BHP) lines in the Burwood Town Centre as prescribed by the BLEP. The BHP provides that development must not exceed 36 degrees measured at a height of 1m above ground level from the eastern side of Shaftesbury Road.

As demonstrated below by Figure 12 and Figure 13, the proposal complies with the LEP building height plane which takes into account the additional 30% provided by the Housing SEPP.

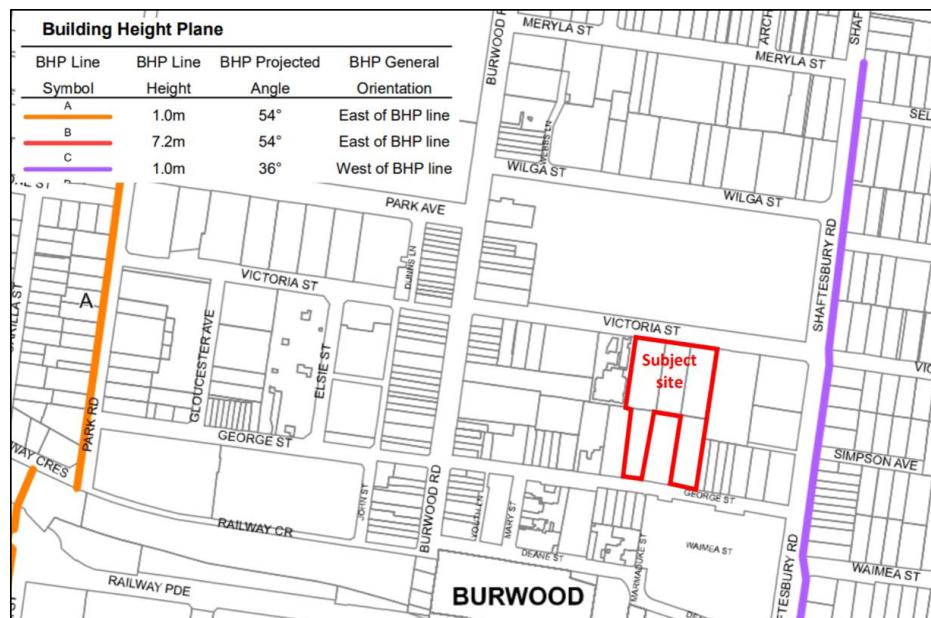


Figure 11. Building height plane map (DPHI, 2024)

PRINCIPLE
PLANNING + URBAN DESIGN

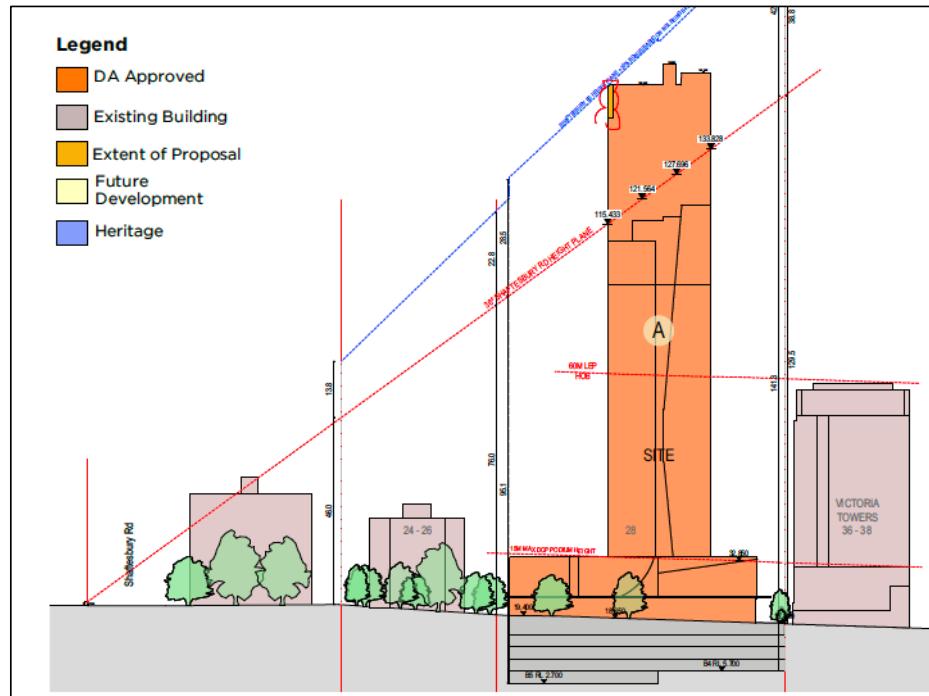


Figure 12. Building A and its relationship with the BLEP and Housing SEPP BHP (Source: Urban Link Architects 2025)

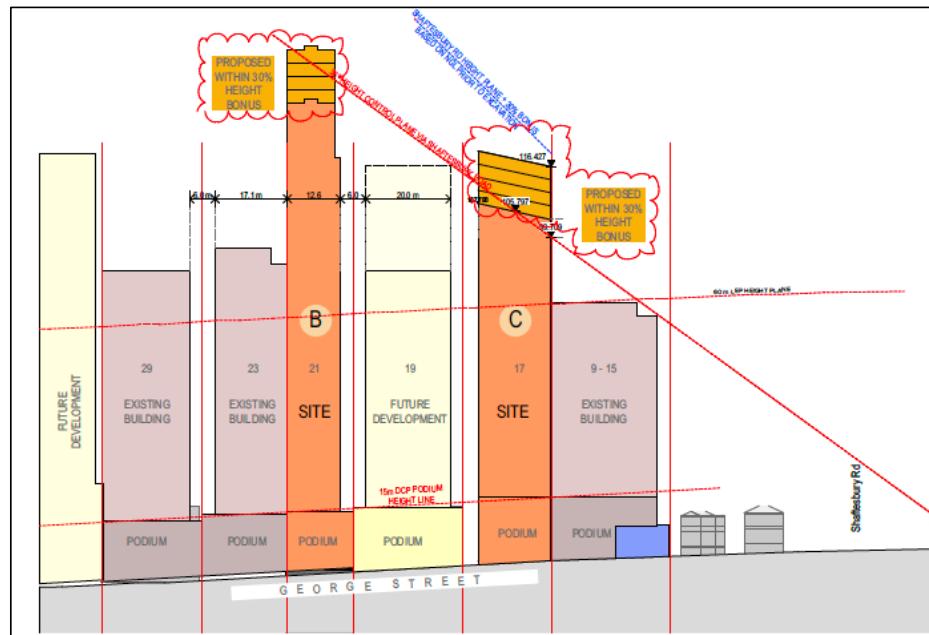


Figure 13. Building B and Building C and their relationship with the BLEP and Housing SEPP BHP (Source: Urban Link Architects 2025)



Clause 4.4 Floor Space Ratio

In accordance with Clause 16(1) of Chapter 2 Part 2 Division 2 of the Housing SEPP, the maximum floor space ratio for the development is the maximum permissible floor space ratio for the development on the land plus an additional FSR of up to 30%.

The subject proposal seeks to vary Clause 16(1) of the SEPP and propose an FSR of 6.93:1 (45,682m²) which exceeds the permissible FSR of 6.44:1 (42,452m²) by 3263m² (7.69%). The variation is sought in accordance with a Clause 4.6 request which accompanies this SEE separately.

Clause 4.6 Exceptions to development standards (variation request also provided separately)

The subject proposal seeks to vary Housing SEPP, Chapter 2, Part 2, Division 1 Infill Affordable Housing Clause 16(1).

Clause 16(1) reads as follows:

- (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 development on 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).

The proposed development seeks to exceed the permissible FSR (6.44:1; 42,452m²) by 3263m² (7.69%), i.e. the proposed FSR is 6.93:1 (45,682m²).

The following environmental planning grounds are used to justify the departure from the floor space ratio are provided as follows:

- The proposal satisfies the objectives of the MU1 Mixed Use zone in the following manner:
 - The development does not discourage other land uses that generate employment opportunities.
 - The proposed development does not affect the approved development at street level. The approved street frontages will remain the same.
 - The proposal seeks to provide additional storeys to the approved multi-storey buildings on the site. Additional conflicts between land uses with adjoining zones are not likely to occur.
 - Approved land uses on the ground floor of the buildings will remain as approved.
- Overall, the proposed building height and bulk is of an appropriate form and scale and is compatible with surrounding development and the desired future character for the locality. It is also not uncommon for FSR variations in Burwood Town Centre as demonstrated by Table 1 above.
- Exceedance of the FSR standard will not create additional building bulk that results in unreasonable environmental amenity impacts as follows:



- The proposal will not result in the loss of views from surrounding development.
- The proposal will not result in unreasonable overshadowing of adjoining properties. In particular, the low-density residential dwellings to the south-eastern side of the site will only be affected between 2pm to 3pm on 21 June (i.e. one hour only). Please refer to Solar Studies prepared by Urban Link Architects for details.
- The proposal will provide a development which has been designed to ensure that the visual and acoustic privacy of adjoining properties is maintained.
- The proposal maintains the same building separations and setbacks as approved.
- The additional storeys proposed on the approved building form continue to be stepped and comply with the building height plane as prescribed by Burwood LEP 2012 and Housing SEPP bonus provisions.
- The proposed additions incorporate articulated facades that are a continuation of the approved which provides a well-proportioned building that is consistent with the streetscape.
- Communal areas in Building A and B are relocated to higher levels which provide an improvement in solar access to these spaces. Communal open space in Building A will also be split into two levels (at Level 36 and 37) and increased in size by 7m².
- The proposal complies with all relevant requirements stipulated by the Housing SEPP, Chapter 4, Design of residential apartment development, and Apartment Design Guidelines, in terms of solar access, natural ventilation, apartment size and layout, private open space and balconies, storage and communal open space.
- Additional bins are provided at the basement levels of the buildings to cater to the increased residential units.
- A Traffic and Parking Assessment Report prepared by Varga Traffic Planning P/L is submitted with this application. The report concludes that the proposed development complies with Council's DCP, Housing SEPP and ADG/TfNSW numerical parking requirements as well as Australian Standards design requirements. It also states that the proposal will not result in unacceptable traffic, parking, access or servicing implications.
- The site falls within sub-category 1A of the TfNSW *Guide to Traffic Impact Assessment*, indicating that it is located within a high density inner metropolitan area where Council's typically mandate reduced parking provisions. Nonetheless, adequate parking is provided as confirmed by the Traffic and Parking Assessment Report.

Key points utilised within the Clause 4.6 Variation Request in relation to variation from the affordable housing component ratio are provided as follows:



- Compliance with the development standard would be unreasonable and unnecessary in the circumstances of this development.
- The development achieves the objectives of the Housing SEPP (Clause 3, and Clause 15A), Clause 4.6(1) of the BLEP 2012 and is consistent with the objectives of the MU1 zone.
- The variation to the affordable housing component will not create any visible or physical impacts on the site or adjoining properties.

Based on the two Clause 4.6 requests, the consent authority can be satisfied that the written request has adequately addressed the matters required to be demonstrated by subclause (3) of Clause 4.6 of the BLEP 2012.

Clause 6.5 Design Excellence in Zones E1 and MU1

This Clause seeks to ensure that the highest standard of architectural, landscape and urban design is delivered and applies to development involving the approved building on land in Zone MU1 Mixed Use. The proposal seeks to construct additional storeys above the approved multi-storey building within the MU1 zone.

In accordance with Clause 6.5(4), the following matters must be considered:

(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),*

Comments:

A high standard of architectural design has been achieved which include the use of approved materials and similar detailing to that of the approved development.

(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,*

Comments:

The form and external appearance of the proposed storeys are largely similar to that which has been approved. There are no changes to ground level detailing. The proposed changes are above eye-level and will not create any adverse impacts to the quality and amenity of the public domain.

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

Comments:

There will not be any streetscape, or heritage impacts as a result of the proposed development. The proposed changes are located at the upper levels of the approved buildings with no change at street-level.

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



Comments:

Adverse impacts to view corridors, vistas or landmark locations will not occur. The proposed change to the approved buildings are located at the upper levels.

- (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,*

Comments:

High-quality pedestrian, vehicular and service access will remain as approved.

- (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),*

Comments:

There will not be any changes to the pedestrian experience.

- (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,*

Comments:

Communal open spaces are provided within the buildings including at rooftop level.

- (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,*

Comments:

The proposed additional storeys maintain separation and setback controls as approved. The additional storeys comply with the building height plane as prescribed by BLEP and the Housing SEPP bonus and relate well within the site context. Adverse amenity impacts to the surrounding buildings in terms of privacy, views and solar access are not likely to occur.

- (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.*

Comments:

A BASIX Certificate and 7-star NatHERS Certificate accompanies this proposal. Additional overshadowing impacts are considered to be minimal and reasonable. Wind effects are considered to be acceptable with only 4-5 storeys added to the approved building. Reflectivity will be the same as that which has been approved.

The proposal complies with the design excellence considerations of the clause.



DRAFT PLANNING INSTRUMENTS

Section 4.15(1)(a)(ii) of the *EP&A Act* requires consideration of *the provisions of any publicly exhibited Draft Environmental Planning Instruments*.

No draft instruments are applicable.

BURWOOD DEVELOPMENT CONTROL PLAN

Section 4.15(1)(a)(iii) of the *EP&A Act* requires consideration of *the provisions of any Development Control Plan*. The Development Control Plan that is relevant to this development is the Burwood Development Control Plan (BDCP).

An assessment of the proposed development against the applicable and relevant provisions of the BDCP is provided on the following page.

DCP Clause	Controls	Proposal	Compliance
Section 2 – Site & Environmental Planning			
2.3	Views and Vistas		
	Development applications must identify existing views and vistas significant to the proposal, assess the impacts of the development and demonstrate how significant views and vistas are to be protected and enhanced.	Significant views and vistas are not impacted by the proposal.	Yes
2.4	Streetscapes		
	Development applications must identify streetscape characteristics, assess the impacts of the development and demonstrate how significant streetscape qualities are to be protected and enhanced.	No adverse impact to streetscape will occur. The proposed changes are located at higher levels and will not affect street frontages or pedestrian amenity. Nonetheless, the additional storeys will maintain the style, materiality and quality of the approved buildings.	Yes
Section 3 – Development in Centres and Corridors			
3.2	General Building Design Controls in Centres and Corridors		
3.2.1	<u>Building Design</u>		
	Architectural design excellence is to be achieved in the following ways:	The proposed development will be	Yes



DCP Clause	Controls	Proposal	Compliance
	<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. 	<p>synonymous with the approved buildings and continue to provide similar level of amenity to the public domain.</p> <p>The design is cohesive and visual articulation, modulation and fenestration as well as colours and finishes will complement that of the approved.</p> <p>The development responds well to its context and environment.</p>	
	Façade elements including roof form, materials, colours and awnings are to make a cohesive and visually interesting building appearance.	Minor changes to the façade elements and roof are proposed however, the proposal will remain visually cohesive and interesting.	Yes
	<u>Building Top and Roof Gardens</u> <p>Roof designs are to be integrated into the overall architectural character of the building and enhance the skyline of the centre or corridor.</p>	Roof designs are integrated with the buildings.	Yes
	Buildings are to have recognisable roof termination or capping distinguishable from the public domain.	Appropriate roof form and termination proposed.	Yes
	The use of different façade expression including articulation, material, parapet, colour and texture to differentiate the top level or roof is encouraged.	All buildings will have appropriate articulation, materials, colours and finishes that provide for articulation and differentiation are proposed.	Yes



DCP Clause	Controls	Proposal	Compliance
	Roofs must respond to the orientation of the site. E.g. the use of eaves and skillion roofs to facilitate solar access.	Roofs respond to the site orientation to facilitate solar access.	Yes
	The visual impact of service elements must be minimised by integrating them into the roof design and concealing them from view. These elements include lift over-runs, service plant rooms, vent stacks, telecommunication infrastructures, gutters and downpipes.	Service elements continue to be integrated with the building design and concealed from view.	Yes
	Development must be designed with regard to how it is observed from the street and from adjacent development. Opportunities for sculptural expression to create a varied skyline must be considered.	Each building is designed differently and contributes to a varied skyline.	Yes
	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.	Building A – rooftop communal area split into two levels to maximise solar access. Greenery provided. Building B – As approved. Building C – Rooftop green communal area provided (as approved).	Yes
	Planter boxes must be located at the perimeter of rooftop gardens to minimise overlooking of neighbouring dwellings.	Planter boxes provided where possible including to mid-level communal areas.	Yes
3.2.2	<u>Materials and Finishes</u> The existing material, texture or colours of the surrounding developments are to be considered in the façade design of the new developments.	Materials, colours and finishes match that of the approved buildings and surroundings.	Yes



DCP Clause	Controls	Proposal	Compliance
3.2.8	<p><u>Apartment Mix and Minimum Dwelling Sizes</u></p> <p>Residential development in excess of 20 dwellings must provide a mix of dwellings containing one, two or more bedrooms.</p>	A mix of dwellings are proposed.	Yes
	<p>All residential developments must provide the following minimum apartment sizes:</p> <ul style="list-style-type: none"> • Studio apartments – 40sqm • One-bedroom apartments – 50sqm • Two-bedroom apartments – 70sqm • Three or more-bedroom apartments – 95sqm 	Complies.	Yes
3.2.10	<p><u>Building Depth</u></p> <p>For development including multi dwelling housing refer to the building amenity provisions of the ADG which supplements Housing SEPP – Design Quality of Residential Apartment Development.</p>	Complies.	Yes
3.2.11	<p><u>Ceiling Height</u></p> <p>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"> • Residential floors above ground level: 2.7 metres for habitable rooms and 2.4m for non-habitable rooms. 	Complies.	Yes
3.2.12	<p><u>Natural Ventilation</u></p> <p>Refer to the ADG which supplements the Housing SEPP.</p>	Complies.	Yes
3.2.14	<p><u>Visual and Acoustic Privacy</u></p> <p>Development must be located and oriented to maximise visual privacy between development on the site and adjacent development by:</p>	No change to setbacks or building separation is proposed.	Yes

DCP Clause	Controls	Proposal	Compliance
	<ul style="list-style-type: none"> - Providing adequate rear and side setbacks - Utilizing the site layout to increase building separation. 		
	<p>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>A variety of methods are used to provide visual privacy including offsetting of windows and use of privacy screens to provide screening and articulation.</p>	Yes
3.2.15	<p><u>Private Open Space</u></p> <p>All dwellings must have direct access to one primary open space from the main living area.</p>	<p>Private open space in the form of balconies is provided.</p>	Yes
	<p>The primary open space must be dimensioned to promote indoor/outdoor living. 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 sqm (one and two bedrooms) • Minimum area – 10sqm (three bedrooms or larger) 	<p>Complies.</p>	Yes
	<p>Private open space must respond to site conditions including sun, noise, wind and privacy. Sun screens, pergolas, shutters and openable walls are to be used to increase amenity where appropriate.</p>	<p>Complies.</p>	Yes



DCP Clause	Controls	Proposal	Compliance
3.2.17	<u>Storage for Apartments</u> Refer to the ADG which supplements the Housing SEPP.	Complies.	Yes
3.2.18	<u>Safety and Security</u> Development must comply with Council's Burwood Community Crime Prevention and Safety Plan.	The proposal does not affect access into the building or create any additional concealment opportunities.	Yes
	Residential development must be oriented so that primary windows and private open space address the street and publicly accessible areas.	Complies.	Yes
3.2.19	<u>Access and Mobility</u> At least 10% of dwellings in a development must be provided as adaptable housing to Adaptable House Class A or B standard to cater for ageing in place and mobility impaired residents, in accordance with AS4299: Adaptable Housing.	3 additional adaptable units are provided equating to a total of 43 adaptable units (10%).	Yes
	At least one car parking space must be provided and allocated to each dwelling required to be provided as accessible or adaptable housing under this Section and the car parking space must be accessible in accordance with the provisions of AS1428.2 to facilitate automatic vehicular wheelchair loading and unloading.	Car parking allocation updated.	Yes
	For development providing between 20 to 79 dwellings, one accessible visitor car parking space must be provided on site must be accessible in accordance with the provisions of AS1428.2 to facilitate automatic vehicular wheelchair loading and unloading.	The Traffic and Parking Assessment Report prepared by Varga Traffic Planning P/L concludes that the proposed development complies with Council's DCP,	Yes

DCP Clause	Controls	Proposal	Compliance
		Housing SEPP, and ADG/TfNSW numerical parking requirements.	
3.3	Area Based Controls – Burwood Town Centre and Burwood Road North		
3.3.2	<p><u>Burwood Town Centre Areas</u></p> <p><i>Building Height Plane</i></p> <p>The height of buildings on land within the BTC is not to project above the BHP as identified in Clause 4.3A and on the map marked – BHP Map in the BLEP 2012.</p>	<p>Refer to the BLEP section above on Cl4.3A. The proposal complies with the BLEP + Housing SEPP bonus BHP.</p>	Yes
	<p><i>Commercial Core and Middle Ring Areas</i></p> <p>The BTC is divided into Areas known as the Commercial Core, Middle Ring, Perimeter and Transition Areas as per Figure 24 of the BTC Area map.</p>	<p>The subject site is located in the Middle Ring Area.</p>	Yes
	<p><i>Street Front Setbacks</i></p> <p>Development must be built to the street front boundary except where a minimum of 3m, 6m or 8m setback is required as indicated in Figure 25 of the DCP. These measurements are taken from the street boundary after any land acquisition required by BLEP 2012 has been completed.</p>	<p>No change to building setbacks are proposed.</p>	Yes
	<p><i>Secondary Setbacks</i></p> <p>Where development in the Commercial Core and Middle Ring Areas exceed 15m in height, the part of the development above 15m must be set back a minimum of 6m from the street front boundary, unless otherwise specified in P3 and Figure 26-28 in DCP.</p>	<p>Setbacks are generally maintained.</p>	Yes



DCP Clause	Controls	Proposal	Compliance
	<p><i>Side and Rear Setbacks</i></p> <p>Refer to ADG which supplements the Housing SEPP.</p>	Complies.	Yes
	<p><i>Building Separation/ Frontage Overview</i></p> <p>Refer to ADG which supplements the Housing SEPP.</p>	Complies.	Yes
	<p><i>Communal Open Space – Roof Tops</i></p> <p>Accessible communal open space may be provided on roof tops of development.</p>	Communal open space at rooftops is provided at Building A and Building C.	Yes
	The design of roof top communal open space must also have regard to its visual and acoustic impacts and effects of wind.	Impacts have been considered.	Yes
	Refer to the communal open space provisions of the ADG which supplements the Housing SEPP.	Complies.	Yes
4.6	Transport and Parking in Residential Developments		
	<p>Basic parking requirement: Development in the R1, R2 and R3 zones must provide parking spaces on site for each proposed land use in accordance with Table 4 of the DCP. All parking generated by the development is to be provided on site, including any visitors parking.</p>	The Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd provides calculations against the BDCP and TfNSW. In general, the number of parking spaces provided are more than that required by the TfNSW GTIA requirements as prescribed by the ADG.	Complies with Housing SEPP – ADG/TfNSW parking requirements
	<p>Plans and reports on transport, traffic and parking to support Development Applications: To provide adequate</p>	A Traffic and Parking Assessment Report prepared by Varga	Yes



DCP Clause	Controls	Proposal	Compliance
	information for the assessment of proposals, Development Applications are to be supported by a Transport, Traffic and Parking Impact Report and Management Plan, depending on the scale and impact on the proposal.	Traffic Planning P/L is submitted with this application.	
Section 6 – Environmental Management			
6.2	Waste Management		
	The BDCP states that waste management plans are to be prepared and submitted for the ongoing use of the premises and for demolition and construction works.	Refer to the Waste Management Plan is submitted with this application.	Yes
6.7	Energy Efficiency and Sustainability		
	Where applicable, development is to demonstrate compliance with the design principles embodied in the Building Sustainability Index (BASIX). All commitments listed on a BASIX certificate must be marked on all relevant plans and specifications.	A BASIX Certificate is provided.	Yes

7. DRAFT PLANNING AGREEMENT

A draft planning agreement (PA) is offered by the proponent to Council in the sum of \$8,000,000 which is more than the required \$5,857,085 as prescribed by Council's '*Carrying Out Bonus Development in the Public Interest Policy*' and Fees and Charges schedule for the year 2025/26. This is offered on top of the typical s7.11 contributions. Please refer to the draft PA document that accompanies this proposal.

8. IMPACT OF THE DEVELOPMENT

Section 4.15(1)(b) of the *EP&A Act* requires consideration of *the likely impacts of the development*. The proposed development which seeks to construct additional storeys above the approved mixed-use buildings will have minimal adverse impacts on the surrounding natural and built environment and will be compatible with the existing and desired future character of the area. The development will provide much needed housing provision in Burwood Town Centre, which is a suitable and well-serviced location. Further, the proposed changes to the location of the communal open space levels will improve solar access to these areas. The development generally complies with SEPP (Housing) 2021, Apartment Design Guidelines and Council's planning controls and results in a development that will not



adversely impact on the surrounding land uses, in terms of solar access, noise, privacy or views etc.

Having regard to the surrounding developments around the site, the proposed development is considered to bring a positive social and economic impact to the community and local area without creating any negative impact to the natural or built environments (since it will utilise the approved building footprint). The likely environmental impacts on both the natural and built environments and social and economic impacts of the locality have been considered, and the proposed development is recommended to Council for approval.

9. THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

Section 4.15(1)(c) of the EP&A Act requires consideration of the suitability of the site for the development. The proposal is permissible within the MU1 Mixed Use zone in accordance with BLEP 2012 and achieves a compliance with all the core controls of Council's development policies. Two separate Clause 4.6 variation requests are submitted to justify the contravention of floor space ratio and affordable housing provision. The Clause 4.6 statement demonstrates that compliance with the standard is unreasonable and unnecessary and provides sufficient environmental planning grounds to justify the contravention. The proposed development relates well with the subject site and adjoining sites and has no impact on the streetscape in terms of appearance, envelope, setbacks, bulk and scale.

10. NOTIFICATION, ADVERTISING AND SUBMISSIONS RECEIVED

Section 4.15(1)(d) of the EP&A Act requires consideration of any submissions made in accordance with this Act or the Regulations. The application will be notified in accordance with Burwood DCP. The applicant will respond to any submissions received during the notification period.

11. THE PUBLIC INTEREST

Section 4.15(1)(e) of the EP&A Act requires consideration of the public interest. The proposed development is permissible on the land pursuant to the MU1 Mixed Use zoning provisions applying to the land under BLEP 2012 and the proposal is considered to achieve the objectives of the MU1 Mixed Use zone.

The proposed development satisfies Council's requirements and is acceptable having regard to the applicable State and Council planning controls. As detailed in the assessment provided throughout this Statement, the proposal will have minimal impact on the locality and amenity of surrounding properties whilst providing additional housing within the approved building footprint located within Burwood Town Centre. The development will provide much needed housing supply to the area which will be of interest to the public. Further, a voluntary planning agreement (PA) will be discussed with Council that will provide community benefits to the public.



The proposal represents an orderly and economic use of land that is consistent with Council's land use controls.

12. CONCLUSION

Council's approval is sought for the proposed development for additional storeys and units (overall 4-5 additional storeys to each building and 29 additional units) to Building A, Building B and Building C at 28 Victoria St, 21 George St, 17 George St, Burwood.

The proposal has been assessed pursuant to the matters for consideration prescribed in Section 4.15 of the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000*.

This Statement demonstrates how the proposed development satisfies the relevant planning controls prescribed in the applicable State Environmental Planning Policies. The proposal is permissible in the MU1 Mixed Use zone under the Burwood LEP 2012 and achieves a sufficient level of compliance with the BLEP 2012 and associated BDCP.

A Clause 4.6 variation request accompanies this application which seeks to vary the FSR standard for the site as prescribed by Clause 16(1) of the Housing SEPP. The variation request demonstrates that compliance is unnecessary and unreasonable and sufficient environmental planning grounds are provided to justify contravention of Clause 16(1) of the *State Environmental Planning Policy (Housing) 2021*.

The proposal is accompanied by a Traffic and Parking Assessment Report which concludes that the proposed development complies with Council's DCP, SEPP (Housing) 2021, and ADG/TfNSW numerical parking requirements as well as Australian Standards design requirements. It also states that the proposed development will not result in any unacceptable traffic, parking, access, or servicing implications.

Overall, the development is suitable for the site and represents an orderly and economic redevelopment of the land consistent with Council's land use objectives and statutory goals. The proposal is also accompanied by a voluntary planning agreement which provides additional community benefit to the local area. Given the above and having regard to the comprehensive assessment undertaken by this Statement. The proposed development is considered to be in the interest of the public pursuant to Section 4.15(1)(e) of the Environmental Planning & Assessment Act (the Act) 1979 and is worthy of approval and support from Council.



Appendix 1 – Architectural Plans



Appendix 2 – Housing SEPP Clause 16(1) Variation Request

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31 JUL 2025 (REVISED 14 NOVEMBER 2025)



**CLAUSE 4.6 VARIATION STATEMENT – AFFORDABLE HOUSING
REQUIREMENTS FOR ADDITIONAL FLOOR SPACE RATIO – CLAUSE 16(1)**

28-34 Victoria Street, 21 George Street and 17 George Street, Burwood

Introduction

This Clause 4.6 Variation Statement as well as accompanying architectural plans (prepared by Urban Link Architects, dated 18.07.2025) accompanies the Statement of Environmental Effects for the subject amending Development Application (DA).

This Statement supports the proposal for the construction of additional storeys and residential units (overall 4-5 additional storeys to each building and 29 additional units) to Building A, Building B and Building C, at 28-34 Victoria Street, 21 George Street and 17 George Street.

The proposal will result in an FSR of 6.93:1 which exceeds the permissible FSR of 6.44:1 (42,452m²) by 3263m² (7.69%). As such, this development standard variation request has been prepared in accordance with Clause 4.6 of the *Burwood Local Environmental Plan 2012* to justify the variation to the 'affordable housing requirements for additional floor space ratio' standard prescribed in Clause 16(1) of the Housing SEPP.

This request demonstrates that compliance with the development standard relating to additional floor space ratio is unreasonable or unnecessary in the circumstances of the case and establishes that there are sufficient environmental planning grounds to justify contravening the development standard, satisfying Clause 4.6(3) of the BLEP 2012.

This written request adequately addresses the matters required under subclause (3) and demonstrates consistency with the objectives of the additional floor space ratio development standard and the objectives for the development within the In-fill affordable housing division under the *State Environmental Planning Policy (Housing) 2021*.

Standard to be varied and permissible floor space ratio

Clause 4.4 of the BLEP 2012 and the FSR maps prescribe a floor space ratio of 4.95:1 for the site as it is located within Area 2. Notwithstanding, Clause 16 of the Housing SEPP provides an additional 30% of the maximum permissible FSR if at least 10% of the total floor space is provided for affordable housing purposes. The proposal, inclusive of the previously approved and proposed gross floor area, provides more than 10% of such floor space for affordable housing purposes. In this case, the 30% 'bonus' provisions can be enacted. This equates to a FSR development standard of 6.44:1 (42,452m²).

Extent of variation

The proposal seeks to provide additional storeys and residential units above the approved development (SSD-69615996) which had an approved FSR of 6.43:1 (42,419m²).

The proposed development seeks to exceed the permissible FSR (6.44:1; 42,452m²) by 3263m² (7.69%), i.e. the proposed FSR is 6.93:1 (45,682m²).

The following table provides a summary of the proposed GFA:

Building #	Approved GFA	Proposed GFA	Additional GFA
Building A	27,812m ² (6.559:1)	29,071m ² (6.855:1)	1259m ²
Building B	7,939m ² (7.54:1)	8,934m ² (8.49:1)	995m ²
Building C	6,668m ² (5.13:1)	7,677m ² (5.91:1)	1009m ²
Total GFA/FSR	42,419m² (6.43:1)	45,682m² (6.93:1)	3263m²

Figure 1-2 below, visually demonstrates the extent of the variation above the approved buildings on the site.

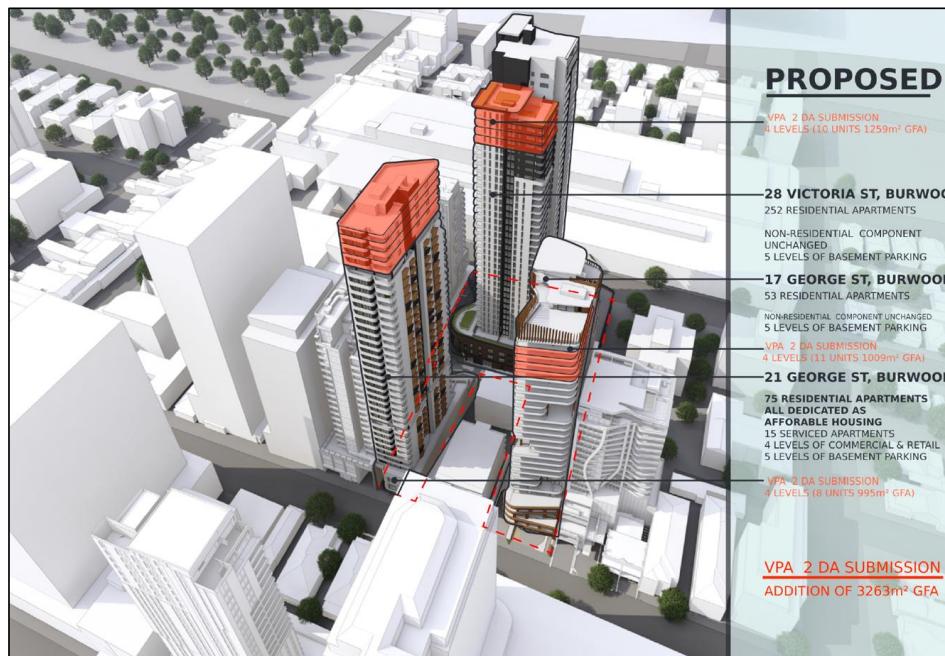


Figure 1. 3D visuals of proposed development (Urban Link Architects 2025)



Figure 2. 3D visuals of approved development (Urban Link Architects 2025)

Unreasonable or unnecessary

In this section it is demonstrated why compliance with the development standard is unreasonable or unnecessary in the circumstances of this case as required by Clause 4.6(3)(a) of the SSLEP 2015.

The Court held that there are at least five (5) different ways, and possibly more, through which an applicant might establish that compliance with a development standard is unreasonable or unnecessary. See *Wehbe v Pittwater Council [2007] NSWLEC 827 (Wehbe)*.

The five (5) ways of establishing that compliance is unreasonable or unnecessary are:

1. The objectives of the development standard are achieved notwithstanding non-compliance with the standard; (First Test)
2. The underlying objectives or purpose is not relevant to the development with the consequence that compliance is unnecessary; (Second Test)
3. The objectives would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable; (Third Test)
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granted consents departing from the standard hence the standard is unreasonable and unnecessary; (Fourth Test) and
5. The zoning of the land is unreasonable or inappropriate. (Fifth Test)

It is sufficient to demonstrate only one of these ways to satisfy Clause 4.6(3)(a) (*Wehbe v Pittwater Council [2007] NSWLEC 827, Initial Action Pty Limited v Woollahra Municipal Council [2018] NSWLEC 118 at [22] and RebelMH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130 at [28]) and SJD DB2 Pty Ltd v Woollahra Municipal Council [2020] NSWLEC 1112 at [31]*).

Nonetheless, we have considered each of the ways as follows.

First Test

The objectives of the development standard are achieved notwithstanding non-compliance with the standard.

Clause 16(1) does not have a specific objective. The objectives can be deduced from Clause 15A – Objective of Division, as well as Clause 3 – Principles of Policy. The table on the following page demonstrates whether the principle of the Housing SEPP (i.e. Clause 3) are achieved notwithstanding the proposed variation (First Test under *Wehbe*).

The objective of the in-fill affordable housing division as stipulated in Clause 15A of the Housing SEPP is as follows:

The objective of this division is to facilitate the delivery of new in-fill affordable housing to meet the needs of very low-, low- and moderate-income households.

Comments:

The proposal satisfies this objective by providing 29 additional residential units at market value. Increases in overall dwelling supplies enables more dwellings for very low, low and moderate-income households. Essentially, an increase in overall supply provides for additional housing for all households including very low to moderate income households. On this basis, the objective in Clause 15A is satisfied despite the numerical non-compliance.

Further, the principles of the policy as prescribed under Clause 3 of Chapter 1 in the Housing SEPP has been considered under this exercise, as shown in the table below.

Objective	Comments
Chapter 1 Clause 3 Principles of Policy	
The principles of the Housing SEPP are as follows –	
(a) <i>enabling the development of diverse housing types, including purpose-built rental housing,</i>	The proposal will provide an additional 29 residential units consisting of 1, 2, 3, 4 and 5 bedrooms. These dwellings can be provided for rental purposes. The PA includes a monetary contribution which far exceeds the minimum required by Council's ' <i>Carrying out bonus development in the public</i>

	<i>interest policy', for the purpose of delivering diverse and affordable in-fill rental housing.</i>
<i>(b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,</i>	The provision of additional residential units will provide for members of the community that require housing, including those of moderate income, seniors and people with a disability. The proposal includes the provision of 3 additional adaptable units and the building continues to provide for accessibility. The abovementioned PA will enable the delivery of affordable rental, in-fill housing.
<i>(c) ensuring new housing development provides residents with a reasonable level of amenity,</i>	The proposal complies with ADG requirements in relation to solar access, natural ventilation, apartment size and layout, private open space, common circulation, storage, acoustic and visual privacy.
<i>(d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,</i>	The additional housing proposed is located above the existing approved development which makes good use of existing and planned infrastructure and services on-site. Notwithstanding, the site is located within Burwood Town Centre which is a centralised location with plenty of infrastructure and services to provide for the needs of the occupants.
<i>(e) minimising adverse climate and environmental impacts of new housing development,</i>	The proposal will not increase the footprint of the approved building which will be entirely located above the approved storeys. The site is located in subcategory 1A within the TfNSW Guide to Traffic Impact Assessment, and therefore it is anticipated that most occupants will be commuting via public transport. The Traffic and Parking Assessment Report prepared by Varga Traffic Planning P/L concludes that the development complies with all relevant legislation and will not result in any unacceptable traffic, parking, access, or servicing implications. Additional climate and environmental impacts are unlikely to occur.
<i>(f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,</i>	The additional storeys proposed will be designed to complement the approved development in form, materiality and style. The design is considered to reflect the characteristics of other developments in Burwood Town Centre.
<i>(g) supporting short-term rental accommodation as a home-sharing activity and contributor to local</i>	The proposal does not inhibit short-term rental accommodation. The proposal increases the

<i>economies, while managing the social and environmental impacts from this use,</i>	quantity of housing, which could be used for short term rental accommodation.
<i>(h) mitigating the loss of existing affordable rental housing.</i>	The proposal will continue to maintain the approved affordable housing units.

It is understood that the Housing SEPP will override the LEP, however, an assessment against the objectives of the FSR development standard Cl4.4 and 4.4A has been provided below.

Objective	Comments
Clause 4.4 Floor space ratio	
The objectives of this clause are as follows –	
<i>(a) to enable development density and intensity of land use to achieve an appropriate urban form,</i>	The proposed urban form is appropriate and characteristic of development within the Burwood Town Centre. The additional 4-5 storeys to the approved buildings create minimal change to the approved urban form as depicted in Figure 1.
<i>(b) to focus higher development density and intensity of land use in the inner part of the Burwood Town Centre and to provide a transition in development density and intensity of land use towards the edge of the Burwood Town Centre.</i>	<p>The approved development is below the building height plane as prescribed by the Burwood LEP 2012 with the additional 30% provisions of the Housing SEPP.</p> <p>The additional storeys proposed will be focused on intensifying the site within Burwood Town Centre, without overstepping the building height plane. The advantage of the proposed development is that it will provide much needed housing that is within Burwood Town Centre, as planned.</p> <p>Importantly, the proposal is in close proximity to Burwood Rd, which is the centre line of the Town Centre. Therefore, the proposal focuses higher development towards the middle of the town centre.</p>

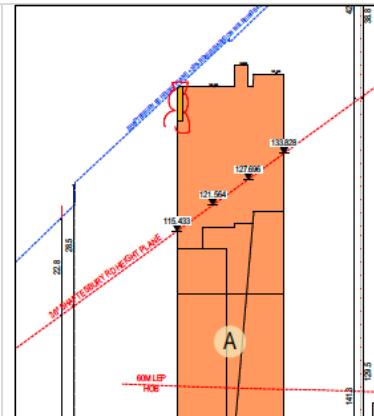


Figure 3. Building A against the LEP (red line) and Housing SEPP (blue line) BHP

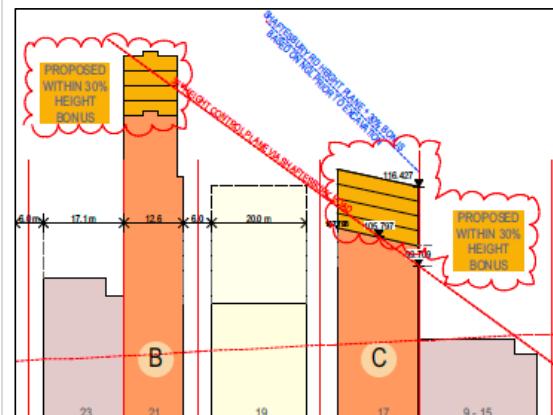


Figure 4. Building B and C against the LEP (red line) and Housing SEPP (blue line) BHP

Clause 4.4A Exceptions to floor space ratio

The objectives of this clause are as follows –

<p>(a) <i>to limit the density of residential development in certain employment zones to ensure it does not dominate non-residential development in those zones,</i></p>	<p>The site is located in MU1 Mixed Use zone. The additional residential floor area will not dominate non-residential development. The approved commercial uses in the lower levels of the apartments will remain.</p>
<p>(b) <i>to limit the floor space of serviced apartments in certain employment zones to ensure that they do not dominate service-providing and employment-</i></p>	<p>The proposal does not increase the floor space of serviced apartments or impact on the employment-generating commercial premises currently approved for the site.</p>

generating commercial premises in those zones.

As demonstrated above, the principles of Housing SEPP under Chapter 1 Clause 3, objectives of Chapter 2 Division 1 Infill Affordable Housing Clause 15A, and objectives of Clause 4.4-4.4A Floor Space Ratio development standard in BLED 2012 are achieved notwithstanding the proposed variation.

In accordance with the decision in *Wehbe v Pittwater Council [2007] NSWLEC 827, Initial Action Pty Limited v Woollahra Municipal Council [2018] NSWLEC 118, Al Maha Pty Ltd v Huajun Investments Pty Ltd (2018) 233 LGERA 170; [2018] NSWCA 245 and RebelMH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130 and SJD DB2 Pty Ltd v Woollahra Municipal Council [2020] NSWLEC 1112 at [31]*, therefore, compliance with the Floor Space Ratio development standard is demonstrated to be unreasonable or unnecessary and the requirements of Clause 4.6(3)(a) have been met on this way alone.

Second Test

The underlying objectives or purpose is not relevant to the development with the consequence that compliance is unnecessary.

The underlying objectives or purpose is relevant to the development and therefore is not relied upon.

Third Test

The objective would be defeated or thwarted if compliance was required with the consequence that compliance is unnecessary.

As outlined earlier, the overriding objectives of the Housing SEPP are to increase the quantity of housing, including diverse housing and affordable rental housing. Strict compliance with the FSR development standard would reduce the number of dwellings at the site, which thwarts the objective.

Fourth Test

The development standard has been virtually abandoned or destroyed by Council's own actions in granting consents departing from the standard and hence the standard is unreasonable and unnecessary.

The standard has not been entirely abandoned by Council; however, it is worth noting that there are records of development within the recent decade that have been approved exceeding the permissible FSR as prescribed by the LEP. Please see the table below for details.

Table 1. FSR approvals in Burwood Town Centre

Ref No.	Description	Permissible FSR (GFA)	Approved FSR (GFA)	% variation
BD.2017.027	17 Deane St, Burwood	6.6:1, 40% - Clause 4.4A	6.6:1, 39%	10%
DA103/2016	180-186 Burwood Road & 7-9 Burleigh St, Burwood	6:1	6.6:1	10%
193/2015	39-47 Belmore St, Burwood	4.45:1 (LEP + bonus policy) 45,195sqm	4.77:1 48,461sqm	3266sqm 7.8%
12/2012 Sec 96(2)	36-38 Victoria St, Burwood	4.5:1	4.95:1	10%
BD.2014.149	121-133 Burwood Road & 38-40 Railway Parade, Burwood	6:1	6.54:1	8.95%

Fifth Test

The zoning of the land is unreasonable or inappropriate.

The zoning of the land is reasonable and appropriate and therefore this reason is not relied upon.

Sufficient environmental planning grounds

In *Initial Action Pty Ltd v Woollahra Council [2018] NSWLEC 118*, Preston CJ observed that in order for there to be 'sufficient' environmental planning grounds to justify a written request under Clause 4.6 to contravene a development standard, the focus must be on the aspect or element of the development that contravenes the development standard, not on the development as a whole.

In *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90*, Plain J observed that it is within the discretion of the consent authority to consider whether the environmental planning grounds relied on are particular to the circumstances of the proposed development on the particular site.

The environmental planning grounds to justify the departure of the 'affordable housing requirements for additional floor space ratio' development standard are as follows:

- The variation sought satisfies the objectives of the Clause 4.4-4.4A Floor Space Ratio development standard in BLEP 2012 as demonstrated above.
- The proposal satisfies the objectives of the MU1 Mixed Use zone in the following manner:
 - The development does not discourage other land uses that generate employment opportunities.

- The proposed development does not affect the approved development at street level. The approved street frontages will remain the same.
- The proposal seeks to provide additional storeys to the approved multi-storey buildings on the site. Additional conflicts between land uses with adjoining zones are not likely to occur.
- Approved land uses on the ground floor of the buildings will remain as approved.
- Overall, the proposed building height and bulk is of an appropriate form and scale and is compatible with surrounding development and the desired future character for the locality. It is also not uncommon for FSR variations in Burwood Town Centre as demonstrated by Table 1 above.
- Exceedance of the FSR standard will not create additional building bulk that results in unreasonable environmental amenity impacts as follows:
 - The proposal will not result in the loss of views from surrounding development;
 - The proposal will not result in unreasonable overshadowing of adjoining properties. In particular, the low-density residential dwellings to the south-eastern side of the site will only be affected between 2pm to 3pm on 21 June (i.e. one hour only). Please refer to Solar Studies prepared by Urban Link Architects for details.
 - The proposal will provide a development which has been designed to ensure that the visual and acoustic privacy of adjoining properties is maintained.
 - The proposal maintains the same building separations and setbacks as approved.
- The additional storeys proposed on the approved building form continue to be stepped and comply with the building height plane as prescribed by Burwood LEP 2012 and Housing SEPP bonus provisions as shown in Figure 3-4 above.
- The proposed additions incorporate articulated facades that are a continuation of the approved which provides a well-proportioned building that is consistent with the streetscape.
- Communal areas in Building A and B are relocated to higher levels which provide an improvement of solar access to these spaces. Communal open space in Building A will also be split into two levels (at Level 36 and 37) and increased in size by 7m².
- The proposal complies with all relevant requirements stipulated by the Housing SEPP, Chapter 4, Design of residential apartment development, and Apartment Design Guidelines, in terms of solar access, natural ventilation, apartment size and layout, private open space and balconies, storage and communal open space. A complete assessment is provided within the accompanying Statement of Environmental Effects prepared by Principle Planning & Urban Design. A Design

Verification Statement prepared by Urban Link Architects is also submitted with this application.

- Additional bins are provided at the basement levels of the buildings to cater to the increased residential units proposed.
- A Traffic and Parking Assessment Report prepared by Varga Traffic Planning P/L is submitted with this application. The report concludes that the proposed development complies with Council's DCP, Housing SEPP and ADG/TfNSW numerical parking requirements as well as Australian Standards design requirements. It also states that the proposal will not result in unacceptable traffic, parking, access or servicing implications.
- The site falls within sub-category 1A of the TfNSW *Guide to Traffic Impact Assessment*, indicating that it is located within a high density inner metropolitan area where Council's typically mandate reduced parking provisions. Nonetheless, adequate parking is provided as confirmed by the Traffic and Parking Assessment Report.
- Affordable housing shortfall is addressed under separate Clause 4.6 Variation Statement.

The proposal will provide a suitable design and continue to provide suitable amenity in terms of the built environment and represents orderly and economic use and development of land, which are identified as objects of the Act. The building envelope and design is an appropriate response to the unique opportunities and constraints of the site, particularly, it strategically leverages the site's location within the Burwood Town Centre and the building height allowances under the BLEP and Housing SEPP bonus provisions, enabling the delivery of additional housing units that will help address the critical housing shortage.

Conclusion

This Clause 4.6 variation request demonstrates that:

- Compliance with the development standard would be unreasonable and unnecessary in the circumstances of this development. The proposed FSR variation will enable much needed housing to be supplied within the well-serviced area Burwood Town Centre, making strategic use of existing infrastructure and location advantages. The development will also continue to fall within the building height plane as prescribed by the BLEP and Housing SEPP bonus provisions. Further, the proposal does not increase the building footprint. The proposal will sit above the approved buildings and will not create any adverse amenity impacts to the surrounding properties.
- The proposal complies with SEPP (Housing) 2021, Chapter 4 Design of residential apartment development, and all relevant criteria of the Apartment Design Guidelines. Key compliances include communal open space, visual privacy, car parking, solar access, natural ventilation, ceiling heights, apartment size and layout, private open space and storage.

- The proposal satisfies the objectives of all relevant policies and legislation, including Clause 4.4-4.4A Floor Space Ratio development standard in BLEP 2012, Chapter 1 Clause 3, Principles of Policy of the Housing SEPP, and Chapter 2 Division 1 Infill Affordable Housing Clause 15A of the Housing SEPP as demonstrated above.
- The Traffic and Parking Assessment Report prepared by Varga Traffic Planning P/L determines that the proposal complies with Council's DCP, Housing SEPP, and ADG/TfNSW numerical parking requirements as well as the Australian Standards design requirements. It also states that the proposed development will not result in any unacceptable traffic, parking, access, or servicing implications.
- Additional bins are provided to increase the waste storage capacity as a result of the increase to the residential units.
- The shortfall in affordable housing units is addressed as a matter of a separate Clause 4.6 Variation Statement.
- The proposed building height and bulk is of an appropriate form and scale that is compatible with the surrounding development and desired future character of the locality without compromising the amenity of the surrounding area. FSR variations are not uncommon in Burwood Town Centre as demonstrated in Table 1.
- The development achieves the objectives of the MU1 Mixed use zone.

Based on this Clause 4.6 request, the consent authority can be satisfied that the written request has adequately addressed the matters required to be demonstrated by subclause (3).

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23 DECEMBER 2025



**CLAUSE 4.6 VARIATION STATEMENT – AFFORDABLE HOUSING
REQUIREMENTS FOR ADDITIONAL FLOOR SPACE RATIO – CLAUSE 16(2) OF
HOUSING SEPP**

28-34 Victoria Street, 21 George Street and 17 George Street, Burwood

Introduction

This Clause 4.6 Variation Statement as well as accompanying architectural plans (prepared by Urban Link Architects, dated 26 November 2025) accompanies the Statement of Environmental Effects for the subject amending Development Application (DA).

This Statement supports the proposal for the construction of additional storeys and residential units (overall 4-5 additional storeys to each building and 29 additional units) to Building A, Building B and Building C, at 28-34 Victoria Street, 21 George Street and 17 George Street, Burwood.

The proposal will result in a total gross floor area (GFA) at the site of 45,683m² (i.e. previous developments consents and current DA GFA). Given the site area is 6,592m², this equates to a floor space ratio (FSR) of 6.93:1. The 'base' FSR standard applicable to the subject site is 4.95:1 according to the Burwood Local Environmental Plan 2012 (BLEP 2012). Therefore, the proposal represents a 'bonus' FSR of 1.98:1 above the 'base' BLP 2012 FSR development standard (equivalent to a 40% increase).

Clause 16(2) of State Environmental Planning Policy (Housing) 2021 essentially provides that the affordable housing component in any In Fill Affordable Housing development shall be a minimum of 10% of the GFA proposed, or half of whichever bonus is being sought, as demonstrated in the following extract of Clause 16(2):

(2) The minimum affordable housing component, which must be at least 10%, is calculated as follows—

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

Figure 1: Extract from Clause 16(2) of Housing SEPP

This DA seeks to add an additional 3,263m² of GFA to the approved development at the site. 16.8% of this additional GFA (i.e. 544m²) will be provided for affordable housing purposes. Therefore, had the typical 15% affordable housing floor space requirement applied to this proposal in itself (i.e. 30%/2), the intent of the In Fill Housing provisions in the Housing SEPP would be satisfied.

Overall, the proposal will deliver a total of 6,909m² of GFA for affordable housing purposes, across the approved and proposed building envelope. This is equivalent to 15.12% of the total GFA for affordable housing purposes.

As outlined above, the proposal's total 'bonus' FSR is 1.98:1, which is equivalent to 40% more than the base BLEP 2012 FSR. Therefore, the affordable housing component within the proposal should be 20% of the total GFA (or 9,136.6m²) and therefore would not strictly comply.

In essence, the justifications for the proposal are as follows:

- The objective of Part 2, Division 1 of the Housing SEPP is to *"facilitate the delivery of new in fill affordable housing for very low, low and moderate income households"* (emphasis added). Both the development as a whole and the new floor space proposed within this DA achieves this objective because it delivers 'affordable housing' which will be managed by a community housing provider for the purpose of very low, low and moderate income households. Put simply, the proposal offers affordable housing, therefore, it satisfies the objective.
- It is important to note that the objective of the Division is *"to facilitate"* the delivery of new infill affordable housing. This indicates that the SEPP seeks to increase affordable housing broadly across the housing market, and it is not strictly applicable to each individual DA the SEPP is applied to. In essence, it provides that an increase in housing supply broadly speaking, achieves housing affordability for very low, low and moderate income households.
- Increasing overall housing supply, which this proposal would achieve, improves overall affordability including for very low, low and moderate income households. Therefore, the proposal is consistent with the objectives of Part 2, Division 1. Conversely, not increasing supply results in further unaffordability which is contrary to the objectives of the division.
- The only non-compliance is in relation to the quantity of 'affordable housing'. That is, the objective does not relate to a minimum amount of housing, it simply states that 'affordable housing' must be provided, which both the proposal and the overall development do in their own rights (i.e. the overall development provides 'affordable housing' and the DA itself increases the quantity of 'affordable housing').
- The proposal, being within the established centre of Burwood, represents 'in fill housing' which is specifically referred to in the objective.
- Whilst the In Fill Housing provisions offer 'bonuses', there are also negative implications for development feasibility. That is, dwellings which must be offered for 'affordable housing' purposes, must be done so at 20-30% below market rental rate, for 15 years. This is a substantial impact to project cash flow. In projects of a substantial size such as the proposal, such an impact to cash flow renders the project unfeasible. Therefore, some dispensation should be offered with regard to compliance, otherwise, the overall quantity of housing and 'affordable housing' within the market is reduced.
- Strict compliance with Clause 16(2) would require 20% (i.e. 9,136.6m²) of the overall development's GFA to be provided for 'affordable housing' purposes. This is almost all of

the previously approved 'affordable housing' GFA at the site (i.e. 6,365m²) and this DA's new GFA (i.e. 3,263m²). To require this amount for 'affordable housing' purposes is not feasible. In effect, the proponent would not proceed with the proposal, which is contrary to the objectives of Part 2, Division 1 as the overall supply of housing and 'affordable housing' would be reduced.

This request demonstrates that compliance with the development standard relating to additional floor space ratio is unreasonable or unnecessary in the circumstances of the case and establishes that there are sufficient environmental planning grounds to justify contravening the development standard, satisfying Clause 4.6(3) of the BLEP 2012.

This written request adequately addresses the matters required under subclause (3) and demonstrates consistency with the objectives of the additional floor space ratio development standard and the objectives for the development within the In-fill affordable housing division under the *State Environmental Planning Policy (Housing)* 2021.

Standard to be varied and required affordable housing

Clause 16(2) of the Housing SEPP is sought to be varied, which is stated as follows:

(2) *The minimum affordable housing component, which must be at least 10%, is calculated as follows—*

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

Extent of variation

The proposal will result in a total GFA at the site of 45,683m² (i.e. previous developments consents and current DA GFA). Given the site area is 6,592m², this equates to a floor space ratio (FSR) of 6.93:1. The 'base' FSR standard applicable to the subject site is 4.95:1 according to the BLEP 2012. Therefore, the proposal represents a 'bonus' FSR of 1.98:1 above the 'base' BLEP 2012 FSR development standard (equivalent to a 40% increase). Subsequently, strict compliance will require the provision of 9,136.6m² of GFA for affordable housing purposes (i.e. 20% of the total GFA).

The proposal provides 6,909m² of GFA for affordable housing purposes, which is equivalent to 15.12% of the total proposed GFA across the entire site, inclusive of previously approved floor area and floor area proposed as part of this DA.

Unreasonable or unnecessary

In this section it is demonstrated why compliance with the development standard is unreasonable or unnecessary in the circumstances of this case as required by Clause 4.6(3)(a) of the SSLEP 2015.

The Court held that there are at least five (5) different ways, and possibly more, through which an applicant might establish that compliance with a development standard is

unreasonable or unnecessary. See *Wehbe v Pittwater Council [2007] NSWLEC 827* (*Wehbe*).

The five (5) ways of establishing that compliance is unreasonable or unnecessary are:

1. The objectives of the development standard are achieved notwithstanding non-compliance with the standard; (First Test)
2. The underlying objectives or purpose is not relevant to the development with the consequence that compliance is unnecessary; (Second Test)
3. The objectives would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable; (Third Test)
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granted consents departing from the standard hence the standard is unreasonable and unnecessary; (Fourth Test) and
5. The zoning of the land is unreasonable or inappropriate. (Fifth Test)

It is sufficient to demonstrate only one of these ways to satisfy Clause 4.6(3)(a) (*Wehbe v Pittwater Council [2007] NSWLEC 827*, *Initial Action Pty Limited v Woollahra Municipal Council [2018] NSWLEC 118* at [22] and *RebelMH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130* at [28]) and *SJD DB2 Pty Ltd v Woollahra Municipal Council [2020] NSWLEC 1112* at [31]).

Nonetheless, we have considered each of the ways as follows.

First Test

The objectives of the development standard are achieved notwithstanding non-compliance with the standard.

Clause 16(2) does not have a specific objective. The objectives can be deduced from Clause 15A – Objective of Division, as well as Clause 3 – Principles of Policy. The table on the following page demonstrates whether the principles of the Housing SEPP (i.e. Clause 3) are achieved notwithstanding the proposed variation (First Test under *Wehbe*).

The objective of the in-fill affordable housing division as stipulated in Clause 15A of the Housing SEPP is as follows:

The objective of this division is to facilitate the delivery of new in-fill affordable housing to meet the needs of very low-, low- and moderate-income households.

Comments:

The DA itself includes 544m² of 'affordable housing'. As the proposal delivers new in fill affordable housing, the objective is satisfied. This 544m² of affordable housing is in addition to the 6,365m² of affordable housing already approved at the site. Therefore, a total of 6,909m² of GFA will be provided for affordable housing purposes.

An application simply needs to provide affordable housing to satisfy the objective. It has been demonstrated that both the stand alone DA, and the development as a whole, will provide affordable housing. Therefore, the objective is satisfied.

Further, the principles of the policy as prescribed under Clause 3 of Chapter 1 in the Housing SEPP has been considered under this exercise, as shown in the table on the following page.

Objective	Comments
Chapter 1 Clause 3 Principles of Policy	
The principles of the Housing SEPP are as follows –	
<i>(a) enabling the development of diverse housing types, including purpose-built rental housing,</i>	The variation to the affordable housing component of the development does not affect the provision of diverse housing types. Rather, the proposal is specifically for diverse housing which can be used for rental purposes. Further, the DA will include diverse housing in the form of 1, 2 and 3 bedroom dwellings. This principle is therefore satisfied
<i>(b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,</i>	The proposal itself provides 544m2 of 'affordable housing', which will be managed by a CHP for very low, low and moderate income households. Therefore, this principle is satisfied.
<i>(c) ensuring new housing development provides residents with a reasonable level of amenity,</i>	The variation to the affordable housing component does not affect residential amenity. The proposal complies with all key ADG requirements. Further, the site is highly accessible and convenient, which also contributes towards reasonable levels of amenity. Therefore, this principle is satisfied.
<i>(d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,</i>	The site location is suitable for housing delivery given it is a short and convenient walk to Burwood Railway Station and several other key public transport options, such as public buses. A range of retail, professional and educational services are also in close proximity to the site. Therefore, this principle is satisfied.
<i>(e) minimising adverse climate and environmental impacts of new housing development,</i>	The variation to the affordable housing component does not create the specified impacts. Further, the proposal meets mandatory climate related

	requirements such as 'BASIX'. This principle is therefore satisfied.
<i>(f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,</i>	The variation to the affordable housing component does not create any tangible impacts on the locality. Rather, the proposal reinforces the high rise nature of development which characterises the Burwood Town Centre. This principle is therefore satisfied.
<i>(g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,</i>	The proposal does not inhibit short-term rental accommodation. Rather, it increases options for short term renting should this be required by the relevant CHP. This principle is therefore satisfied.
<i>(h) mitigating the loss of existing affordable rental housing.</i>	The proposal will continue to maintain the approved affordable housing units. This principle is therefore satisfied.

As demonstrated above, the principles of the Housing SEPP under Chapter 1 Clause 3, and objectives of Chapter 2 Division 1 Infill Affordable Housing Clause 15A, are achieved notwithstanding the proposed variation.

In accordance with the decision in *Wehbe v Pittwater Council [2007] NSWLEC 827, Initial Action Pty Limited v Woollahra Municipal Council [2018] NSWLEC 118, Al Maha Pty Ltd v Huajun Investments Pty Ltd (2018) 233 LGERA 170; [2018] NSWCA 245 and RebelMH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130 and SJD DB2 Pty Ltd v Woollahra Municipal Council [2020] NSWLEC 1112 at [31]*, therefore, compliance with the development standard is demonstrated to be unreasonable or unnecessary and the requirements of Clause 4.6(3)(a) have been met on this way alone.

Second Test

The underlying objectives or purpose is not relevant to the development with the consequence that compliance is unnecessary.

The underlying objectives or purpose is relevant to the development and therefore is not relied upon.

Third Test

The objective would be defeated or thwarted if compliance was required with the consequence that compliance is unnecessary.

The DA would provide an additional 544m² of affordable housing floor space to the 6,365m² of affordable housing floor space already approved at the site. This equates to a total affordable housing floor space of 6,909m², or 15.12% of the total GFA at the site.

Strict compliance would require 20% of the total floor space for use as affordable housing. Such a figure, when combined with the lower rental yields from affordable housing (i.e. 20-30% below market rent) over a period of 15 years, is a significant impact to cash flow. It would render the project unfeasible and result in less overall housing supply and less affordable housing. This outcome thwarts the principles of the Housing SEPP and the objectives of the Part 2, Division.

Therefore, compliance with the development standard is unreasonable or unnecessary because the requirements of Clause 4.6(3)(a) are satisfied.

Fourth Test

The development standard has been virtually abandoned or destroyed by Council's own actions in granting consents departing from the standard and hence the standard is unreasonable and unnecessary.

The standard has not been abandoned by Council in this case and so this reason is not relied upon.

Fifth Test

The zoning of the land is unreasonable or inappropriate.

The zoning of the land is reasonable and appropriate and therefore this reason is not relied upon.

Sufficient environmental planning grounds

In *Initial Action Pty Ltd v Woollahra Council [2018] NSWLEC 118*, Preston CJ observed that in order for there to be 'sufficient' environmental planning grounds to justify a written request under Clause 4.6 to contravene a development standard, the focus must be on the aspect or element of the development that contravenes the development standard, not on the development as a whole.

In *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90*, Plain J observed that it is within the discretion of the consent authority to consider whether the environmental planning grounds relied on are particular to the circumstances of the proposed development on the particular site.

The environmental planning grounds to justify the departure of the affordable housing component as prescribed in Clause 16(2) are as follows:

- The variation sought satisfies the principles of the Housing SEPP under Chapter 1 Clause 3, and the objectives of Clause 15A of Chapter 2 Division 1 Infill Affordable Housing.
- The proposal satisfies the objectives of the MU1 Mixed Use zone in the following manner:
 - The development does not discourage other land uses that generate employment opportunities.

- The proposed variation relates to the affordable housing component of the development and will not affect active street frontages.
- No additional conflict is created.
- Approved land uses on the ground floor of the buildings will remain as approved.
- The variation to the affordable housing component will not create any unreasonable visible or physical impacts on the site or adjoining properties.

Conclusion

This Clause 4.6 variation request demonstrates that:

- Compliance with the development standard would be unreasonable and unnecessary in the circumstances of this development.
- The development achieves the objectives of the Housing SEPP (Clause 3, and Clause 15A), Clause 4.6(1) of the BLEP 2012 and is consistent with the objectives of the MU1 zone.
- The objectives of the Housing SEPP would be thwarted if strict compliance was required. That is, strict compliance severely undermines the entire proposal's feasibility, which is likely to reduce the number of dwellings available for the general market and the affordable rental housing market. At the very least, the market housing and affordable housing proposed as part of this particular DA would not be delivered, which thwarts the objective of Part 2, Division 1.

Based on this Clause 4.6 request, the consent authority can be satisfied that the written request has adequately addressed the matters required to be demonstrated by subclause (3).





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B	SSDA DRP	06/03/2024	JB
A	SSD BRIEFING	20/12/2023	GJ

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SHOPTOP HOUSING SSD
DEVELOPMENT APPLICATION
 28 VICTORIA, 17 & 21 GEORGE ST.
 Burwood NSW 2134 Australia

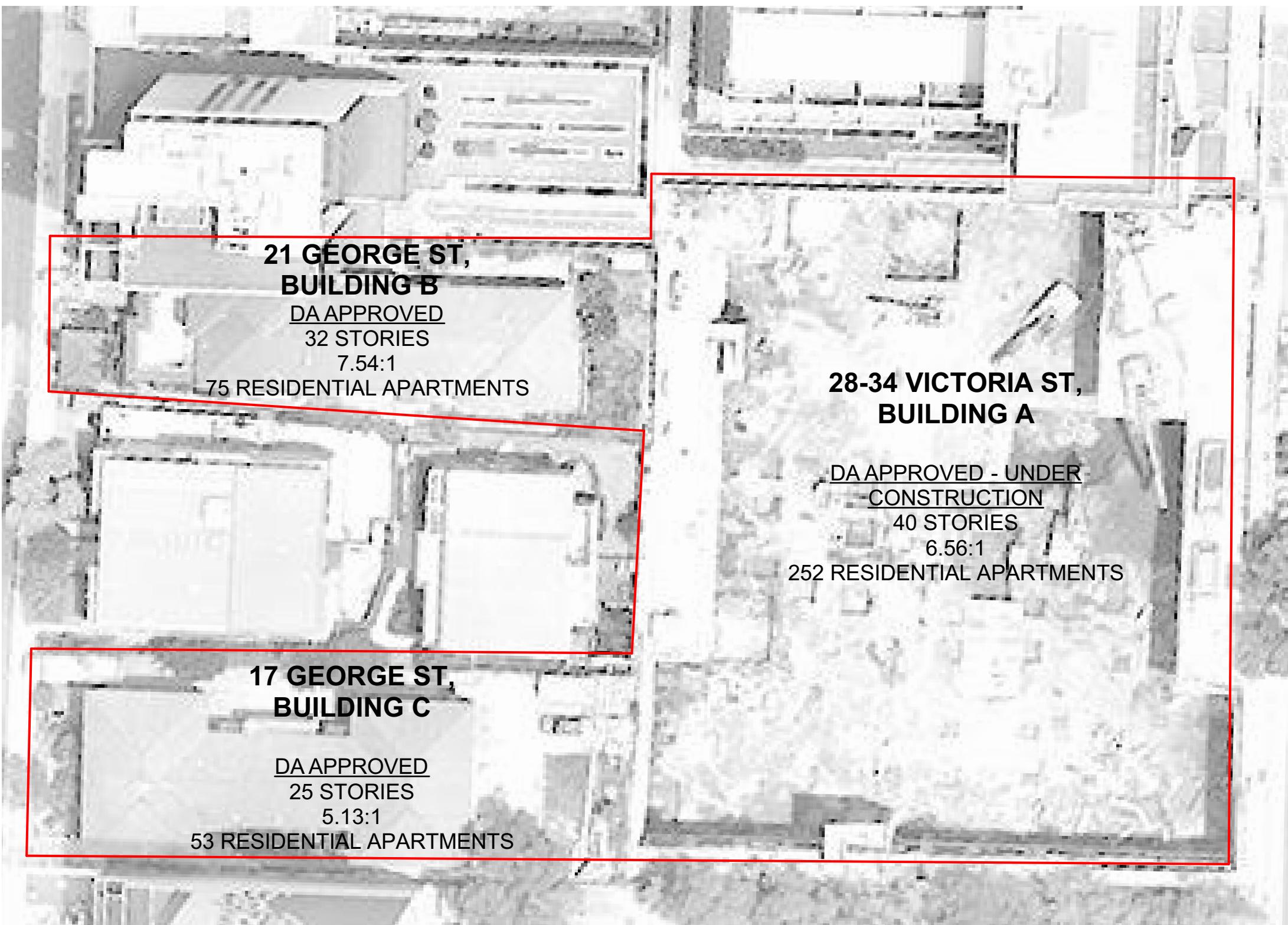
 **URBAN LINK**
 ARCHITECTS
 Business Address: Suite 703, 11-15 Deane Street, Burwood NSW 2134
 Phone Number: +61 2 9745 2014

Nominated Architects
 Georges Jeije Reg no 10993

Drawing Title
OVERALL SITE
COVER

Scale
 @A1 Sheet Size
 Project Number
2023-067
 Drawing number
DA-001
 Revision
I

2023-067-001.dwg



	- REV1
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Project:
SHOPTOP HOUSING SSD
DEVELOPMENT APPLICATION
28 VICTORIA, 17 & 21 GEORGE ST.
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Georges Jeje Reg no 10993

Drawing Title:
**OVERALL SITE
CURRENT STAGE**

Scale:
A4 Sheet Size
Project Number:
2023-067
Status:
Drawing number:
DA-002
Revision:
I



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A	SSD BRIEFING

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Project
SHOPTOP HOUSING SSD
DEVELOPMENT APPLICATION
28 VICTORIA, 17 & 21 GEORGE ST.
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Nominated Architect:
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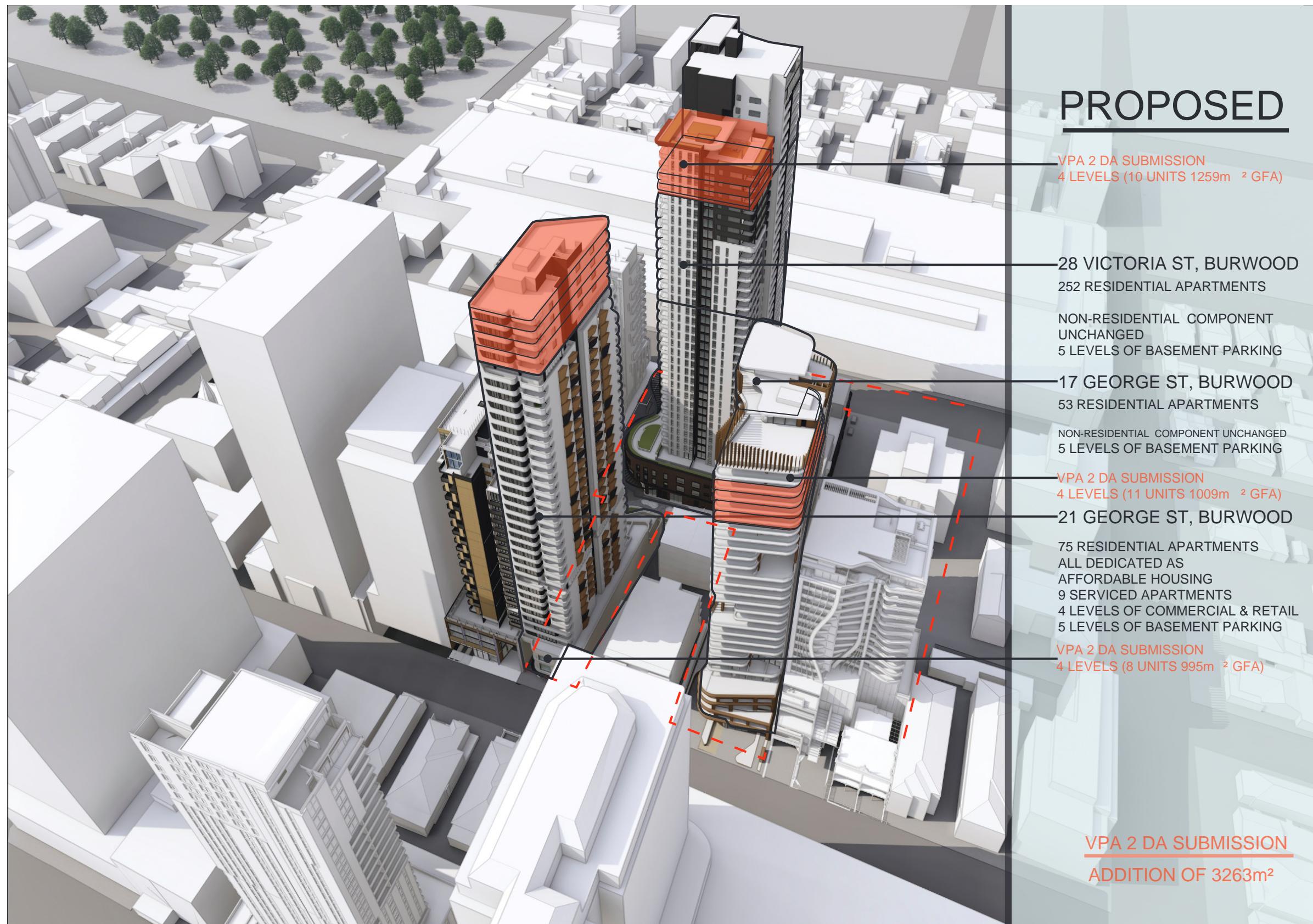
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SHOPTOP HOUSING SSD
DEVELOPMENT APPLICATION
28 VICTORIA, 17 & 21 GEORGE ST.
Burwood NSW 2134 Australia

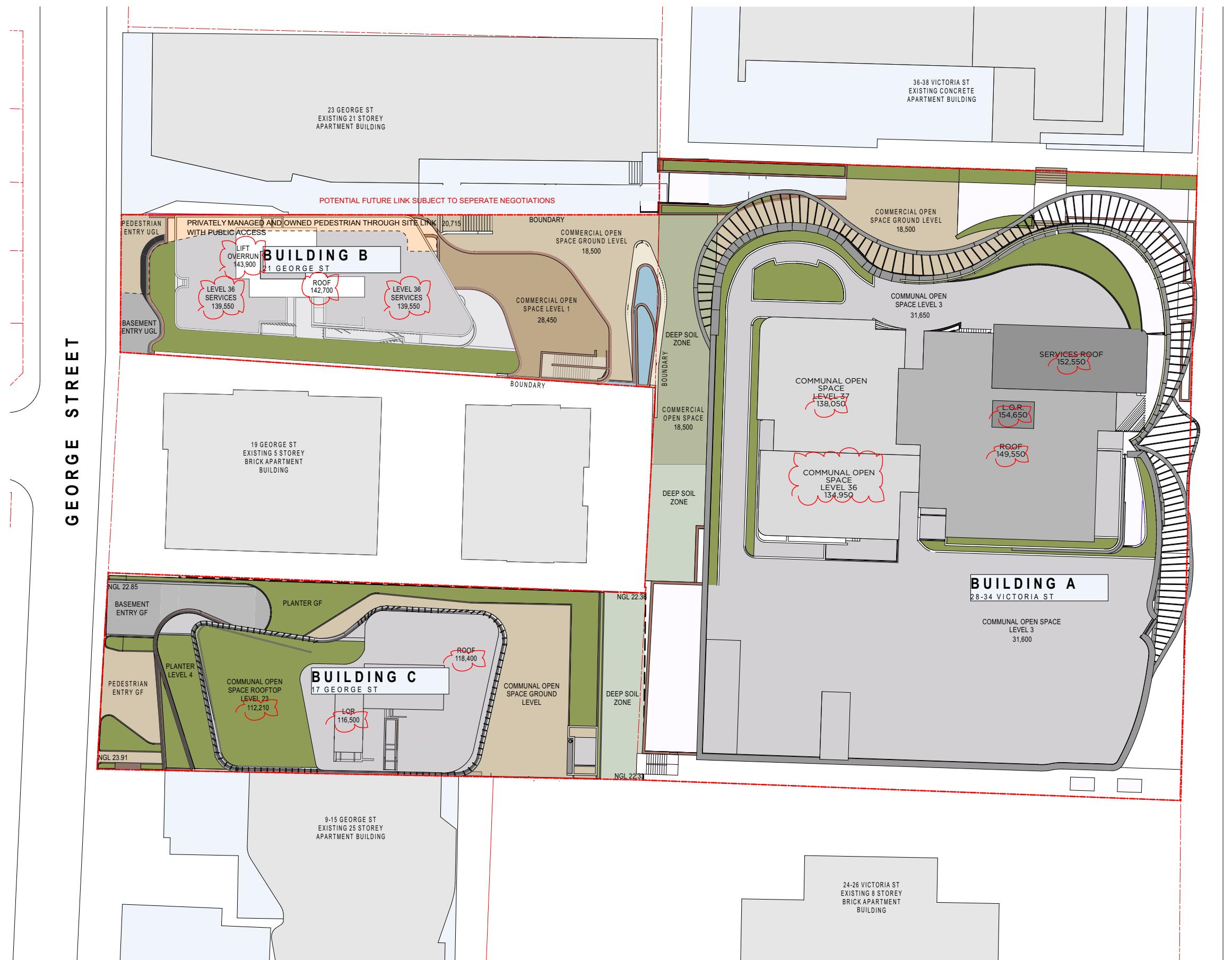
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ARCHITECTS
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Drawing Title:
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Drawing Number:
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Revision:
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Project:
SHOPTOP HOUSING SSD
DEVELOPMENT APPLICATION
28 VICTORIA, 17 & 21 GEORGE ST.
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Drawing Title:
**OVERALL SITE
SITE PLAN**

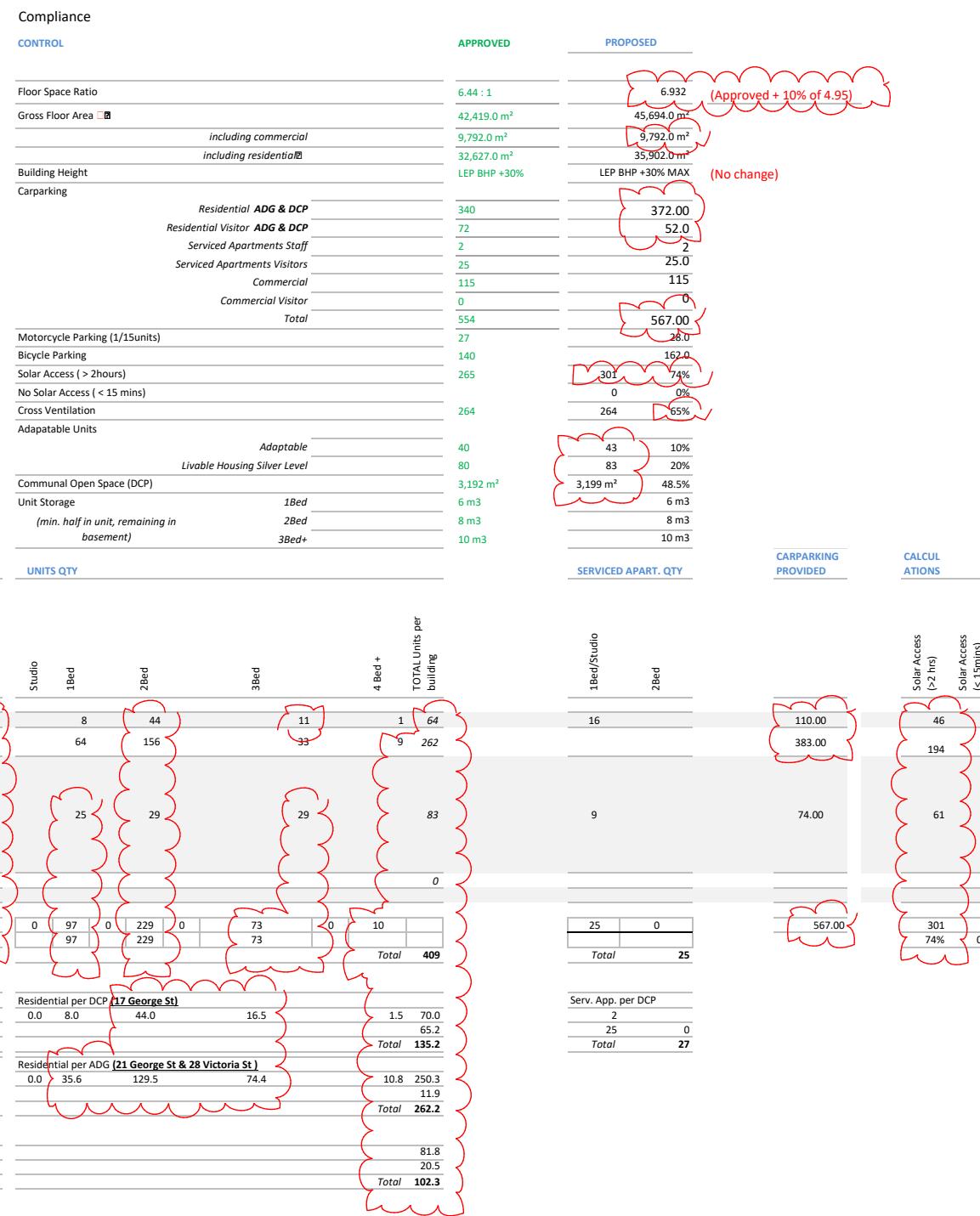
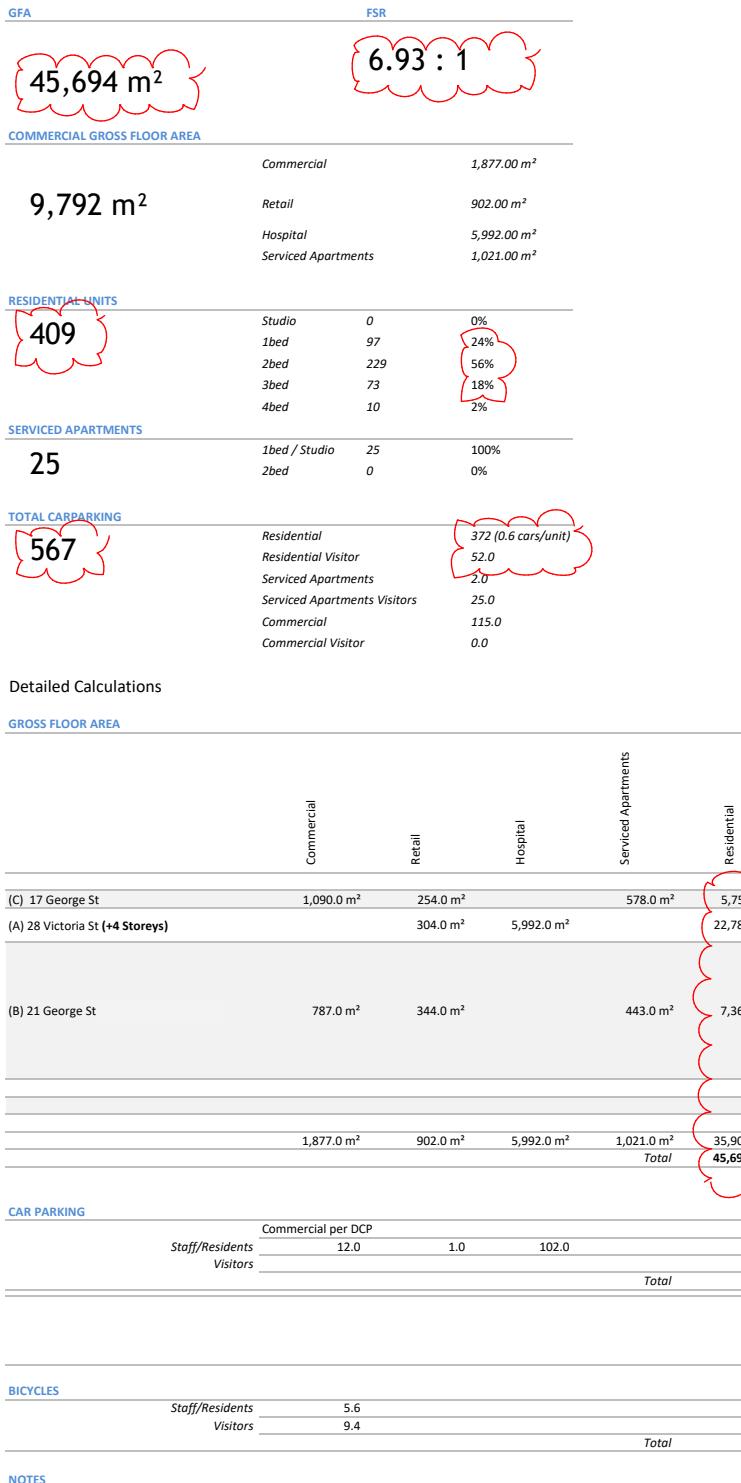
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Revision:
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Summary
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6,592 m²

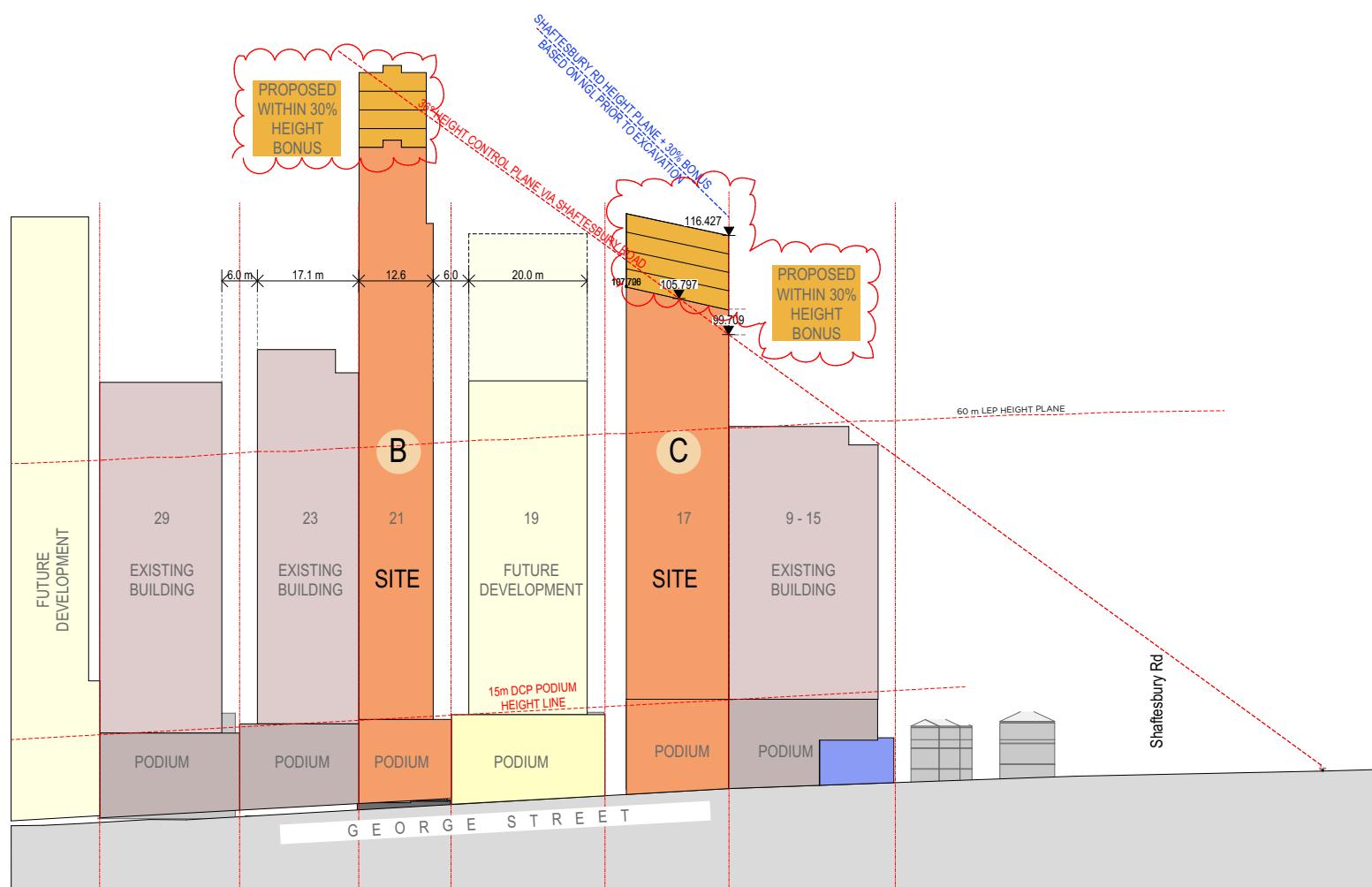
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Project SHOPTOP HOUSING SSD DEVELOPMENT APPLICATION
28 VICTORIA, 17 & 21 GEORGE ST.
Burwood NSW 2134 Australia

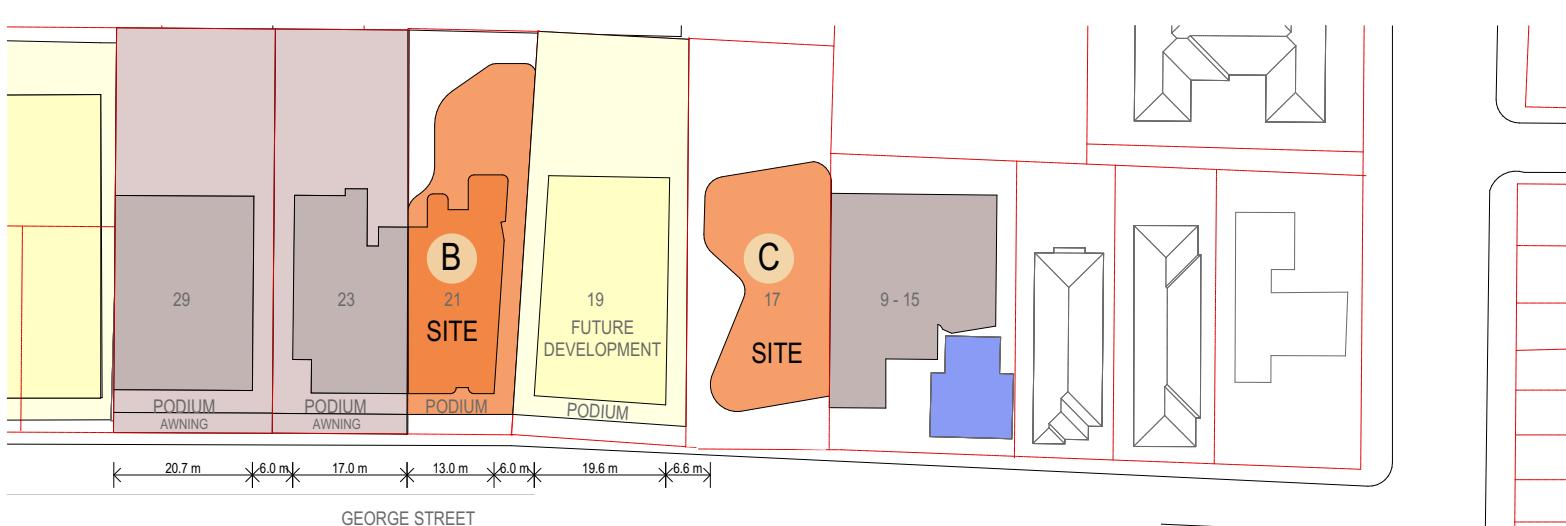
URBAN LINK
A R C H I T E C T S
Business Address: Suite 703, 11-15 Denies Street, Burwood NSW 2134
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Nominated Architects: Georges Jeije Reg no 10993

Drawing Title
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Scale
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Project Number 2023-067 Drawing Number DA-006 Revision I
Status

**Legend**

- DA Approved (Orange)
- Existing Building (Grey)
- Extent of Proposal (Orange)
- Future Development (Yellow)
- Heritage (Blue)



- REV1

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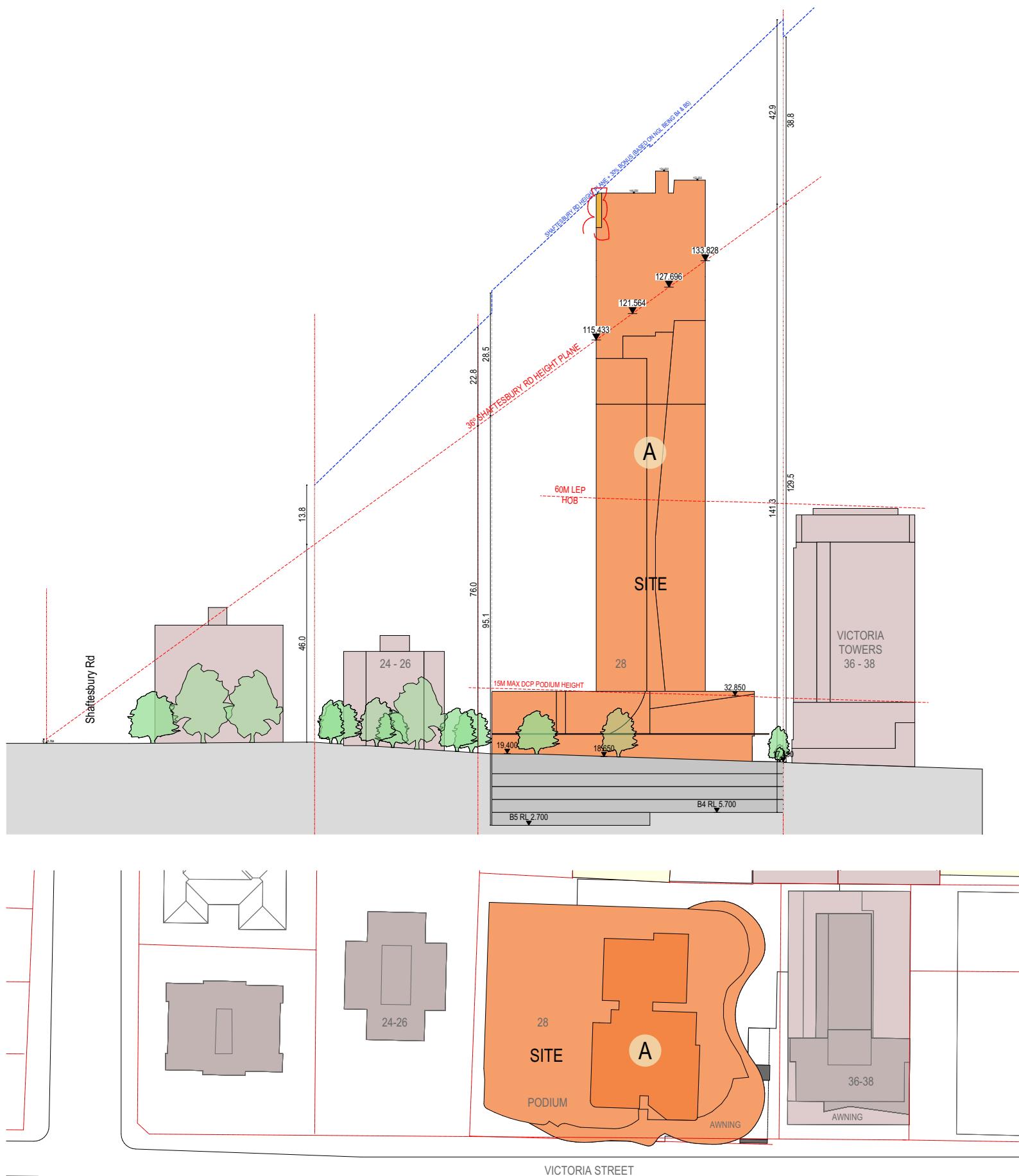
Project: SHOPTOP HOUSING SSD DEVELOPMENT APPLICATION
28 VICTORIA, 17 & 21 GEORGE ST, Burwood NSW 2134 Australia

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Drawing Title: OVERALL SITE
STREETSCAPE GEORGE ST

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Drawing number: DA-007
Status: I
Project number: 2023-067



Legend

-  DA Approved
-  Existing Building
-  Extent of Proposal

- REV I

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Project
**SHOPTOP HOUSING SSD
DEVELOPMENT APPLICATION**
28 VICTORIA, 17 & 21 GEORGE ST,
Burwood NSW 2134 Australia



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Georges Jreije Reg no 10993
Drawing Title
OVERALL SITE
STREETSCAPE VICTORIA ST

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Project Number
2023-067
Status



Drawing Number
DA-008
Revision
I



APPROVED



PROPOSED SSD DA



ADDITIONAL SHADOW



APPROVED



PROPOSED SSD DA



ADDITIONAL SHADOW

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Project:
SHOPTOP HOUSING SSD
DEVELOPMENT APPLICATION
28 VICTORIA, 17 & 21 GEORGE ST.
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Nominated Architect:
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Drawing Title:
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Status:
2023-067



APPROVED



PROPOSED SSD DA



ADDITIONAL SHADOW



APPROVED



PROPOSED SSD DA



ADDITIONAL SHADOW

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Project:
SHOPTOP HOUSING SSD
DEVELOPMENT APPLICATION
28 VICTORIA, 17 & 21 GEORGE ST.
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Georges Jelle Reg no 10993

Drawing Title:
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APPROVED



PROPOSED SSD DA



ADDITIONAL SHADOW



APPROVED



PROPOSED SSD DA



ADDITIONAL SHADOW

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Project:
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Burwood NSW 2134 Australia

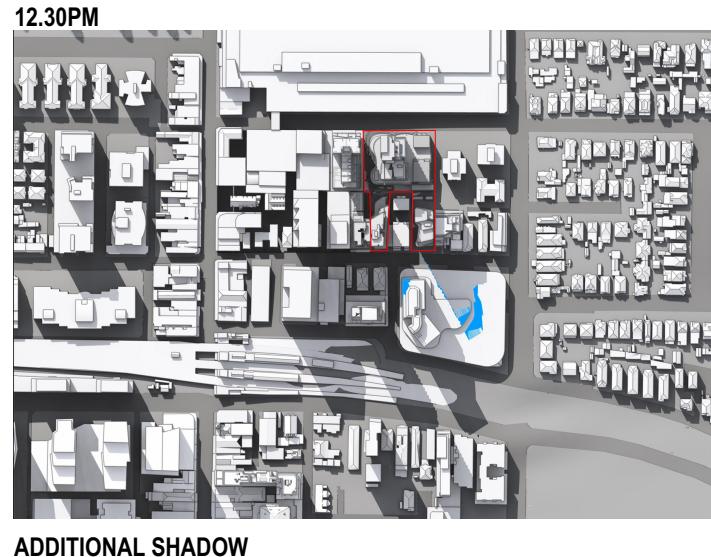
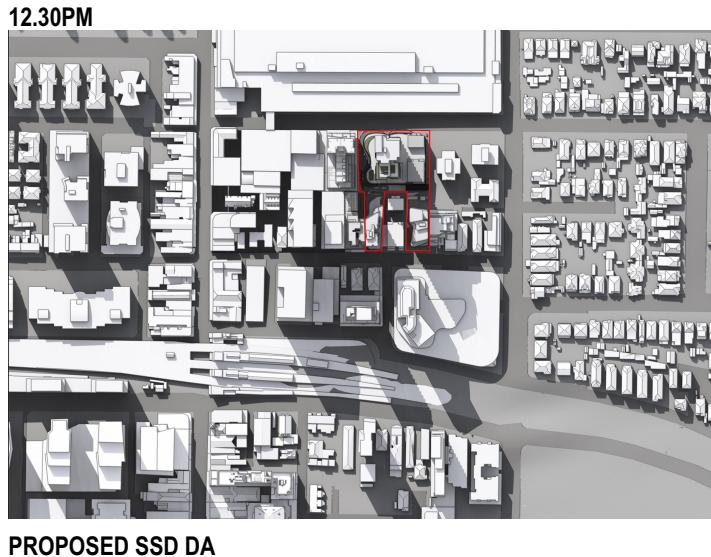
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ARCHITECTS
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Nominated Architects:
Georges Jeje Reg no 10993

Drawing Title:
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Status:
2023-067

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 Project
SHOPTOP HOUSING SSD DEVELOPMENT APPLICATION
 28 VICTORIA, 17 & 21 GEORGE ST.
 Burwood NSW 2134 Australia

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Nominated Architects

Georges Jeje Reg no 10993

Drawing Title
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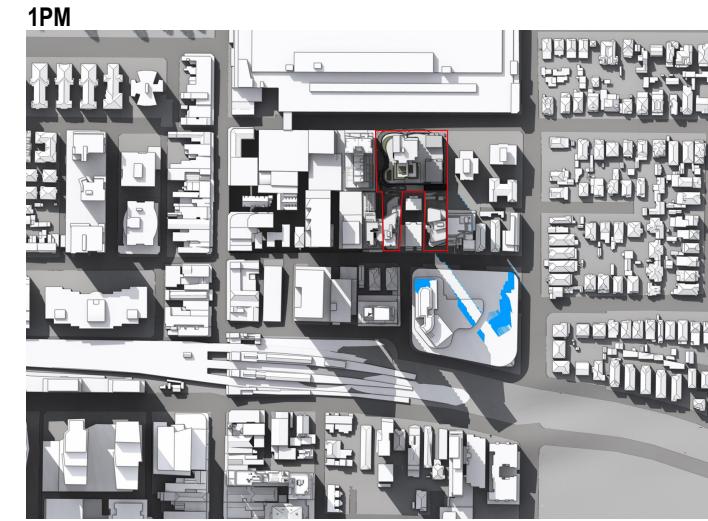
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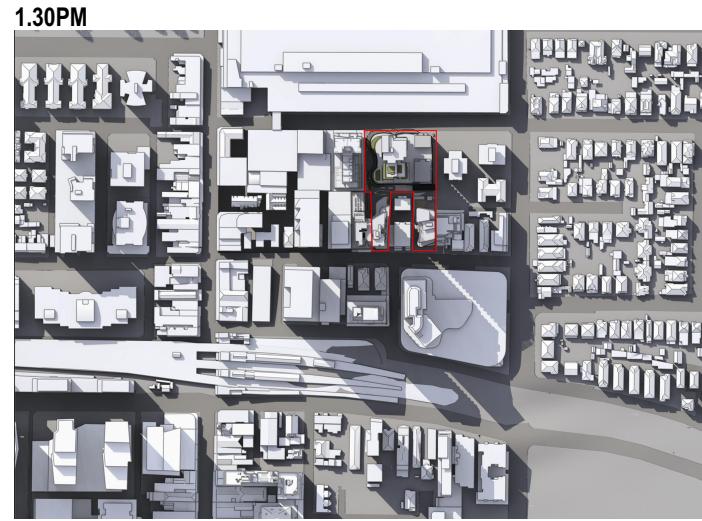
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ADDITIONAL SHADOW



APPROVED



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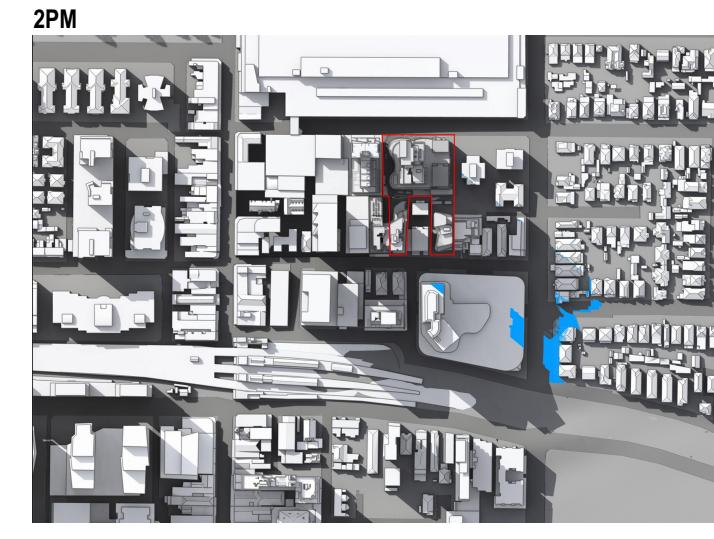
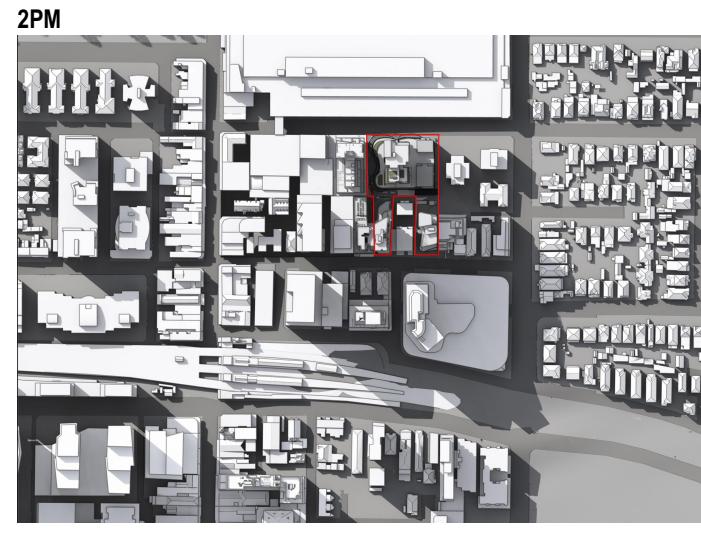
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 DEVELOPMENT APPLICATION
 28 VICTORIA, 17 & 21 GEORGE ST.
 Burwood NSW 2134 Australia

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Drawing Title
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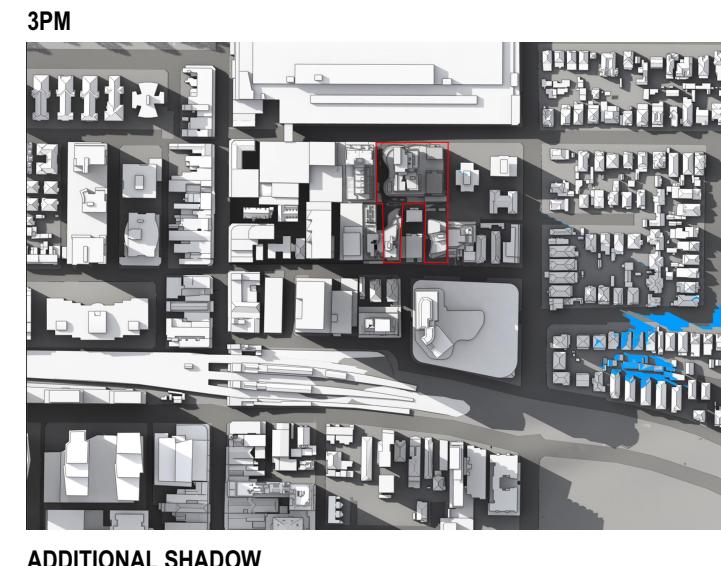
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Drawing Title
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- REV1

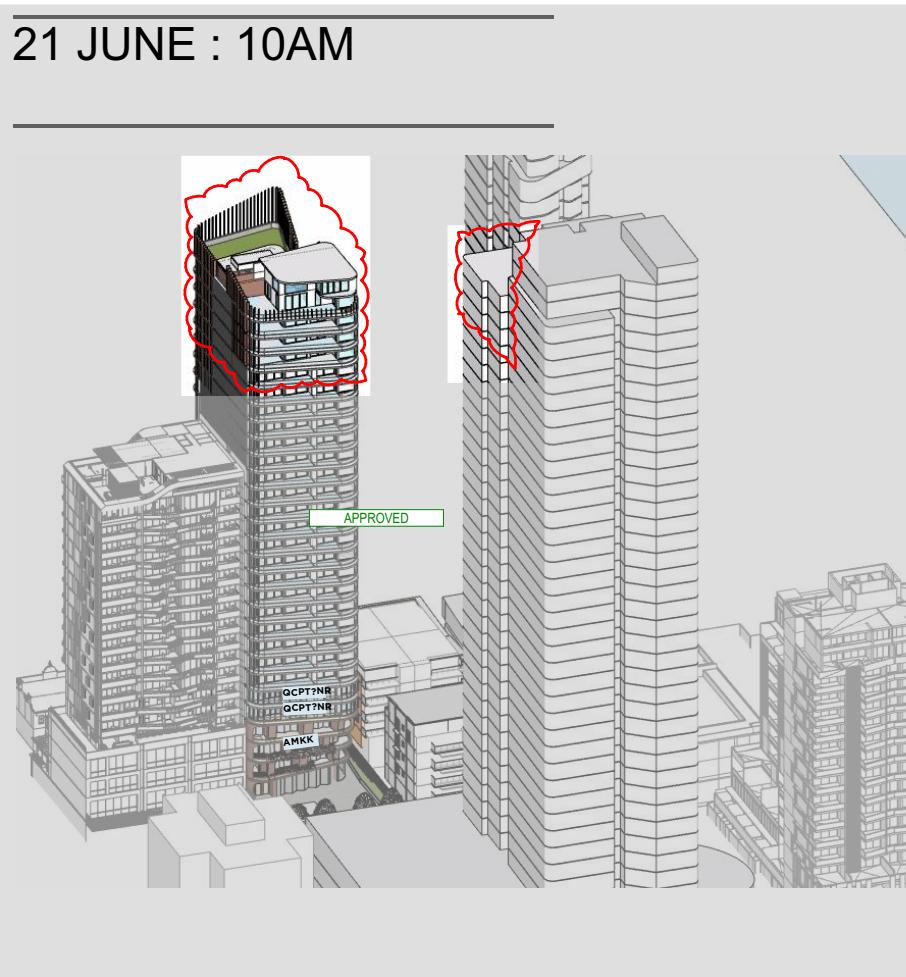
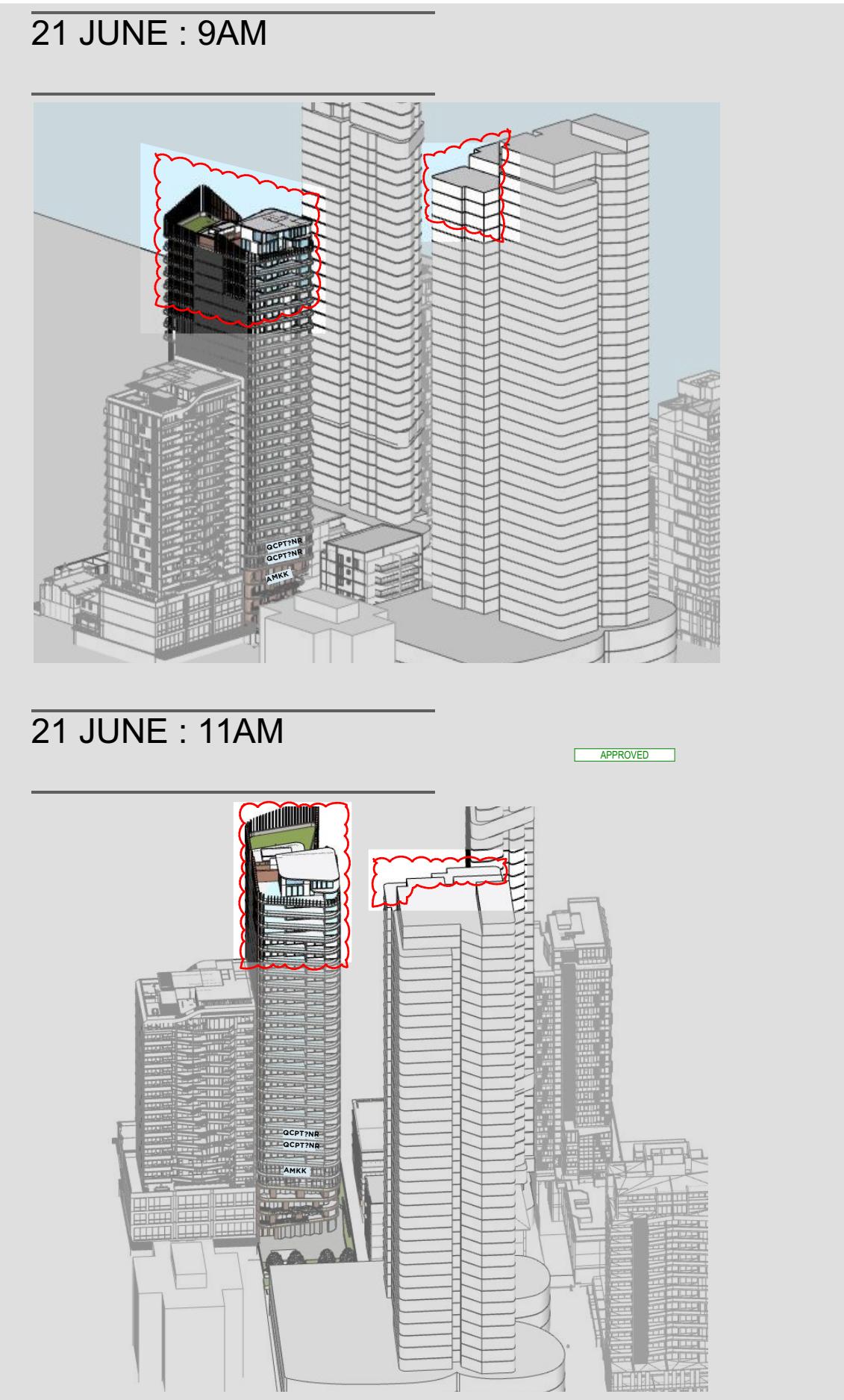
I	VPA2 SUBMISSION	16/07/2025	GU
H	VPA2 SUBMISSION	09/12/2024	JB
F	SSDA SUBMISSION	29/08/2024	JB
E	SSDA SUBMISSION	16/09/2024	JB
D	SSDA SUBMISSION	03/04/2024	JB
C	COORDINATION	20/03/2024	JB
B	SSDA DRP	06/03/2024	JB
A	SSD BRIEFING	20/12/2023	GU
Rev Description	Date	App'd	

Project:
SHOPTOP HOUSING SSD
DEVELOPMENT APPLICATION
28 VICTORIA, 17 & 21 GEORGE ST.
Burwood NSW 2134 Australia

URBAN LINK
ARCHITECTS
Business Address: Suite 703, 11-15 Deane Street, Burwood NSW 2134
Phone Number: +61 2 9745 2014
Nominated Architects:
Georges Jeje Reg no 10993

Drawing Title:
SOLAR STUDIES
SHADOW DIAGRAM JUNE 21 - 3PM

Scale: @A1 Sheet Size
Project Number: 2023-067 Drawing Number: DA-1513 Revision: I
Status:



UNIT NUMBER	9am	10am	11am
6.01			
6.02			
6.03			
7.01			
7.02			
7.03			
8.01			
8.02			
8.03			
9.01			
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10.01			
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24.01			
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24.03			
25.01			
25.02			
26.01			
26.02			
27.01			
27.02			
28.01			

LEGEND	
	REV G
	FILL
	APPROVED
	23m x 2.8m ADD COMPLIANCE DIMENSIONS

I VPA 2 SUBMISSION	16/07/2025	GJ
G VPA 3 SUBMISSION	02/12/2024	JB
F SSDA SUBMISSION	27/08/2024	JB
E SSDA SUBMISSION	15/05/2024	JB
D SSDA SUBMISSION	03/04/2024	JB
C COORDINATION	20/03/2024	JB
B SSD DESIGN REVIEW PANEL	06/03/2024	JB
A SSD BRIEFING	20/12/2023	JB

Rev Description Project Date Apv'd

SHOPTOP HOUSING VPA2 DEVELOPMENT APPLICATION

BUILDING C

URBAN LINK
A R C H I T E C T S
Business Addr: Suite 204 180-188 Burwood Rd, Burwood NSW 2134
Postal Address: As Business address
Phone Number: -
Nominated Architect:
Georges Jreje Reg no 10993

Drawing Title

VIEWS FROM THE SUN 9 - 11AM

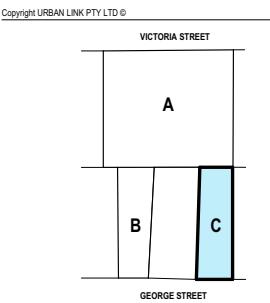
Checked/Approved

GJ Scale

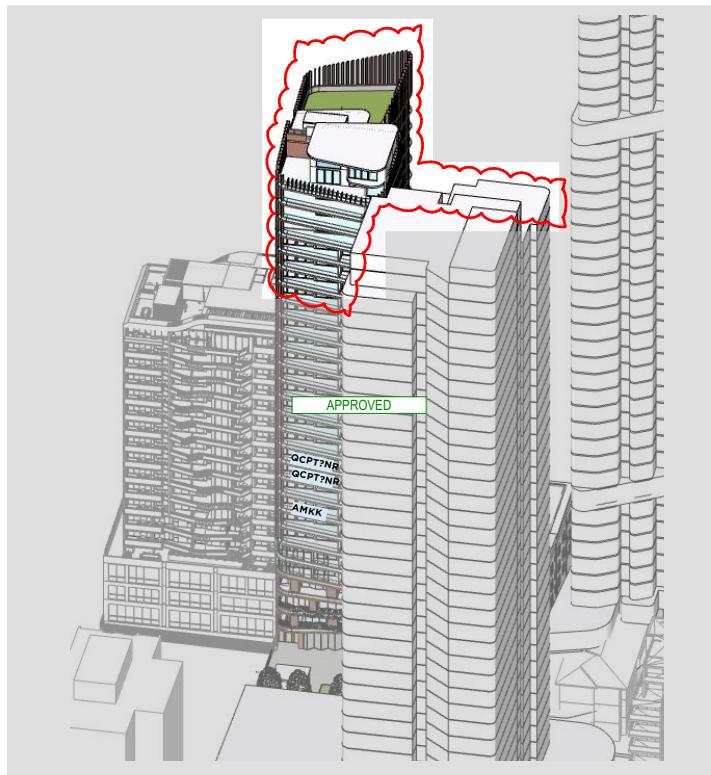
©A Sheet Size

Project Number Drawing Number Revision
2023-067 **DA-1501** **I**

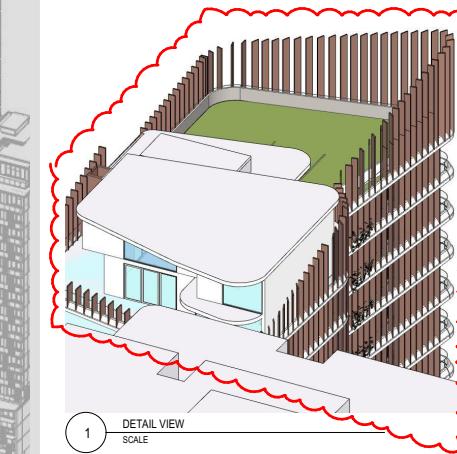
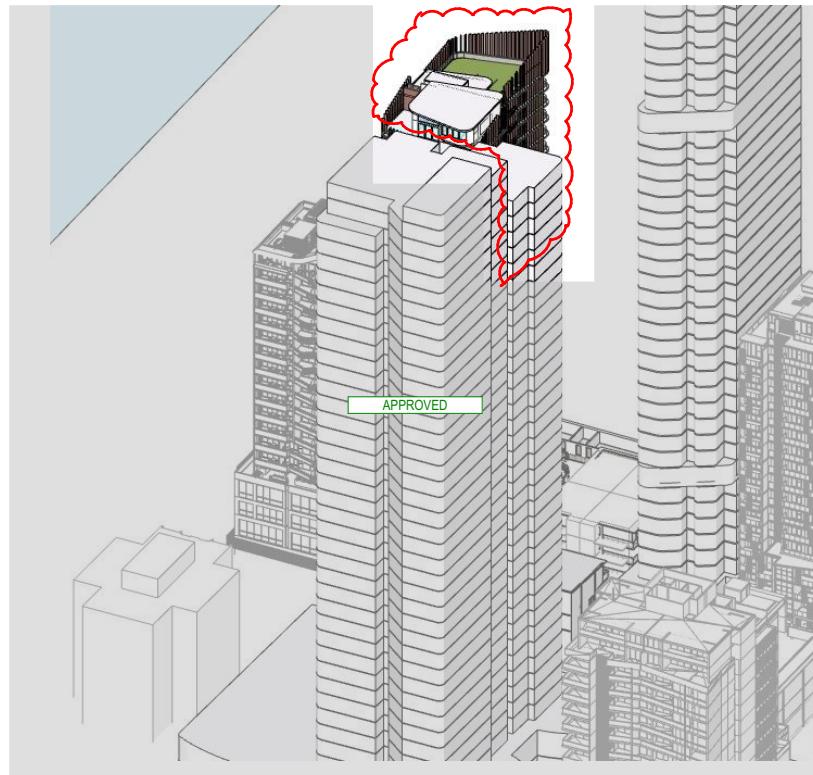
2023-067-21 George Street Burwood Building_C_VPA2_2024-06-12_10am.dwg



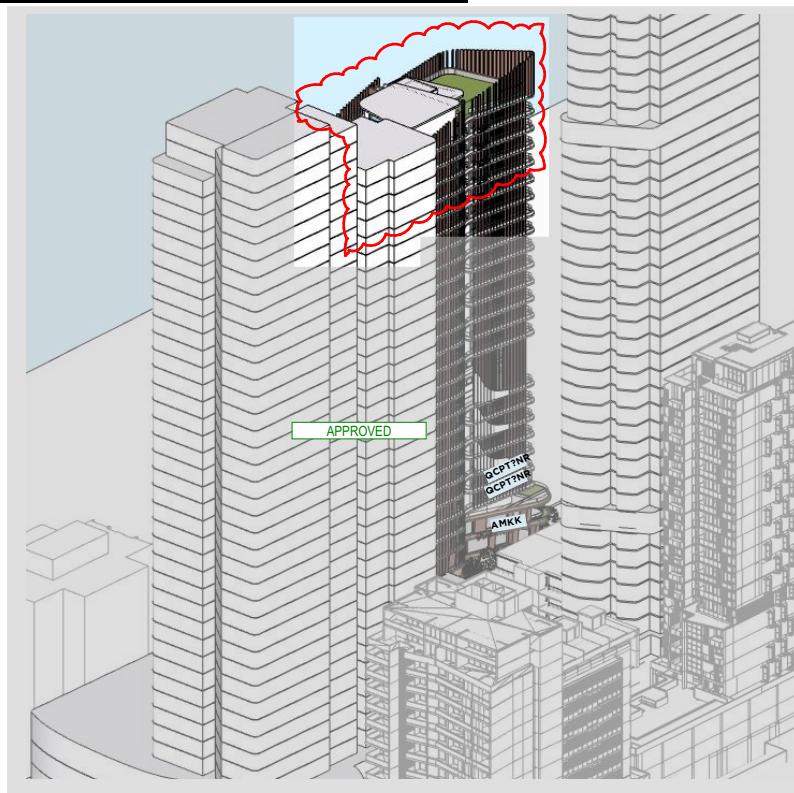
21 JUNE : 12PM



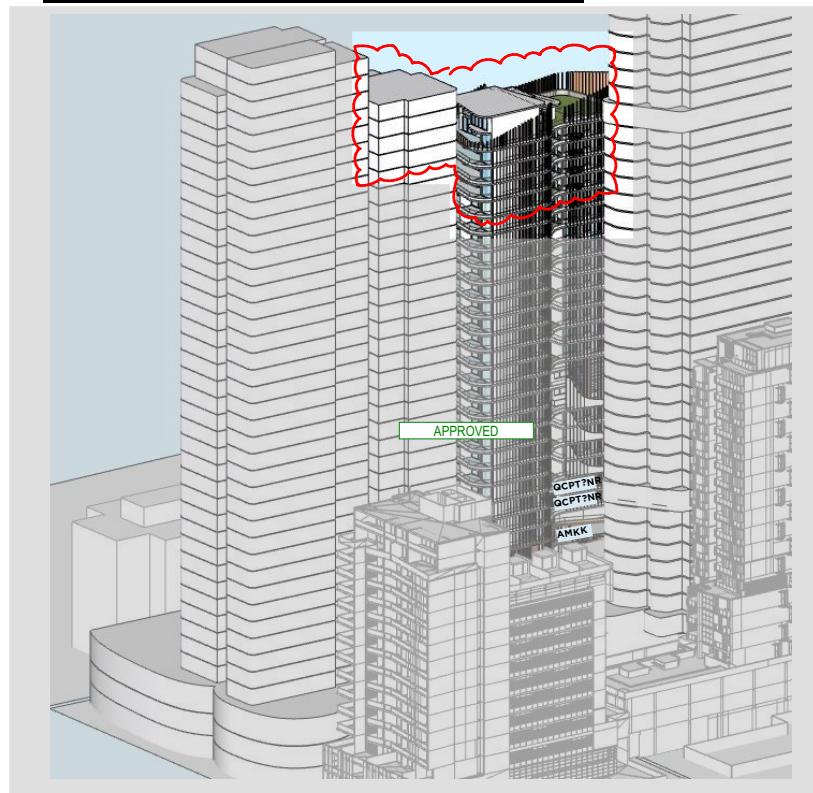
21 JUNE : 1PM



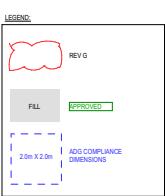
21 JUNE : 2PM



21 JUNE : 3PM



UNIT NUMBER	1pm	2pm	3pm
23.03			
24.01			
24.02			
24.03			
25.01			
25.02			
26.01			
26.02			
27.01			
27.02			
28.01			



I VPA 2 SUBMISSION 16/07/2025 GJ
 G VPA 3 SUBMISSION 02/12/2024 GJ
 F SSDA SUBMISSION 27/08/2024 JB
 E SSDA SUBMISSION 15/05/2024 JB
 D SSDA SUBMISSION 03/04/2024 JB
 C COORDINATION 20/03/2024 JB
 B SSD DESIGN REVIEW PANEL 06/03/2024 JB
 A SSD BRIEFING 20/12/2023 GJ
 Rev Description Project Date App'd

Project SHOPTOP HOUSING VPA2
 SHOPTOP HOUSING VPA2
 DEVELOPMENT APPLICATION

BUILDING C

URBAN LINK
 ARCHITECTS
 Business Addr: Suite 204 180-188 Burwood Rd, Burwood NSW 2134
 Postal Address: As Business address
 Phone Number: -
 Nominated Architects:
 Georges Jreje Reg no 10993

Drawing Title

VIEWS FROM THE SUN 12 - 3PM

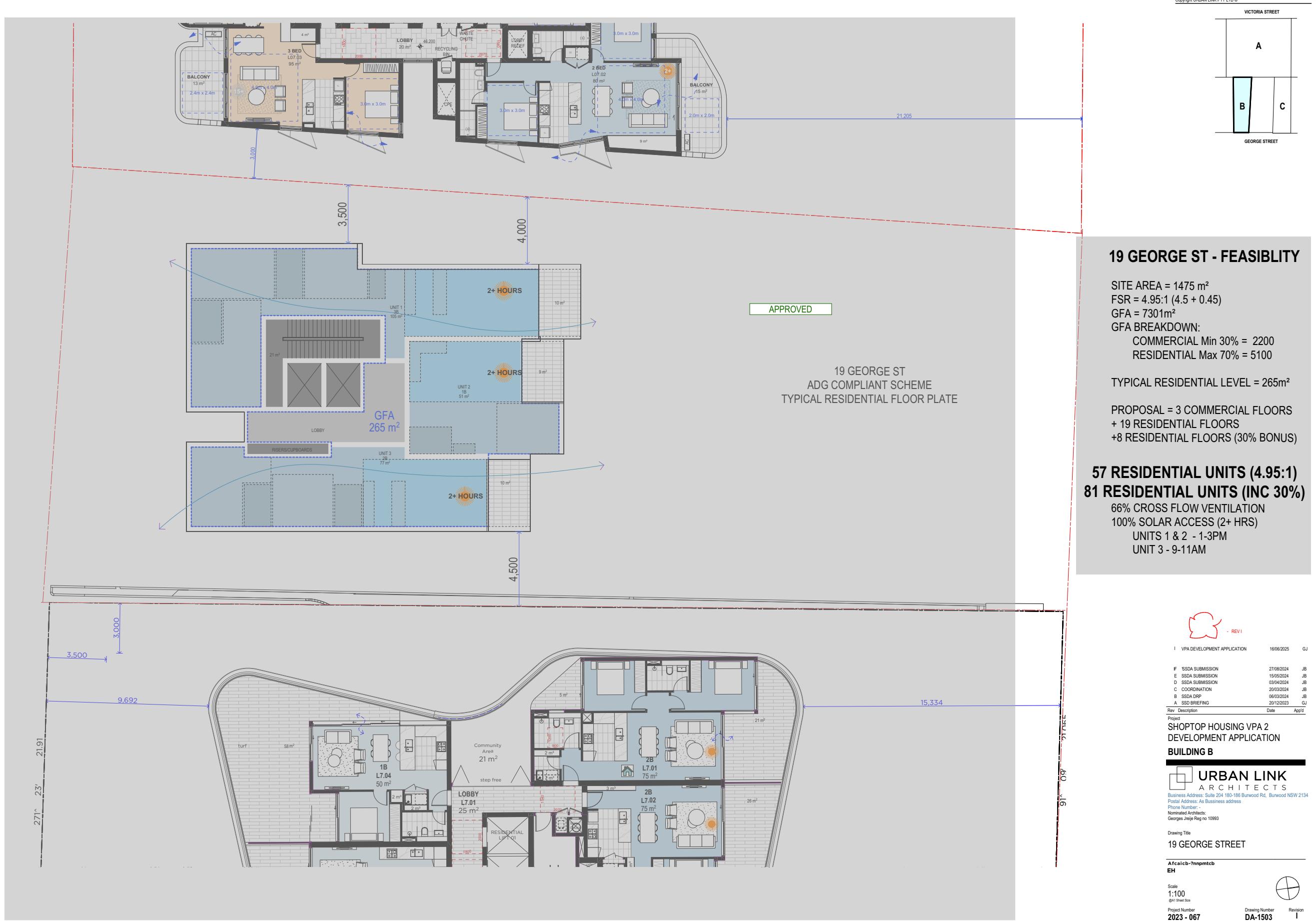
Checked/Approved

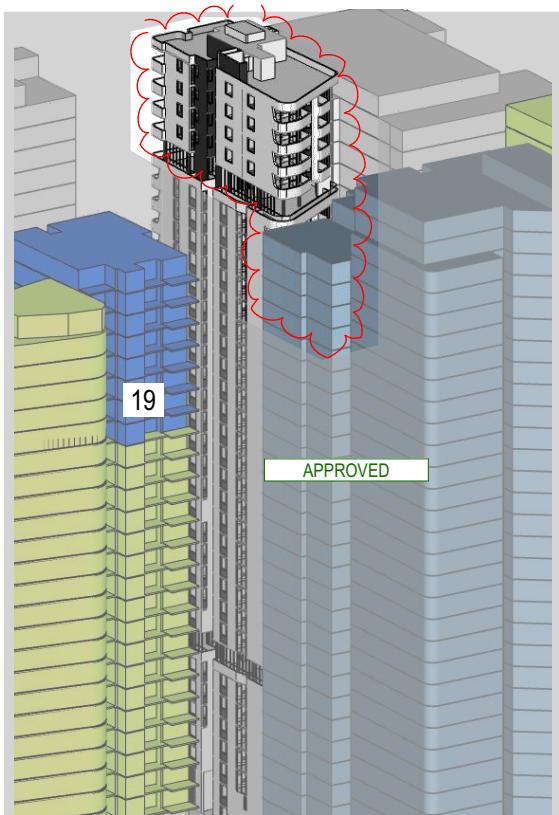
GJ

Scale

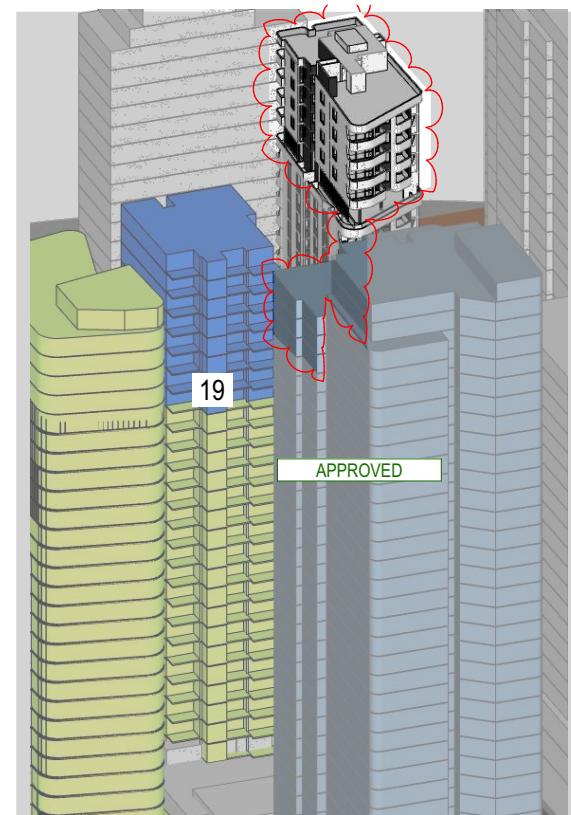
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Project Number 2023-067 Drawing Number DA-1502 I
 Status

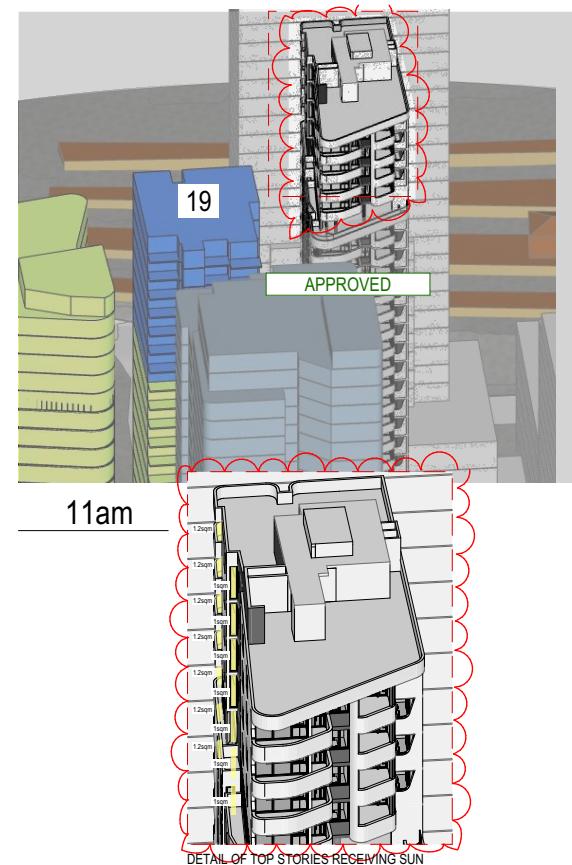




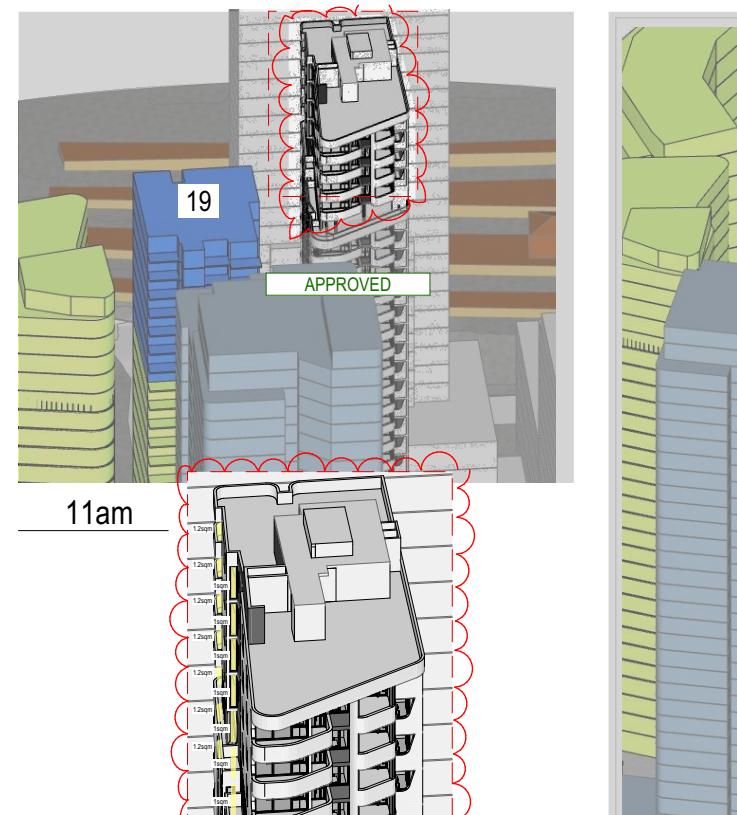
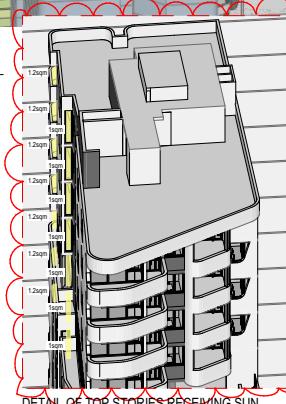
9am



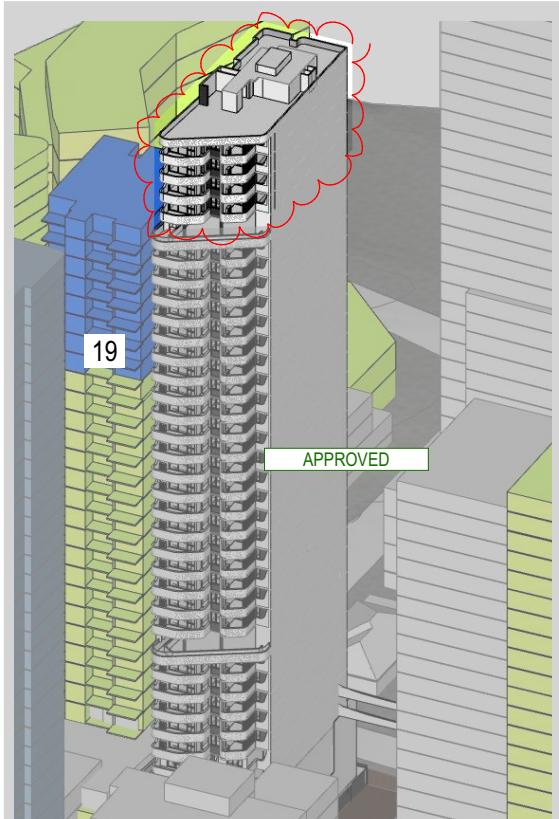
10am



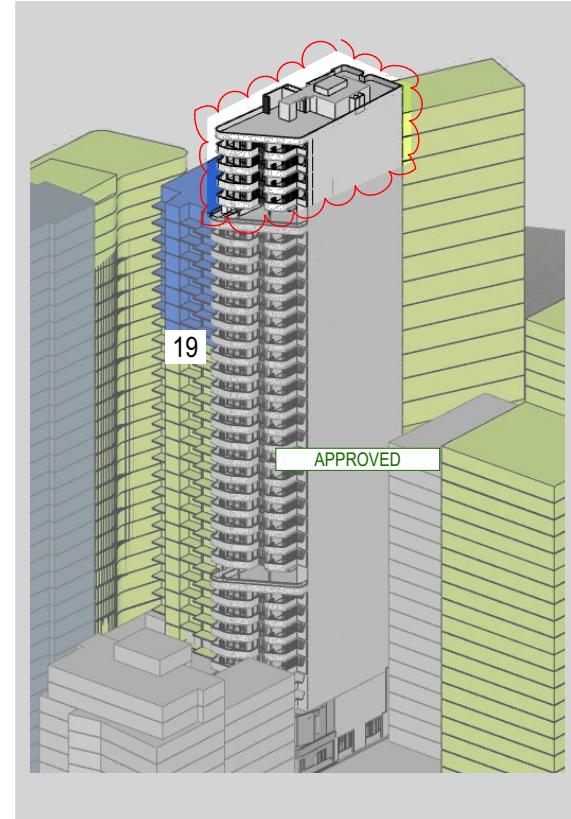
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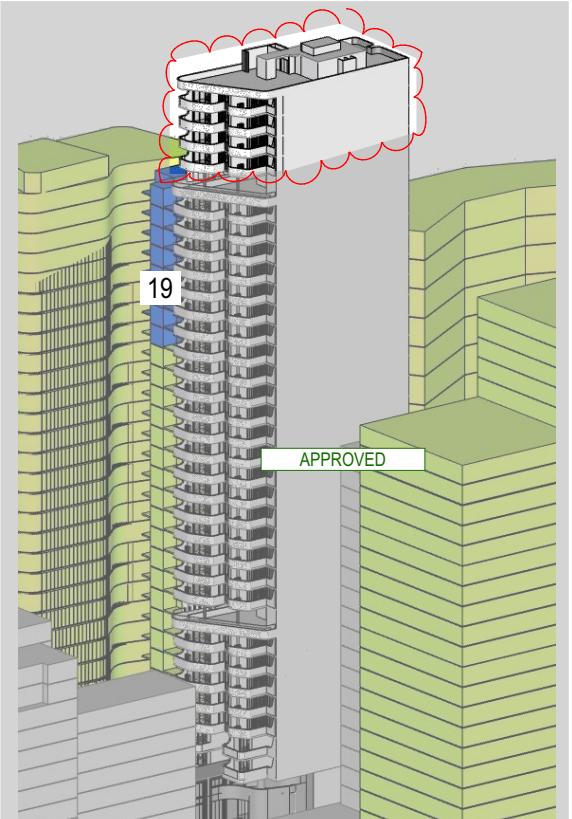
12pm



1pm

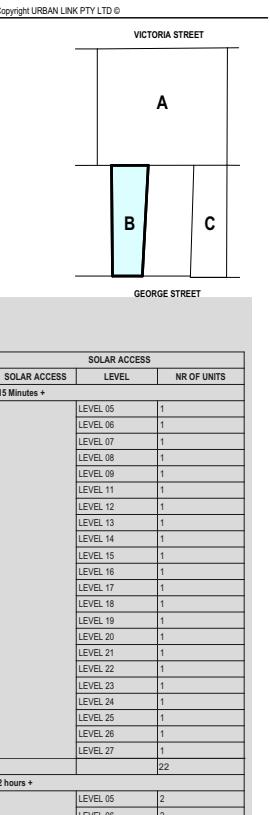


2pm



3pm

19 GEORGE ST. - POTENTIAL 30% BONUS



12pm

SOLAR ACCESS		
SOLAR ACCESS	LEVEL	NR OF UNITS
15 Minutes +	LEVEL 05	1
	LEVEL 06	1
	LEVEL 07	1
	LEVEL 08	1
	LEVEL 09	1
	LEVEL 11	1
	LEVEL 12	1
	LEVEL 13	1
	LEVEL 14	1
	LEVEL 15	1
	LEVEL 16	1
	LEVEL 17	1
	LEVEL 18	1
	LEVEL 19	1
	LEVEL 20	1
	LEVEL 21	1
	LEVEL 22	1
	LEVEL 23	1
	LEVEL 24	1
	LEVEL 25	1
	LEVEL 26	1
	LEVEL 27	1
	LEVEL 28	1
	LEVEL 29	1
	LEVEL 30	1
	LEVEL 31	1
	LEVEL 32	1
	LEVEL 33	1
	LEVEL 34	1
	LEVEL 35	1
		61
		62

2 hours +

LEVEL	SOLAR ACCESS	APARTMENT NUMBER
LEVEL 05	15 Minutes +	0503
	2 hours +	0501
	2 hours +	0502
LEVEL 06	15 Minutes +	0603
	2 hours +	0601
	2 hours +	0602
LEVEL 07	15 Minutes +	0703
	2 hours +	0701
	2 hours +	0702
LEVEL 08	15 Minutes +	0803
	2 hours +	0801
	2 hours +	0802
LEVEL 09	15 Minutes +	0903
	2 hours +	0901
	2 hours +	0902
LEVEL 11	15 Minutes +	1103
	2 hours +	1101
	2 hours +	1102
LEVEL 12	15 Minutes +	1203
	2 hours +	1201
	2 hours +	1202
LEVEL 13	15 Minutes +	1303
	2 hours +	1301
	2 hours +	1302
LEVEL 14	15 Minutes +	1403
	2 hours +	1401
	2 hours +	1402
LEVEL 15	15 Minutes +	1503
	2 hours +	1501
	2 hours +	1502
LEVEL 16	15 Minutes +	1603
	2 hours +	1601
	2 hours +	1602
LEVEL 17	15 Minutes +	1703
	2 hours +	1701
	2 hours +	1702
LEVEL 18	15 Minutes +	1803
	2 hours +	1801
	2 hours +	1802
LEVEL 19	15 Minutes +	1903
	2 hours +	1901
	2 hours +	1902
LEVEL 30	15 Minutes +	3003
	2 hours +	3001
	2 hours +	3002
LEVEL 32	2 hours +	3201
	2 hours +	3202
LEVEL 33	2 hours +	3301
	2 hours +	3302
LEVEL 34	2 hours +	3401
	2 hours +	3402
LEVEL 35	2 hours +	3501
	2 hours +	3502

LEVEL 05

LEVEL 06

LEVEL 07

LEVEL 08

LEVEL 09

LEVEL 11

LEVEL 12

LEVEL 13

LEVEL 14

LEVEL 15

LEVEL 16

LEVEL 17

LEVEL 18

LEVEL 19

LEVEL 20

LEVEL 21

LEVEL 22

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LEVEL 104

LEVEL 105

LEVEL 106

LEVEL 107

LEVEL 108

LEVEL 109

LEVEL 110

LEVEL 111

LEVEL 112

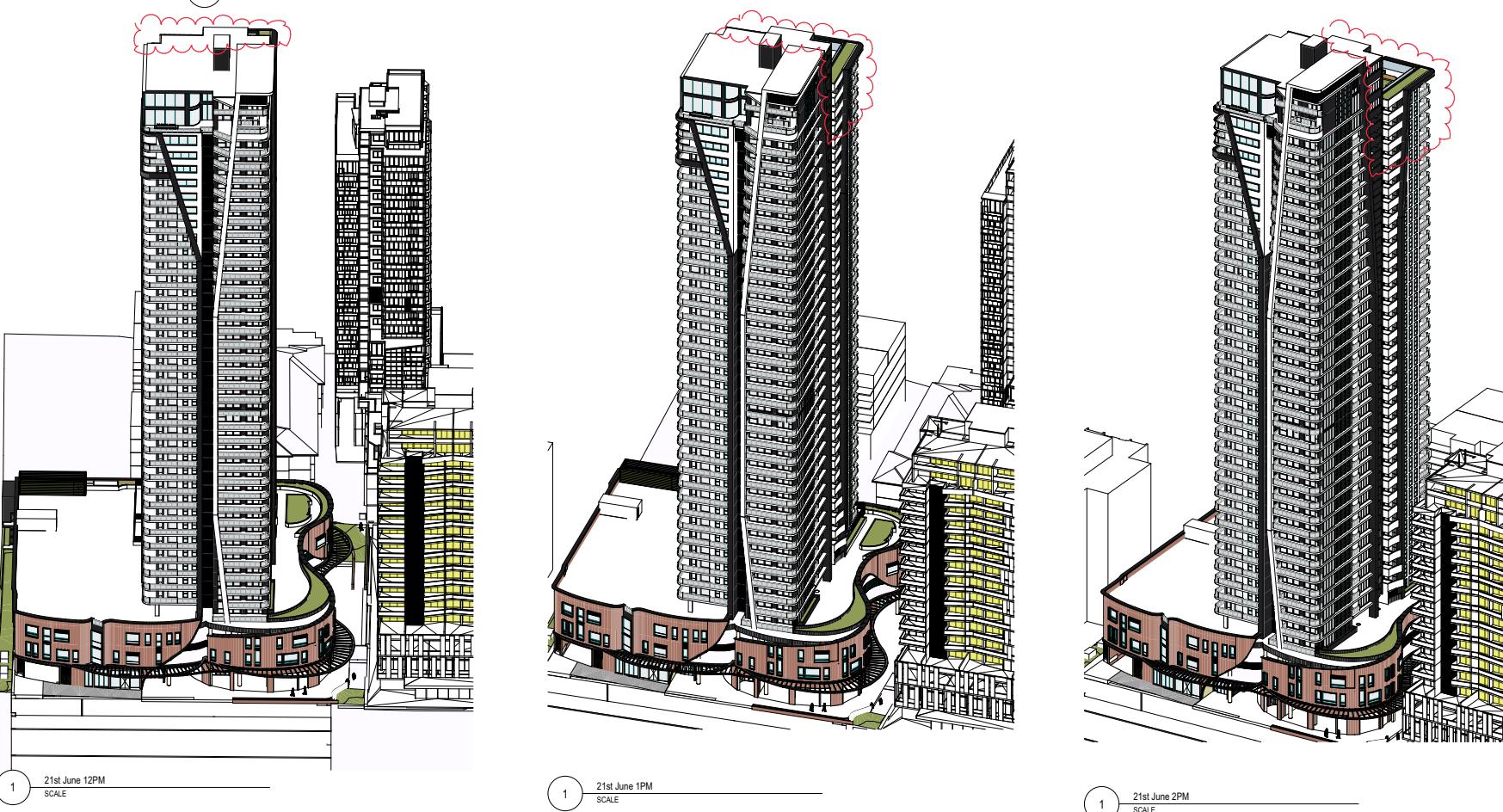
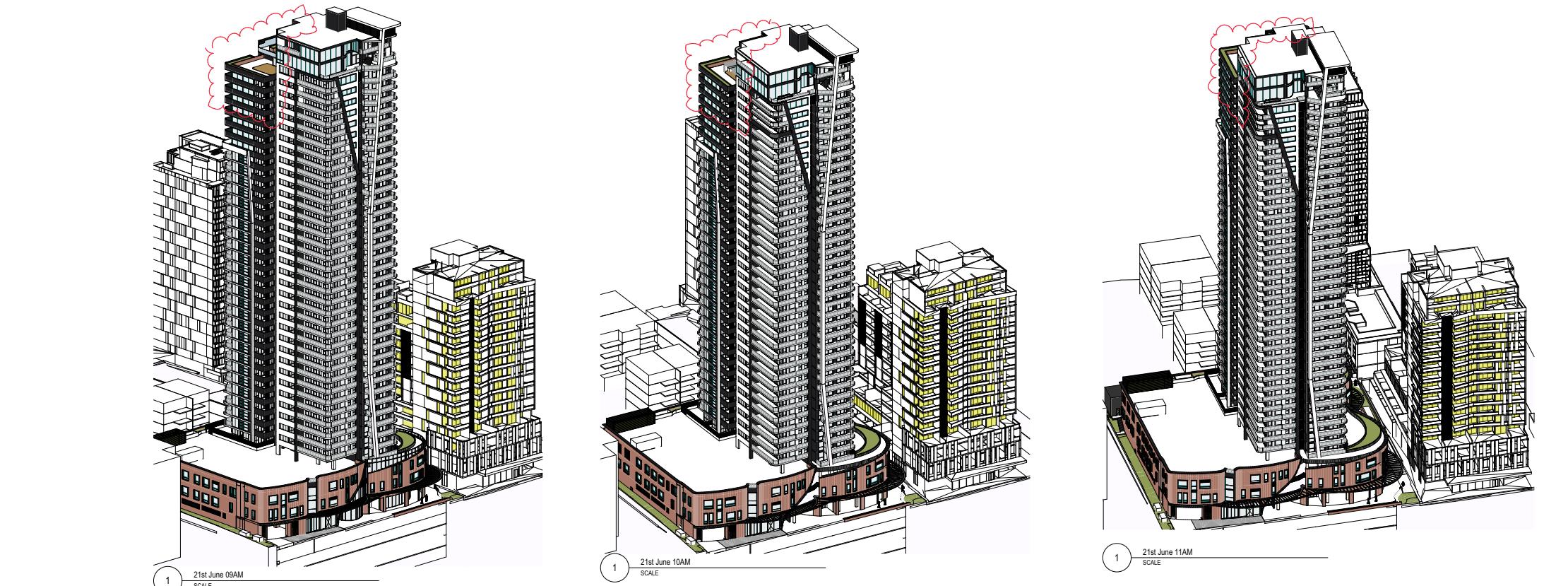
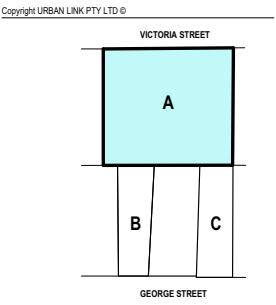
LEVEL 113

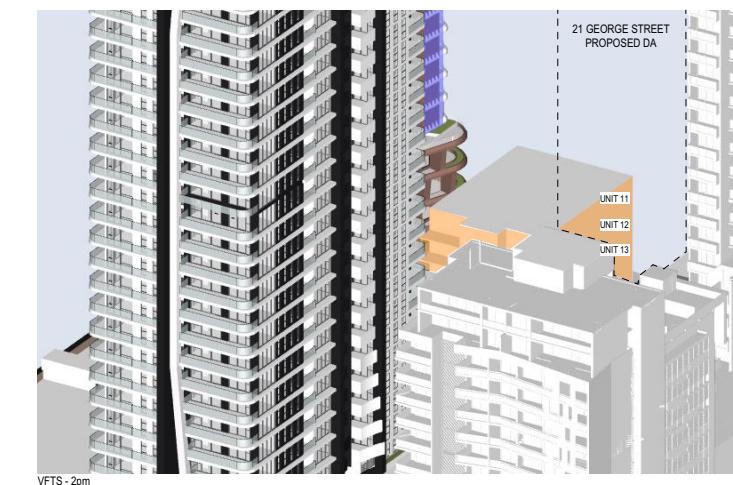
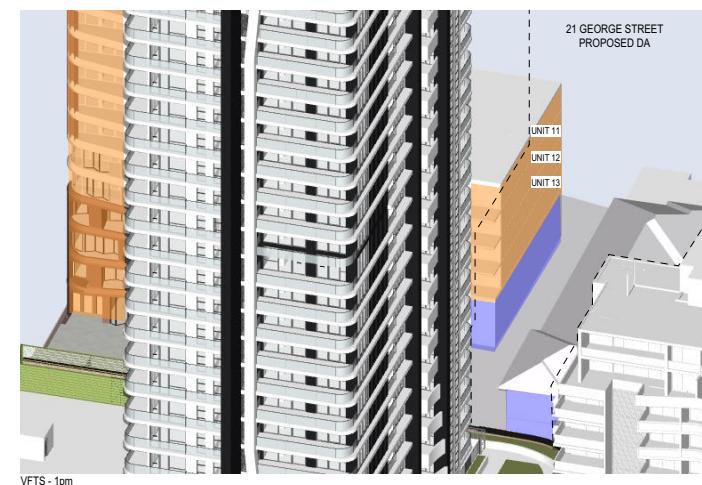
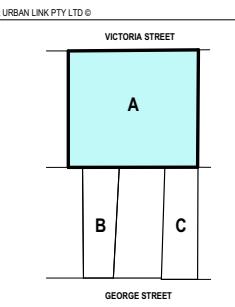
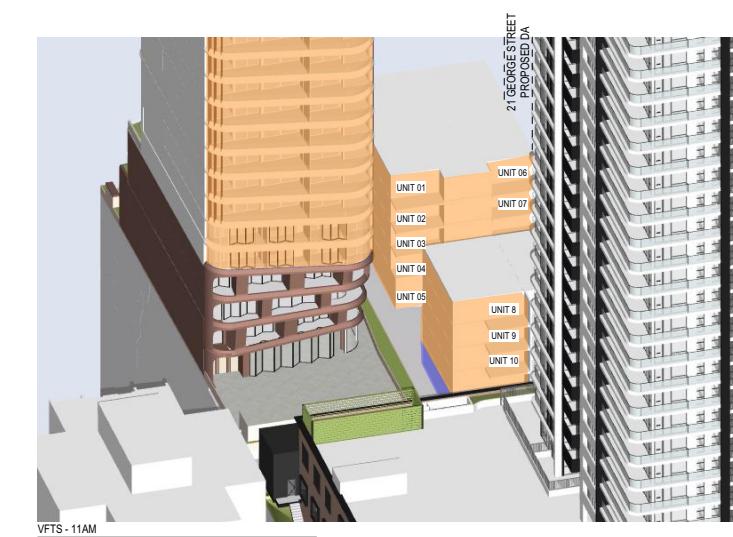
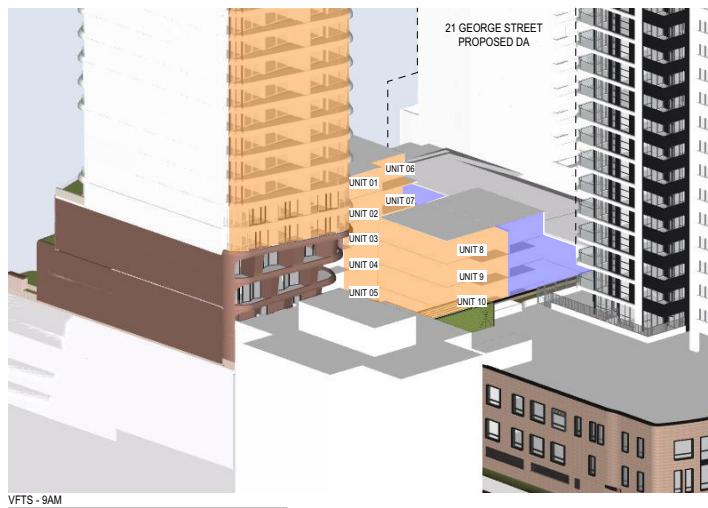
LEVEL 114

LEVEL 115

LEVEL 116

LEVEL 117





Legend:

- Orange square: Apartments receiving 2 or more hours of sunlight
- Blue square: Apartments receiving less than 2 of sunlight

19 GEORGE STREET - 2H SOLAR ACCESS CALCULATION

TOTAL NO OF UNITS: 29
 EXISTING NO > 2H SOLAR: 13/29 (44.8%)
 NO OF UNITS RECEIVING >2H SOLAR ACCESS AFTER 21 GEORGE ST. DEVELOPMENT: 10/29 (34.5%)
 UNIT NUMBERS 11, 12, 13 ARE NO LONGER ACHIEVING 2 HOURS OF SOLAR

REV1

I	VPA 2 SUBMISSION	29/12/2025	GU
G	SSDA SUBMISSION	23/10/2024	JB
F	SSDA SUBMISSION	27/08/2024	JB
E	SSDA SUBMISSION	10/06/2024	JB
D	SSDA SUBMISSION	03/04/2024	JB
C	COORDINATION	20/02/2024	JB
B	SSD SUBMISSION	09/01/2024	JB
A	SSD BRIEFING	20/12/2023	JU

Rev Description Date App'd

Project: SHOPTOP HOUSING VPA 2
 DEVELOPMENT APPLICATION

BUILDING A

URBAN LINK
 ARCHITECTS
 Business Address: Suite 204 180-186 Burwood
 Rd, Burwood NSW 2134
 Phone Number: -
 Nominate Architects: Georges Jeje Reg no 10993

Drawing Title: SOLAR STUDIES
 VFTS-SOLAR ACCESS TO 19 GEORGE ST
 Checked/Approved: G.J

Scale: 1:500
 Sheet Size: A1
 Project Number: 2023-067
 Drawing Number: DA-1506
 Revision: I
 Status: VPA 2 DEVELOPMENT APPLICATION



APPROVED



PROPOSED SSD DA



ADDITIONAL SHADOW



APPROVED



PROPOSED SSD DA



ADDITIONAL SHADOW

3 - REV1

I	VPA2 SUBMISSION	16/07/2025	GJ
H	VPA2 SUBMISSION	09/12/2024	JB
F	SSDA SUBMISSION	29/08/2024	JB
E	SSDA SUBMISSION	16/05/2024	JB
D	SSDA SUBMISSION	03/04/2024	JB
C	COORDINATION	20/03/2024	JB
B	SSDA DRP	06/03/2024	JB
A	SSD BRIEFING	20/12/2023	GJ
Rev Description	Date	App'd	

Project:
SHOPTOP HOUSING SSD
DEVELOPMENT APPLICATION
28 VICTORIA, 17 & 21 GEORGE ST.
Burwood NSW 2134 Australia

URBAN LINK
ARCHITECTS
Business Address: Suite 703, 11-15 Deane Street, Burwood NSW 2134
Phone Number: +61 2 9745 2099
Nominated Architect:
Georges Jelle Reg no 10993

Drawing Title:
SOLAR STUDIES
SHADOW DIAGRAMS JUNE 21 -
9 & 9:30 AM

Scale:
A4 Sheet Size
Project Number:
2023-067
Drawing Number:
DA-1507
Revision:
I
Status:



APPROVED



PROPOSED SSD DA



ADDITIONAL SHADOW



APPROVED



PROPOSED SSD DA



ADDITIONAL SHADOW

3 - REV1

I	VPA 2 SUBMISSION	16/07/2025	GJ
H	VPA 2 SUBMISSION	09/12/2024	JB
F	SSDA SUBMISSION	29/08/2024	JB
E	SSDA SUBMISSION	16/05/2024	JB
D	SSDA SUBMISSION	03/04/2024	JB
C	COORDINATION	20/03/2024	
B	SSDA DRP	06/03/2024	JB
A	SSD BRIEFING	20/12/2023	GJ
Rev Description	Date	App'd	

Project:
SHOPTOP HOUSING SSD
DEVELOPMENT APPLICATION
28 VICTORIA, 17 & 21 GEORGE ST.
Burwood NSW 2134 Australia

URBAN LINK
ARCHITECTS
Business Address: Suite 703, 11-15 Deane Street, Burwood NSW 2134
Phone Number: +61 2 9745 2014

Nominated Architect:
Georges Jelle Reg no 10993

Drawing Title:
SOLAR STUDIES
SHADOW DIAGRAMS JUNE 21 -
10 & 10:30 AM

Scale:
A4 Sheet Size
Project Number:
2023-067
Status:
Drawing Number:
DA-1508
Revision:
I



APPROVED



PROPOSED SSD DA



ADDITIONAL SHADOW



APPROVED



PROPOSED SSD DA



ADDITIONAL SHADOW

3 - REV1

I	VPA2 SUBMISSION	16/07/2025	GJ
H	VPA2 SUBMISSION	09/12/2024	JB
F	SSDA SUBMISSION	29/08/2024	
E	SSDA SUBMISSION	16/05/2024	JB
D	SSDA SUBMISSION	03/04/2024	JB
C	COORDINATION	20/03/2024	
B	SSDA DRP	06/03/2024	JB
A	SSD BRIEFING	20/12/2023	GJ

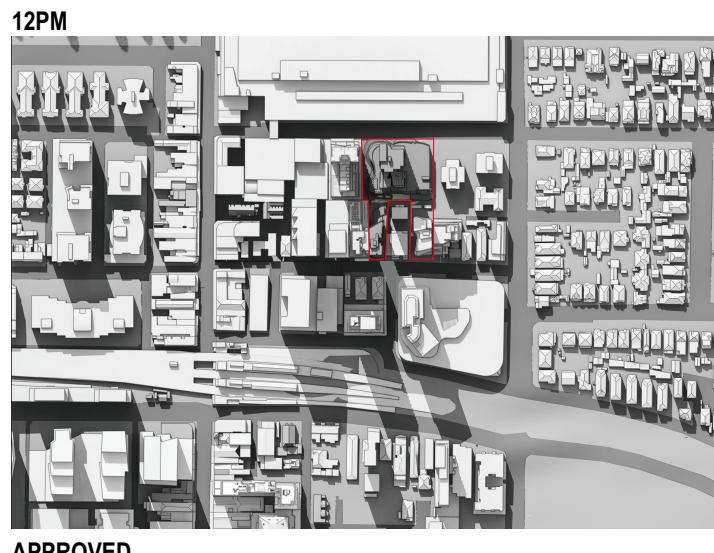
Rev Description Date App'd

Project
SHOPTOP HOUSING SSD
DEVELOPMENT APPLICATION
28 VICTORIA, 17 & 21 GEORGE ST.
Burwood NSW 2134 Australia

URBAN LINK
ARCHITECTS
Business Address: Suite 703, 11-15 Deane Street, Burwood NSW 2134
Phone Number: +61 2 9745 2099
Nominated Architect: Georges Jeje Reg no 10993

Drawing Title
SOLAR STUDIES
SHADOW DIAGRAM JUNE 21 -
11 & 11:30 AM

Scale
A4 Sheet Size
Project Number
2023-067
Status
Drawing number
DA-1509
Revision
I



APPROVED



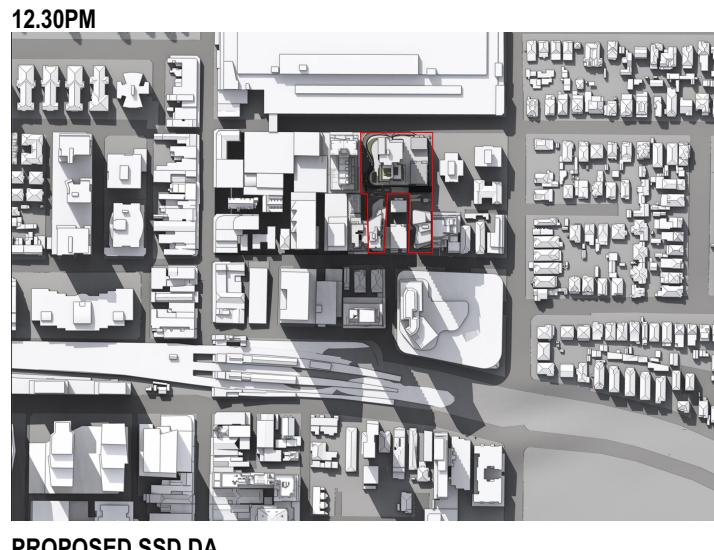
PROPOSED SSD DA



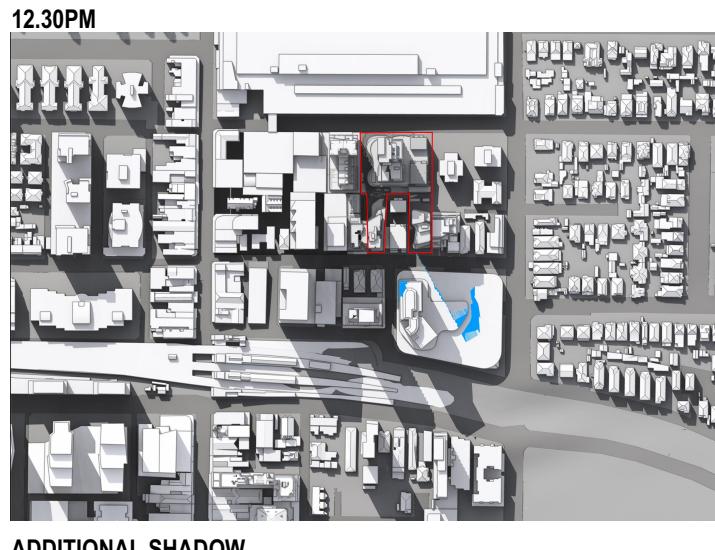
ADDITIONAL SHADOW



APPROVED



PROPOSED SSD DA



ADDITIONAL SHADOW

- REV1	
VPA 2 SUBMISSION	16/07/2025
VPA 2 SUBMISSION	09/12/2024
SSDA SUBMISSION	26/08/2024
SSDA SUBMISSION	16/05/2024
SSDA SUBMISSION	03/04/2024
COORDINATION	20/03/2024
SSDA DRP	06/03/2024
SSD BRIEFING	20/12/2023
rev	Description
	Date
	AppId

VPA 2 SUBMISSION	16/07/2025	GJ
VPA 2 SUBMISSION	09/12/2024	JB
SSDA SUBMISSION	28/08/2024	JB
SSDA SUBMISSION	16/05/2024	JB
SSDA SUBMISSION	03/04/2024	JB
COORDINATION	20/03/2024	JB
SSDA DRP	06/03/2024	JB

A SSD BRIEFING 20/12/2023 GJ
Rev Description Date App'd
Project
**SHOPTHOP HOUSING SSD
DEVELOPMENT APPLICATION**
28 VICTORIA, 17 & 21 GEORGE ST,

 URBAN LINK
ARCHITECTS
Business Address: Suite 702, 11-15 Deane Street, Burwood NSW 2124

Business Address: Suite 703, 11-13 Deane Street, Burwood NSW 2134
Phone Number: +61 2 9745 2014

Nominated Architects:
Georges Jreija Reg no 10993

Drawing Title
SOLAR STUDIES
SHADOW DIAGRAM JUNE 21-
12 & 12:30 PM

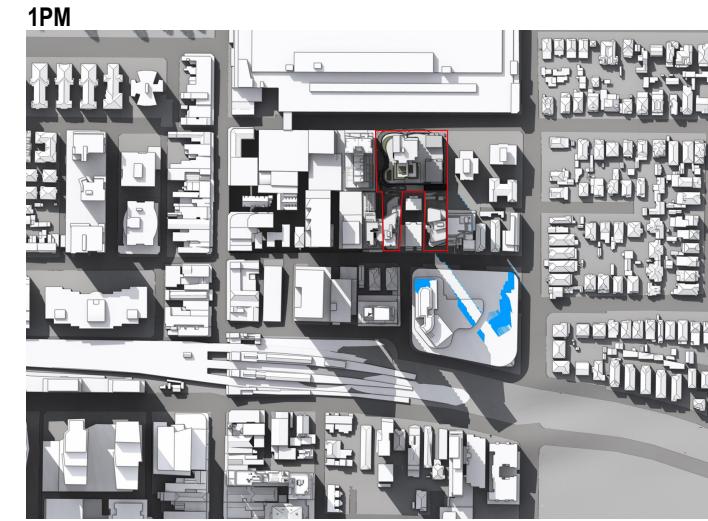
Scale
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Project Number
2023-067
Status
Drawing Number
DA-1510
Revision
I



APPROVED



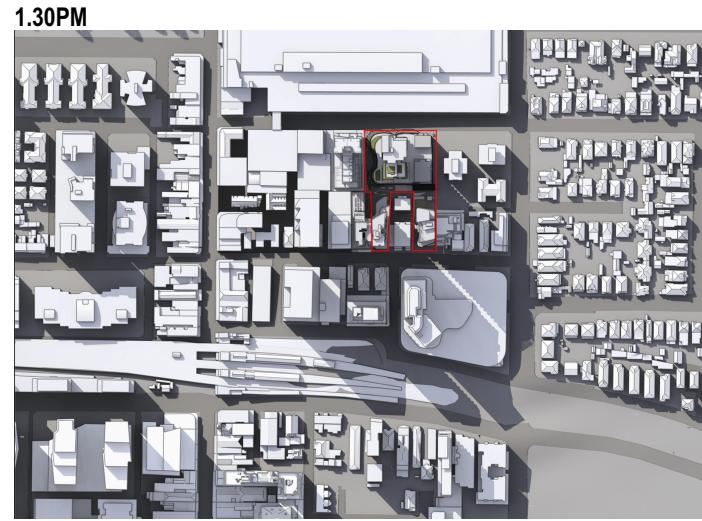
PROPOSED SSD DA



ADDITIONAL SHADOW



APPROVED



PROPOSED SSD DA



ADDITIONAL SHADOW

3 - REV1

I	VPA 2 SUBMISSION	16/07/2025	GJ
H	VPA 2 SUBMISSION	09/12/2024	JB
F	SSDA SUBMISSION	29/08/2024	JB
E	SSDA SUBMISSION	16/05/2024	JB
D	SSDA SUBMISSION	03/04/2024	JB
C	COORDINATION	20/03/2024	JB
B	SSDA DRP	06/03/2024	JB
A	SSD BRIEFING	20/12/2023	GJ

Rev Description Date App'd

Project:
SHOPTOP HOUSING SSD
DEVELOPMENT APPLICATION
28 VICTORIA, 17 & 21 GEORGE ST.
Burwood NSW 2134 Australia

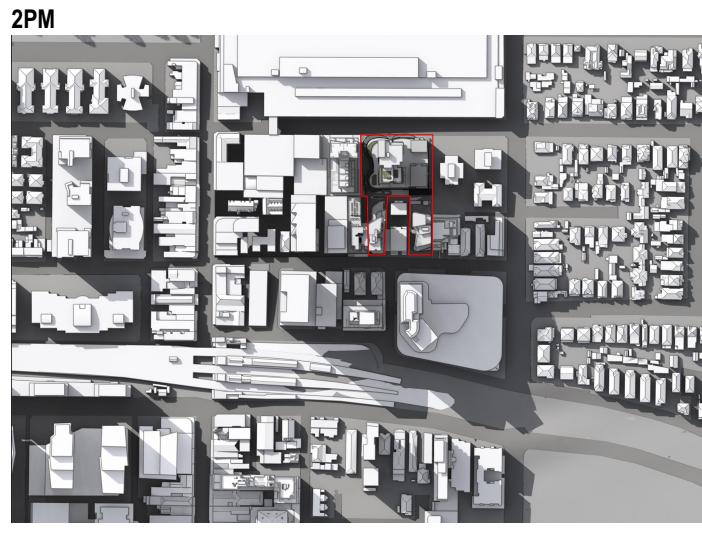
URBAN LINK
ARCHITECTS
Business Address: Suite 703, 11-15 Deane Street, Burwood NSW 2134
Phone Number: +61 2 9745 2099
Nominated Architect:
Georges Jeje Reg no 10993

Drawing Title:
SOLAR STUDIES
SHADOW DIAGRAM JUNE 21 -
1 & 1:30 PM

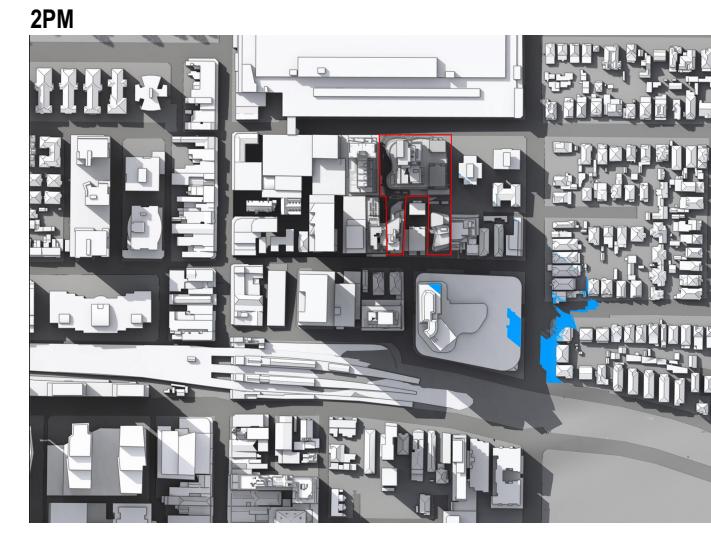
Scale:
A4 Sheet Size
Project Number:
2023-067
Drawing Number:
DA-1511
Revision:
I
Status:
2023-067



APPROVED



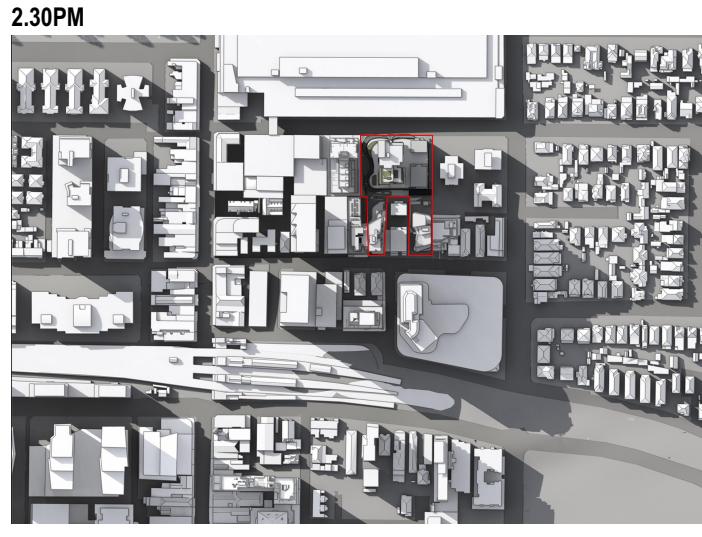
PROPOSED SSD DA



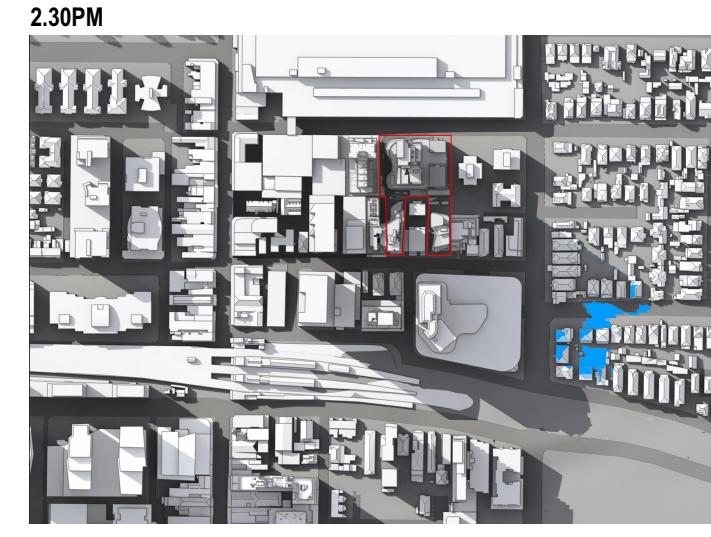
ADDITIONAL SHADOW



APPROVED



PROPOSED SSD DA



ADDITIONAL SHADOW

3 - REV1

I VPA2 SUBMISSION 16/07/2025 GU
H VPA2 SUBMISSION 09/12/2024 JB
F SSDA SUBMISSION 29/08/2024 JB
E SSDA SUBMISSION 16/05/2024 JB
D SSDA SUBMISSION 03/04/2024 JB
C COORDINATION 20/03/2024 JB
B SSDA DRP 08/03/2024 JB
A SSD BRIEFING 20/12/2023 GU
Rev Description Date App'd

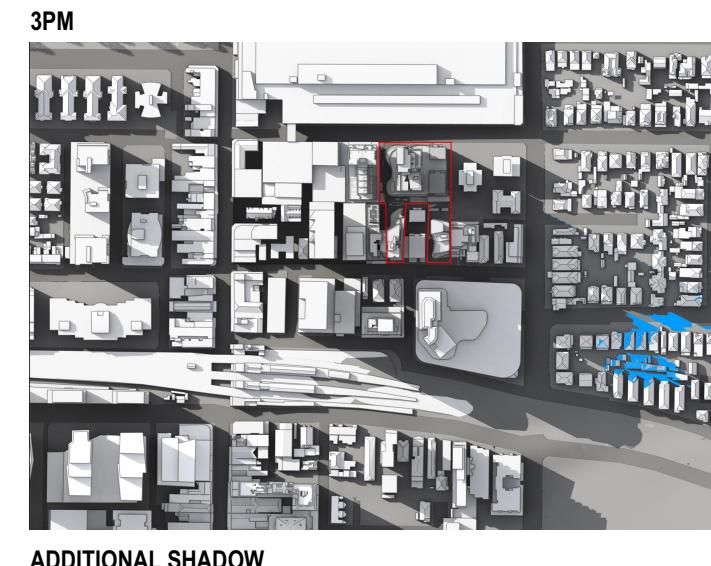
Project
SHOPTOP HOUSING SSD
DEVELOPMENT APPLICATION
28 VICTORIA, 17 & 21 GEORGE ST.
Burwood NSW 2134 Australia

URBAN LINK
ARCHITECTS
Business Address: Suite 703, 11-15 Deane Street, Burwood NSW 2134
Phone Number: +61 2 9745 2099

Nominated Architects
Georges Jeje Reg no 10993

Drawing Title
SOLAR STUDIES
SHADOW DIAGRAM JUNE 21 -
2 & 2:30 PM

Scale
A4 Sheet Size
Project Number
2023-067
Status
Drawing Number
DA-1512
Revision
I



3 - REV1

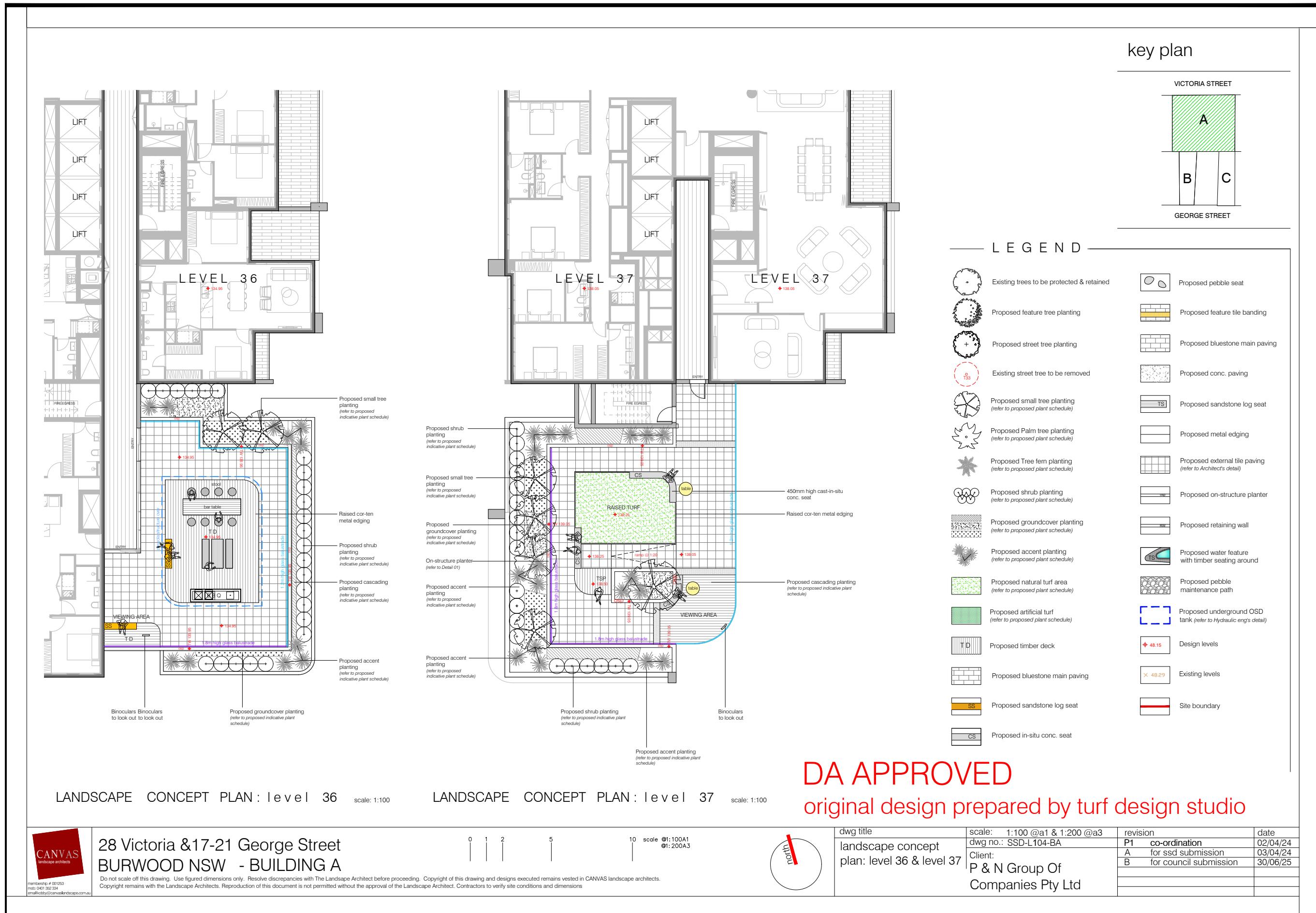
I	VPA 2 SUBMISSION	16/07/2025	GJ
H	VPA 2 SUBMISSION	09/12/2024	JB
F	SSDA SUBMISSION	29/08/2024	JB
E	SSDA SUBMISSION	16/05/2024	JB
D	SSDA SUBMISSION	03/04/2024	JB
C	COORDINATION	20/03/2024	JB
B	SSDA DRP	06/03/2024	JB
A	SSD BRIEFING	20/12/2023	GJ
Rev Description	Date	App'd	

Project:
SHOPTOP HOUSING SSD
DEVELOPMENT APPLICATION
28 VICTORIA, 17 & 21 GEORGE ST.
Burwood NSW 2134 Australia

URBAN LINK
ARCHITECTS
Business Address: Suite 703, 11-15 Deane Street, Burwood NSW 2134
Phone Number: +61 2 9745 2014
Nominated Architects:
Georges Jeje Reg no 10993

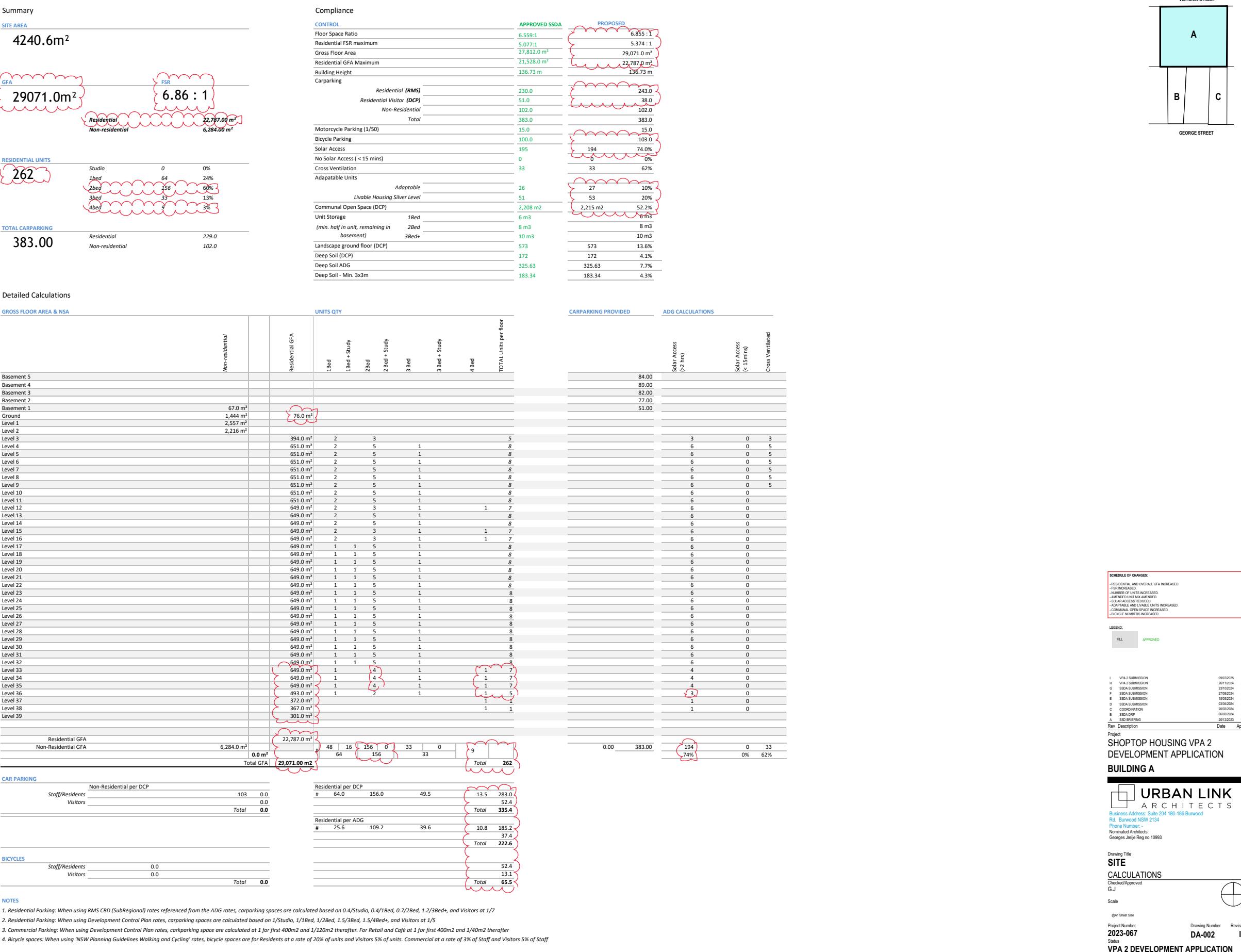
Drawing Title:
SOLAR STUDIES
SHADOW DIAGRAM JUNE 21 - 3PM

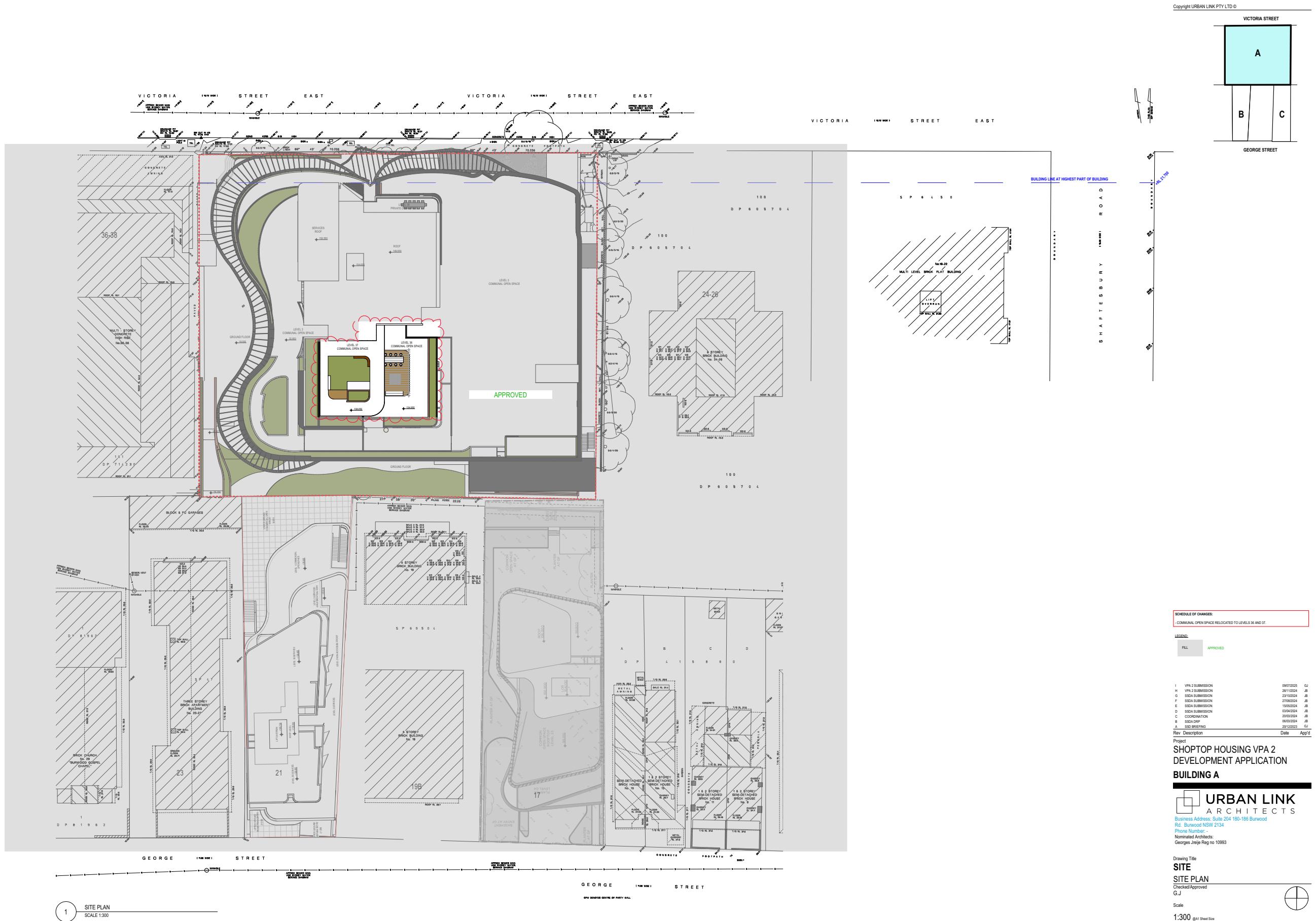
Scale: @A1 Sheet Size
Project Number: 2023-067 Drawing Number: DA-1513 Revision: I
Status:

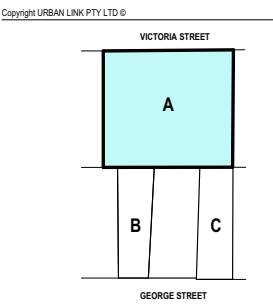


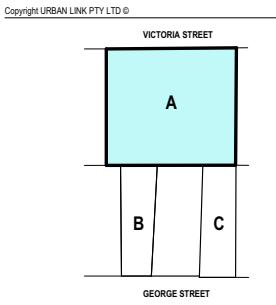


VICTORIA STREET









J	VPA 2 SUBMISSION	08/12/2023
VPA 2 SUBMISSION	08/12/2023	0J
H	VPA 2 SUBMISSION	23/11/2024
G	VPA 2 SUBMISSION	23/11/2024
F	VPA 2 SUBMISSION	27/06/2024
P	VPA 2 SUBMISSION	10/06/2024
E	VPA 2 SUBMISSION	03/06/2024
D	VPA 2 SUBMISSION	03/06/2024
C	COORDINATION	20/01/2024
B	ISSUE	03/06/2024
A	SSD BRIEFING	20/12/2023

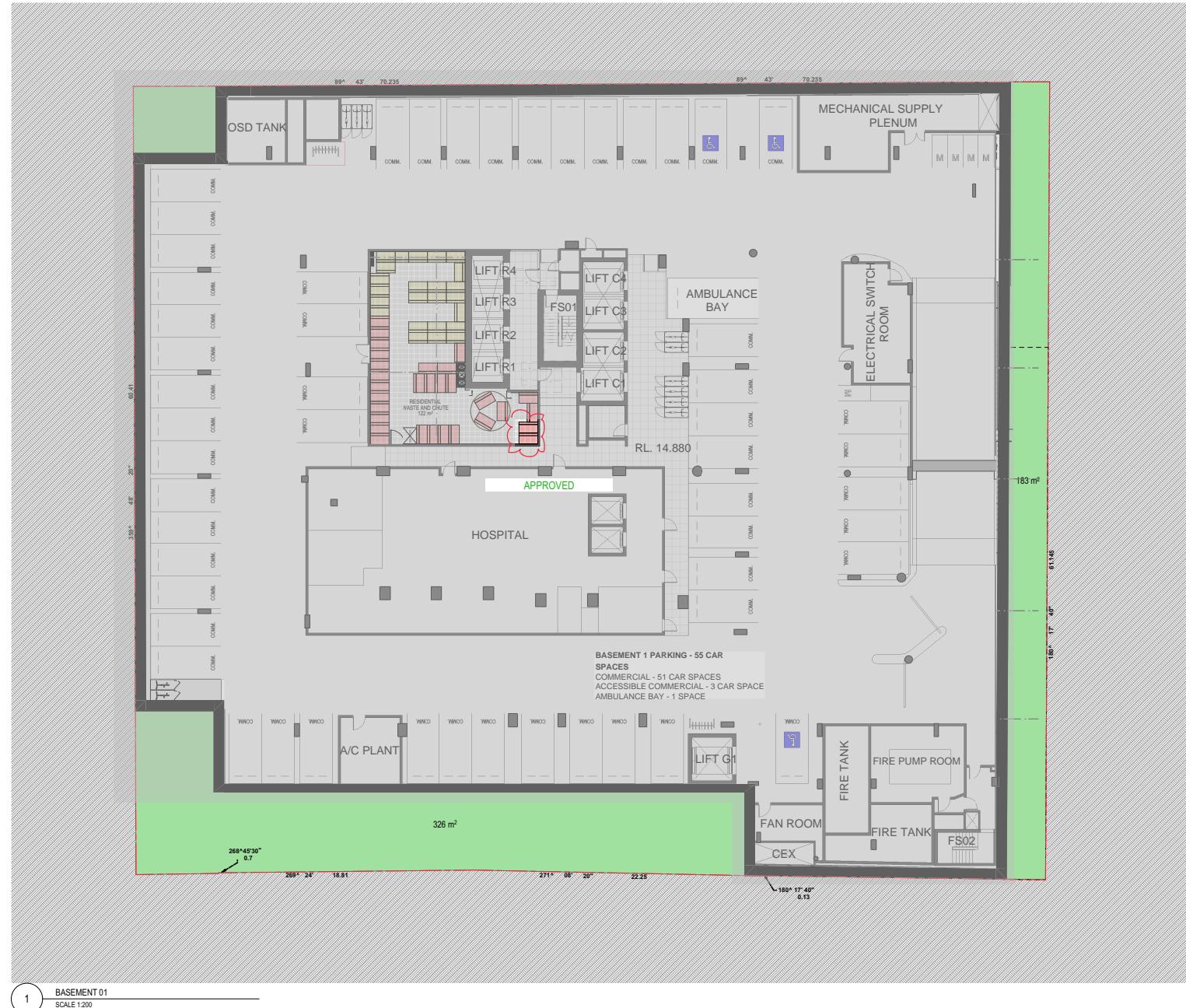
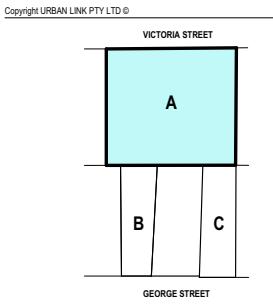
Rev Description Date App'd

Project: SHOPTOP HOUSING VPA 2
Development Application

BUILDING A

URBAN LINK
ARCHITECTS
Business Address: Suite 204 180-186 Burwood
Rd. Burwood NSW 2134
Phone Number: -
Nominate Architects: Georges Jeje Reg no 10993

Drawing Title: FLOOR PLANS
BASEMENT 02
Checked/Approved: G.J
Scale: 1:200, 1:0.80
Project Number: 2023-067
Drawing Number: DA-104
Revision: J
Status: VPA 2 DEVELOPMENT APPLICATION



SCHEDULE OF CHANGES:
- Recycling bin added.
- Waste bin added.

Project	Approved
VPA 2 SUBMISSION	08/12/2025
VPA 2 SUBMISSION	08/12/2025
VPA 2 SUBMISSION	23/12/2024
G SSA SUBMISSION	23/12/2024
F SSA SUBMISSION	27/06/2024
E SSA SUBMISSION	10/06/2024
D SSA SUBMISSION	03/06/2024
C COORDINATION	20/05/2024
B SSD	09/05/2024
A SSD BRIEFING	20/12/2023

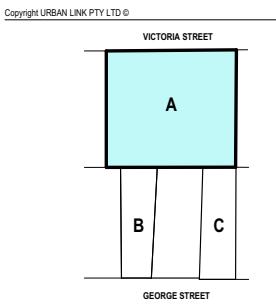
Rev Description Date App'd

Project
SHOPTOP HOUSING VPA 2
DEVELOPMENT APPLICATION

BUILDING A

URBAN LINK
ARCHITECTS
Business Address: Suite 204 180-186 Burwood
Rd. Burwood NSW 2134
Phone Number: -
Named Architects:
Georges Jeje Reg no 10993

Drawing Title
FLOOR PLANS
BASEMENT 01
Checked/Approved
G.J
1:200, 1:0.80,
1:188.51 @A1 Sheet
Size
Project Number
2023-067
Drawing Number
DA-105
Revision
J
Status
VPA 2 DEVELOPMENT APPLICATION



SCHEDULE OF CHANGES:
- Bin holding room amended

LEGEND:
FILL APPROVED

J VPA 2 SUBMISSION 02/02/2023 G
I VPA 2 SUBMISSION 06/02/2023 G
H VPA 2 SUBMISSION 23/02/2024 J,B
F SDA SUBMISSION 27/02/2024 J,B
E SDA SUBMISSION 10/03/2024 J,B
D SDA SUBMISSION 03/04/2024 J,B
C COORDINATION 20/04/2024 J,B
B SDA 03/05/2024 J,B
A SSD BRIEFING 20/12/2023 J
Rev Description Date App'd

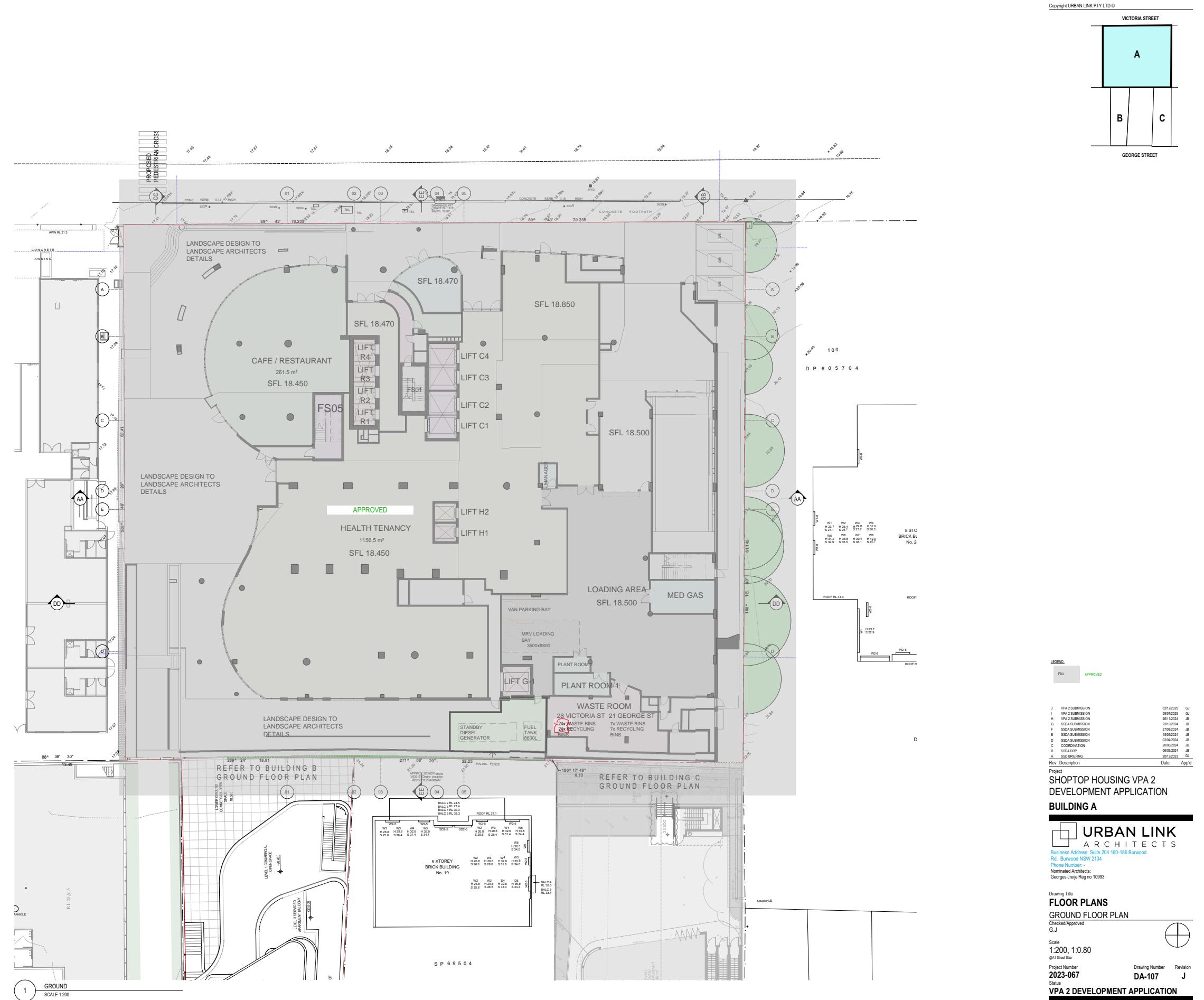
Project SHOPTOP HOUSING VPA 2
DEVELOPMENT APPLICATION

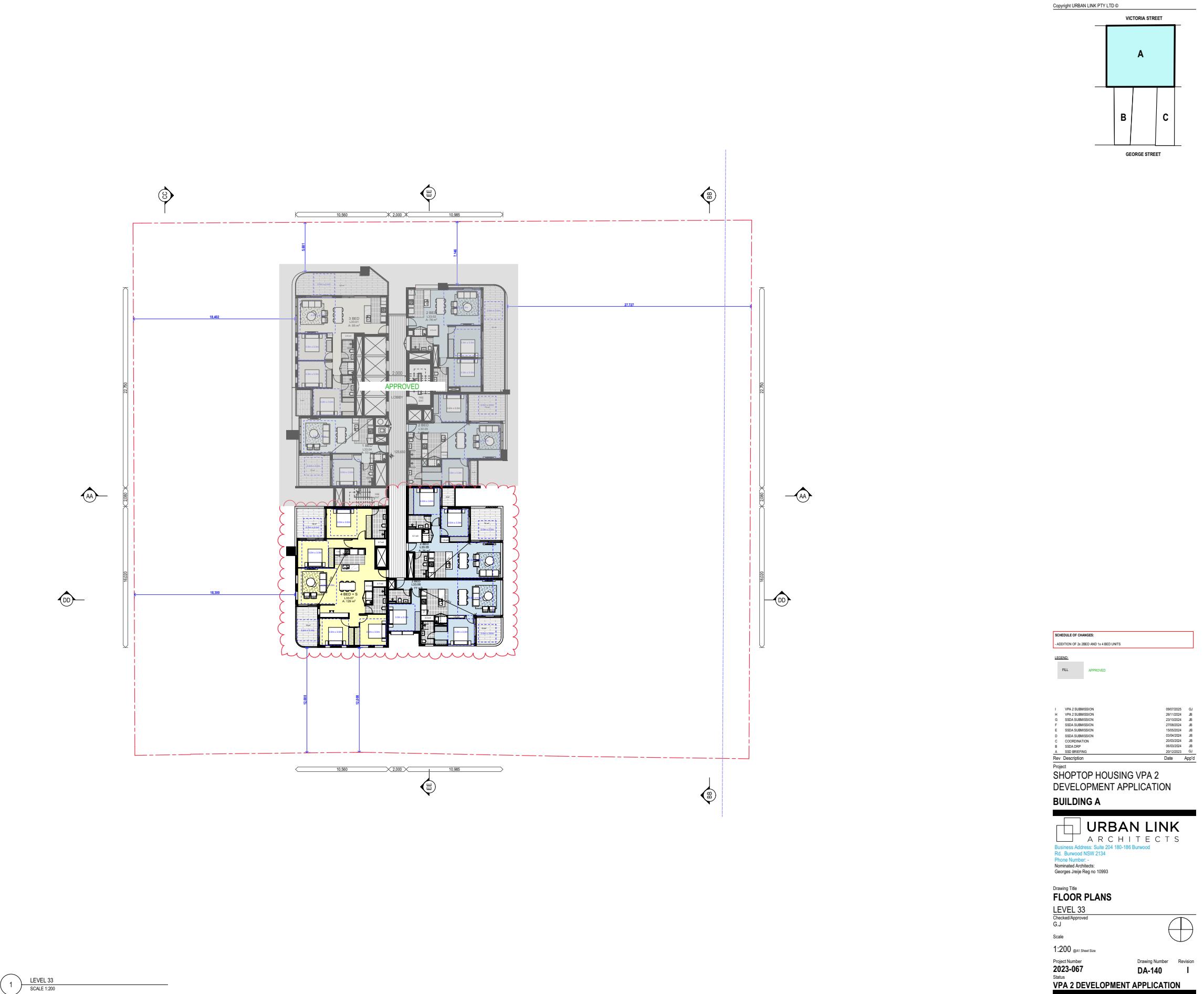
BUILDING A

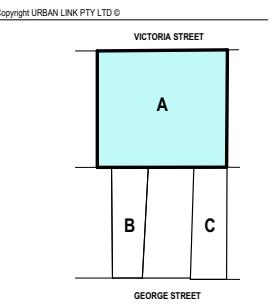
URBAN LINK
ARCHITECTS
Business Address: Suite 204 180-186 Burwood
Rd. Burwood NSW 2134
Phone Number: -
Nominated Architects: Georges Jeje Reg no 10993

Drawing Title: FLOOR PLANS
EXTENDED GROUND FLOOR
Drawing Approved: G.J
Scale: 1:300, 1:1.20
(DA1 sheet size)

Project Number: 2023-067 Drawing Number: DA-106 Revision: J
Status: VPA 2 DEVELOPMENT APPLICATION







SCHEDULE OF CHANGES:

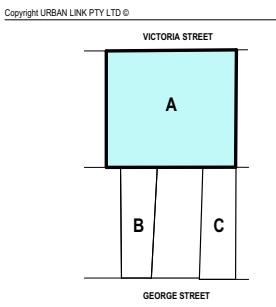
LEGEND:

I	VPA 2 SUBMISSION	09/07/2023	Q3
H	VPA 2 SUBMISSION	26/11/2024	Q4
G	SSDA SUBMISSION	23/10/2024	Q4
F	SSDA SUBMISSION	27/08/2024	Q3
E	SSDA SUBMISSION	10/06/2024	Q2
D	SSDA SUBMISSION	03/04/2024	Q1
C	COORDINATION	20/03/2024	Q1
B	SSDA DBP	06/03/2024	Q1
A	SSD BRIEFING	20/12/2023	Q4
New Description		Date	Amend

Project
SHOPTOP HOUSING VPA 2
DEVELOPMENT APPLICATION
BUILDING A

Drawing Title	FLOOR PLANS		
LEVEL 34			
checked/Approved			
S.J			
scale			
1:200 (@A1 Sheet Size			
Project Number	Drawing Number		Revision
2023-067	DA-141		I
status			
P/A 2 DEVELOPMENT APPLICATION			

1 LEVEL 34
SCALE 1:200



SCHEDULE OF CHANGES:
-ADDITION OF 2x 2BED AND 1x 4BED UNITS

Project: SHOPTOP HOUSING VPA 2
Development Application: BUILDING A

URBAN LINK

ARCHITECTS

Business Address: Suite 204 180-186 Burwood

Rd. Burwood NSW 2134

Phone Number: -

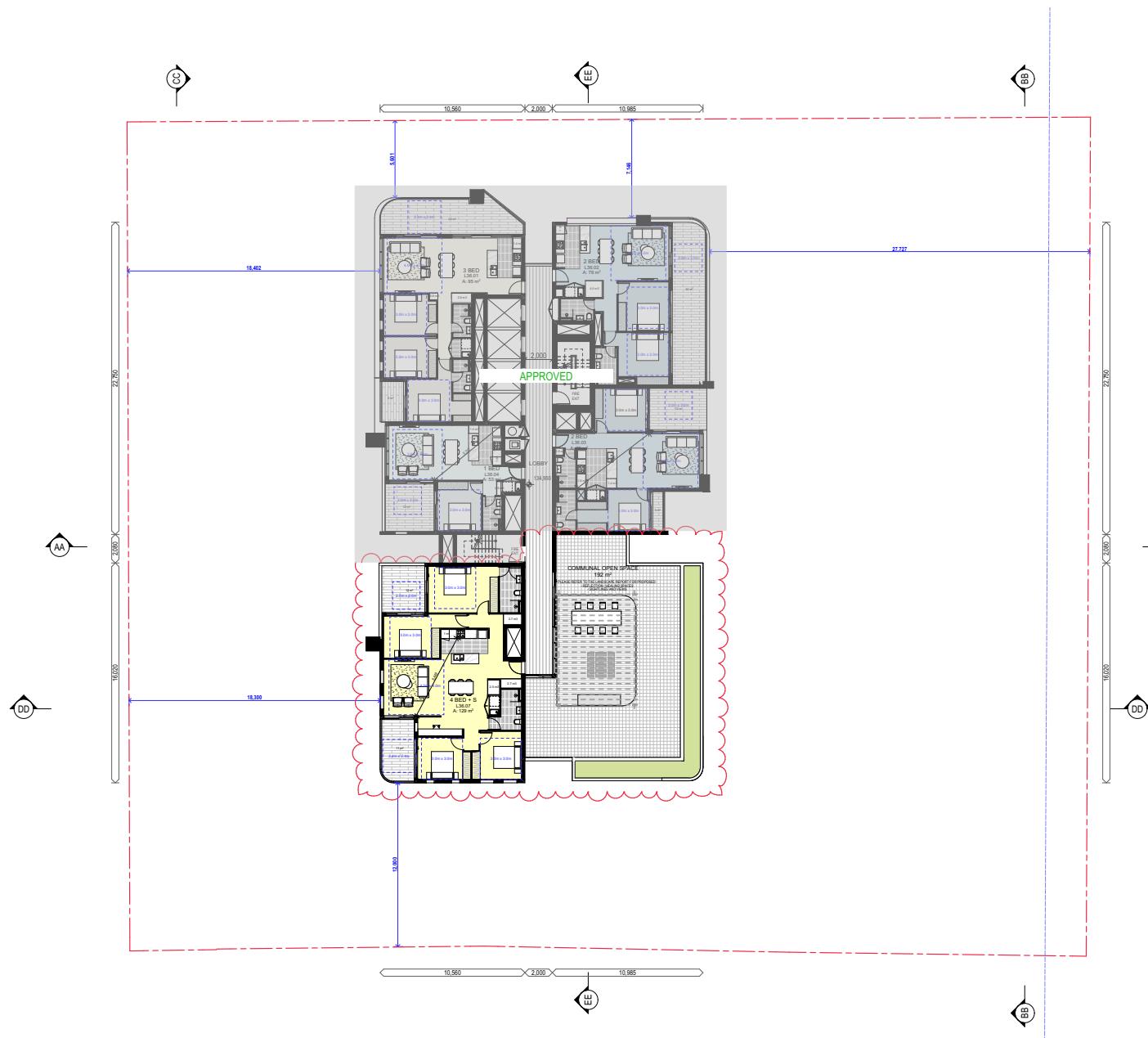
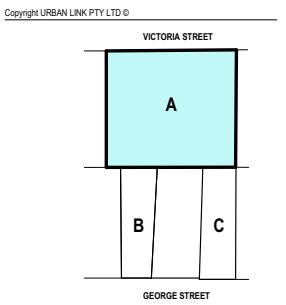
Nominated Architects: Georges Jeje Reg no 10993

Drawing Title: FLOOR PLANS
LEVEL 35
Checked/Approved: G.J

Scale: 1:200 (A1 Sheet Size)

Project Number: 2023-067 Drawing Number: DA-142 Revision: I

Status: VPA 2 DEVELOPMENT APPLICATION



SCHEDULE OF CHANGES:
- ADDITION OF 4x4 BED APARTMENTS.
- ADDITION OF COMMUNAL OPEN SPACE.

LEGEND:
FILL APPROVED

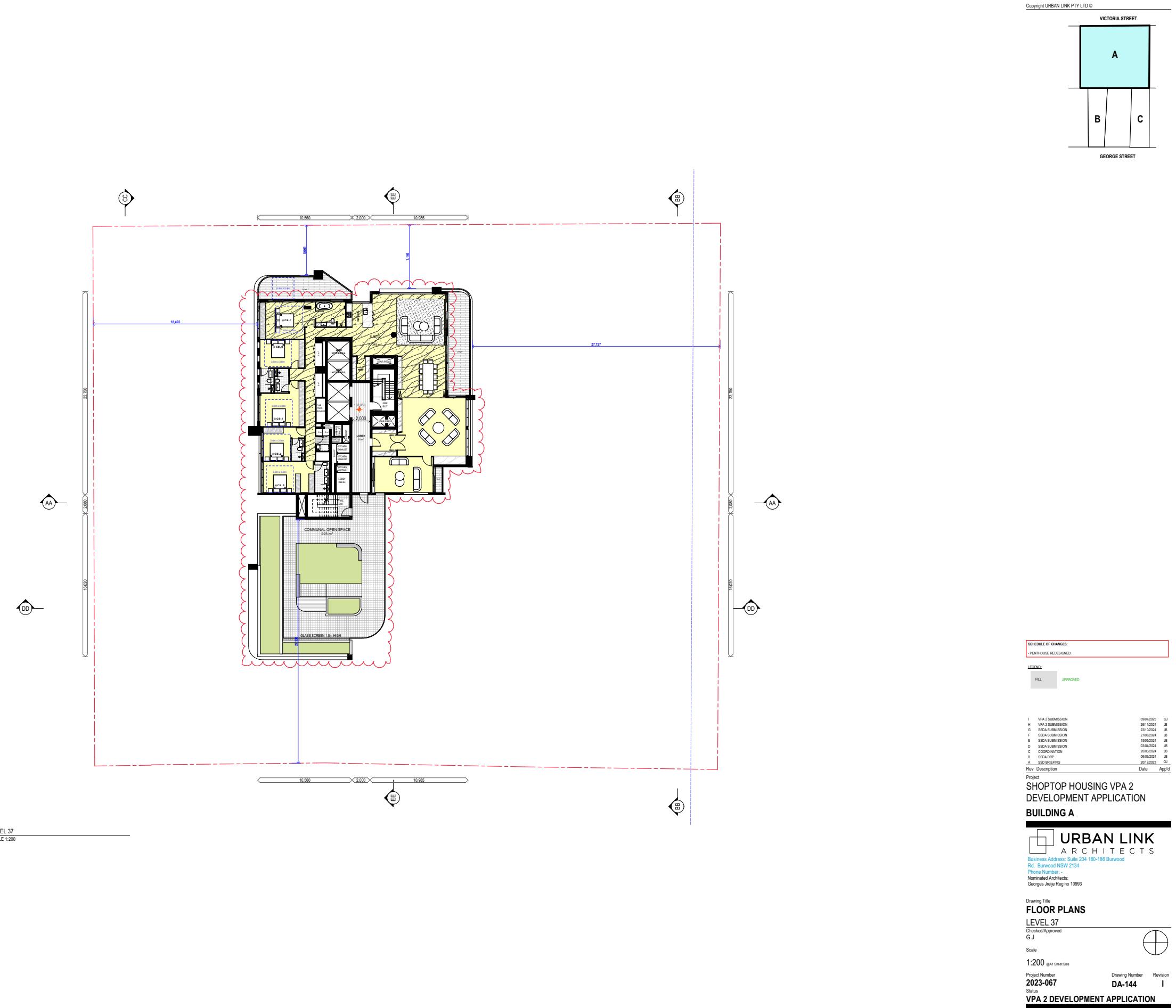
I VPA 2 SUBMISSION 09/07/2025 JB
H VPA 2 SUBMISSION 03/04/2024 JB
G SSOA SUBMISSION 20/03/2024 JB
F SSOA SUBMISSION 27/03/2024 JB
E SSOA SUBMISSION 15/05/2024 JB

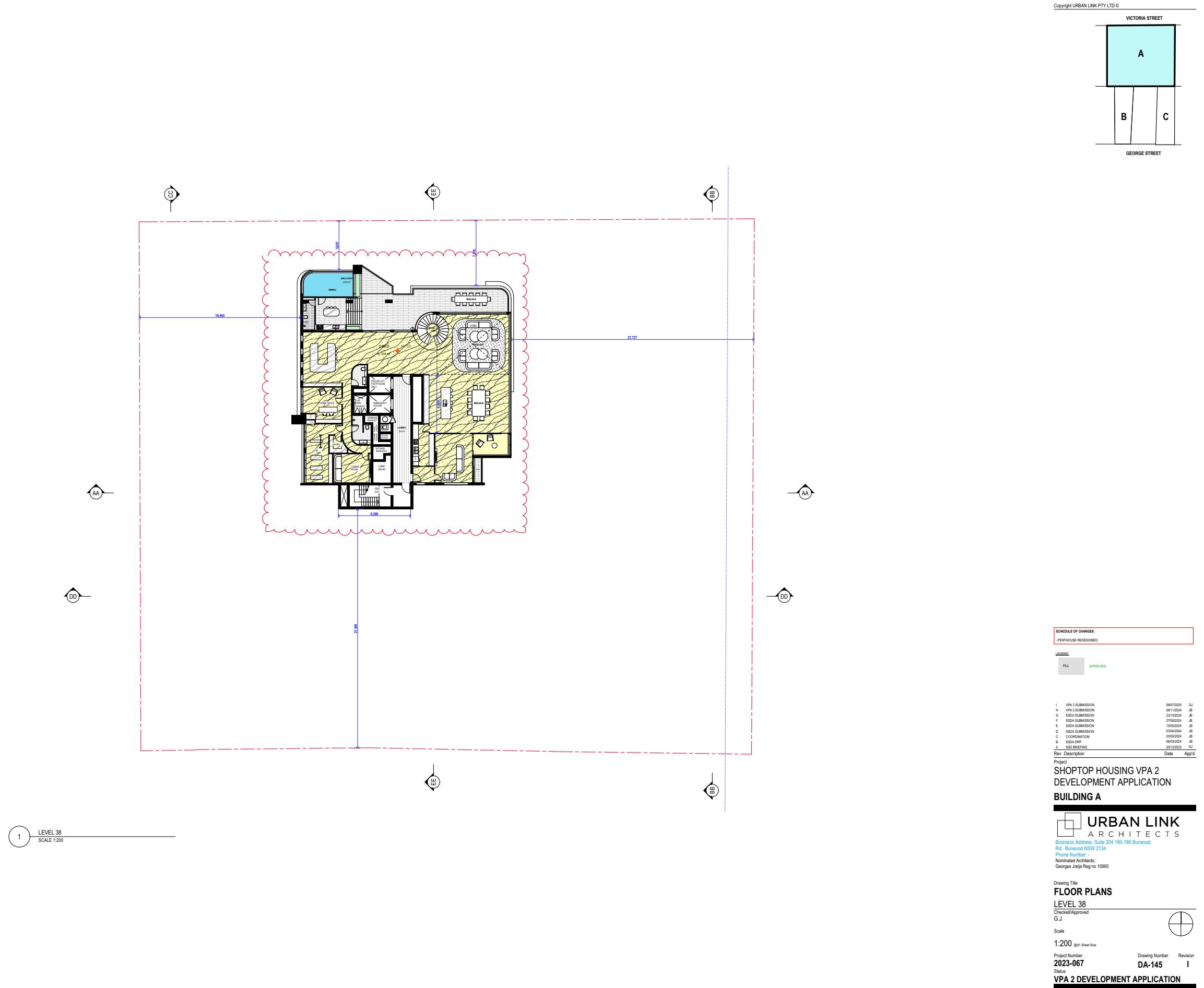
Rev Description Date App'd
Project SHOPTOP HOUSING VPA 2
Development Application

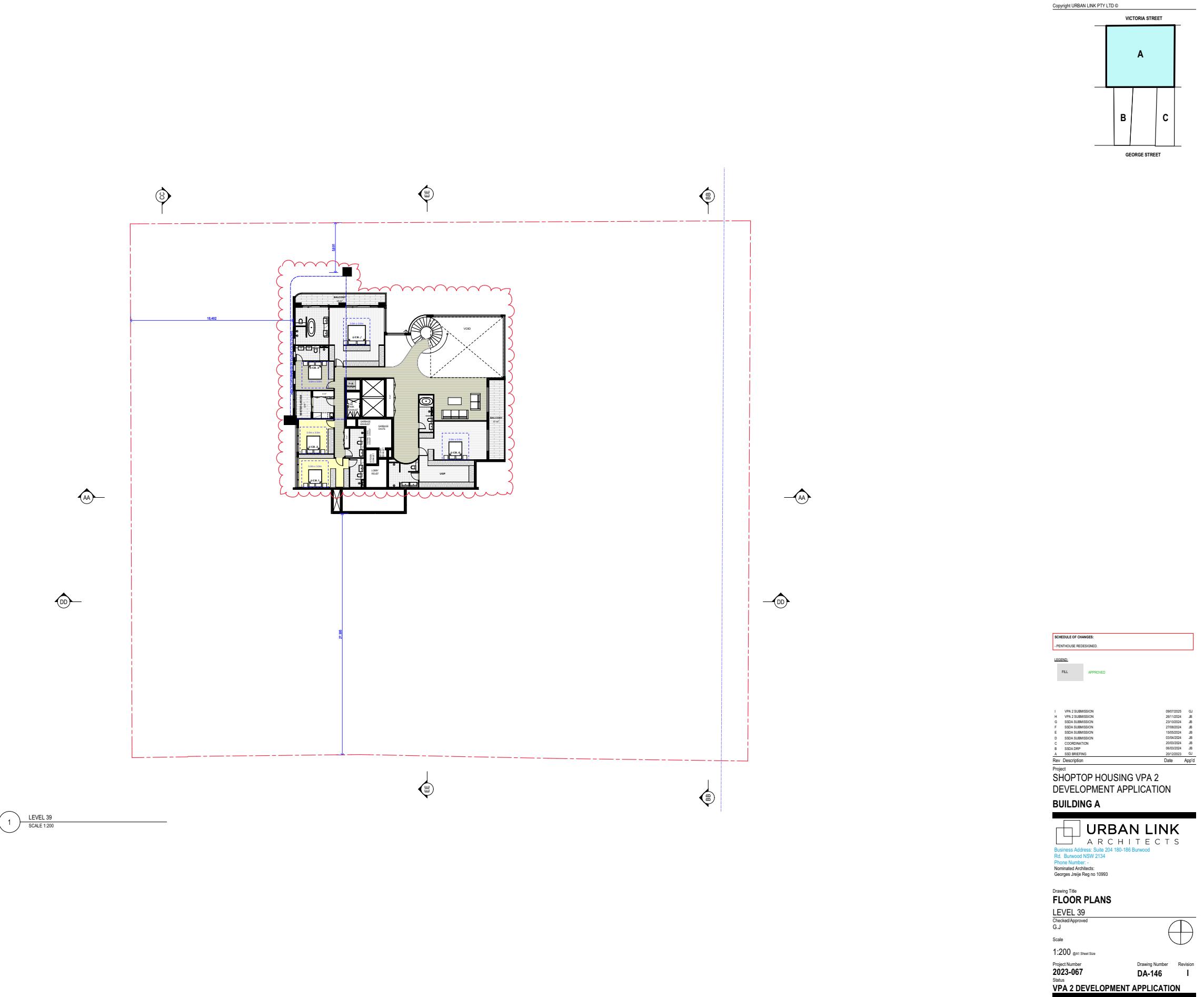
BUILDING A

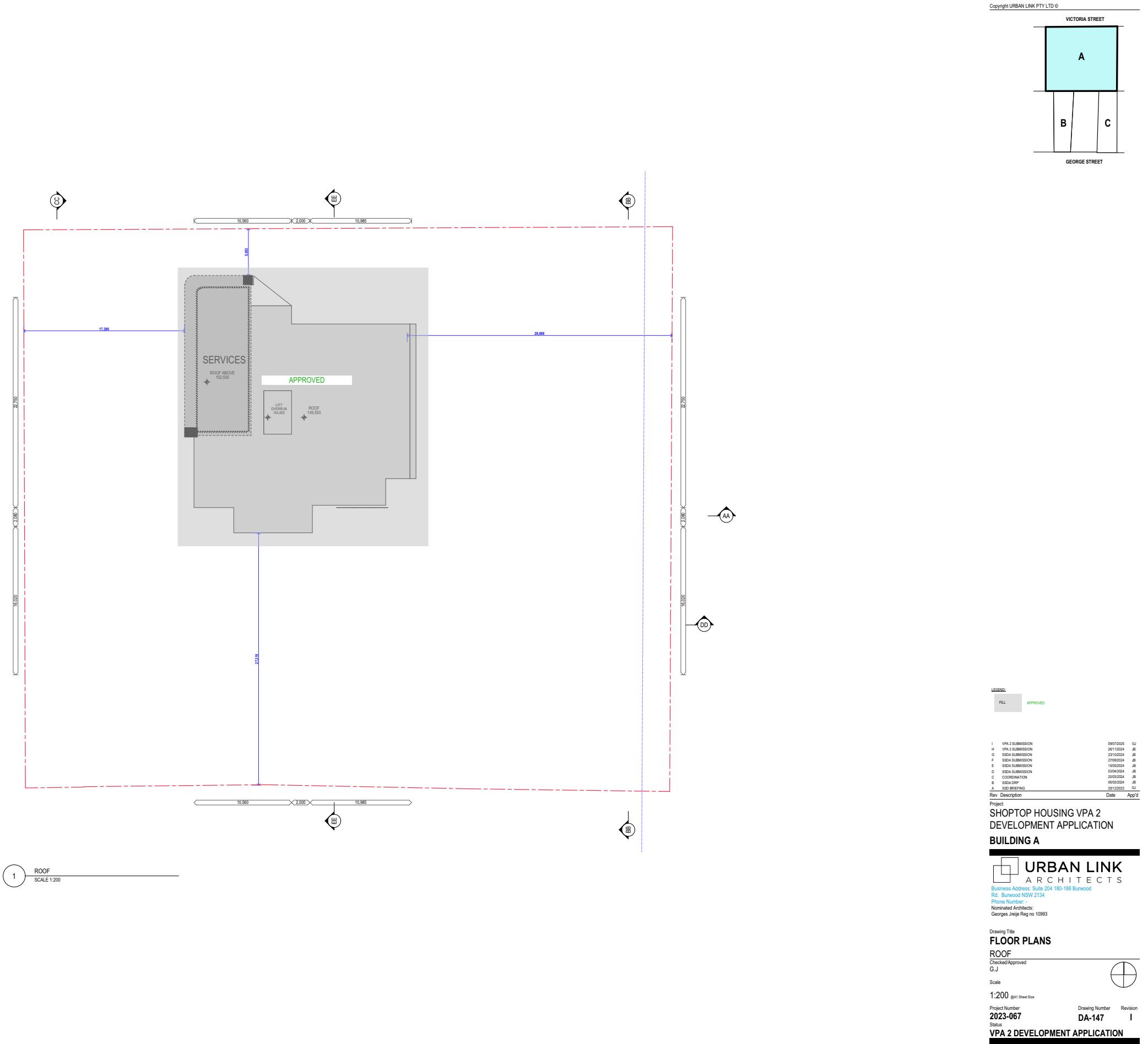
URBAN LINK
ARCHITECTS
Business Address: Suite 204 180-186 Burwood
Rd. Burwood NSW 2134
Phone Number: -
Nominated Architects:
Georges Jeje Reg no 10993

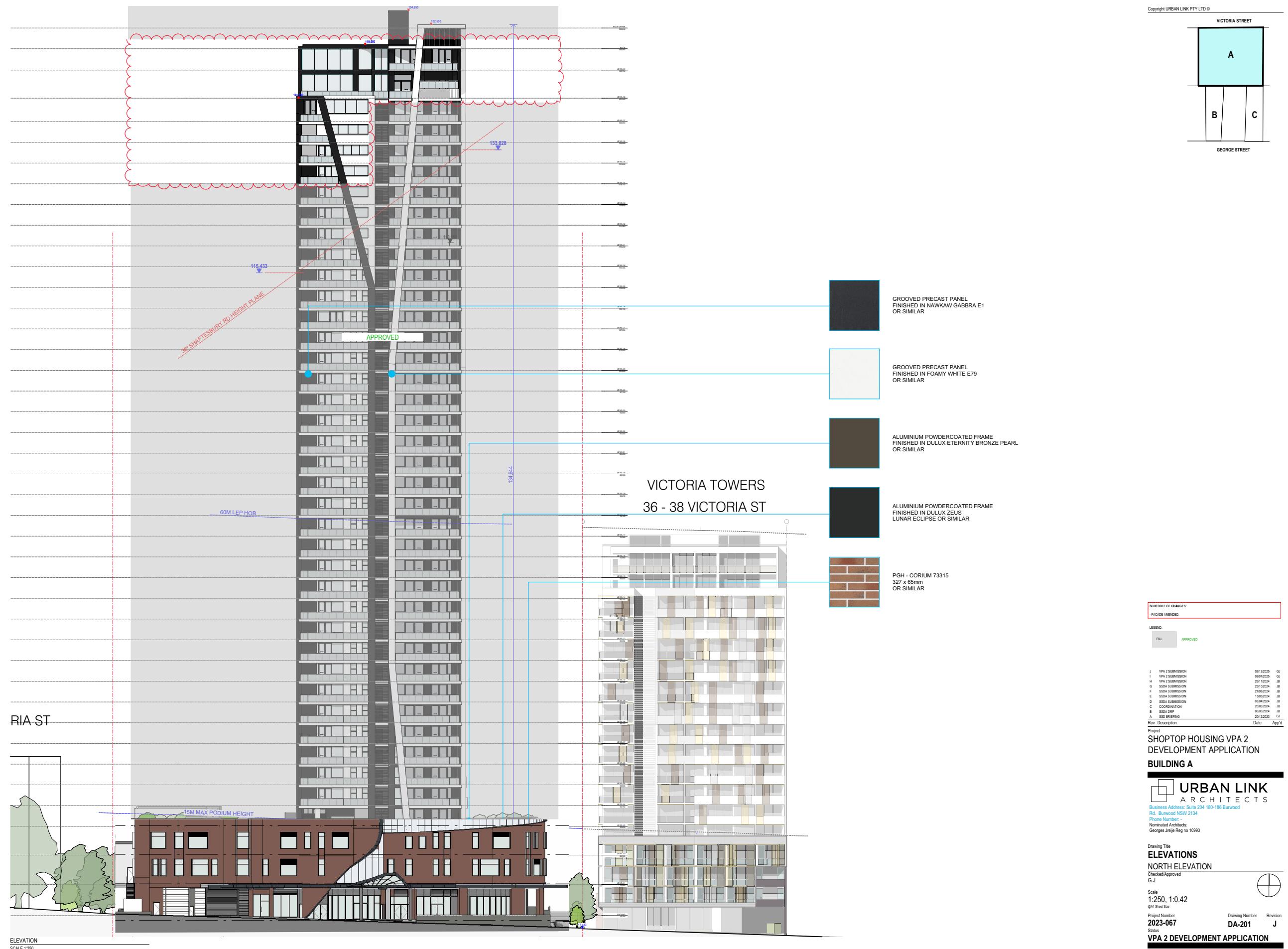
Drawing Title: FLOOR PLANS
LEVEL 36
Checked/Approved
G.J
Scale
1:200 (A1 Sheet Size)
Project Number
2023-067 Drawing Number
DA-143 Revision
Status
VPA 2 DEVELOPMENT APPLICATION

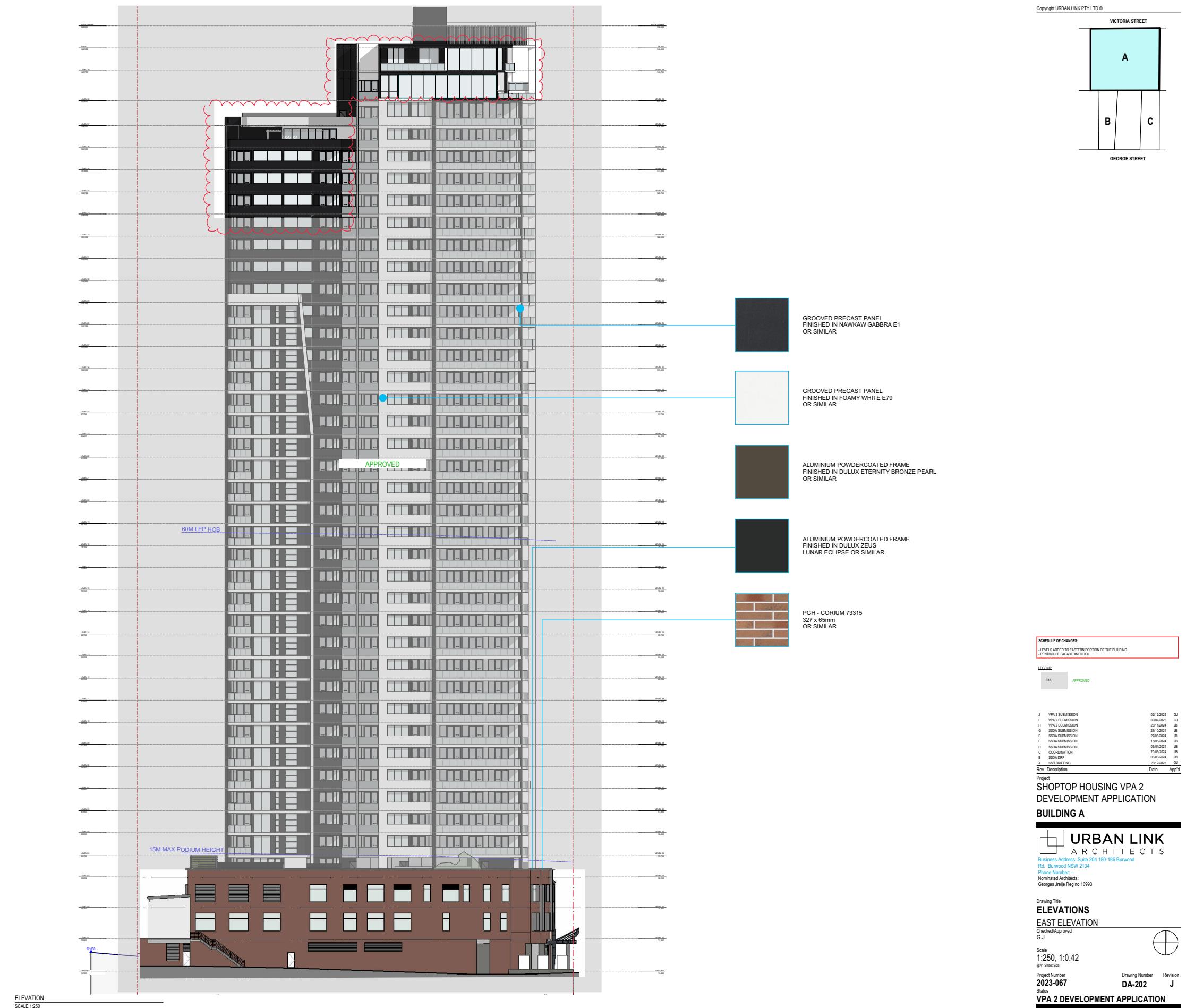


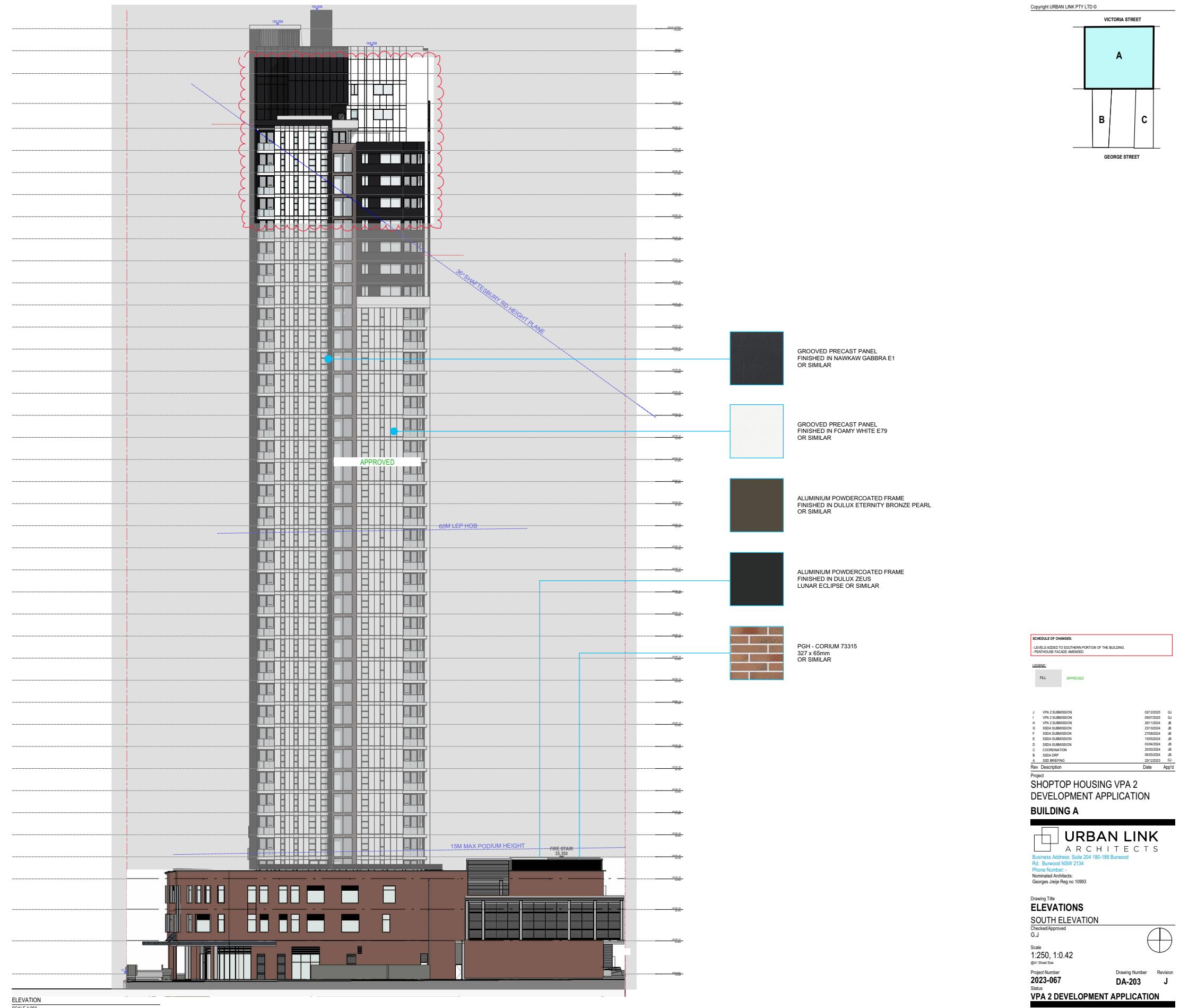


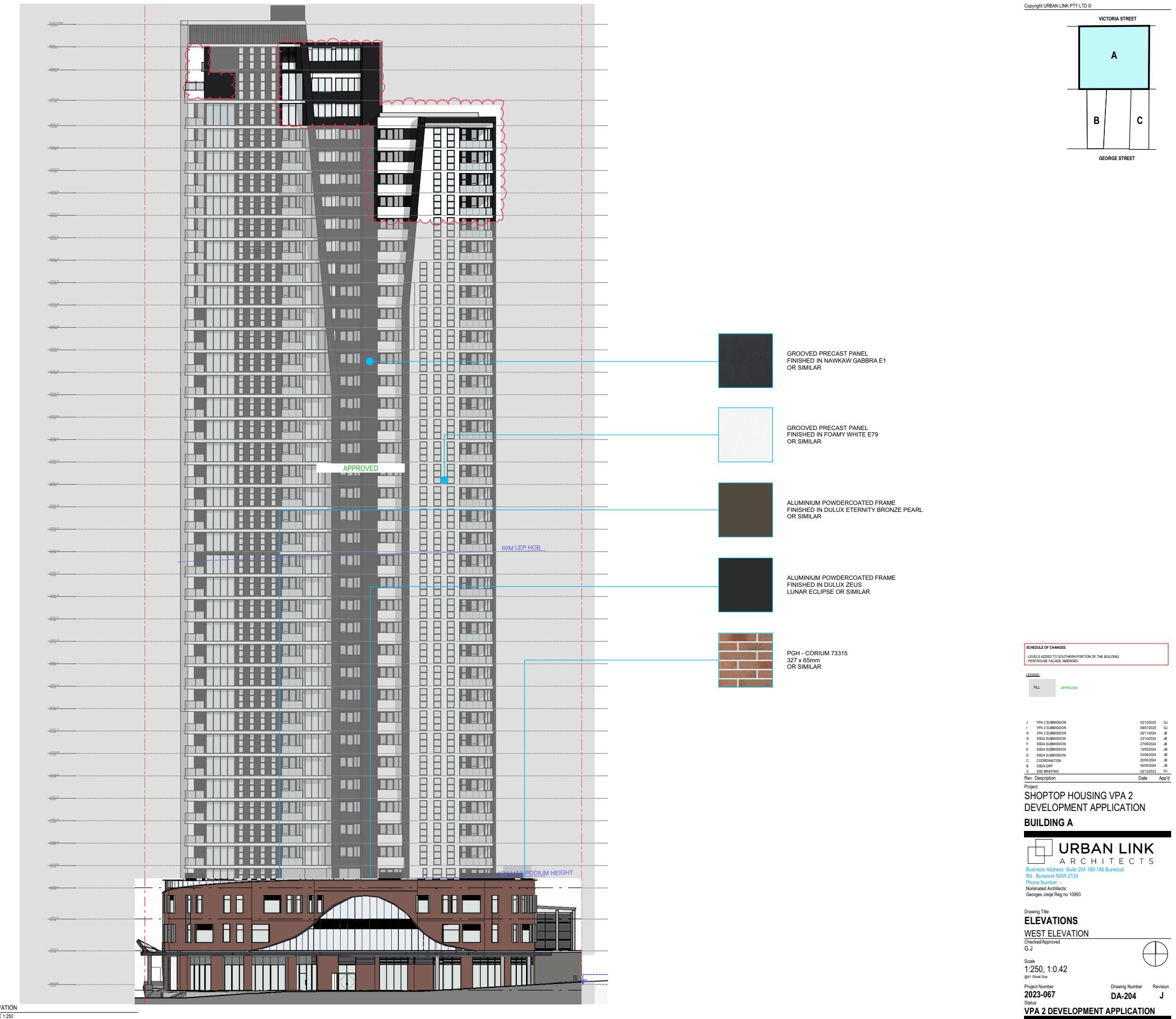


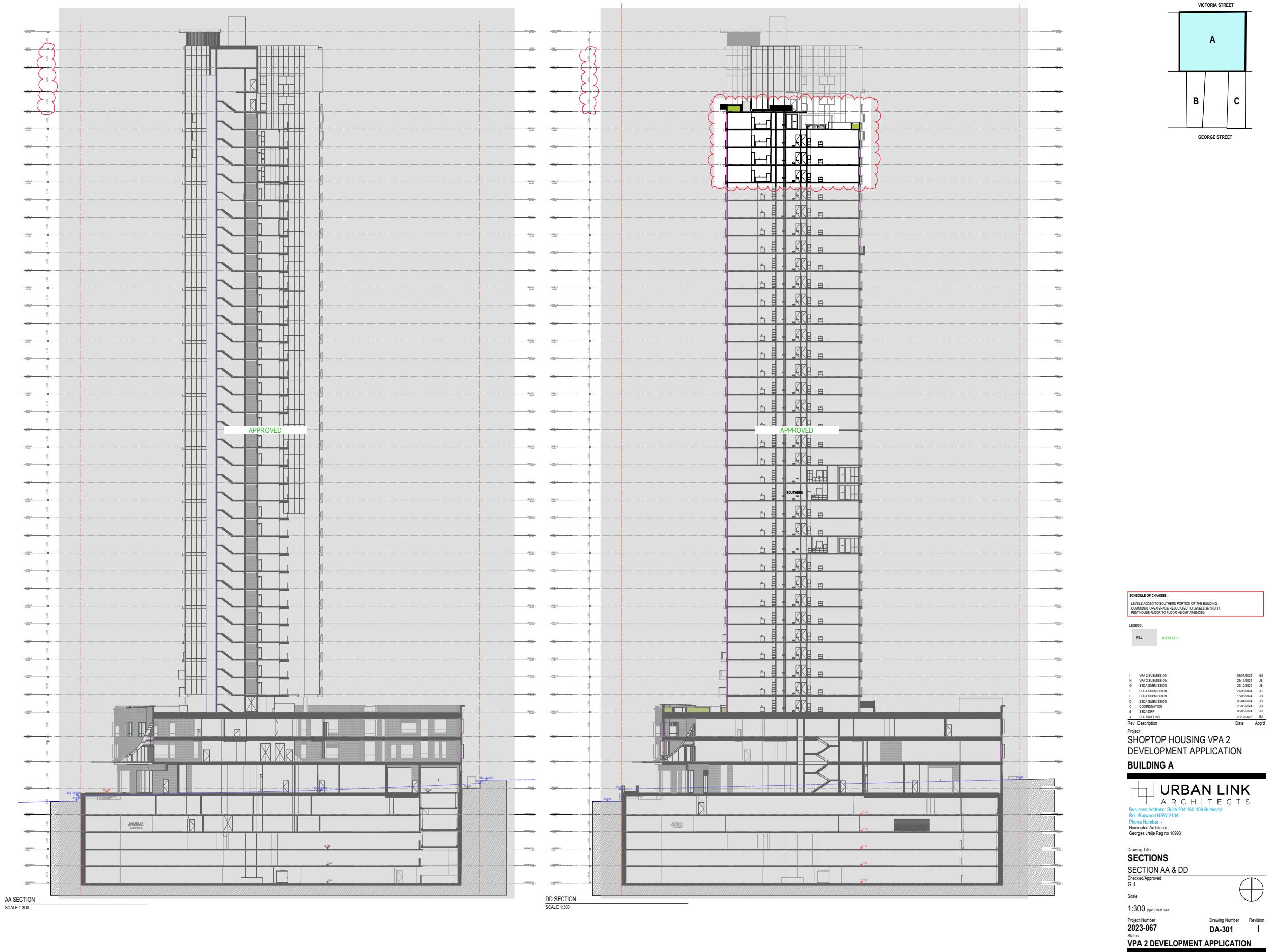




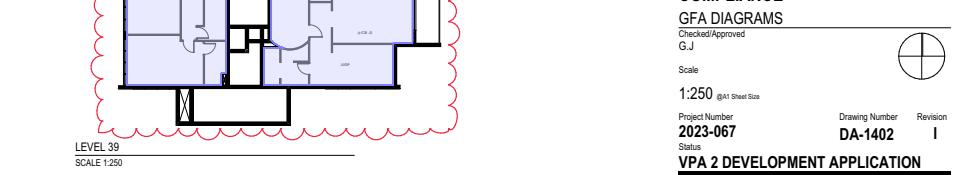


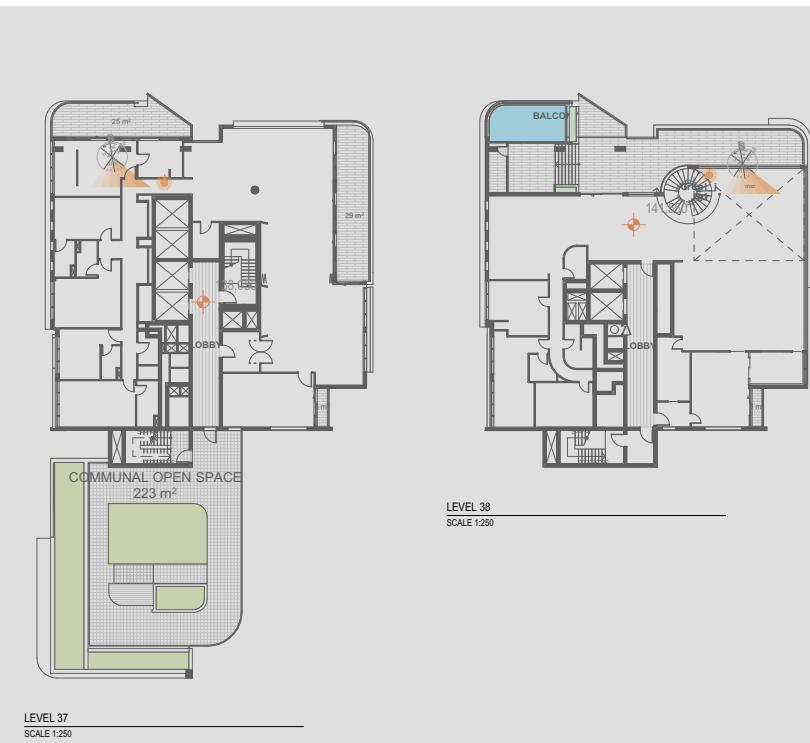
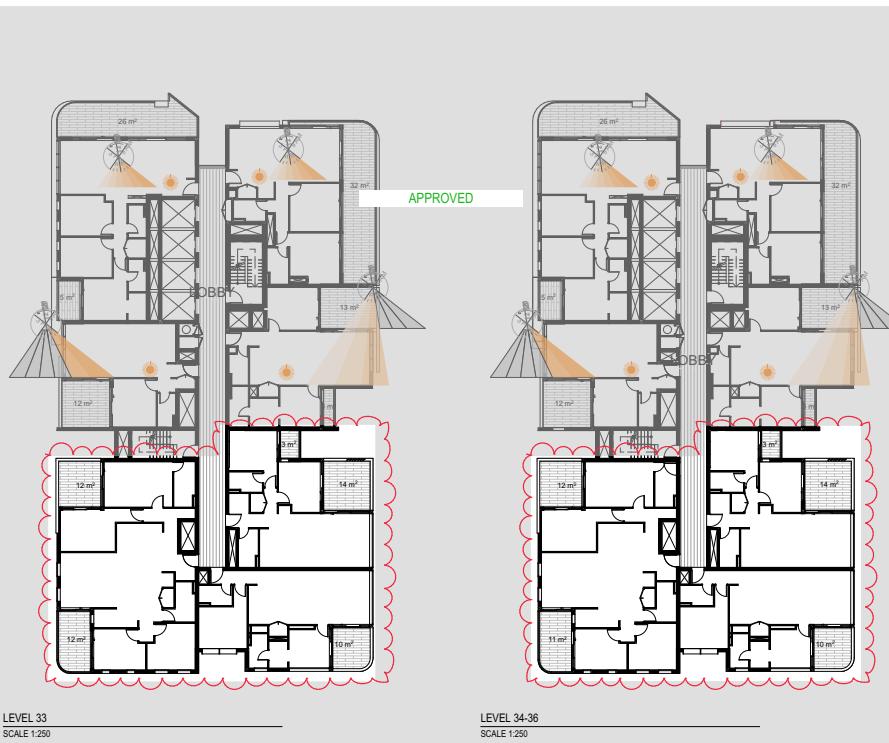
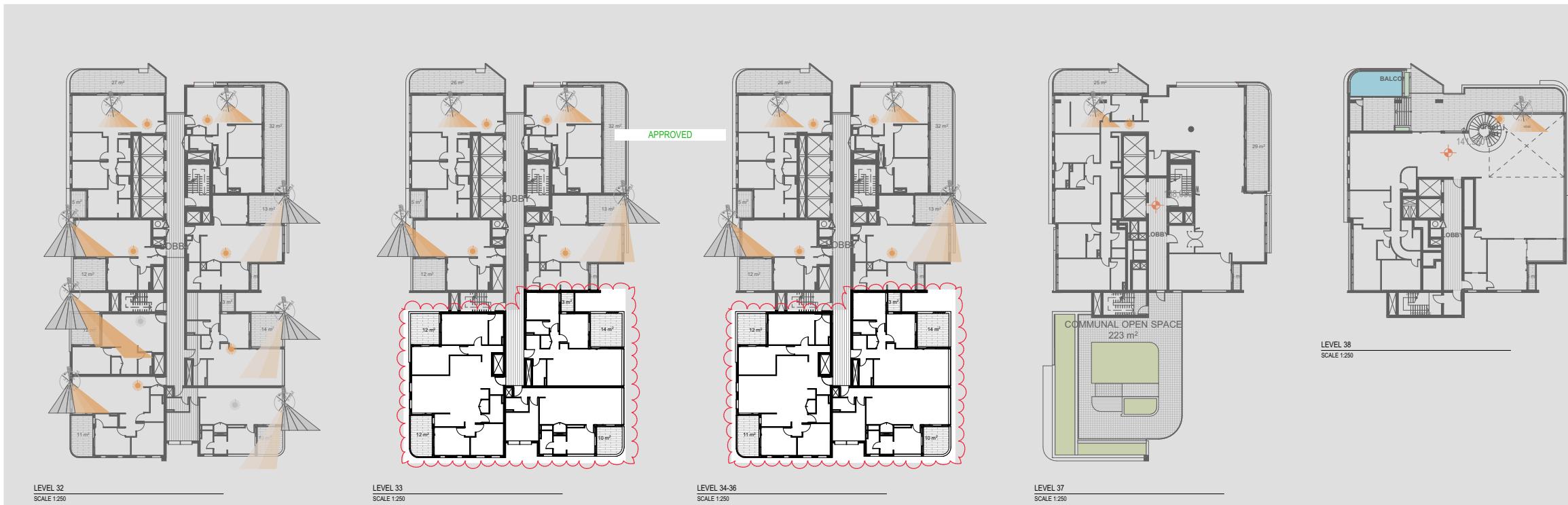
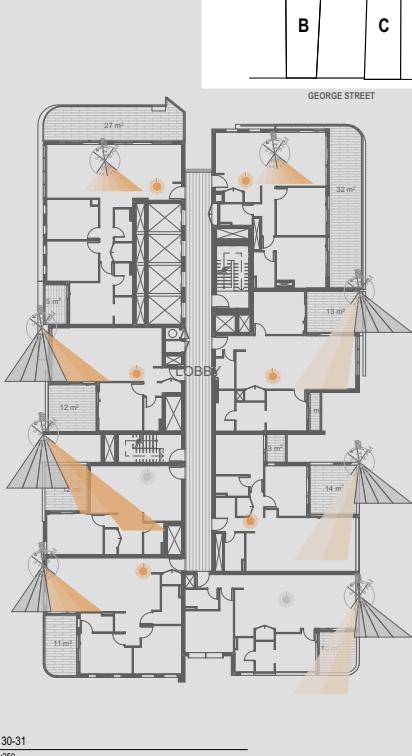
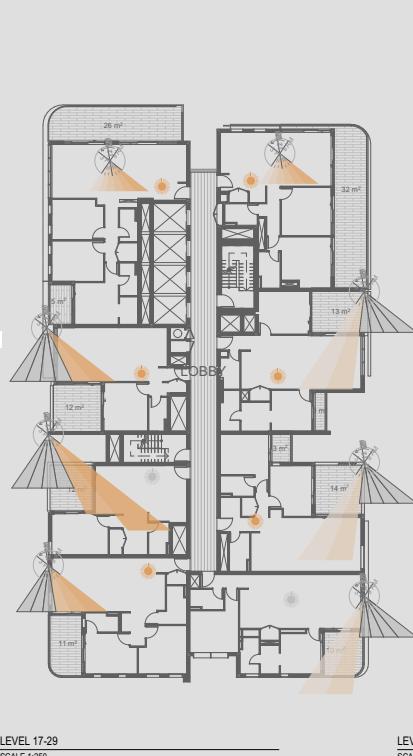
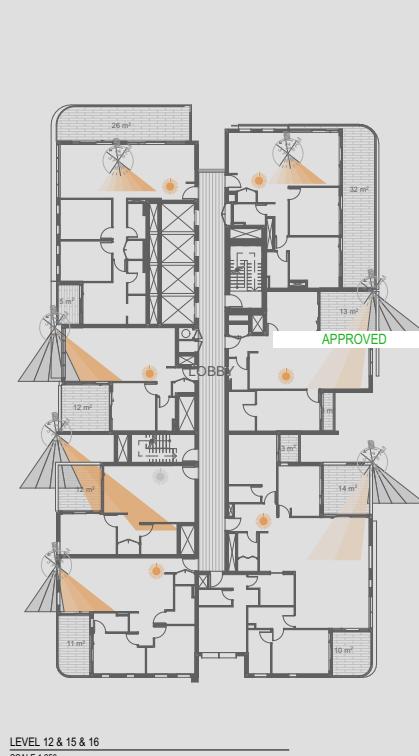
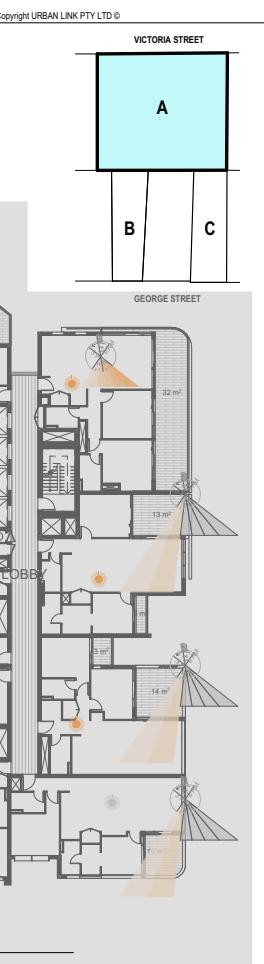












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Project: SHOPTOP HOUSING VPA 2
Development Application
BUILDING A

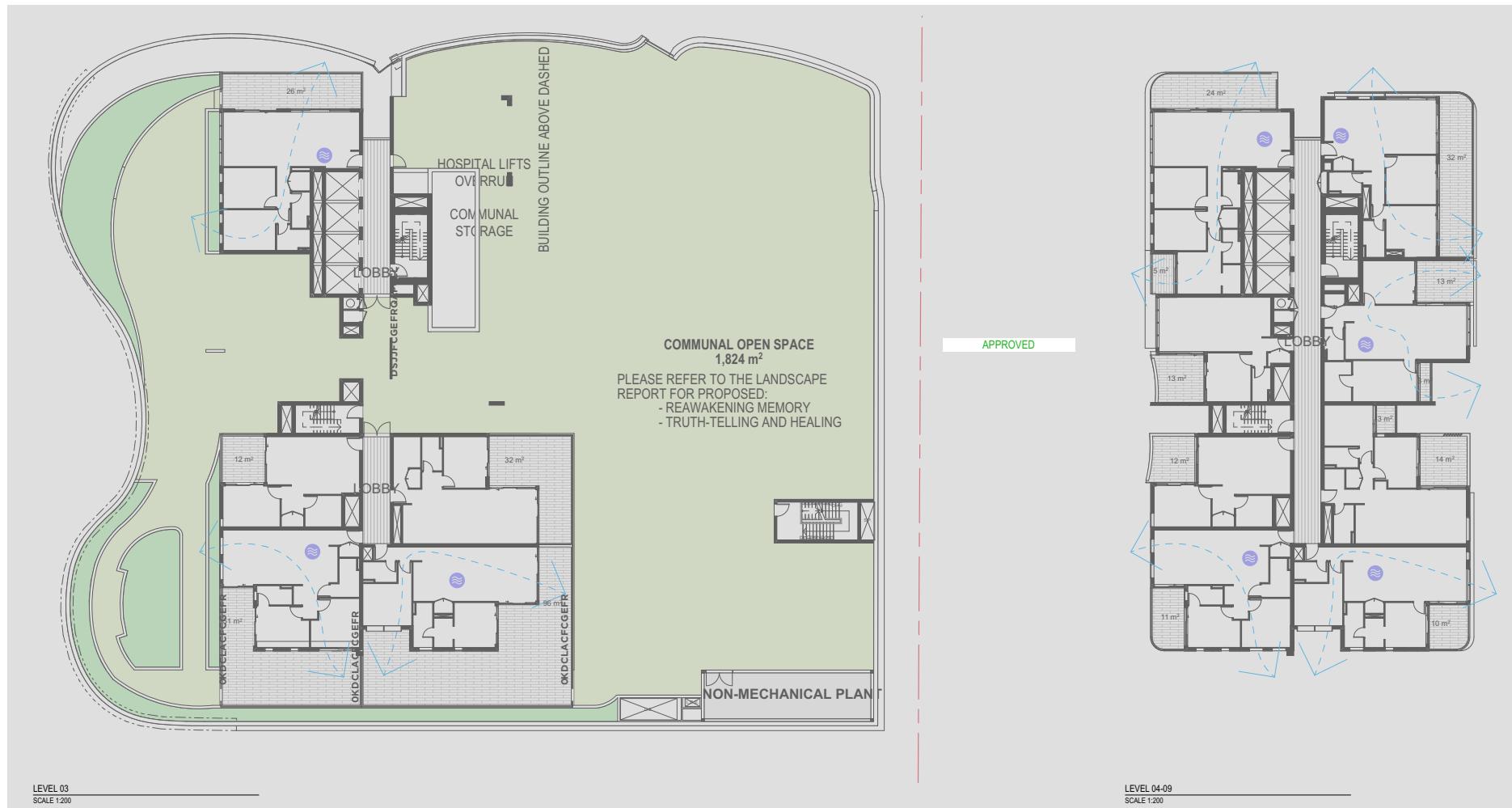
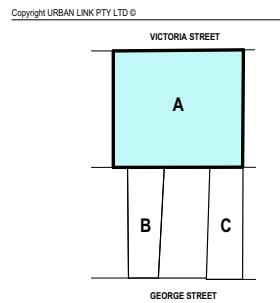
URBAN LINK
ARCHITECTS
Business Address: Suite 204 180-186 Burwood Rd, Burwood NSW 2134
Phone Number: -
Nominated Architects: Georges Jeje Reg no 10993

Drawing Title: COMPLIANCE
SOLAR ACCESS DIAGRAMS
Checked/Approved: G.J

Scale: 1:250

Project Number: 2023-067 Drawing Number: DA-1403 Revision: I
Status: VPA 2 DEVELOPMENT APPLICATION

2023/04/21 George Jeje Reg no 10993



Rev Description	Date	App'd
I VPA 2 SUBMISSION	26/11/2024	GU
H VPA 2 SUBMISSION	23/10/2024	JB
G SSD SUBMISSION	27/08/2024	JB
F SSD SUBMISSION	10/09/2024	JB
E SSD SUBMISSION	03/08/2024	JB
D SSD SUBMISSION	20/07/2024	JB
C COORDINATION	20/05/2024	JB
B SSD BRIEFING	09/03/2024	JB
A SSD BRIEFING	20/12/2023	GU

Project
SHOPTOP HOUSING VPA 2
DEVELOPMENT APPLICATION

BUILDING A

URBAN LINK
ARCHITECTS
Business Address: Suite 204 180-186 Burwood
Rd. Burwood NSW 2134
Phone Number: -
Nominated Architects:
Georges Jeuge Reg no 10993

Drawing Title
COMPLIANCE
CROSS FLOW DIAGRAMS
Checked/Approved
G.J

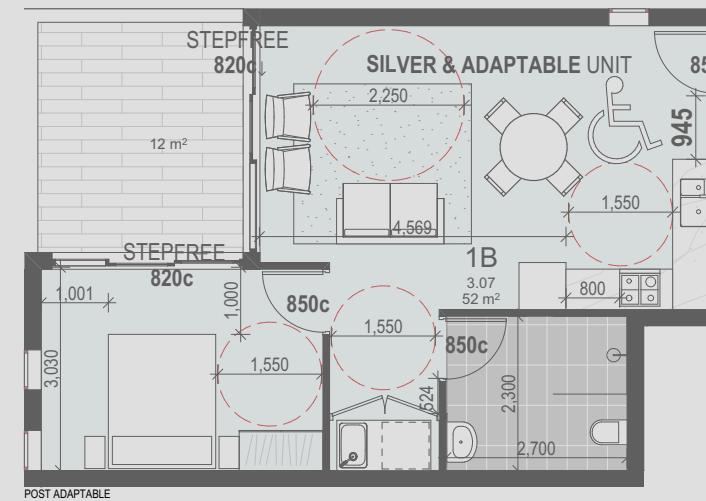
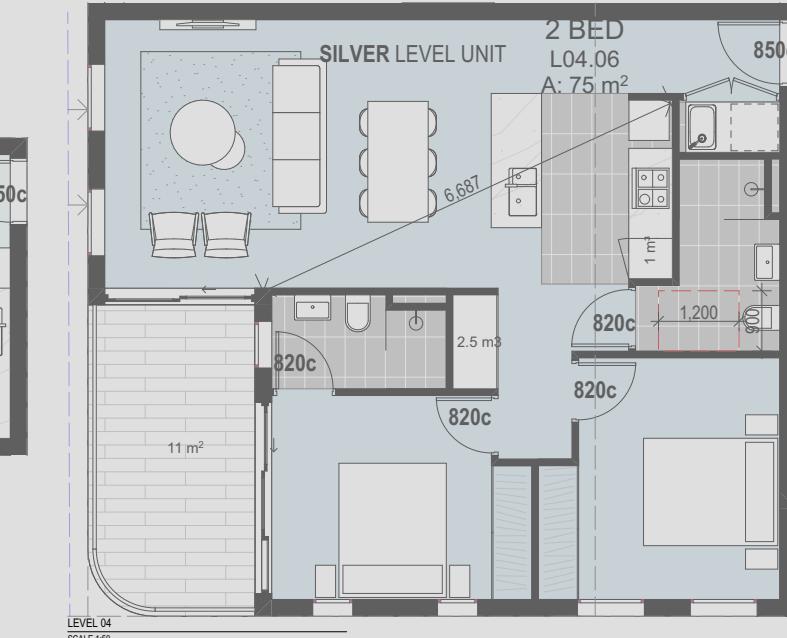
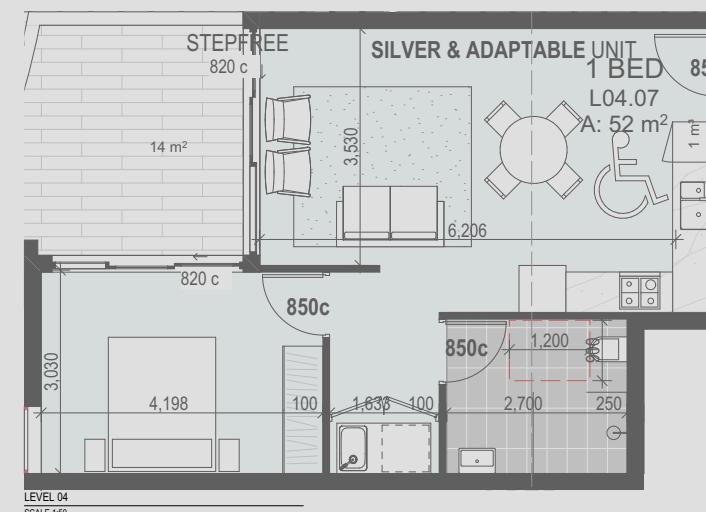
Scale
1:200

Project Number
2023-067

Drawing Number
DA-1404

Revision
I

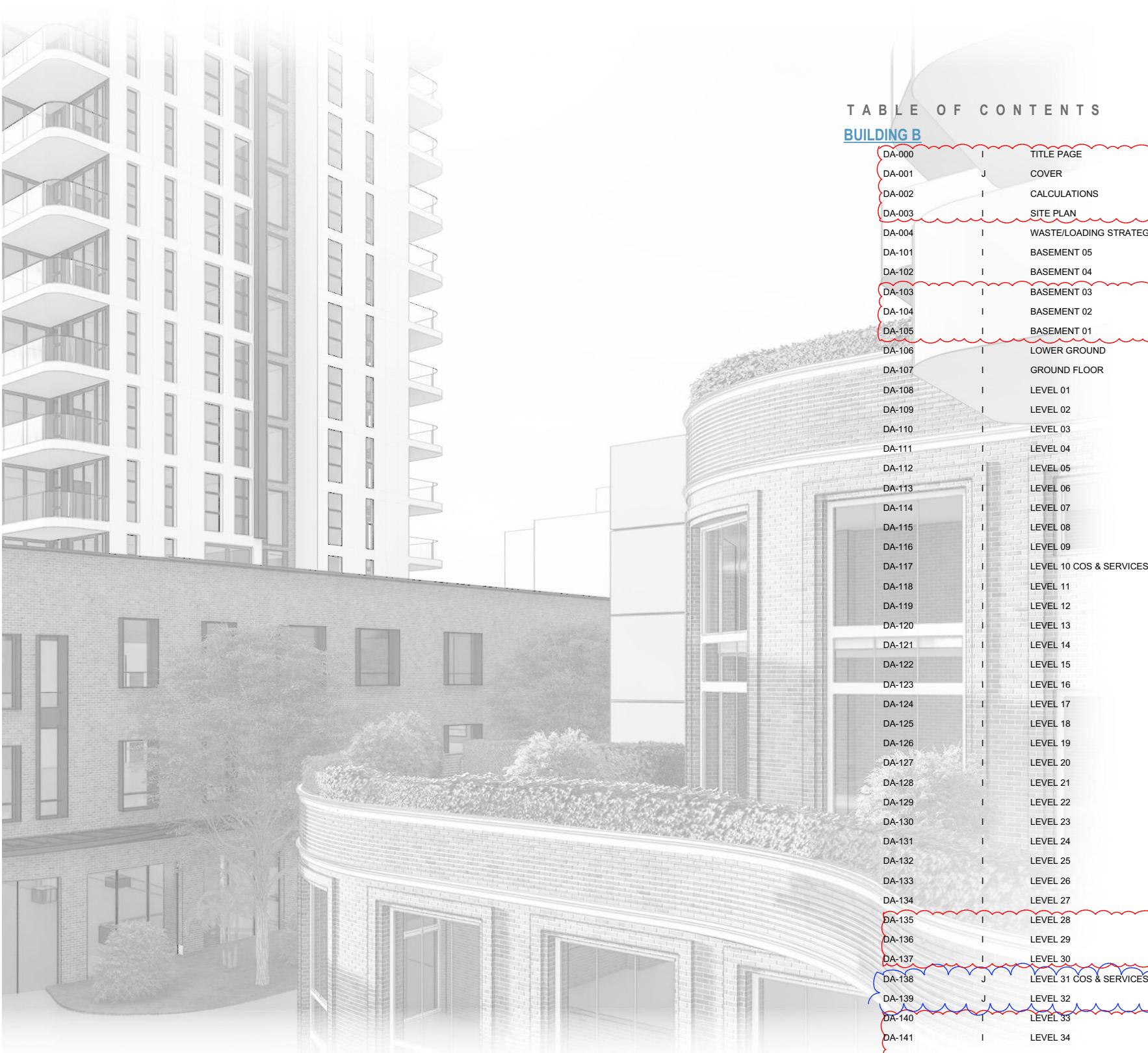
Status
VPA 2 DEVELOPMENT APPLICATION



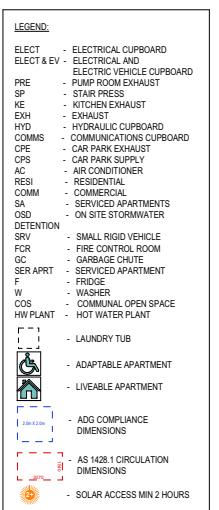
SUMMARY OF APARTMENTS
PRE ADAPTABLE APARTMENTS = 27 UNITS
LIVEABLE APARTMENTS = 53 UNITS

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VICTORIA STREET
GEORGE STREET
A
B
C
LEVEL 04
SCALE 1:50
APPROVED
SCHEDULE OF CHANGES:
LIVEABLE AND ADAPTABLE UNITS INCREASED
LEGEND:
FILL APPROVED
1 VPA 2 SUBMISSION 09/07/2025 GJ
H VPA 2 SUBMISSION 26/11/2024 JB
G SSD SUBMISSION 23/10/2024 JB
P SSD SUBMISSION 27/08/2024 JB
E SSD SUBMISSION 10/08/2024 JB
D SSD SUBMISSION 03/08/2024 JB
C COORDINATION 20/07/2024 JB
B SSD 03/07/2024 JB
A SSD BRIEFING 20/12/2023 GJ
Rev Description Date App'd
Project SHOPTOP HOUSING VPA 2
Development Application
BUILDING A
URBAN LINK
ARCHITECTS
Business Address: Suite 204 180-186 Burwood Rd, Burwood NSW 2134
Phone Number: -
Nominated Architects: Georges Jeage Reg no 10993
Drawing Title: COMPLIANCE
ADAPTABLE UNITS
Checked/Approved: G.J
Scale: 1:50
1:50 0A1 Sheet Size
Project Number: 2023-067 Drawing Number: DA-1405 Revision: I
Status: DA-1405
VPA 2 DEVELOPMENT APPLICATION





DA-142	I	LEVEL 35
DA-143	I	ROOF SERVICES
DA-201	I	NORTH & SOUTH ELEVATION
DA-202	I	EAST & WEST ELEVATION
DA-301	I	SECTION A & B
DA-302	I	SECTION C
DA-901	I	PHOTOMONTAGE 1
DA-902	I	PHOTOMONTAGE 2
DA-903	I	PHOTOMONTAGE 3
DA-904	I	DETAIL FINISH PRIVACY SCREEN
DA-905	I	DETAIL FINISH WINDOW INFILL
DA-1401	I	GFA DIAGRAMS 1
DA-1402	I	GFA DIAGRAMS 2
DA-1403	I	ADAPTABLE UNITS
DA-1404	I	SOLAR & CROSS FLOW DIAGRAMS
DA-1405	I	COMMERCIAL OPEN SPACE
DA-1406	I	COMMUNAL OPEN SPACE
SOLAR STUDIES		
DA-1503	I	19 GEORGE STREET
DA-1504	I	VIEW FROM THE SUN



APPROVED

- REV I - REV J

J	VPA 2 SUBMISSION	26/11/2025	GJ
I	VPA 2 SUBMISSION	18/07/2025	GJ
H	VPA 2 SUBMISSION	02/12/2024	JB
G	SSDA SUBMISSION	22/06/2024	JB
F	SSDA SUBMISSION	27/08/2024	JB
E	SSDA SUBMISSION	16/05/2024	JB
D	SSDA SUBMISSION	03/04/2024	JB
C	COORDINATION	26/11/2025	GJ
B	SSDA DRP	06/03/2024	JB
A	SSD BRIEFING	20/12/2023	GJ

Rev Description Date App'd

Project SHOPTOP HOUSING VPA 2 DEVELOPMENT APPLICATION

BUILDING B

URBAN LINK

ARCHITECTS
Business Address: Suite 204 180-186 Burwood Rd, Burwood NSW 2134
Postal Address: As Business address
Phone Number: -
Nominated Architects:
George Street Burwood - 100m
28-34 Victoria, 17 & 21 George St Burwood - Building C - Issue D

Drawing Title

COVER

Afc1cb-7nnpm tcb
EH

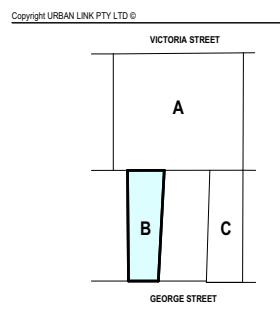
Scale

0@1 Sheet Size

Project Number 2023 - 067 Drawing Number DA-001 Revision J

Status

2023-01-12 George Street Burwood Building C - UPP-2023-067-DA-001



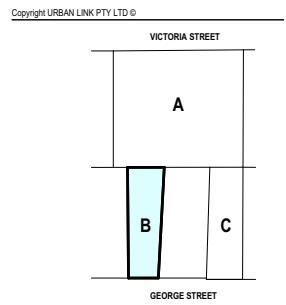
Summary			
INDIVIDUAL SITE AREA : BUILDING B			
1,052 m ²			
GFA 8,934 m ²	FSR 8.49 : 1		
NON RESIDENTIAL GROSS FLOOR AREA 1,574 m ²			
Commercial Retail Café / Restaurant Serviced Apartments	787.00 m ² 344.00 m ² 0.00 m ² 443.00 m ²		
RESIDENTIAL UNITS 83	0 25 29 29 0	0% 30% 35% 35% 0%	
SERVICED APARTMENTS 9	1bed / Studio 2bed	9 0	100% 0%
TOTAL CARPARKING 74	Residential Residential Visitor Serviced Apartments Serviced Apartments Visitors Commercial Commercial Visitor	54 (0.7 cars/unit) 3.0 2.0 9.0 6.0 0.0	

Base Compliance		
CONTROL	APPROVED SSDA	PROPOSED
Floor Space Ratio	7.54 : 1	8.49 : 1
including residential (70%)	6.05 : 1	6.99 : 1
including serviced apartments	0.42 : 1	0.42 : 1
Gross Floor Area	7,939.0 m ²	8,934.0 m ²
including residential	6,365.0 m ²	7,360.0 m ²
including serviced apartments	443.0 m ²	443.0 m ²
Burwood LEP Building Height Plane	110.30 m	122.84 m
Carparking		
Residential SEPP AH	46	54.0
Residential Visitor SEPP AH	11	3.0
Serviced Apartments Staff	2	2.0
Serviced Apartments	9	9.0
Commercial	6	6.0
Commercial Visitor	0	0.0
Total	74	74.0
Motorcycle Parking (1/15units)	-	5.0
Bicycle Parking	29	31.0
Solar Access (> 2hours)	53	61 73%
No Solar Access (< 15mins)	0	0% 0%
Cross Ventilation	10	67%
Adaptable Units		
Adaptable	8	9 10%
Livable Housing Silver Level	16	17 20%
Communal Open Space (DCP)	552 m ²	552 m ² 52.5%
Unit Storage	18Bed	6 m3
(min. half in unit, remaining in basement)	28Bed	8 m3
	38Bed+	10 m3

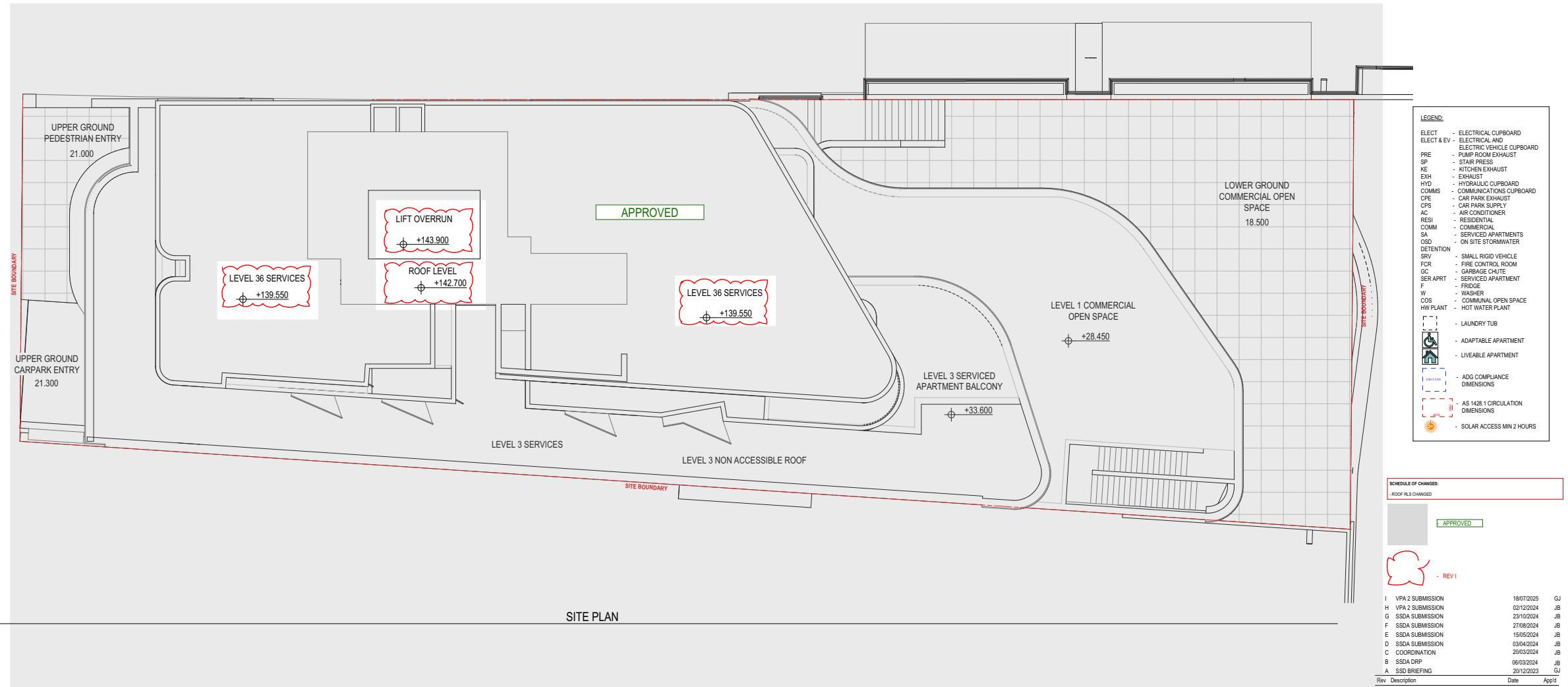


Detailed Calculations

GROSS FLOOR AREA			UNITS QTY			SERVICED APART. QTY			CARPARKING PROVIDED			ADG CALCULATIONS		
Commercial	Retail	Retail	Studio	1Bed+ Studio	2Bed	2 Bed+ Studio	3Bed	3 Bed+ Studio	4 Bed+	TOTAL Units per floor				
Basement 5														
Basement 4														
Basement 3														
Basement 2														
Basement 1														
Lower Ground	10.0 m ²	124.0 m ²												
Upper Ground	7.0 m ²	220.0 m ²												
Level 1	395.0 m ²													
Level 2	375.0 m ²													
Level 3		218.0 m ²												
Level 4		225.0 m ²												
Level 5		255.0 m ²	1	1	1	1	1	1	3					
Level 6		257.0 m ²	1	1	1	1	1	1	3					
Level 7		257.0 m ²	1	1	1	1	1	1	3					
Level 8		257.0 m ²	1	1	1	1	1	1	3					
Level 9		257.0 m ²	1	1	1	1	1	1	3					
Level 10 COS		15.0 m ²												
Level 11		252.0 m ²	1	1	1	1	1	1	3					
Level 12		257.0 m ²	1	1	1	1	1	1	3					
Level 13		257.0 m ²	1	1	1	1	1	1	3					
Level 14		257.0 m ²	1	1	1	1	1	1	3					
Level 15		257.0 m ²	1	1	1	1	1	1	3					
Level 16		257.0 m ²	1	1	1	1	1	1	3					
Level 17		257.0 m ²	1	1	1	1	1	1	3					
Level 18		257.0 m ²	1	1	1	1	1	1	3					
Level 19		257.0 m ²	1	1	1	1	1	1	3					
Level 20		257.0 m ²	1	1	1	1	1	1	3					
Level 21		257.0 m ²	1	1	1	1	1	1	3					
Level 22		257.0 m ²	1	1	1	1	1	1	3					
Level 23		257.0 m ²	1	1	1	1	1	1	3					
Level 24		257.0 m ²	1	1	1	1	1	1	3					
Level 25		257.0 m ²	1	1	1	1	1	1	3					
Level 26		257.0 m ²	1	1	1	1	1	1	3					
Level 27		257.0 m ²	1	1	1	1	1	1	3					
Level 28		257.0 m ²	1	1	1	1	1	1	3					
Level 29		257.0 m ²	1	1	1	1	1	1	3					
Level 30		257.0 m ²	1	1	1	1	1	1	3					
Level 31 COS		23.0 m ²	0	1	1	1	1	2						
Level 32		23.0 m ²	0	1	1	1	1	2						
Level 33		227.0 m ²	0	1	1	1	1	2						
Level 34		227.0 m ²	0	1	1	1	1	2						
Level 35		227.0 m ²	0	1	1	1	1	2						
Level 36		227.0 m ²	0	1	1	1	1	2						
Level 37 COS		23.0 m ²	0	1	1	1	1	2						
Level 38		23.0 m ²	0	1	1	1	1	2						
Level 39		23.0 m ²	0	1	1	1	1	2						
Level 40		23.0 m ²	0	1	1	1	1	2						
Level 41 COS		23.0 m ²	0	1	1	1	1	2						
Level 42		23.0 m ²	0	1	1	1	1	2						
Level 43		23.0 m ²	0	1	1	1	1	2						
Level 44		23.0 m ²	0	1	1	1	1	2						
Level 45		23.0 m ²	0	1	1	1	1	2						
Level 46		23.0 m ²	0	1	1	1	1	2						
Level 47		23.0 m ²	0	1	1	1	1	2						
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Level 49</td														



G E O R G E S T R E E T

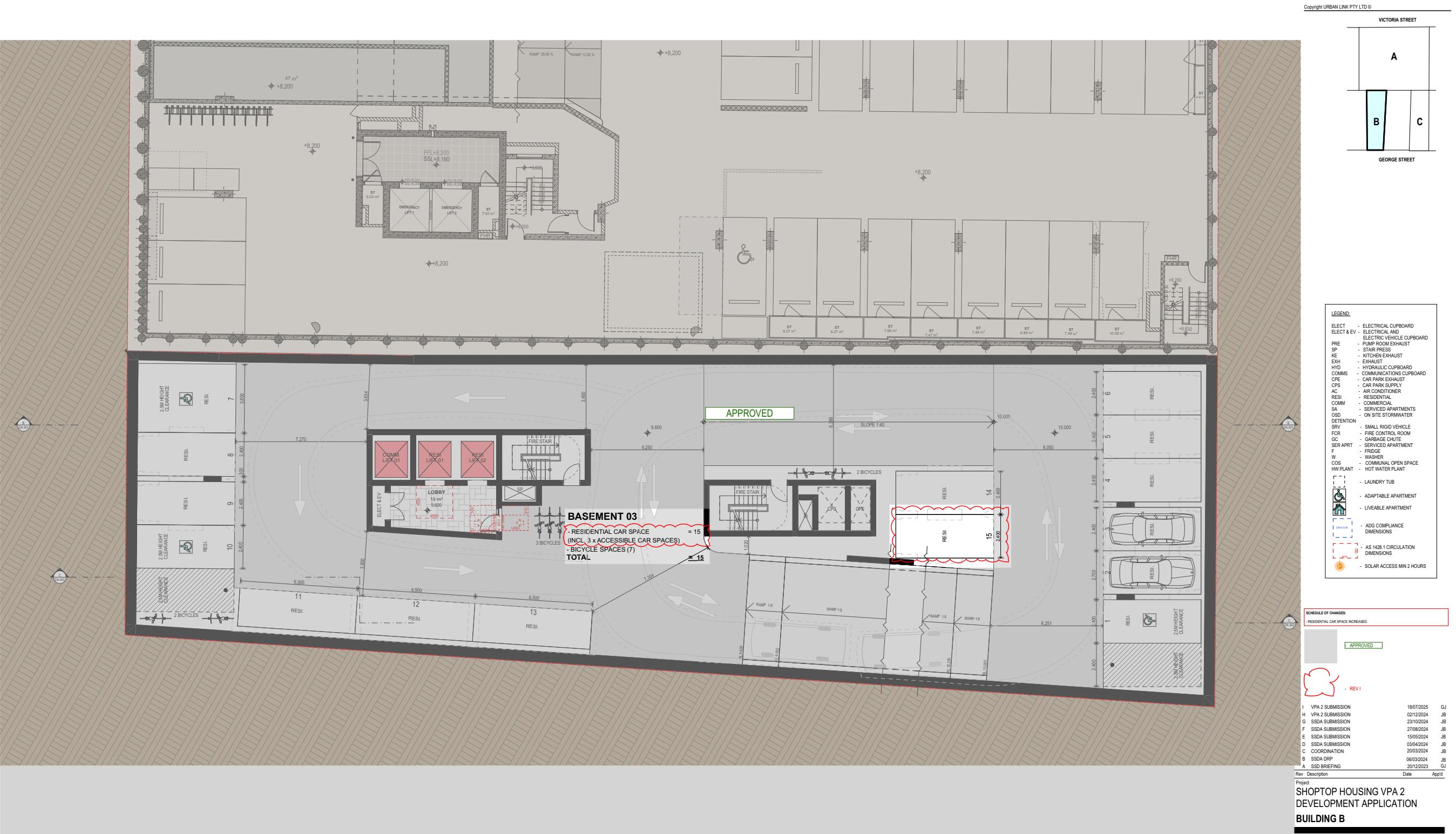


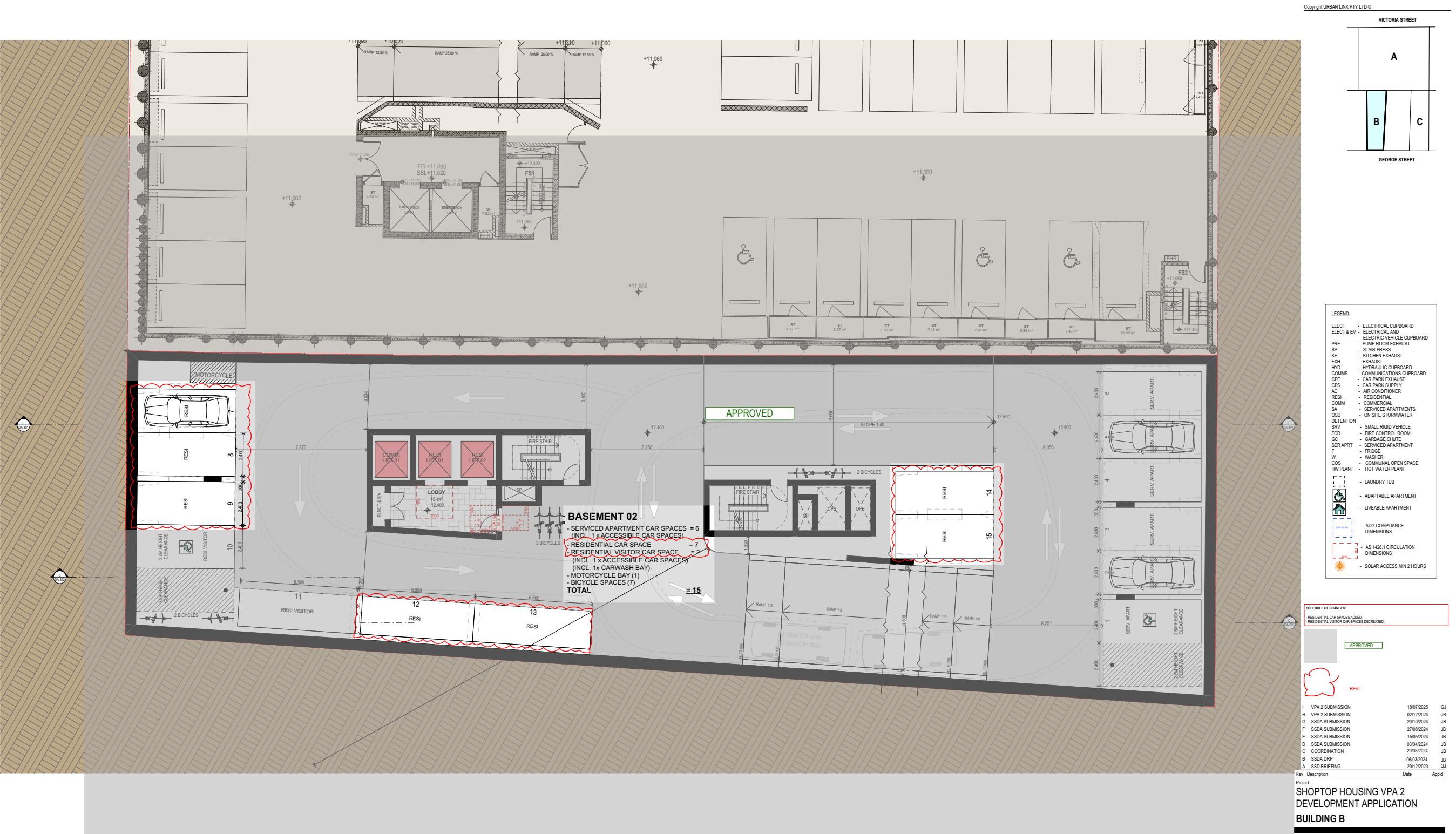
URBAN LINK
ARCHITECTS
Business Address: Suite 204 180-186 Burwood Rd, Burwood NSW 2134
Postal Address: As Business address
Phone Number: -
Nominated Architects: Georges Jeje Reg no 10983

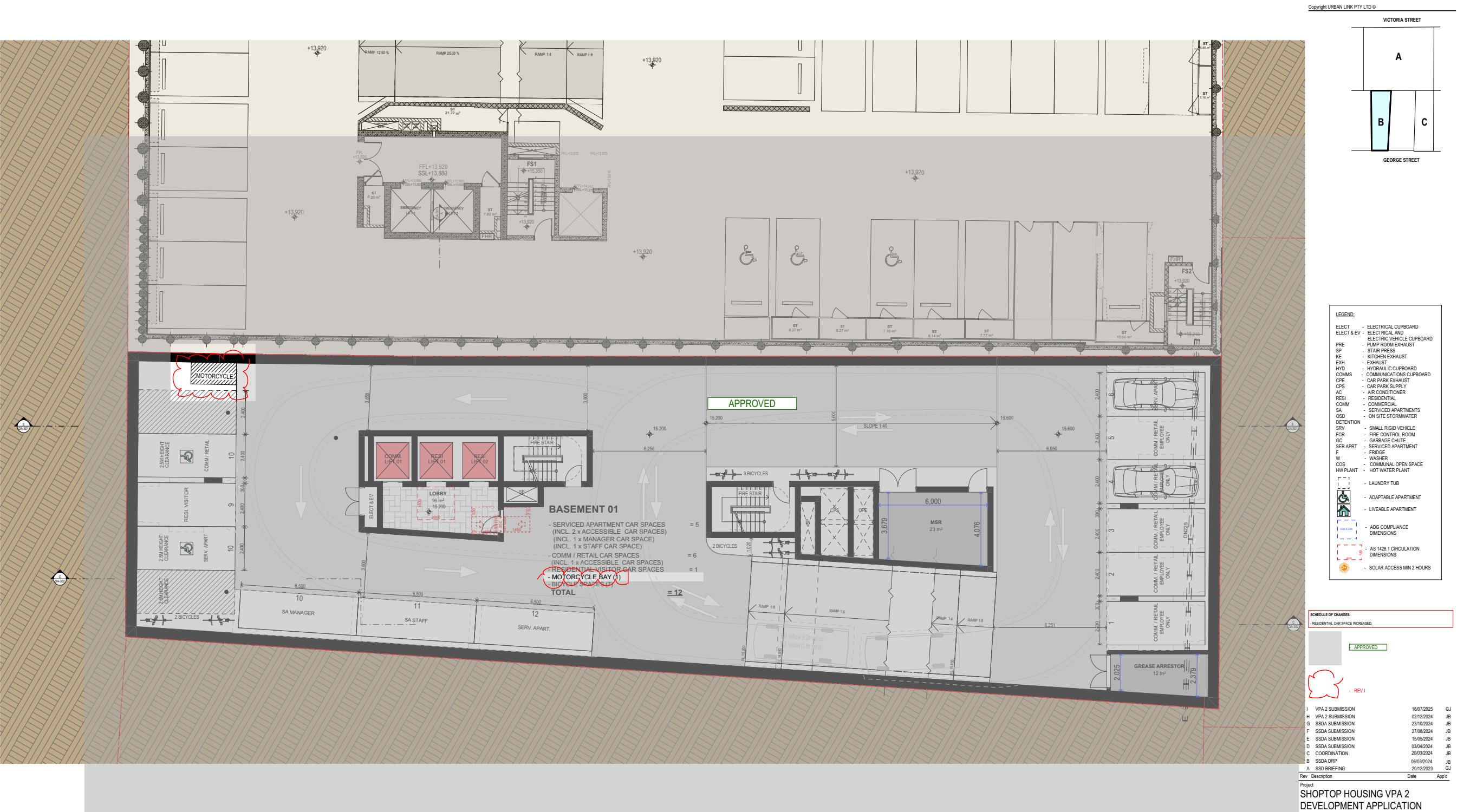
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Revision: I
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Project Number: 2023 - 067
Status:

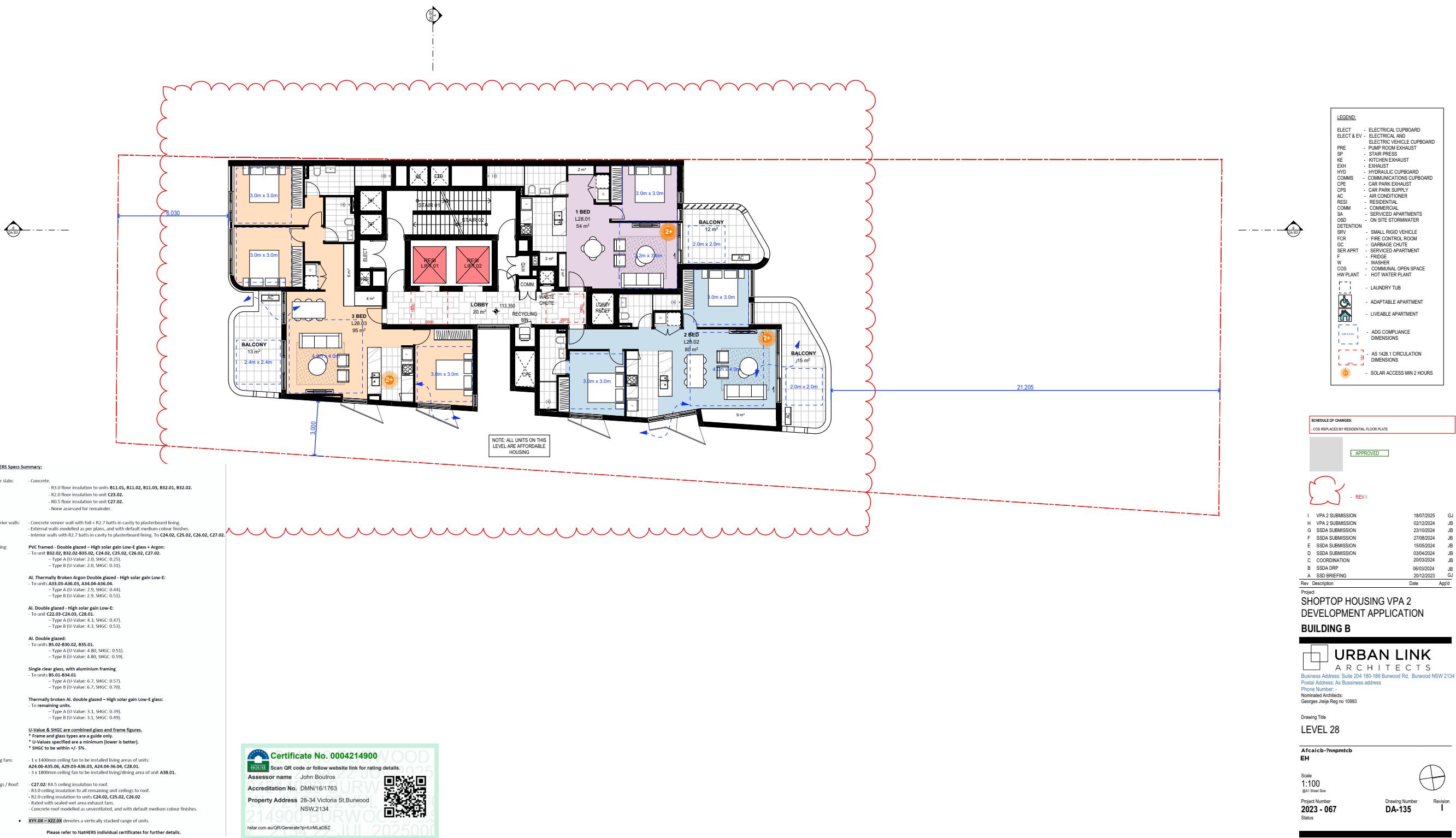
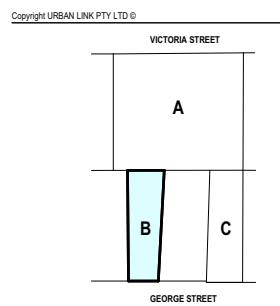


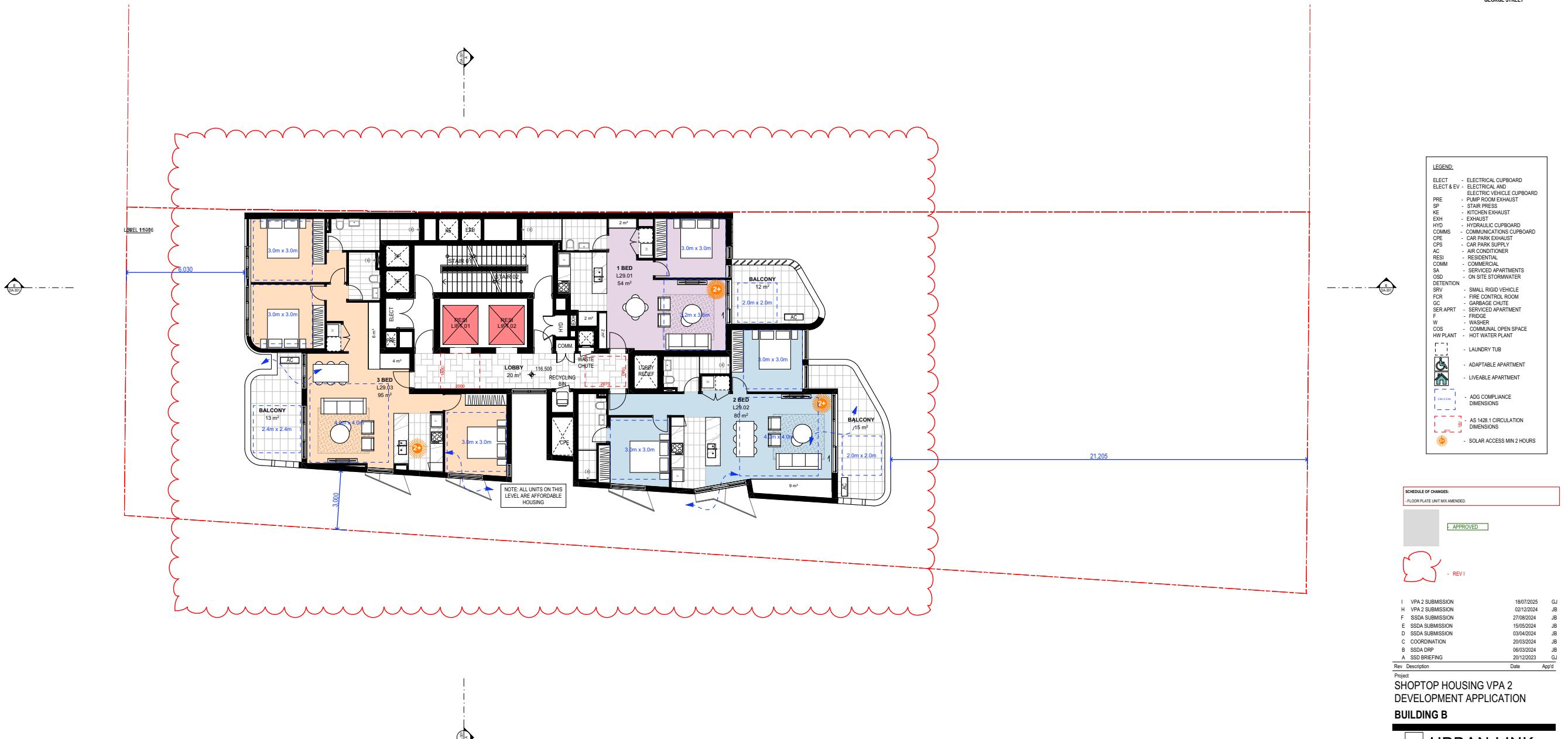
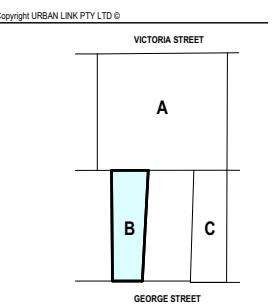
Revision I











Rev Description Date App'd

I VPA 2 SUBMISSION 18/07/2025 GU
H VPA 2 SUBMISSION 02/12/2024 JB
F SSDA SUBMISSION 27/08/2024 JB
E SSDA SUBMISSION 15/05/2024 JB
D SSDA SUBMISSION 03/04/2024 JB
C COORDINATION 20/03/2024 JB
B SSDA DRP 06/03/2024 JB
A SSD BRIEFING 20/12/2023 GU

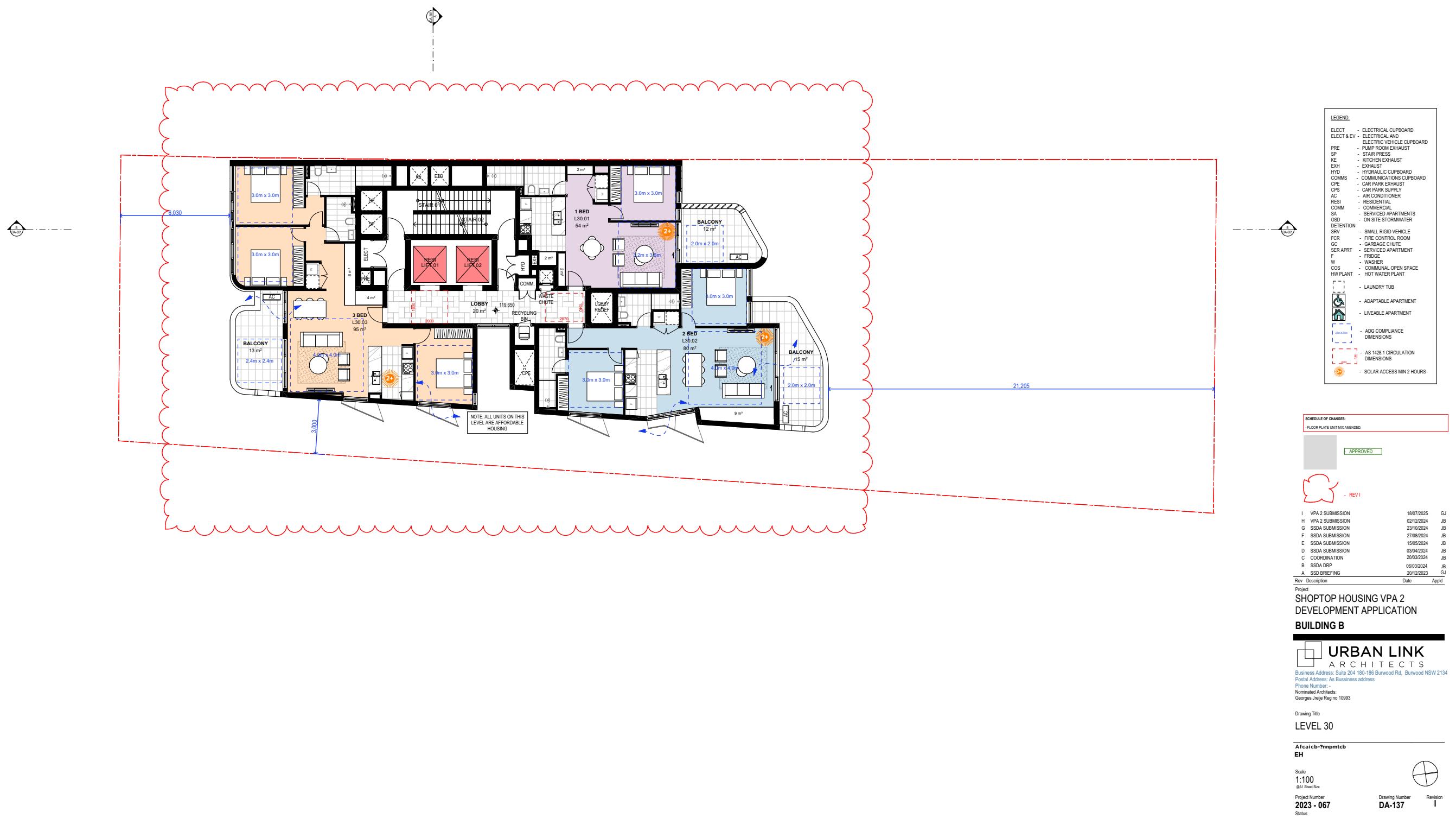
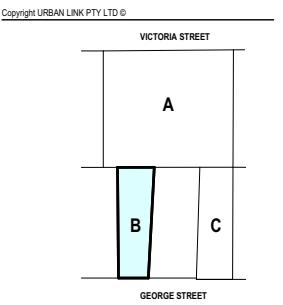
Project: SHOPTOP HOUSING VPA 2
Development Application
BUILDING B

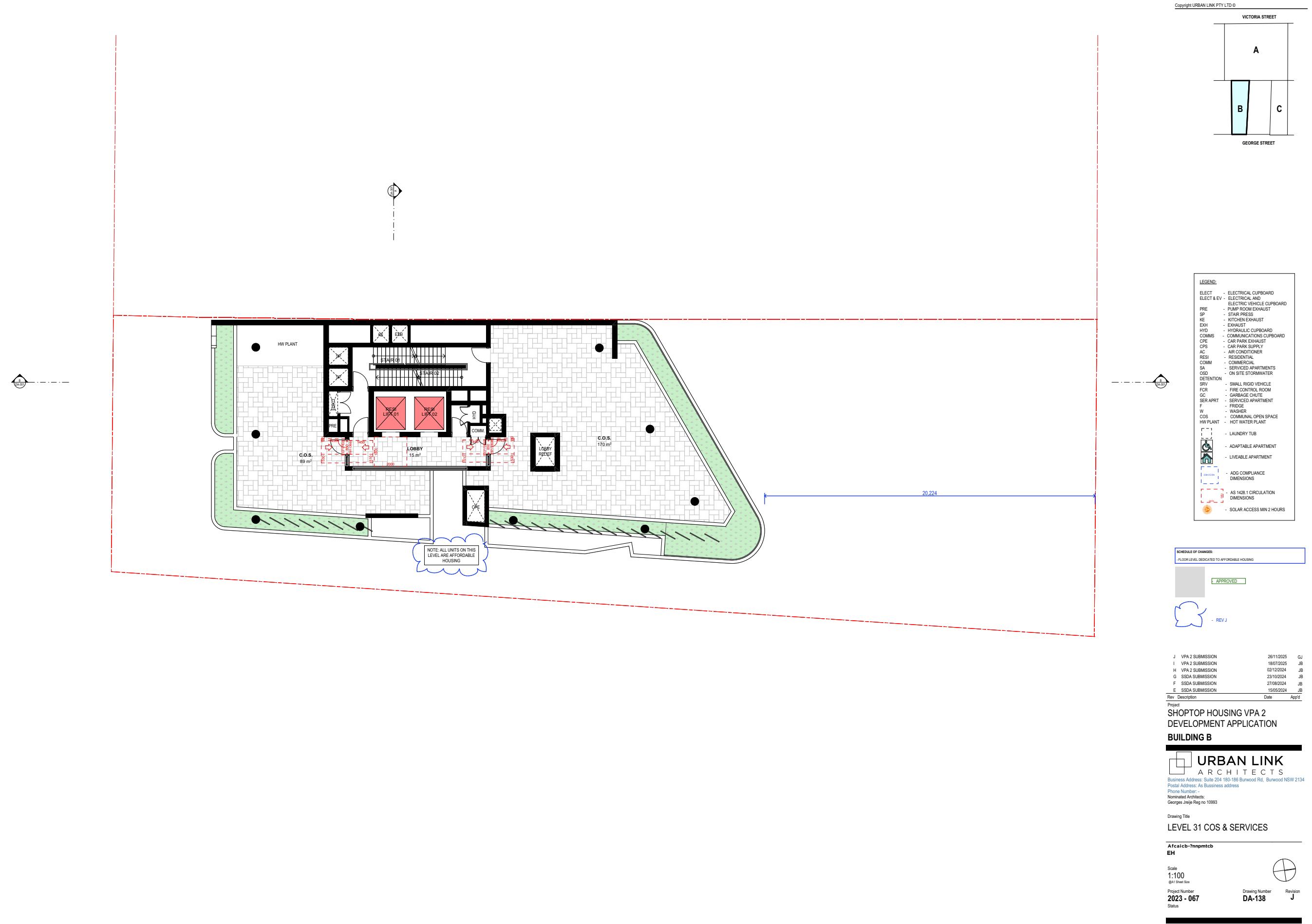
URBAN LINK
ARCHITECTS

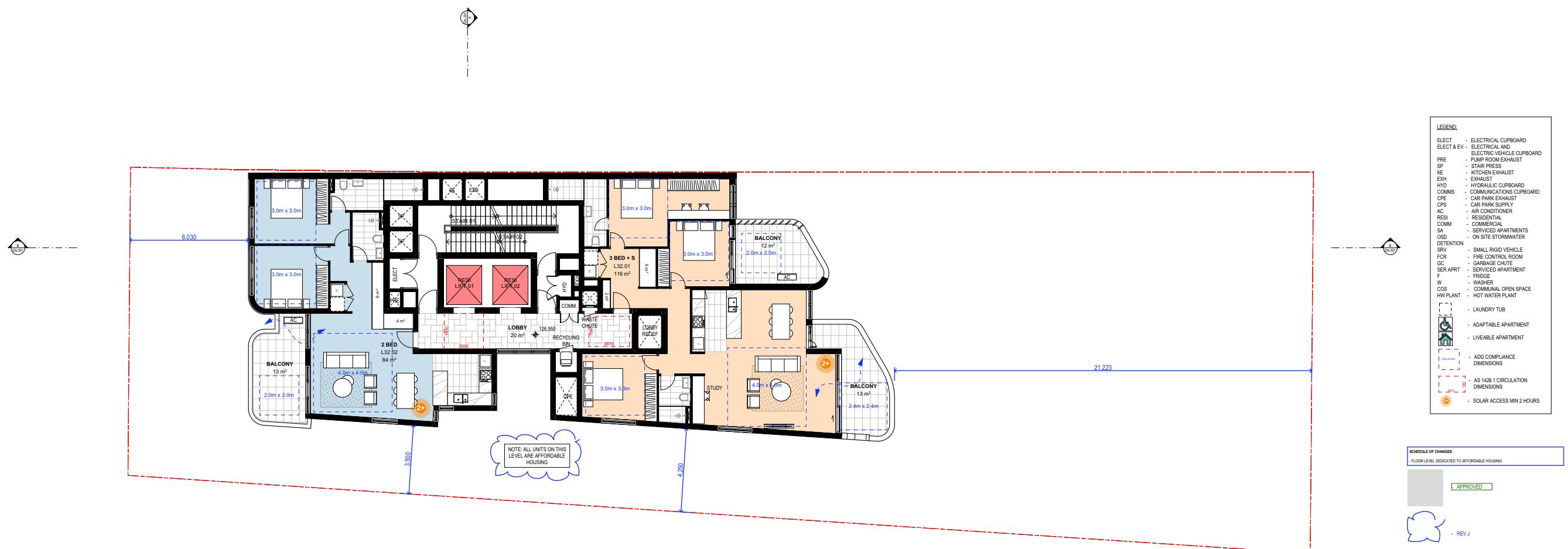
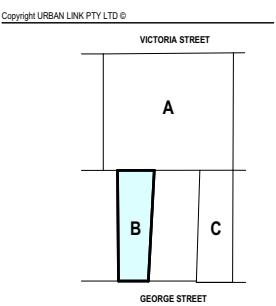
Business Address: Suite 204 180-186 Burwood Rd, Burwood NSW 2134
Postal Address: As Business address
Phone Number: -
Nominated Architects: Georges Jeje Reg no 10993

Drawing Title: LEVEL 29
Drawing Number: DA-136
Revision: I
Status: REDACTED

Scale: 1:100
Project Number: 2023 - 067
Drawing Number: DA-136
Revision: I
Status: REDACTED







J VPA 2 SUBMISSION
I VPA 2 SUBMISSION
H VPA 2 SUBMISSION
Rev Description Date App'd

Project: SHOPTOP HOUSING VPA 2
Development Application

BUILDING B

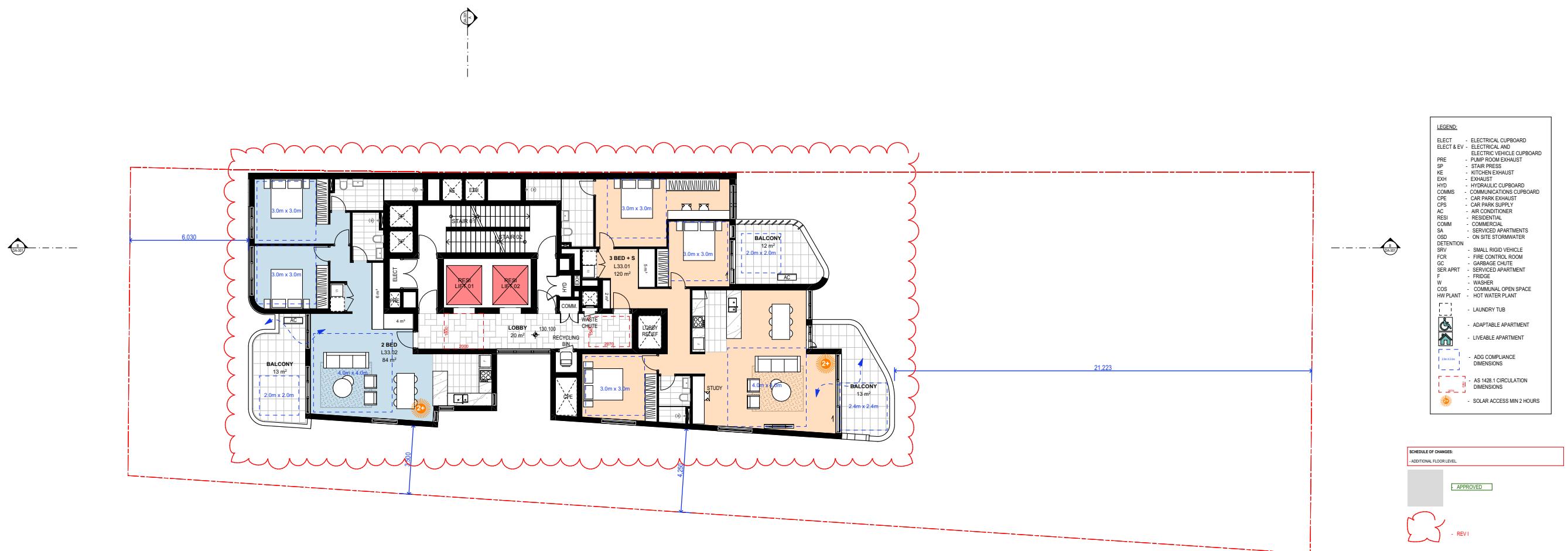
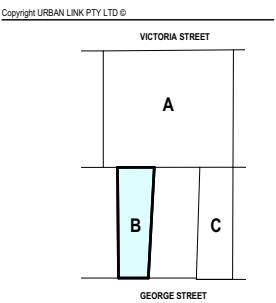
URBAN LINK
ARCHITECTS
Business Address: Suite 204 180-186 Burwood Rd, Burwood NSW 2134
Postal Address: As Business address
Phone Number: -
Nominated Architects: Georges Jeje Reg no 10993

Drawing Title
LEVEL 32

Ref: Afcacb-7nnpmctcb
EH

Scale
1:100
(A1 Sheet Size)
Project Number
2023 - 067
Drawing Number
DA-139
Status





I VPA 2 SUBMISSION 06/03/2024 JB
H VPA 2 SUBMISSION 02/12/2024 GJ
Rev. Description Date App'd

Project
SHOPTOP HOUSING VPA 2
DEVELOPMENT APPLICATION

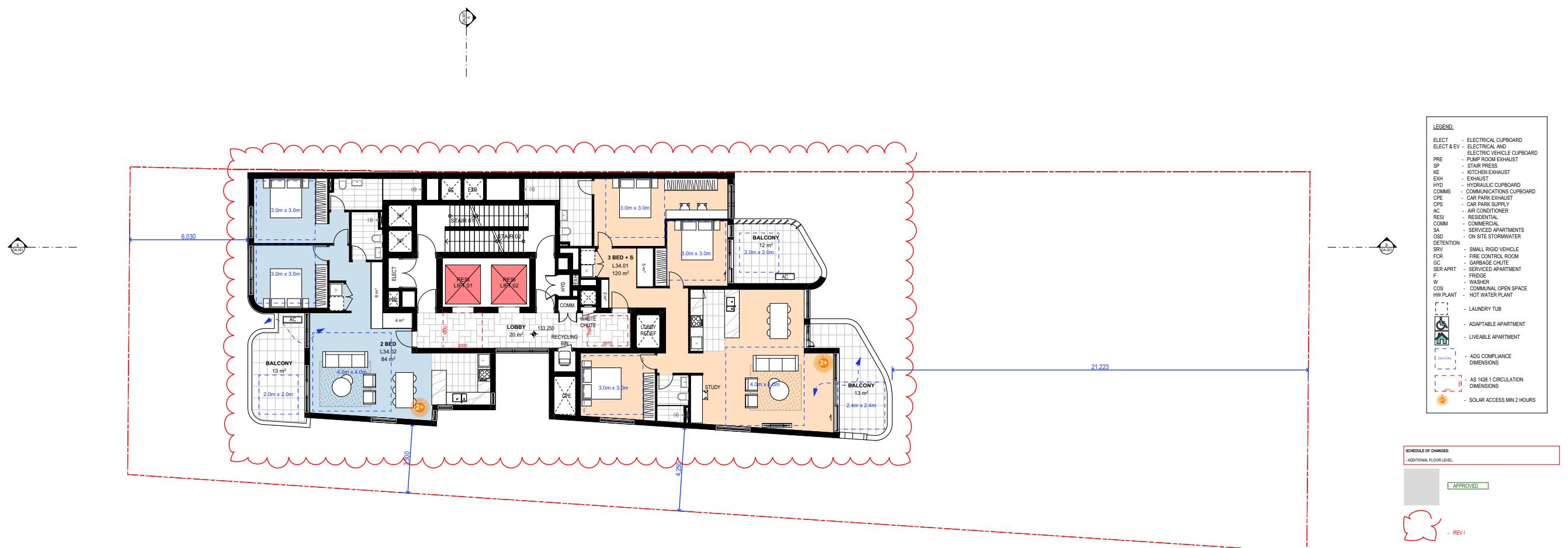
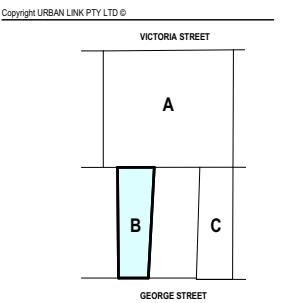
BUILDING B

URBAN LINK
ARCHITECTS
Business Address: Suite 204 180-186 Burwood Rd, Burwood NSW 2134
Postal Address: As Business address
Phone Number: -
Nominated Architects:
Georges Jeje Reg no 10993

Drawing Title
LEVEL 33

Ref. No. Afcacb-7nnpm tcb
EH

Scale
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Project Number
2023 - 067
Drawing Number
DA-140
Revision
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Status



I VPA 2 SUBMISSION 06/03/2024 JB
 H VPA 2 SUBMISSION 02/12/2024 GJ
 Rev. Description Date App'd

Project
 SHOPTOP HOUSING VPA 2
 DEVELOPMENT APPLICATION

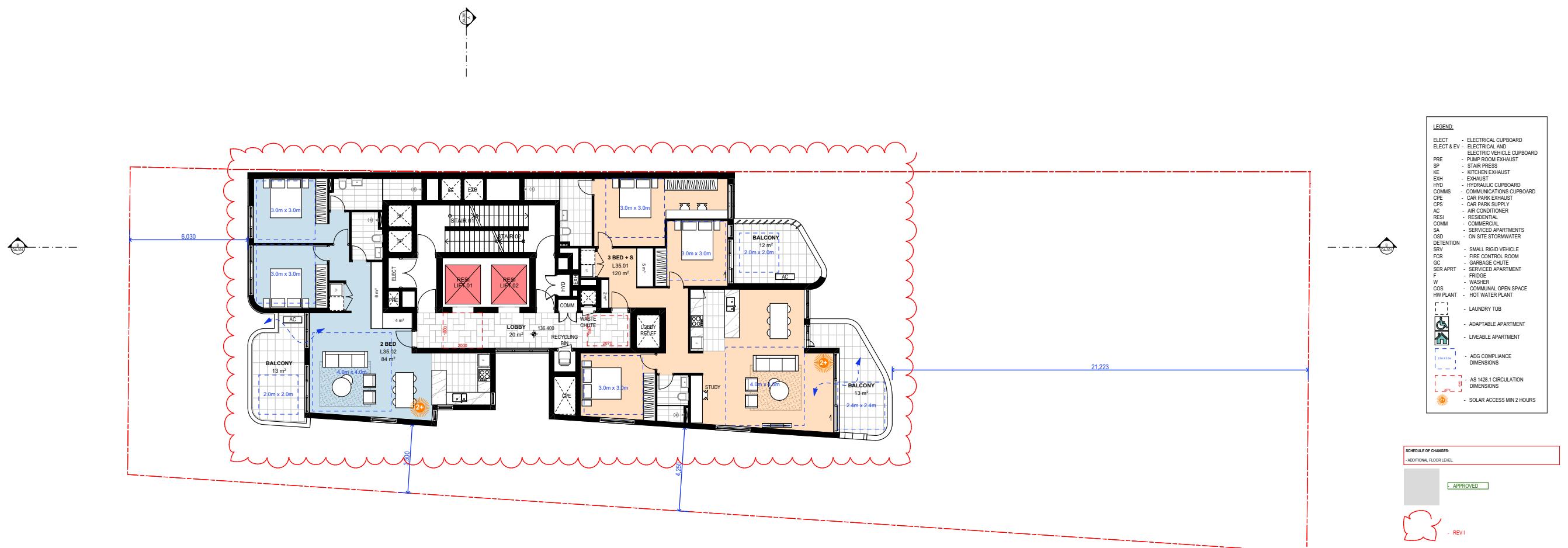
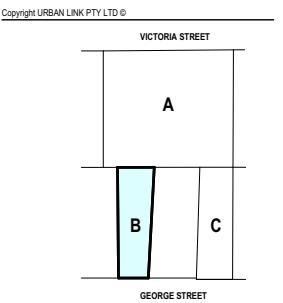
BUILDING B

URBAN LINK
 ARCHITECTS
 Business Address: Suite 204 180-186 Burwood Rd, Burwood NSW 2134
 Postal Address: As Business address
 Phone Number: -
 Nominated Architects:
 Georges Jeje Reg no 10993

Drawing Title
 LEVEL 34

Ref.no: Afcslcb-7nnpm tcb
 EH

Scale
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 (A1 Sheet Size)
 Project Number
 2023 - 067
 Drawing Number
 DA-141
 Revision
 I
 Status



I VPA 2 SUBMISSION 06/03/2024 JB
 H VPA 2 SUBMISSION 02/12/2024 GJ
 Rev. Description Date App'd

Project
SHOPTOP HOUSING VPA 2
DEVELOPMENT APPLICATION

BUILDING B

URBAN LINK
 ARCHITECTS
 Business Address: Suite 204 180-186 Burwood Rd, Burwood NSW 2134
 Postal Address: As Business address
 Phone Number: -
 Nominated Architects:
 Georges Jeje Reg no 10993

Drawing Title

LEVEL 35

Afcacb-7nnpm tcb

EH

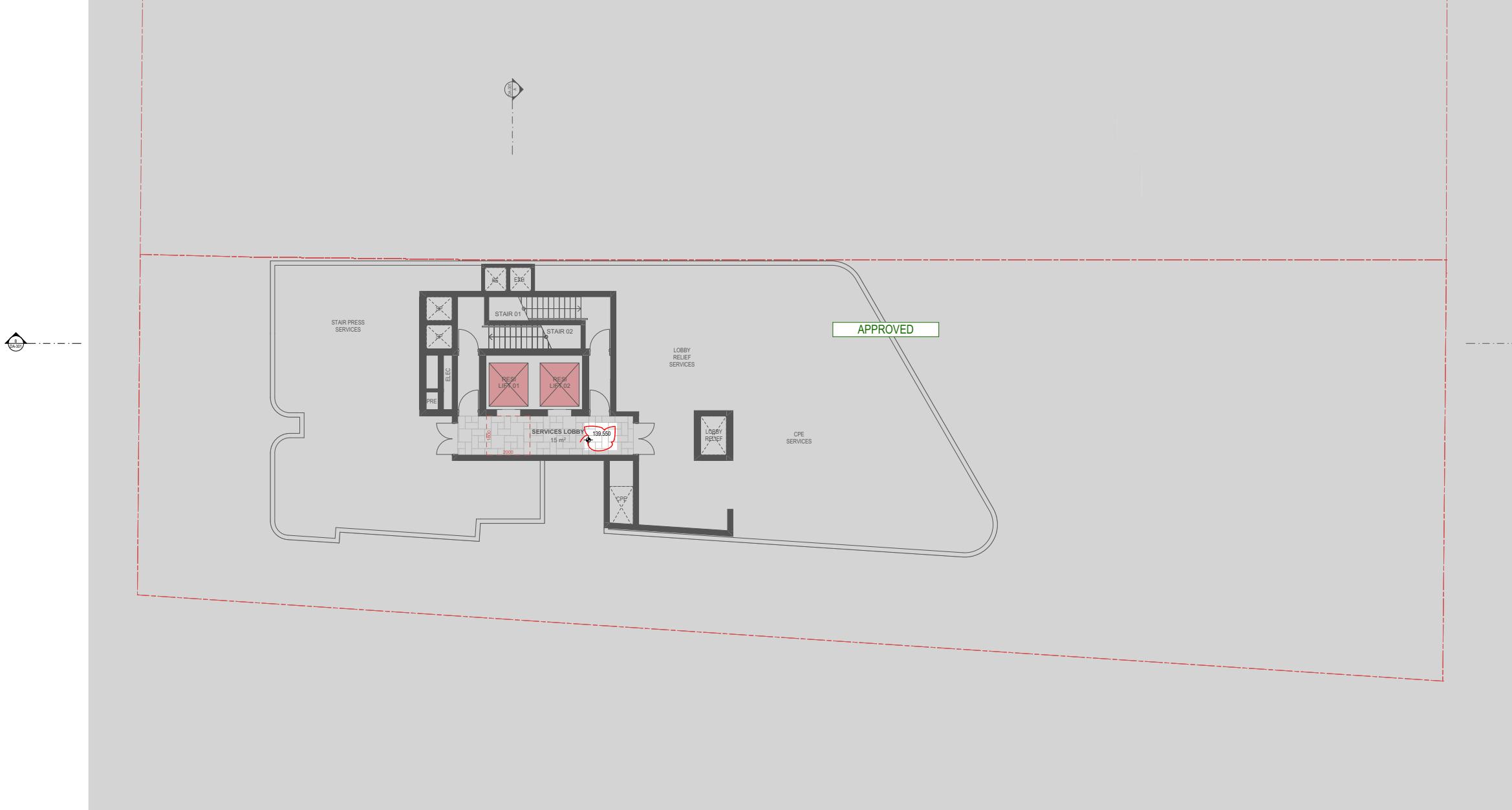
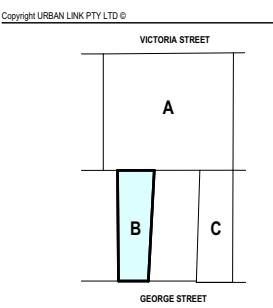
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Project Number
2023 - 067

Drawing Number
DA-142

Revision
 I

Status



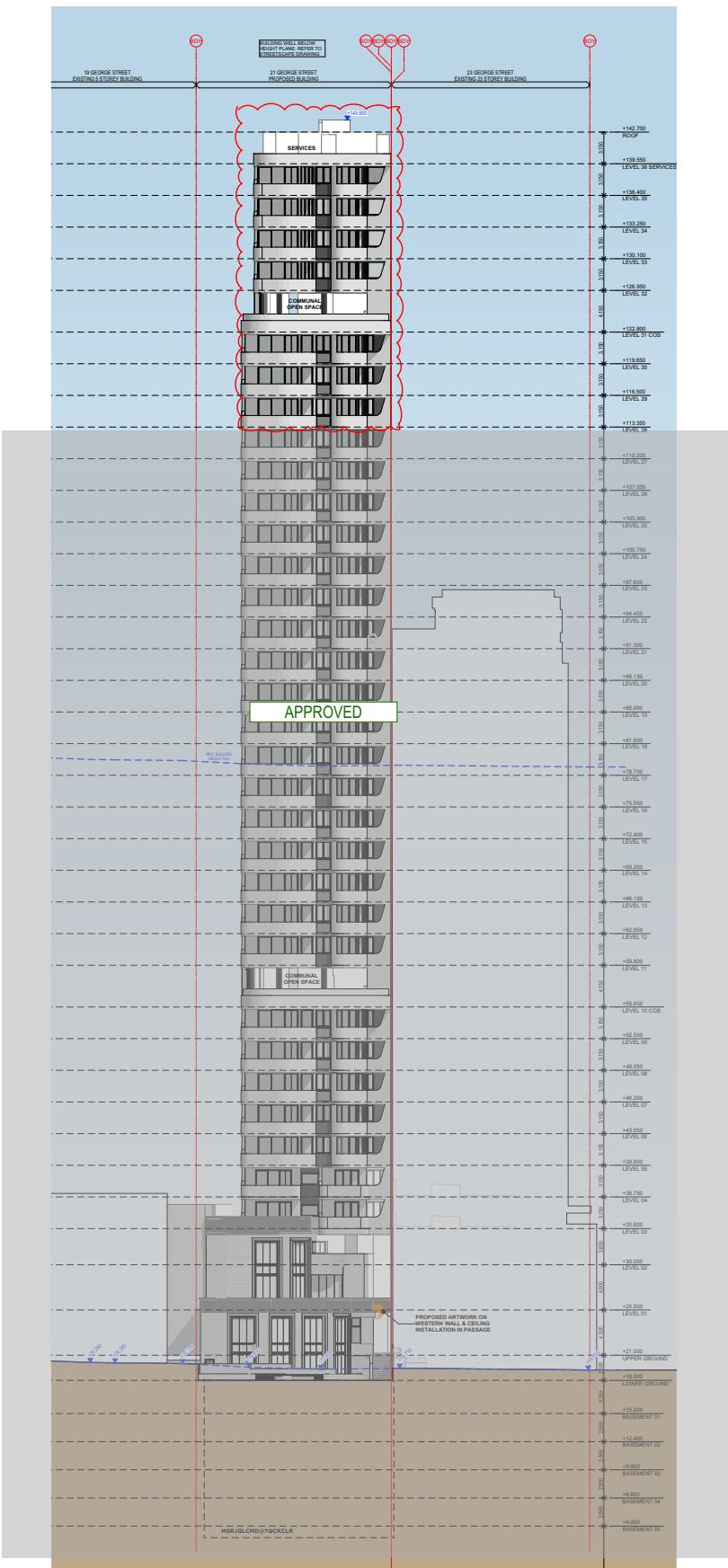
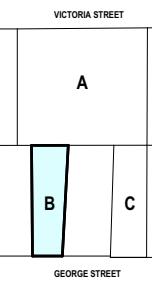
Rev	Description	Date	App'd
I	VPA 2 SUBMISSION	18/07/2025	GJ
H	VPA 2 SUBMISSION	02/07/2024	JB
G	SSDA SUBMISSION	22/10/2024	JB
F	SSDA SUBMISSION	27/08/2024	JB
E	SSDA SUBMISSION	16/06/2024	JB
D	SSDA SUBMISSION	03/04/2024	JB
C	COORDINATION	20/03/2024	JB
B	SSDA DRP	06/03/2024	JB
A	SSD BRIEFING	20/12/2023	GJ

Project: SHOPTOP HOUSING VPA 2
Development Application: BUILDING B

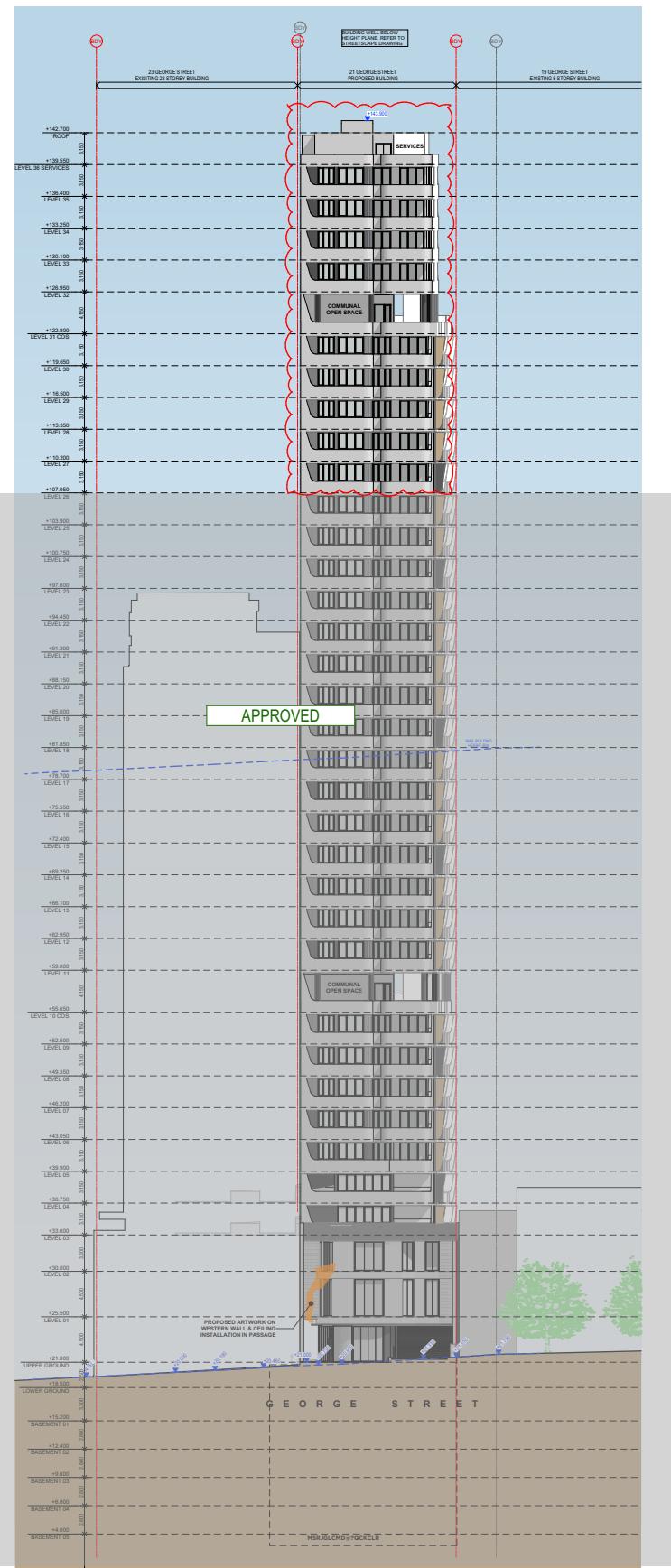
URBAN LINK
ARCHITECTS
Business Address: Suite 204 180-186 Burwood Rd, Burwood NSW 2134
Postal Address: As Business address
Phone Number: -
Nominated Architects: Georges Jeje Reg no 10993

Drawing Title: ROOF SERVICES
Drawing Number: DA-143 Revision: I

Scale: 1:100
Drawing Number: DA-143 Revision: I
Project Number: 2023 - 067 Status: APPROVED



NORTH ELEVATION



SOUTH ELEVATION

LEGEND:	
ELECT	- ELECTRICAL CUPBOARD
ELECT & EV	- ELECTRICAL AND ELECTRIC VEHICLE CUPBOARD
PRE	- PUMP ROOM EXHAUST
SP	- SHOWER
KE	- KITCHEN EXHAUST
EXH	- EXHAUST
HYD	- HYDRAULIC CUPBOARD
COMMS	- COMMUNICATIONS CUPBOARD
CPE	- CAR PARK EXHAUST
CPS	- CAR PARK SUPPLY
AC	- AIR CONDITIONER
RESI	- RESIDENTIAL
COMM	- COMMERCIAL
SA	- SERVICED APARTMENTS
OSD	- ON SITE STORMWATER
DETENTION	- SMALL RIGID VEHICLE
SRV	- FIRE CONTROL ROOM
FCR	- GARAGE CHUTE
CC	- SERVICE APARTMENT
SERI APART	- FRIDGE
F	- WASHER
W	- COMMUNAL OPEN SPACE
COS	- HOT WATER PLANT
HW PLANT	-
■ - 1	- LAUNDRY TUB
■ - I	- ADAPTABLE APARTMENT
■ - I	- LIVEABLE APARTMENT
■ - I	- ADD COMPLIANCE DIMENSIONS
■ - I	- AS 1428.1 CIRCULATION DIMENSIONS
■ - I	- SOLAR ACCESS MIN 2 HOURS

SCHEDULE OF CHANGES:	
- BUILDING STORY INCREASED FROM 32 TO 36.	
- LIFT OVERRUN RL INCREASED.	
- COMMUNAL OPEN SPACE LOCATED TO LEVEL 31.	

APPROVED



REV1

Rev Description	Date	App'd
I VPA 2 SUBMISSION	18/07/2025	GJ
H VPA 2 SUBMISSION	02/07/2024	JB
G SSDA SUBMISSION	22/10/2024	JB
F SSDA SUBMISSION	27/08/2024	JB
E SSDA SUBMISSION	16/06/2024	JB
D SSDA SUBMISSION	03/04/2024	JB
C COORDINATION	20/03/2024	JB
B SSDA DRP	06/03/2024	JB
A SSD BRIEFING	20/12/2023	GJ

Project: SHOPTOP HOUSING VPA 2 DEVELOPMENT APPLICATION

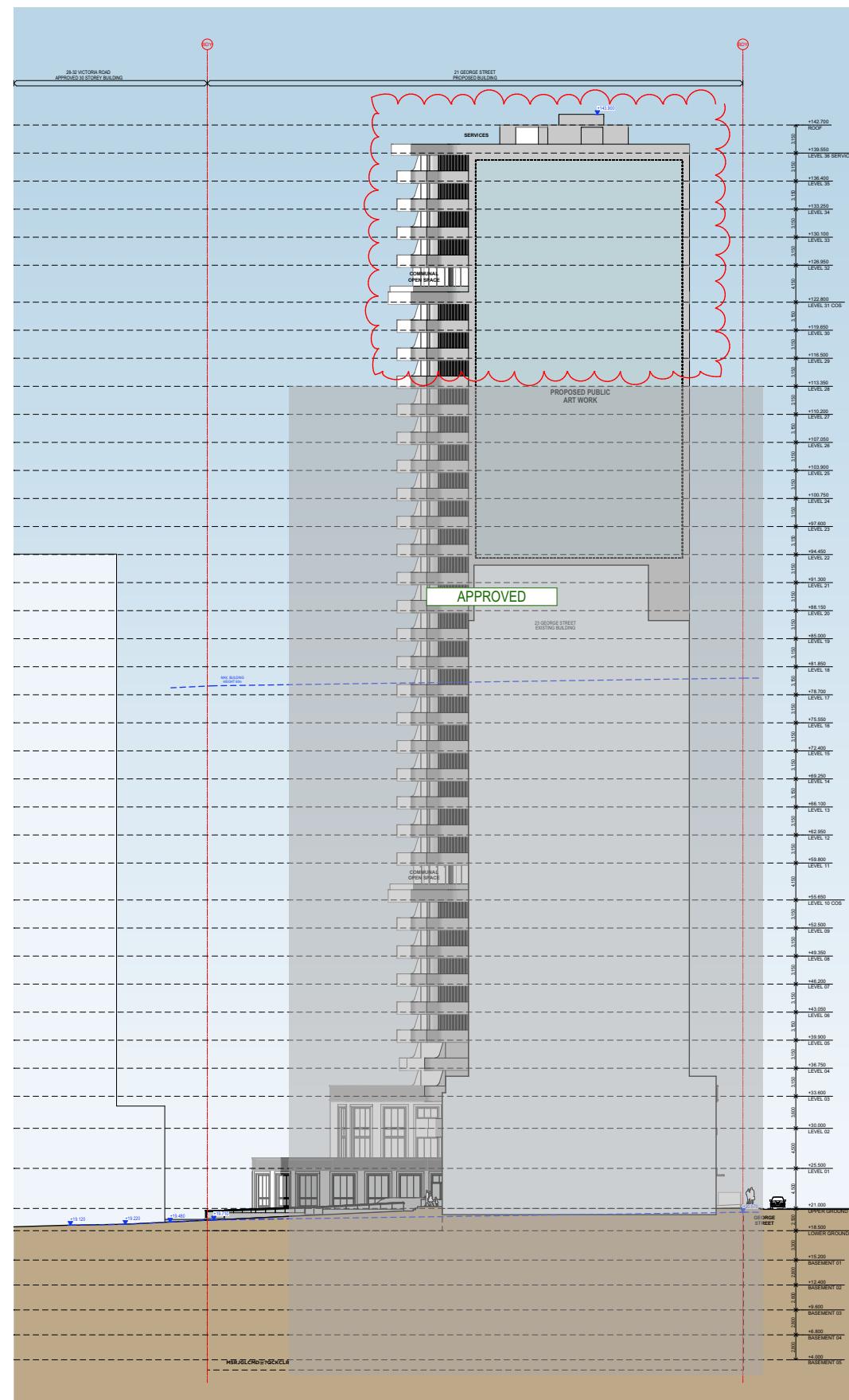
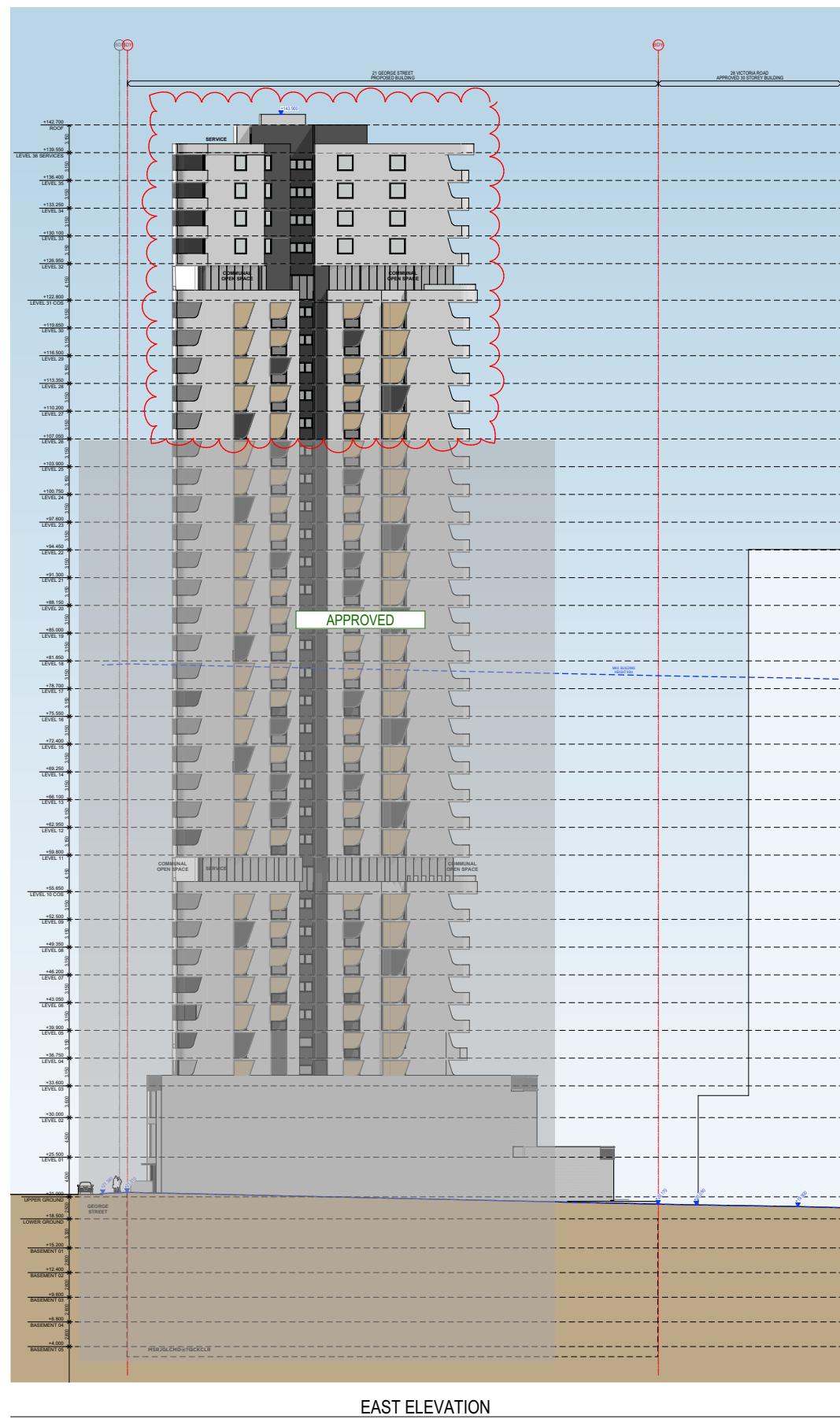
BUILDING B

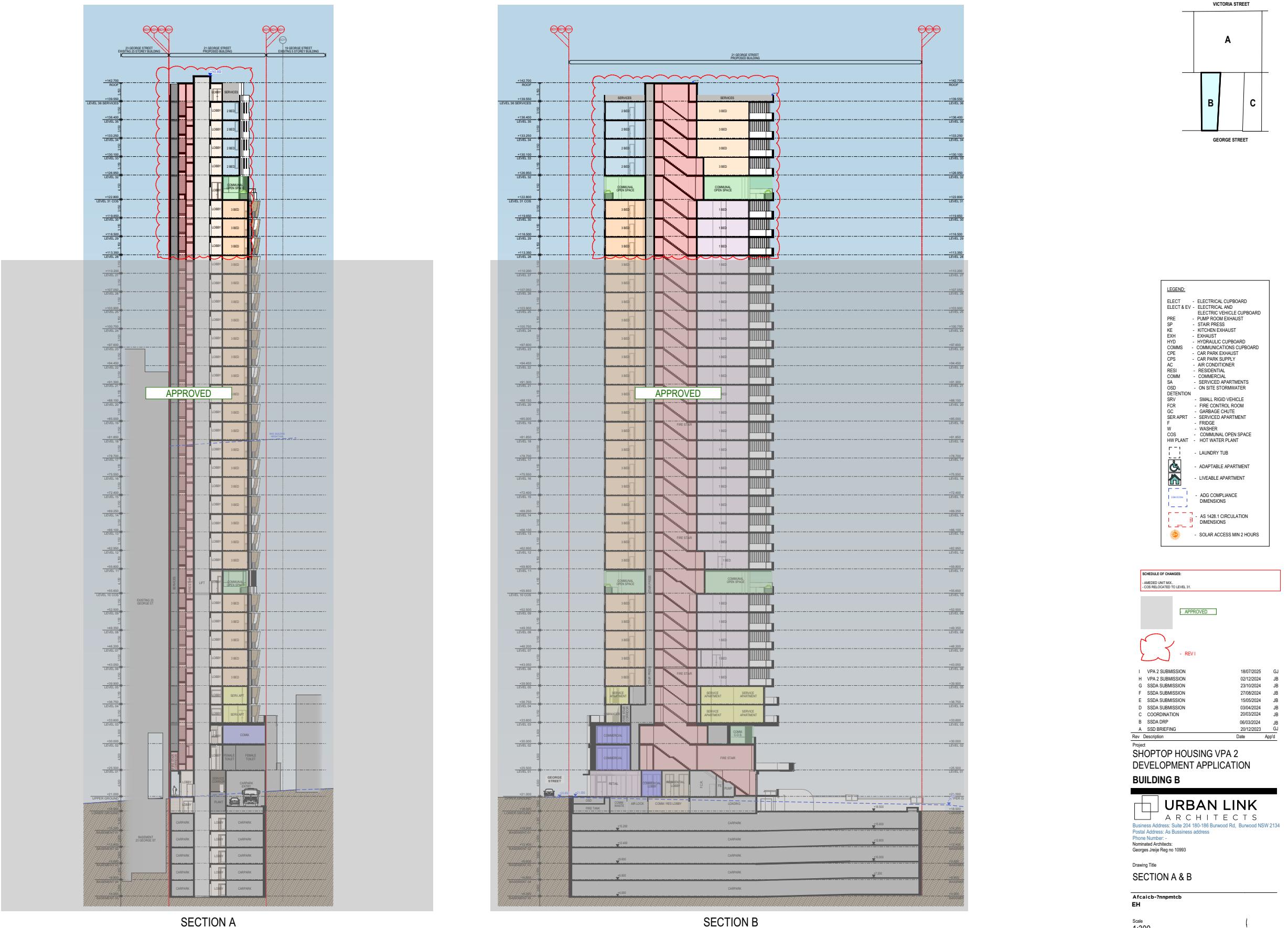
URBAN LINK
ARCHITECTS
Business Address: Suite 204 180-186 Burwood Rd, Burwood NSW 2134
Postal Address: As Business address
Phone Number: -
Nominated Architects: Georges Jeje Reg no 10993

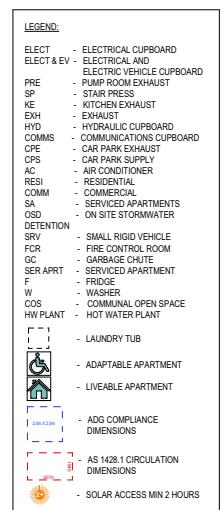
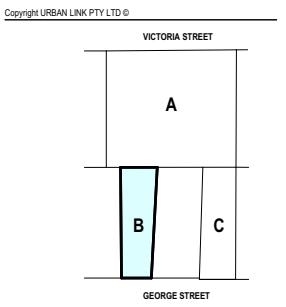
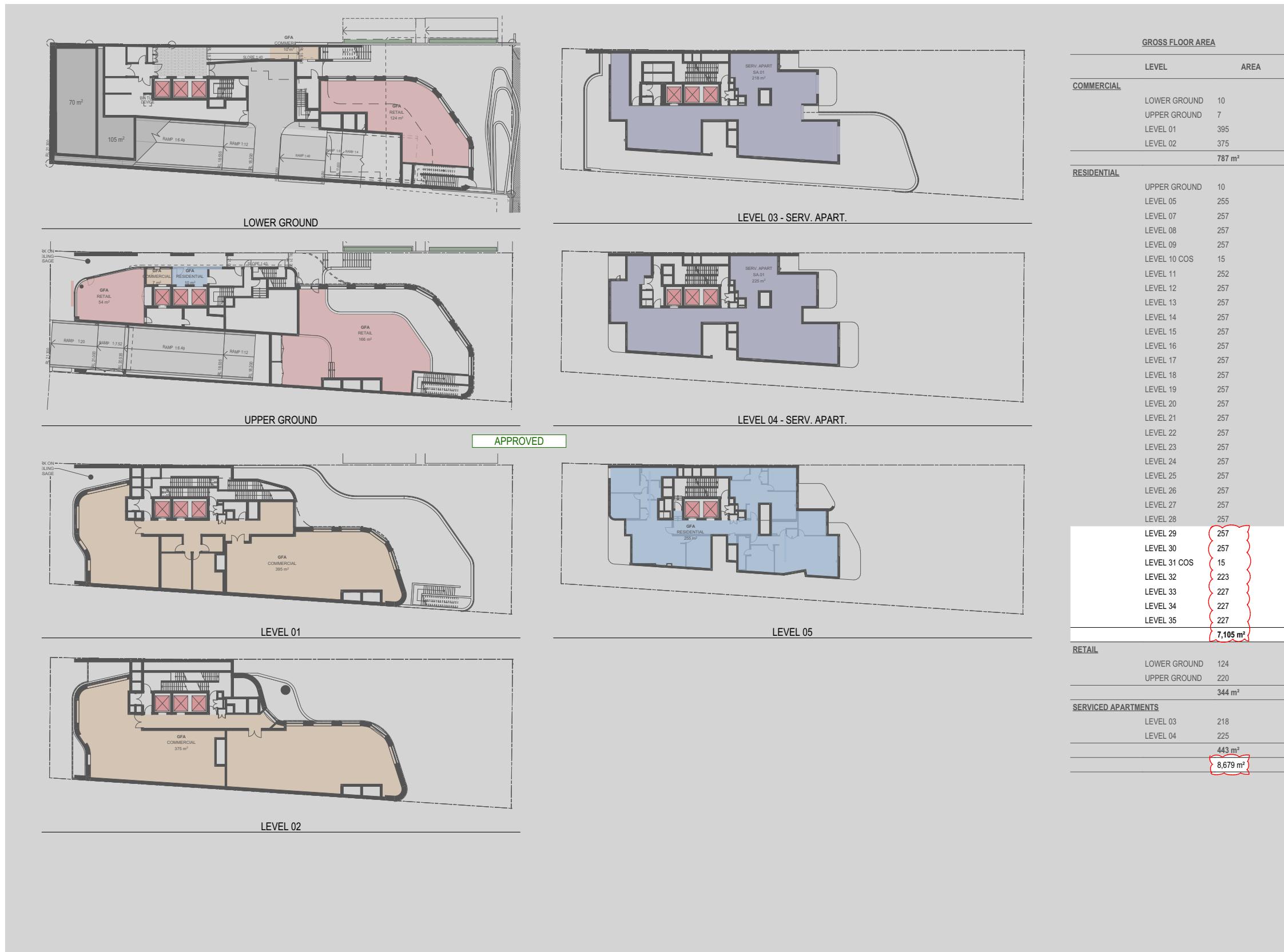
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EH

Scale: 1:300
Project Number: 2023 - 067 Drawing Number: DA-201 Revision: I
Status: Status







SCHEDULE OF CHANGES:		
GFA INCREASED.		
	APPROVED	

REV1

I VPA 2 SUBMISSION 18/07/2025 GJ

H VPA 2 SUBMISSION 02/07/2024 JB

G SSDA SUBMISSION 22/10/2024 JB

F SSDA SUBMISSION 27/08/2024 JB

E SSDA SUBMISSION 16/06/2024 JB

D SSDA SUBMISSION 03/04/2024 JB

C COORDINATION 20/03/2024 JB

B SSDA DRP 06/03/2024 JB

A SSD BRIEFING 20/12/2023 GJ

Rev Description Date App'd

Project: SHOPTOP HOUSING VPA 2

Development Application: BUILDING B

URBAN LINK
ARCHITECTS

Business Address: Suite 204 180-186 Burwood Rd, Burwood NSW 2134

Postal Address: As Business address

Phone Number: -

Nominated Architects:

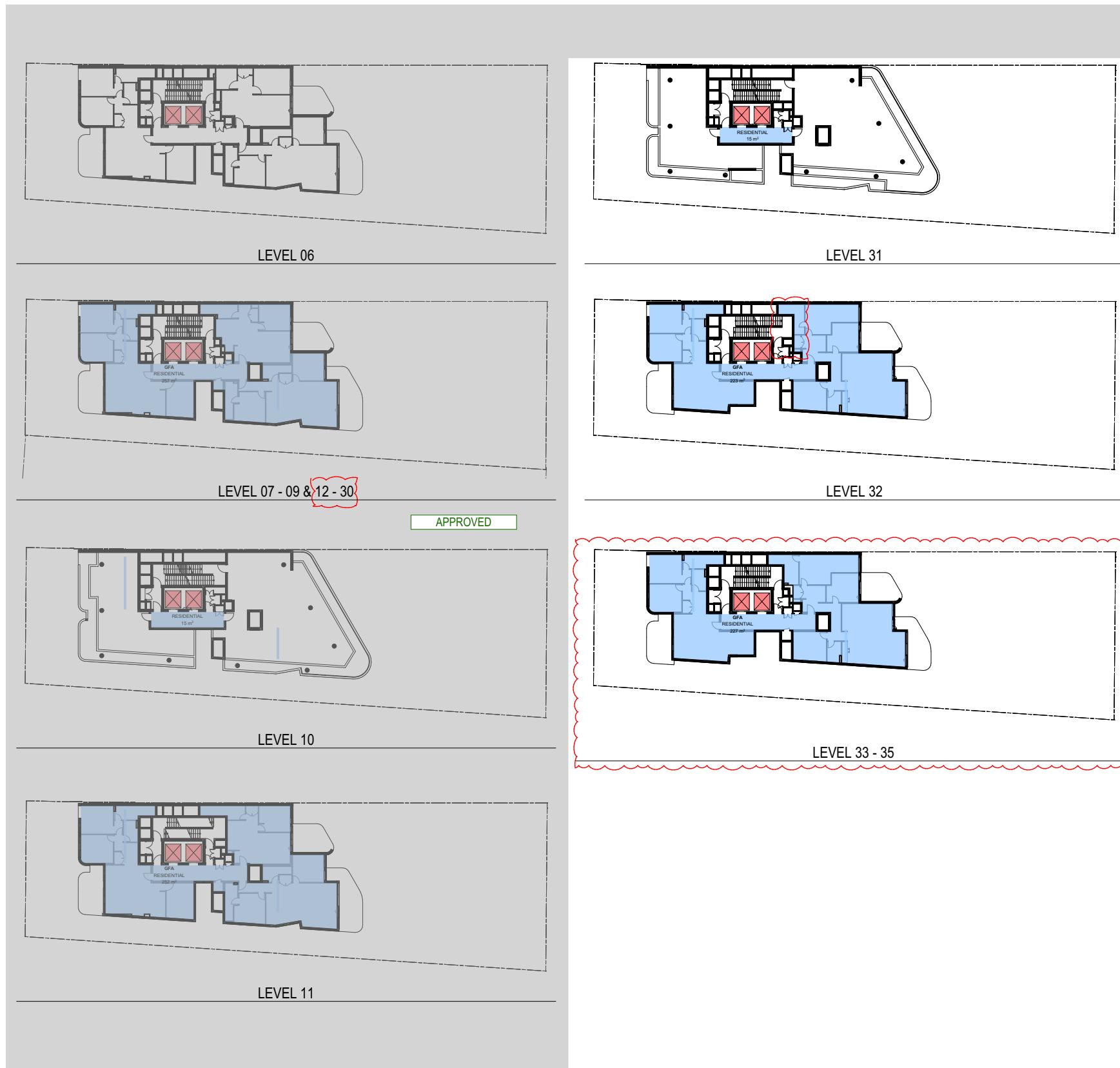
Georges Jeje Reg no 10993

Drawing Title:

GFA DIAGRAMS 1

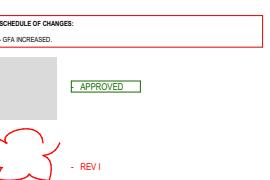
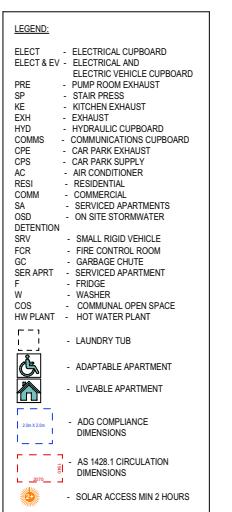
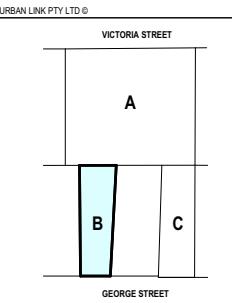
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Project Number: 2023 - 067
Drawing Number: DA-1401
Revision: I
Status:



GROSS FLOOR AREA	
LEVEL	AREA
<u>COMMERCIAL</u>	
LOWER GROUND	10
UPPER GROUND	7
LEVEL 01	395
LEVEL 02	375
	787 m ²
<u>RESIDENTIAL</u>	
UPPER GROUND	10
LEVEL 05	255
LEVEL 07	257
LEVEL 08	257
LEVEL 09	257
LEVEL 10 COS	15
LEVEL 11	252
LEVEL 12	257
LEVEL 13	257
LEVEL 14	257
LEVEL 15	257
LEVEL 16	257
LEVEL 17	257
LEVEL 18	257
LEVEL 19	257
LEVEL 20	257
LEVEL 21	257
LEVEL 22	257
LEVEL 23	257
LEVEL 24	257
LEVEL 25	257
LEVEL 26	257
LEVEL 27	257
LEVEL 28	257
LEVEL 29	257
LEVEL 30	257
LEVEL 31 COS	15
LEVEL 32	223
LEVEL 33	227
LEVEL 34	227
LEVEL 35	227
	7,105 m ²

RETAIL	
LOWER GROUND	124
UPPER GROUND	220
	344 m ²
SERVICED APARTMENTS	
LEVEL 03	218
LEVEL 04	225
	443 m ²
	8,679 m ²



VPA 2 SUBMISSION	18/07/2025	GJ
SSDA SUBMISSION	27/08/2024	JB
SSDA SUBMISSION	15/05/2024	JB
SSDA SUBMISSION	03/04/2024	JB
COORDINATION	20/03/2024	JB
SSDA DRP	06/03/2024	JB
SSD BRIEFING	20/12/2023	GJ
Description	Date	Ann'd

HOPTOP HOUSING VPA 2
DEVELOPMENT APPLICATION

WILDLING B



Business Address: Suite 204 180-186 Burwood Rd, Burwood NSW 2134
Postal Address: As Business address
Phone Number: -
Email Address: info@architects.com.au
Qualified Architects:

ges Jreijs Reg no 10993

DATA DIAGRAMS 2

A DIAGRAMS 2

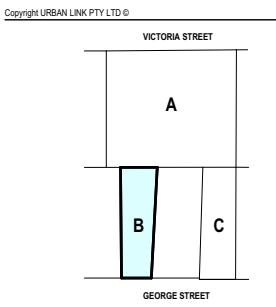
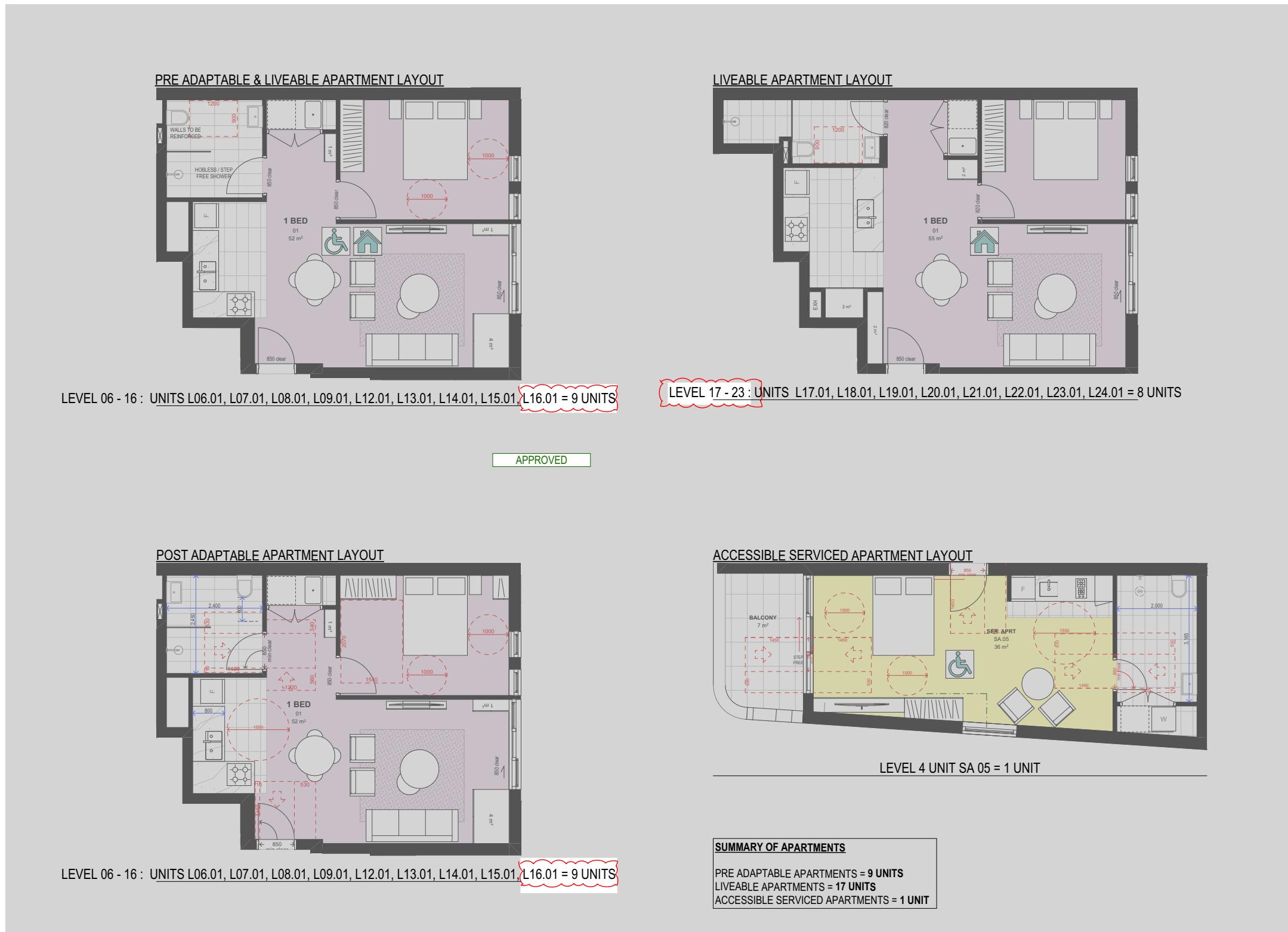
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Sheet Size

Product Number

DA-1402

1000_1000



LEGEND:	
ELECT	ELECTRICAL CUPBOARD
ELECT & EV	ELECTRICAL AND ELECTRIC VEHICLE CUPBOARD
PRE	PREFABRICATED
SP	SPIRALS
KE	KITCHEN EXHAUST
EXH	EXHAUST
HYD	HYDRAULIC CUPBOARD
COMMS	COMMUNICATIONS CUPBOARD
CPE	CAR PARK EXHAUST
CPS	CAR PARK SUPPLY
AC	HOT AIR CONDITIONER
RESI	RESIDENTIAL
COMM	COMMERCIAL
SA	SERVICED APARTMENTS
SSD	ON SITE STORMWATER
DETENTION	SMALL RIGID VEHICLE
SRV	FIRE CONTROL ROOM
FCR	STORAGE CHUTE
CC	SERIALIZED APARTMENT
SER APRT	FRIDGE
F	WASHING
W	WASHLET
COS	COMMUNAL OPEN SPACE
HW PLANT	HOT WATER PLANT
—	LAUNDRY TUB
—	ADAPTABLE APARTMENT
—	LIVEABLE APARTMENT
—	ADG COMPLIANCE DIMENSIONS
—	AS 1428.1 CIRCULATION DIMENSIONS
—	SOLAR ACCESS MIN 2 HOURS

SCHEDULE OF CHANGES:		
ADAPTABLE AND LIVEABLE UNITS INCREASED		
APPROVED		
REV1		
I VPA 2 SUBMISSION	18/07/2025	GJ
H VPA 2 SUBMISSION	02/07/2024	JB
G SSDA SUBMISSION	22/10/2024	JB
F SSDA SUBMISSION	27/08/2024	JB
E SSDA SUBMISSION	16/06/2024	JB
D SSDA SUBMISSION	03/04/2024	JB
C COORDINATION	20/03/2024	JB
B SSD DRP	06/03/2024	JB
A SSD BRIEFING	20/12/2023	GJ

Project: SHOPTOP HOUSING VPA 2
Development Application: BUILDING B

URBAN LINK
ARCHITECTS
Business Address: Suite 204 180-186 Burwood Rd, Burwood NSW 2134
Postal Address: As Business address
Phone Number: -
Nominated Architects: Georges Jeje Reg no 10993

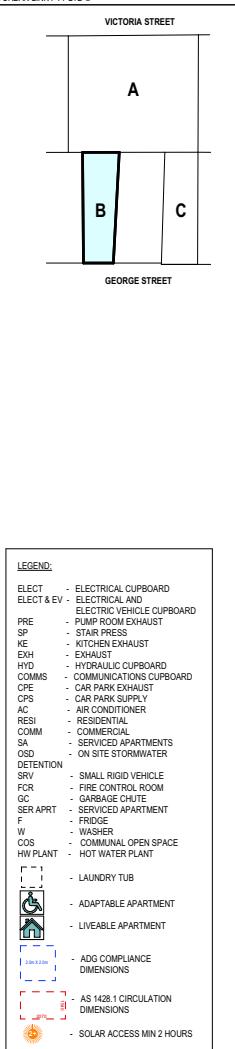
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Drawing Number: DA-1403
Revision: I

Scale: 1:50
Project Number: 2023 - 067
Drawing Number: DA-1403
Revision: I
Status: Approved



CROSS FLOW APARTMENTS		
LEVEL	APARTMENT NUMBER	CROSS FLOW
LEVEL 05	0501	No
	0502	Yes
	0503	Yes
LEVEL 06	0601	No
	0602	Yes
	0603	Yes
LEVEL 07	0701	No
	0702	Yes
	0703	Yes
LEVEL 08	0801	No
	0802	Yes
	0803	Yes
LEVEL 09	0901	No
	0902	Yes
	0903	Yes
LEVEL 11	1101	No
	1102	Yes
	1103	Yes
LEVEL 12	1201	No
	1202	Yes
	1203	Yes
LEVEL 13	1301	No
	1302	Yes
	1303	Yes
LEVEL 14	1401	No
	1402	Yes
	1403	Yes
LEVEL 15	1501	No
	1502	Yes
	1503	Yes
LEVEL 16	1601	No
	1602	Yes
	1603	Yes
LEVEL 17	1701	No
	1702	Yes
	1703	Yes
LEVEL 18	1801	No
	1802	Yes
	1803	Yes
LEVEL 19	1901	No
	1902	Yes
	1903	Yes
LEVEL 20	2001	No
	2002	Yes
	2003	Yes
LEVEL 21	2101	No
	2102	Yes
	2103	Yes
LEVEL 22	2201	No
	2202	Yes
	2203	Yes
LEVEL 23	2301	No
	2302	Yes
	2303	Yes
LEVEL 24	2401	No
	2402	Yes
	2403	Yes

SOLAR ACCESS		
SOLAR ACCESS	LEVEL	NR OF UNITS
15 Minutes +	LEVEL 05	1
	LEVEL 06	1
	LEVEL 07	1
	LEVEL 08	1
	LEVEL 09	1
	LEVEL 11	1
	LEVEL 12	1
	LEVEL 13	1
	LEVEL 14	1
	LEVEL 15	1
	LEVEL 16	1
	LEVEL 17	1
	LEVEL 18	1
	LEVEL 19	1
	LEVEL 20	1
	LEVEL 21	1
	LEVEL 22	1
	LEVEL 23	1
	LEVEL 24	1
	LEVEL 25	1
	LEVEL 26	1
	LEVEL 27	1
	LEVEL 28	1
	LEVEL 29	1
	LEVEL 30	1
2 hours +	LEVEL 05	2
	LEVEL 06	2
	LEVEL 07	2
	LEVEL 08	2
	LEVEL 09	2
	LEVEL 11	2
	LEVEL 12	2
	LEVEL 13	2
	LEVEL 14	2
	LEVEL 15	2
	LEVEL 16	2
	LEVEL 17	2
	LEVEL 18	2
	LEVEL 19	2
	LEVEL 20	2
	LEVEL 21	2
	LEVEL 22	2
	LEVEL 23	2
	LEVEL 24	2
	LEVEL 25	2
	LEVEL 26	2
	LEVEL 27	2
	LEVEL 28	2
	LEVEL 29	2
	LEVEL 30	2
	LEVEL 32	2
	LEVEL 33	2
	LEVEL 34	2
	LEVEL 35	2
Yes	LEVEL 05	2
	LEVEL 06	2
	LEVEL 07	2
	LEVEL 08	2
	LEVEL 09	2
TOTAL	58	
TOTAL # OF UNITS	93	



SCHEDULE OF CHANGES:	
- SOLAR ACCESS UNITS INCREASED.	
	APPROVED

REV	
I	VPA 2 SUBMISSION
H	18/07/2025
G	02/07/2024
F	JB
E	SSDA SUBMISSION
D	22/05/2024
C	JB
B	SSDA DRP
A	06/03/2024
	JB
	01/02/2023
	GJ

Rev Description Date App'd

Project SHOPTOP HOUSING VPA 2 DEVELOPMENT APPLICATION

BUILDING B

URBAN LINK
ARCHITECTS
Business Address: Suite 204 180-186 Burwood Rd, Burwood NSW 2134
Postal Address: As Business address
Phone Number: -
Nominated Architects: Georges Jeje Reg no 10993

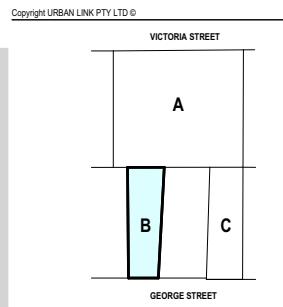
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Ref Afc1cb-7nnpmctb EH

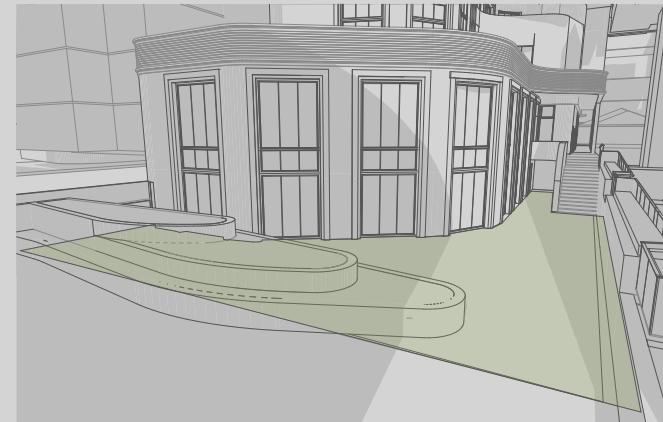
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Project Number 2023 - 067 Status

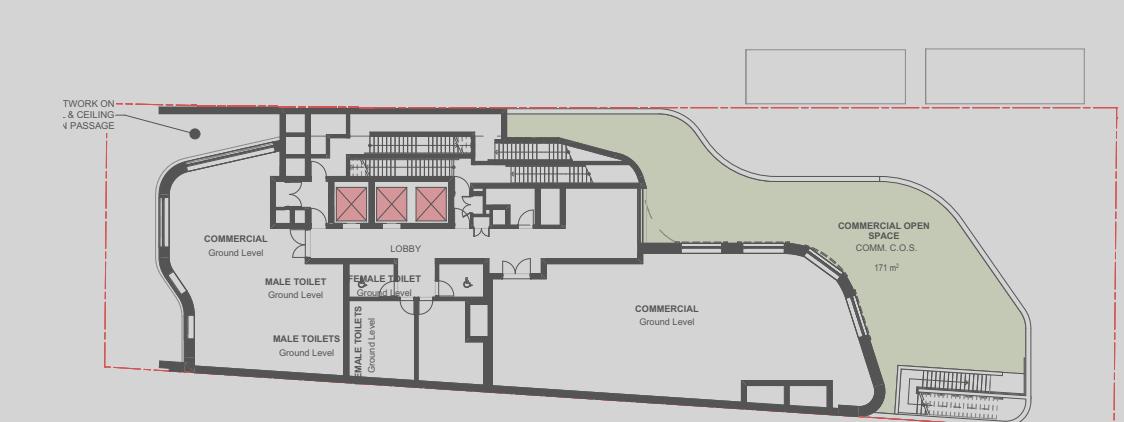
Page 1 of 1



COMMERCIAL OPEN SPACE - LOWER GROUND

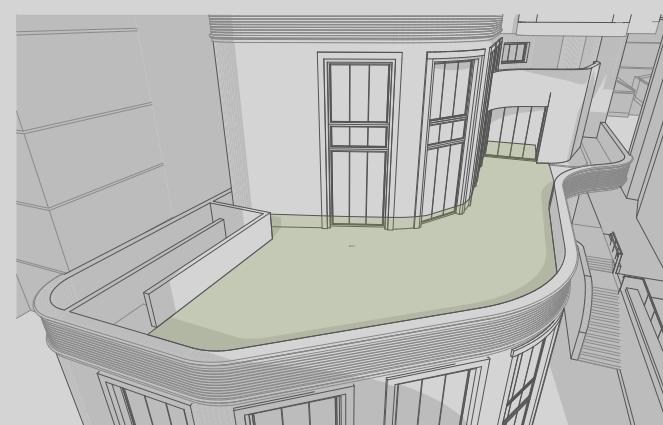


COMMERCIAL OPEN SPACE SUN LOWER GROUND 21 JUNE 1200h

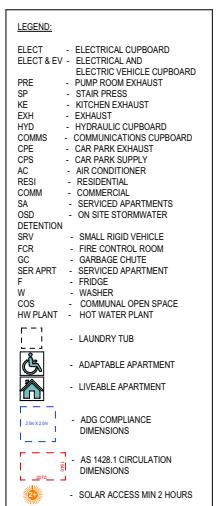


COMMERCIAL OPEN SPACE - LEVEL 01

APPROVED



COMMERCIAL OPEN SPACE SUN LEVEL 01 21 JUNE 1200h



I	VPA 2 SUBMISSION	18/07/2025	GJ
H	VPA 1 SUBMISSION	02/07/2024	JB
G	SSA SUBMISSION	22/10/2024	JB
F	SSDA SUBMISSION	27/08/2024	JB
E	SSDA SUBMISSION	16/06/2024	JB
D	SSDA SUBMISSION	03/04/2024	JB
C	COORDINATION	20/03/2024	JB
B	SSDA DRP	06/03/2024	JB
A	SSD BRIEFING	20/12/2023	GJ

Rev Description Date App'd

Project SHOPTOP HOUSING VPA 2
DEVELOPMENT APPLICATION

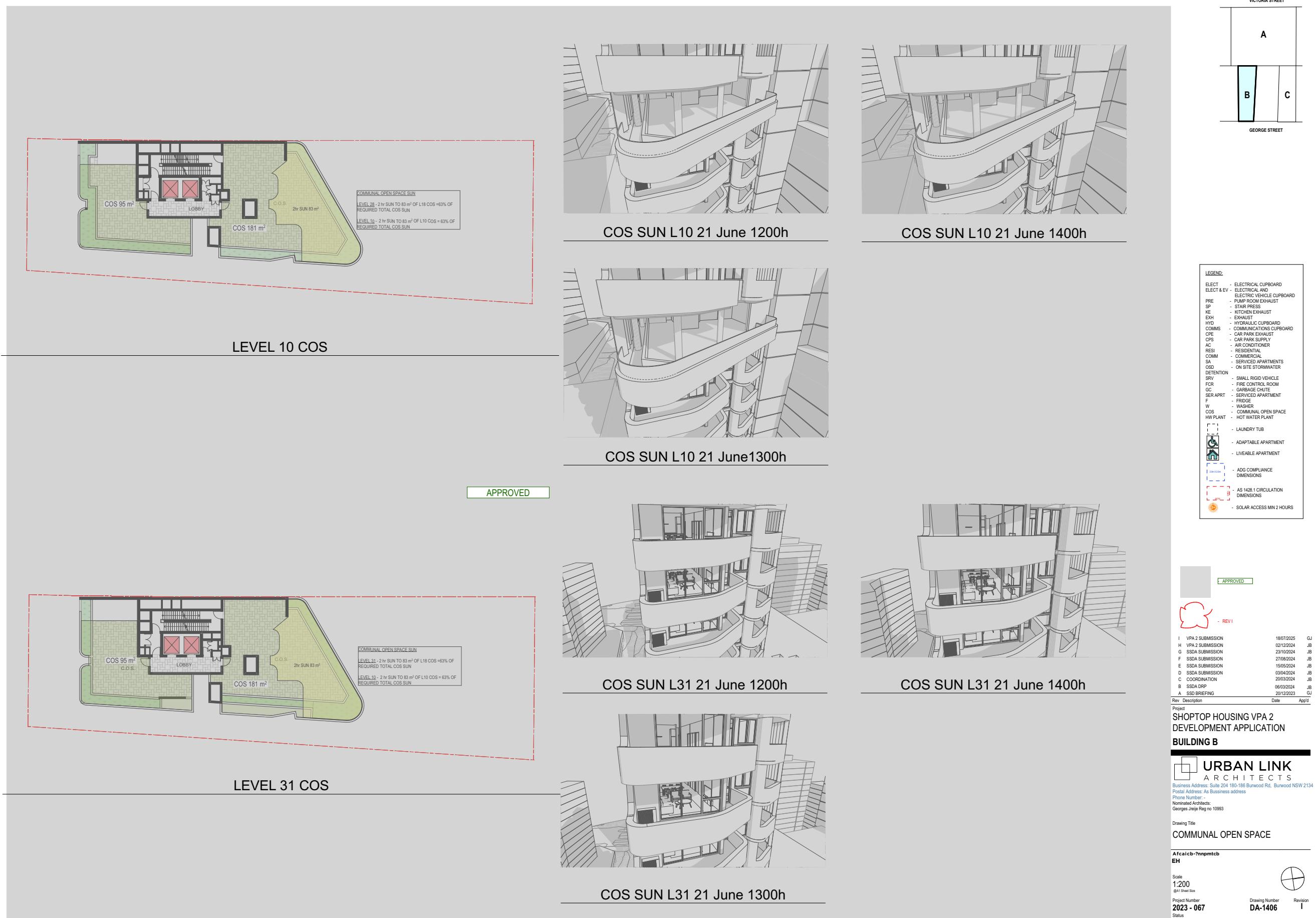
BUILDING B

URBAN LINK
ARCHITECTS
Business Address: Suite 204 180-186 Burwood Rd, Burwood NSW 2134
Postal Address: As Business address
Phone Number: -
Nominated Architects:
Georges Jeje Reg no 10993

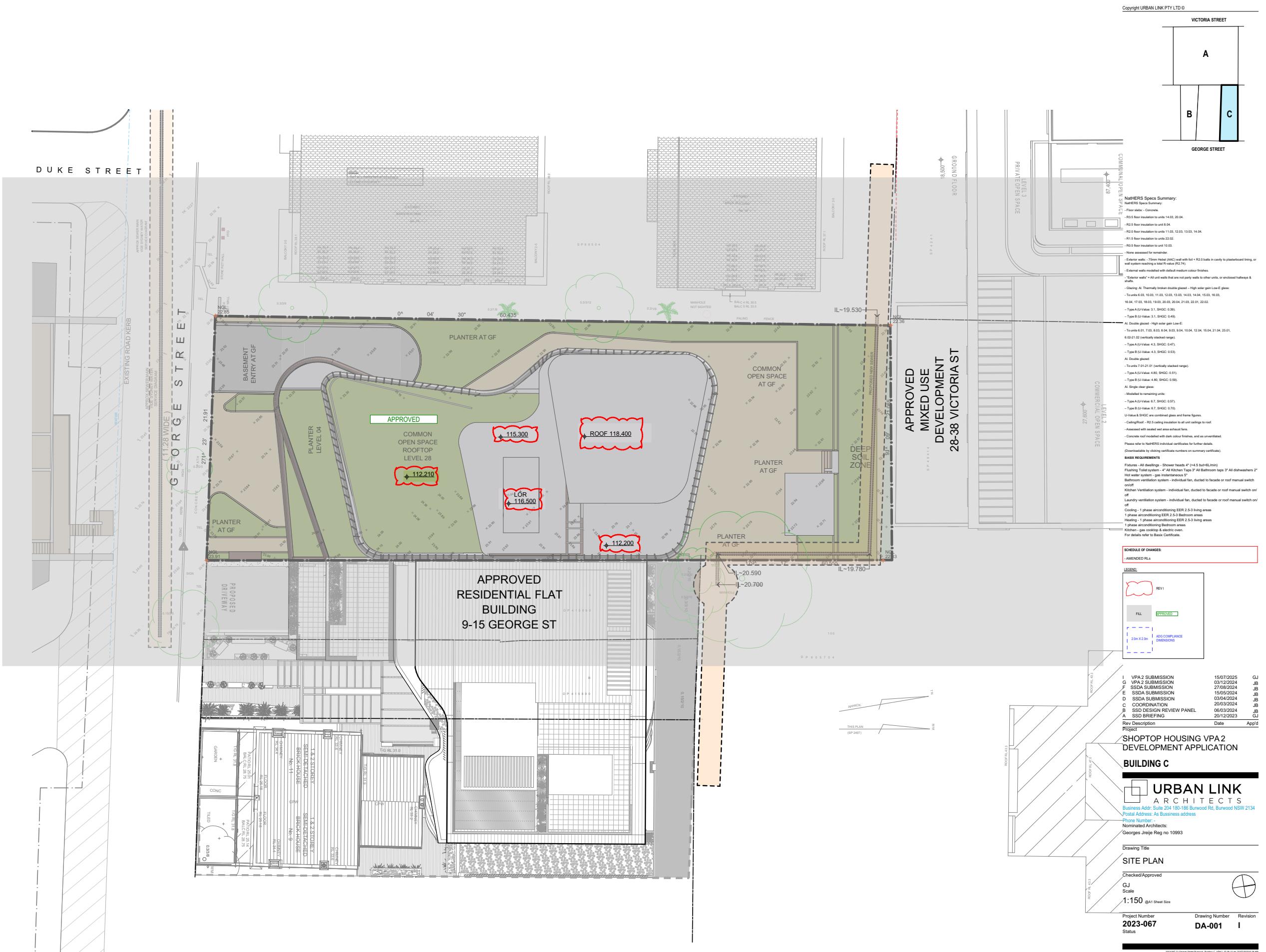
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COMMERCIAL OPEN SPACEAfcaicb-7nnpmctb
EH

Scale
1:200
041 Sheet Size
Project Number
2023 - 067
Drawing Number
DA-1405
Revision
I
Status

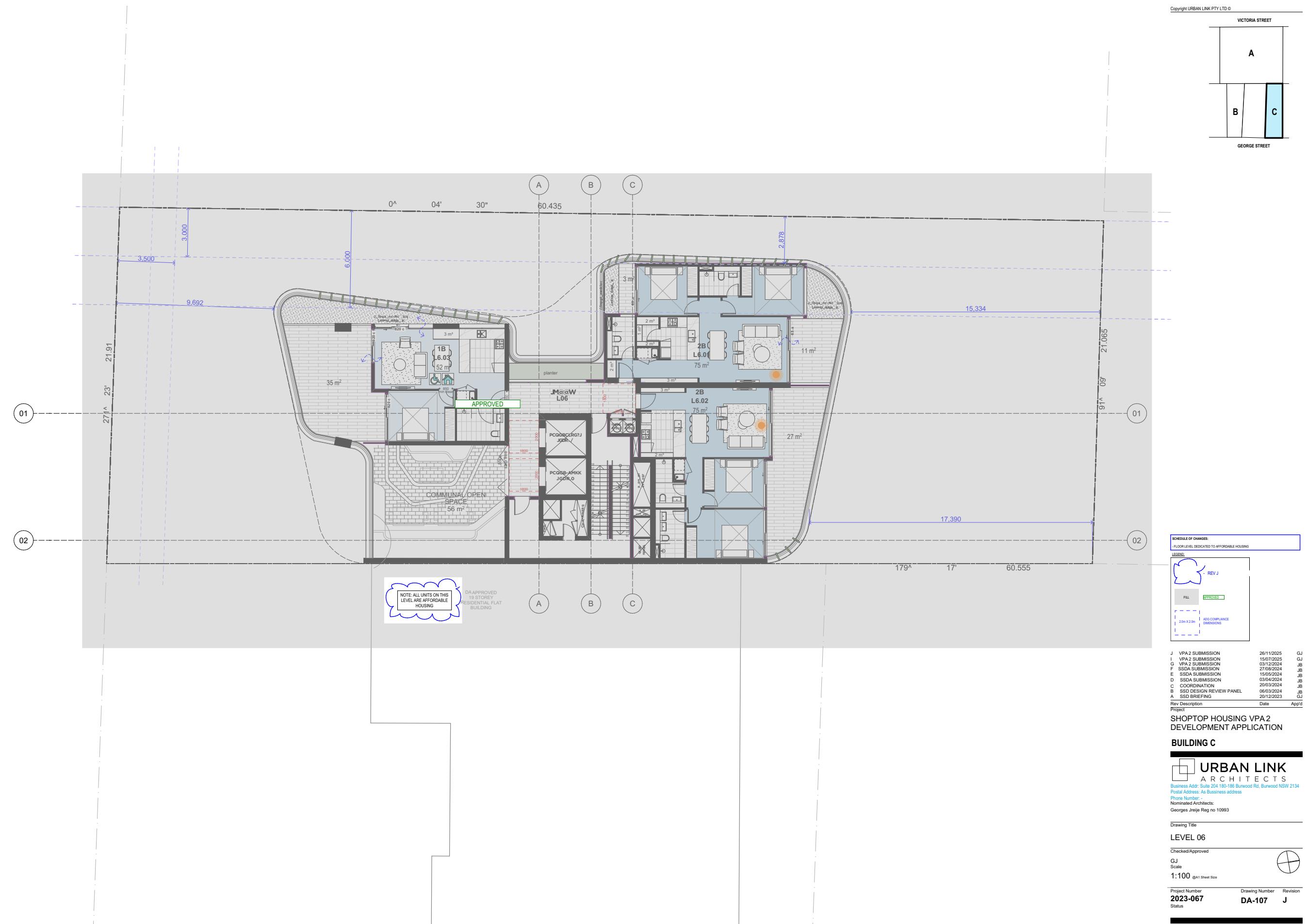




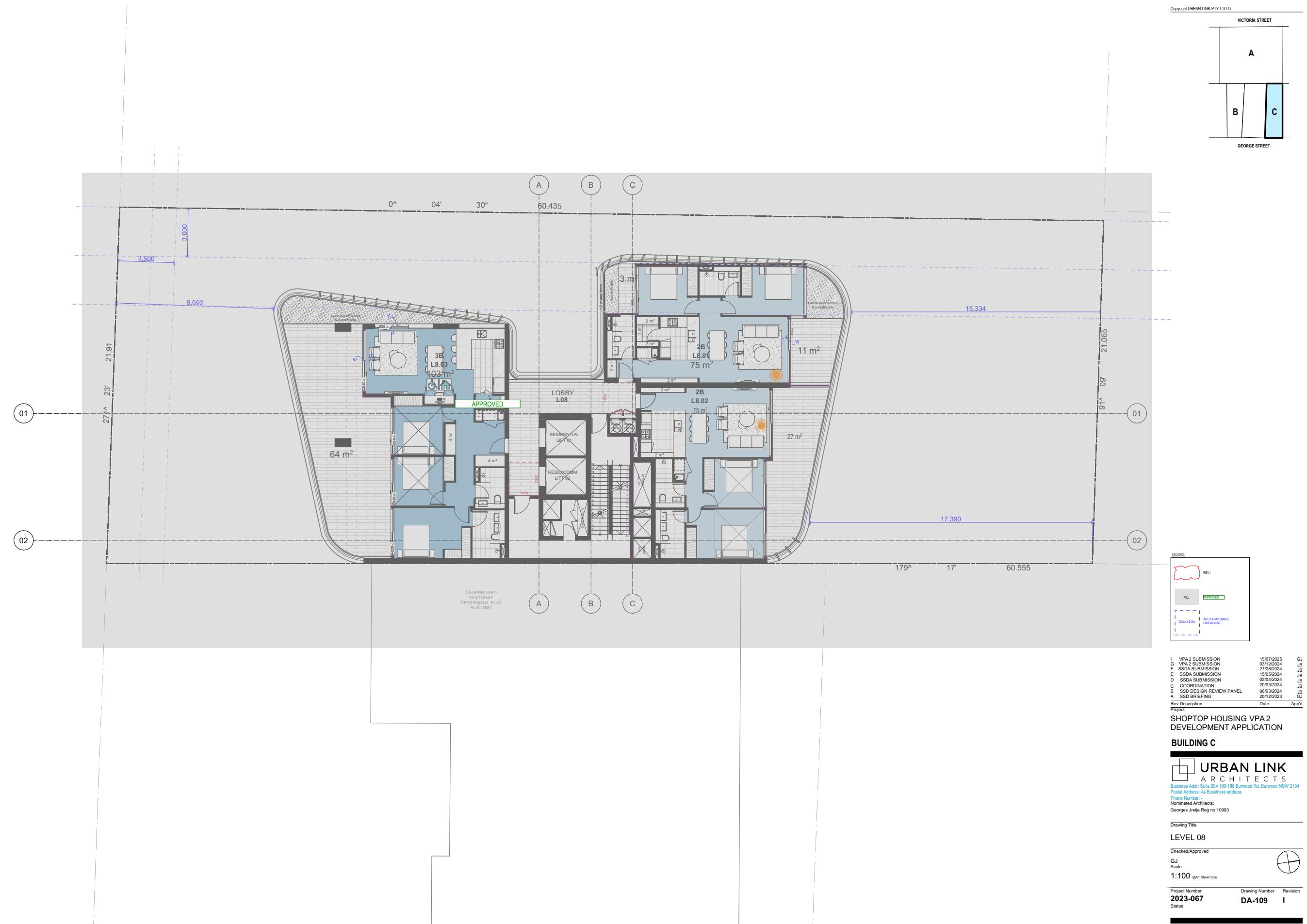


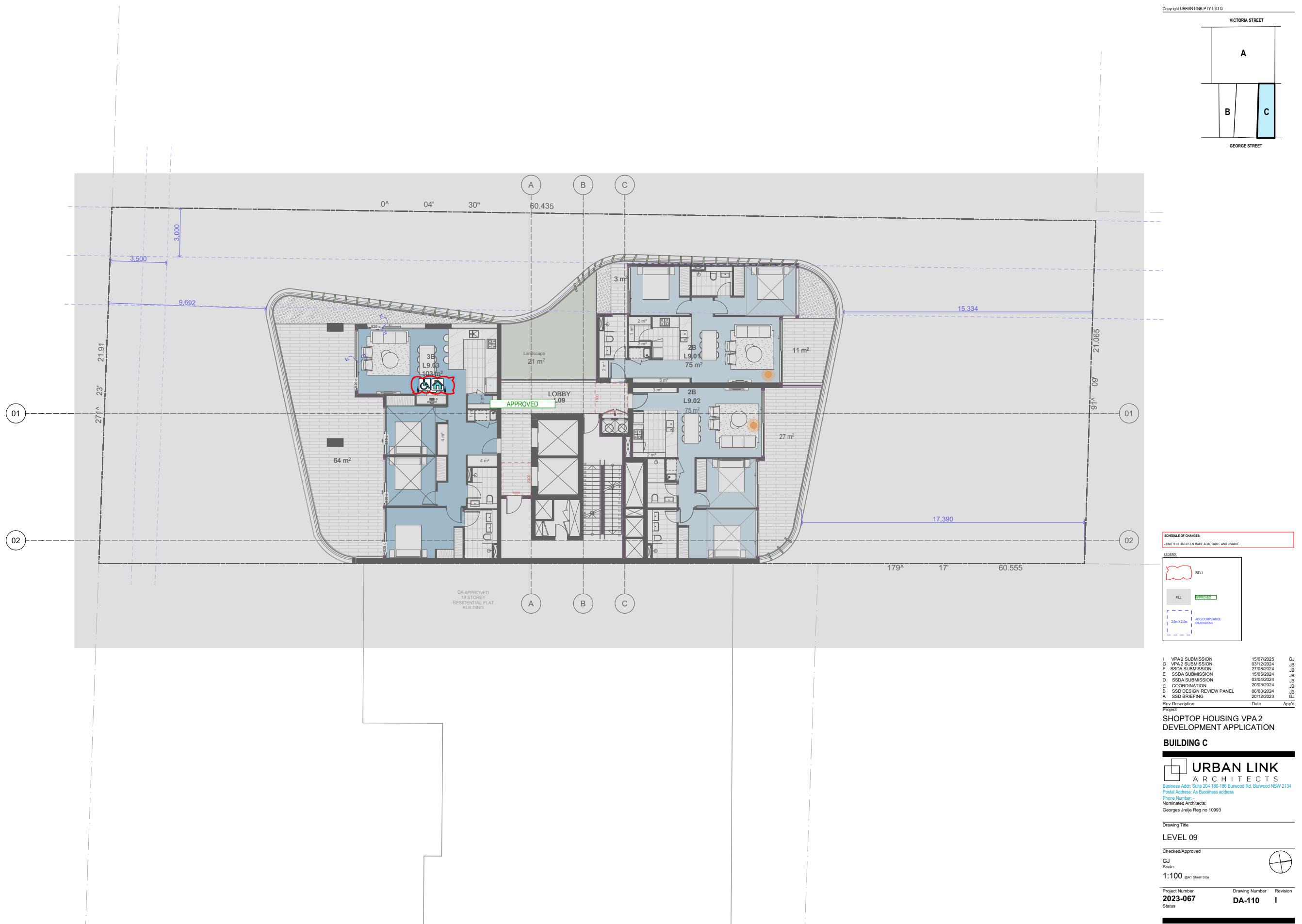


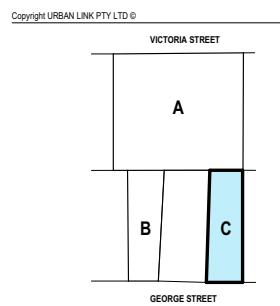












Nathers Specs Summary:

- Floor slabs:**
 - Concrete.
 - R3.0 floor insulation to units B11.01, B11.02, B11.03, B32.01, B32.02.
 - R2.0 floor insulation to unit C22.02.
 - R3.0 floor insulation to unit C27.02.
 - None assessed for remainder.
- Exterior walls:**
 - Concrete veneer wall with foil - R2.7 batts in cavity to plasterboard lining.
 - External walls modelled as per plans, and with default medium colour finishes.
 - Internal walls with R2.7 batts in cavity to plasterboard lining. To C24.02, C25.02, C26.02, C27.02.
- Glazing:**
 - PVC framed - Double glazed - High solar gain Low-E glass + Argon:
 - To unit B32.02, B32.02-B35.02, C24.02, C25.02, C26.02, C27.02.
 - Type A (U-Value: 2.0, SHGC: 0.25).
 - Type B (U-Value: 2.0, SHGC: 0.31).
- AI. Thermally Broken Argon Double glazed - High solar gain Low-E:**
 - To units A33.03-A36.03, A34.04-A36.04.
 - Type A (U-Value: 2.9, SHGC: 0.44).
 - Type B (U-Value: 2.9, SHGC: 0.51).
- AI. Double glazed - High solar gain Low-E:**
 - To unit C22.03-C24.03, C28.01.
 - Type A (U-Value: 4.3, SHGC: 0.47).
 - Type B (U-Value: 4.3, SHGC: 0.53).
- AI. Double glazed:**
 - To units B5.02-B30.02, B35.01.
 - Type A (U-Value: 4.80, SHGC: 0.51).
 - Type B (U-Value: 4.80, SHGC: 0.59).
- Single clear glass, with aluminium framing:**
 - To units B5.01-B34.01.
 - Type A (U-Value: 6.7, SHGC: 0.57).
 - Type B (U-Value: 6.7, SHGC: 0.70).
- Thermally broken AI. double glazed - High solar gain Low-E glass:**
 - To remaining units.
 - Type A (U-Value: 3.3, SHGC: 0.39).
 - Type B (U-Value: 3.3, SHGC: 0.49).

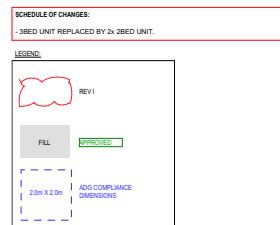
U-Value & SHGC are combined glass and frame figures.
 * Frame and glass types are a guide only.
 * U-Value and SHGC are not minimum (lower is better).
 * SHGC to be within +/- 5%.

Ceiling fans:
 - 1 x 1400mm ceiling fan to be installed living areas of units:
 A24.06-A35.06, A29.03-A36.03, A24.04-A6.04, C28.01.
 - 3 x 1000mm ceiling fan to be installed living/dining area of unit A38.01.

Ceilings / Roof:
 - C27.02: R4.5 ceiling insulation to roof.
 - R2.0 ceiling insulation to units C24.02, C25.02, C26.02.
 Rated with sealed wet area exhaust fans.
 - Concrete roof modelled as unventilated, and with default medium colour finishes.

XY.0X - XZ.0X denotes a vertically stacked range of units.

Please refer to Nathers individual certificates for further details.



I VPA 2 SUBMISSION 16/07/2025
 G VPA 2 SUBMISSION 02/12/2024 GJ
 E SSDA SUBMISSION 27/08/2024 JB
 D SSDA SUBMISSION 15/05/2024 JB
 C COORDINATION 03/04/2024 JB
 B SSD DESIGN REVIEW PANEL 20/03/2024 JB
 A SSD BRIEFING 06/03/2024 JB
 Rev Description Date App'd
 Project SHOPTOP HOUSING VPA 2
 DEVELOPMENT APPLICATION

BUILDING C

URBAN LINK
 A R C H I T E C T S
 Business Addr: Suite 204 180-188 Burwood Rd, Burwood NSW 2134
 Postal Address: As Business address
 Phone Number: -
 Nominated Architects:
 Georges Jeje Reg no 10993

Drawing Title
LEVEL 22

Checked/Approved
GJ

Scale
1:100 @A1 Sheet Size

Project Number
2023-067

Drawing Number
DA-123

Revision
I

Status

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B

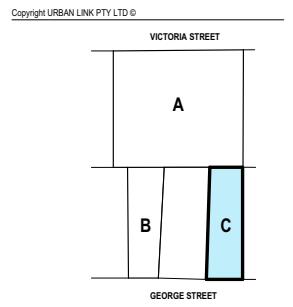


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G	VPPA 2 SUBMISSION	07/07/2024	JB
F	SSDA SUBMISSION	27/09/2024	JB
E	SSDA SUBMISSION	15/05/2024	JB
D	SSDA SUBMISSION	03/04/2024	JB
C	COORDINATION	20/03/2024	JB
B	SSD DESIGN REVIEW PANEL	06/03/2024	JB
A	SSD BRIEFING	20/12/2023	GJ
Rev Description		Date	App'd
Private - Do Not Distribute			

SHOPTOP HOUSING VPA2 DEVELOPMENT APPLICATION

BUILDING C

Drawing Title	LEVEL 23
Checked/Approved	
GJ	
Scale	
1:100 @A1 Sheet Size	



Project	Rev Description	Date	Ap'd
VPA 2 SUBMISSION	16/07/2025	GJ	
VPA 2 SUBMISSION	02/12/2024	JB	
SSDA SUBMISSION	27/08/2024	JB	
SSDA SUBMISSION	15/05/2024	JB	
SSD SUBMISSION	03/03/2024	JB	
SSD SUBMISSION	20/03/2024	JB	
COORDINATION	06/03/2024	JB	
SSD DESIGN REVIEW PANEL	06/03/2024	JB	
SSD BRIEFING	20/12/2023	GJ	

Project: SHOPTOP HOUSING VPA2
Development Application

BUILDING C

URBAN LINK
A R C H I T E C T S
Business Address: Suite 204 180-188 Burwood Rd, Burwood NSW 2134
Postal Address: As Business address
Phone Number: -
Nominated Architect:
Georges Jreje Reg no 10993

Drawing Title: LEVEL 24

Checked/Approved: GJ

Scale: 1:100

Project Number: 2023-067 Drawing Number: DA-125 Revision: I

Status:

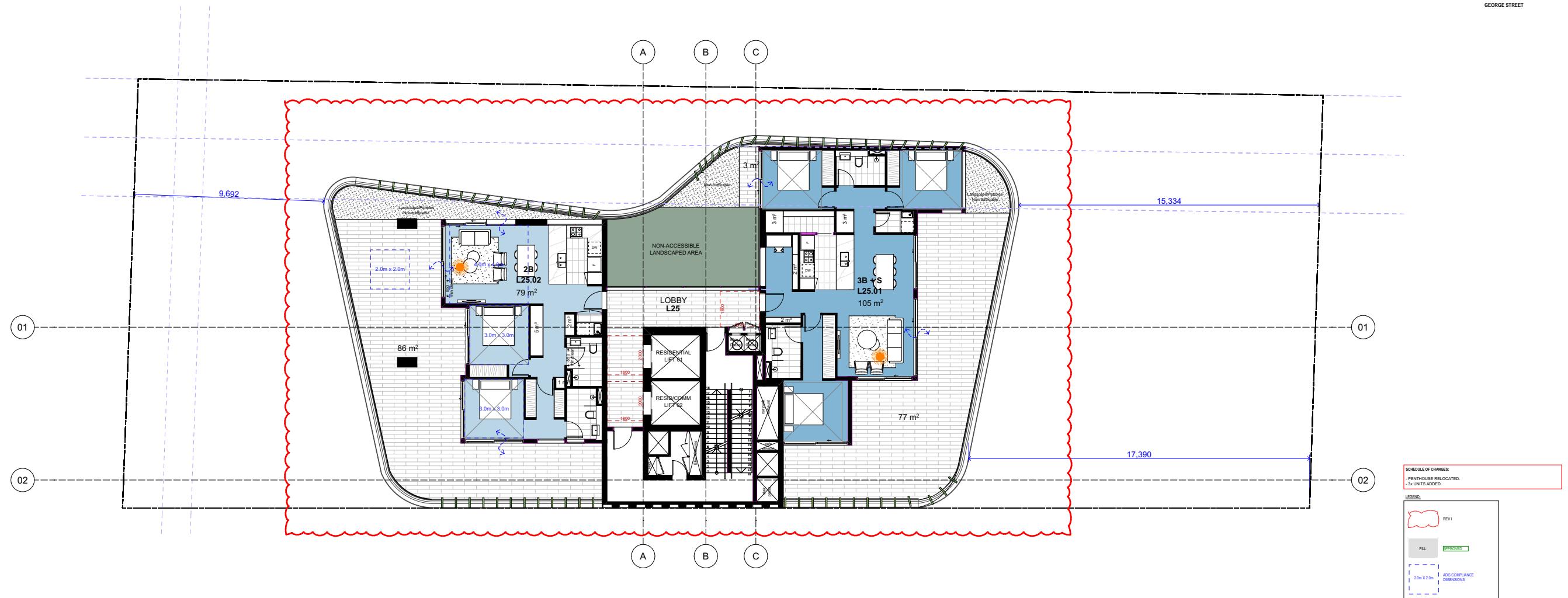
2023-067-12 George Street Burwood_Building C_VPA2_2024-12-18.pdf (2024-12-18)

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VICTORIA STREET

B

GEORGE STREET



I	VPA 2 SUBMISSION	15/07/2025	GJ
G	VPA 2 SUBMISSION	03/12/2024	JB
F	SSDA SUBMISSION	27/08/2024	JB
E	SSDA SUBMISSION	27/08/2024	JB
D	SSD BRIEFING	03/04/2024	JB
C	COORDINATION	20/03/2024	JB
B	SSD DESIGN REVIEW PANEL	06/03/2024	JB
A	SSD BRIEFING	20/12/2023	GJ

Project
**SHOPTOP HOUSING VPA 2
DEVELOPMENT APPLICATION**

BUILDING C

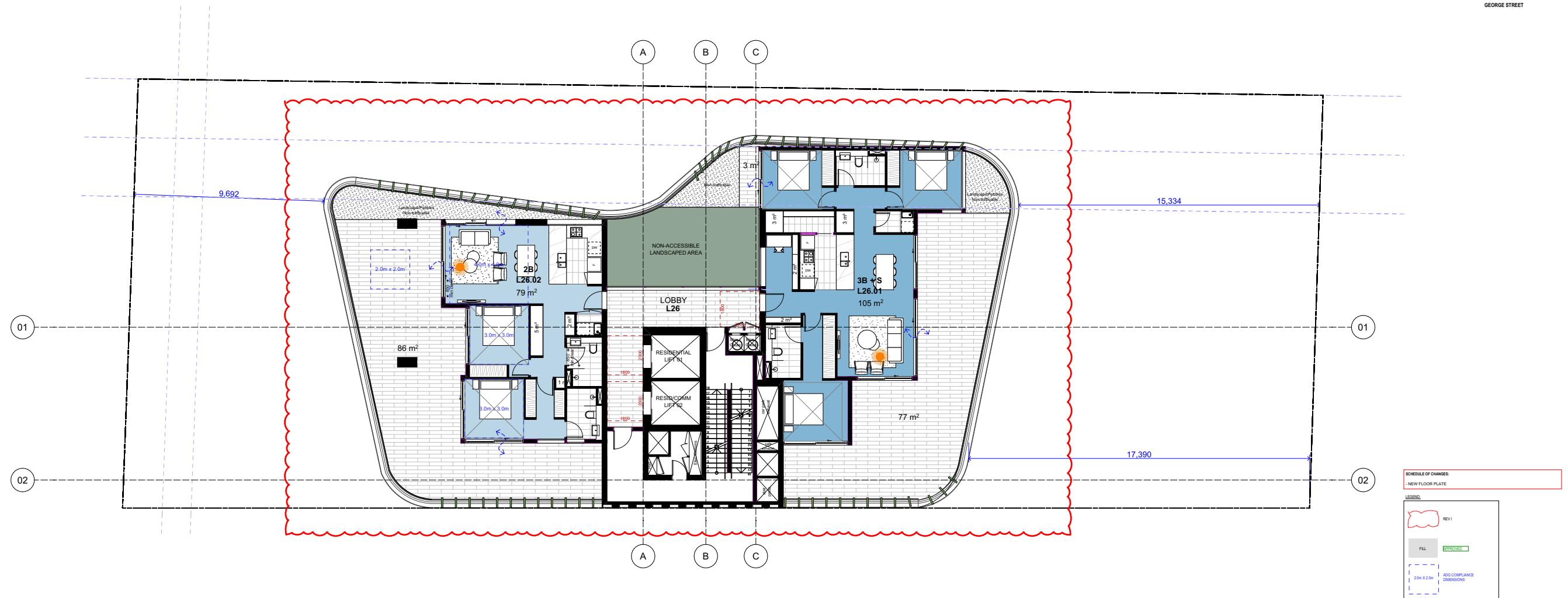
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LEVEL 25		
Checked/Approved		
GJ Scale 1:100 @A1 Sheet Size		
		
Project Number 2023-067	Drawing Number DA-126	Revision I

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VICTORIA STREET

B

GEORGE STREET



I	VPA 2 SUBMISSION	15/07/2025	GJ
G	VPA 2 SUBMISSION	03/12/2024	JB
S	SSD SUBMISSION	27/06/2024	JB
E	SSDA SUBMISSION	15/05/2024	JB
D	SSDA SUBMISSION	03/04/2024	JB
C	COORDINATION	20/03/2024	JB
B	SSD DESIGN REVIEW PANEL	06/03/2024	JB
A	SSD BRIEFING	20/12/2023	GJ
Rev Description		Date	App'd
Printed: 11/07/2023 10:30:00			

SHOPTOP HOUSING VPA 2 DEVELOPMENT APPLICATION

BUILDING C

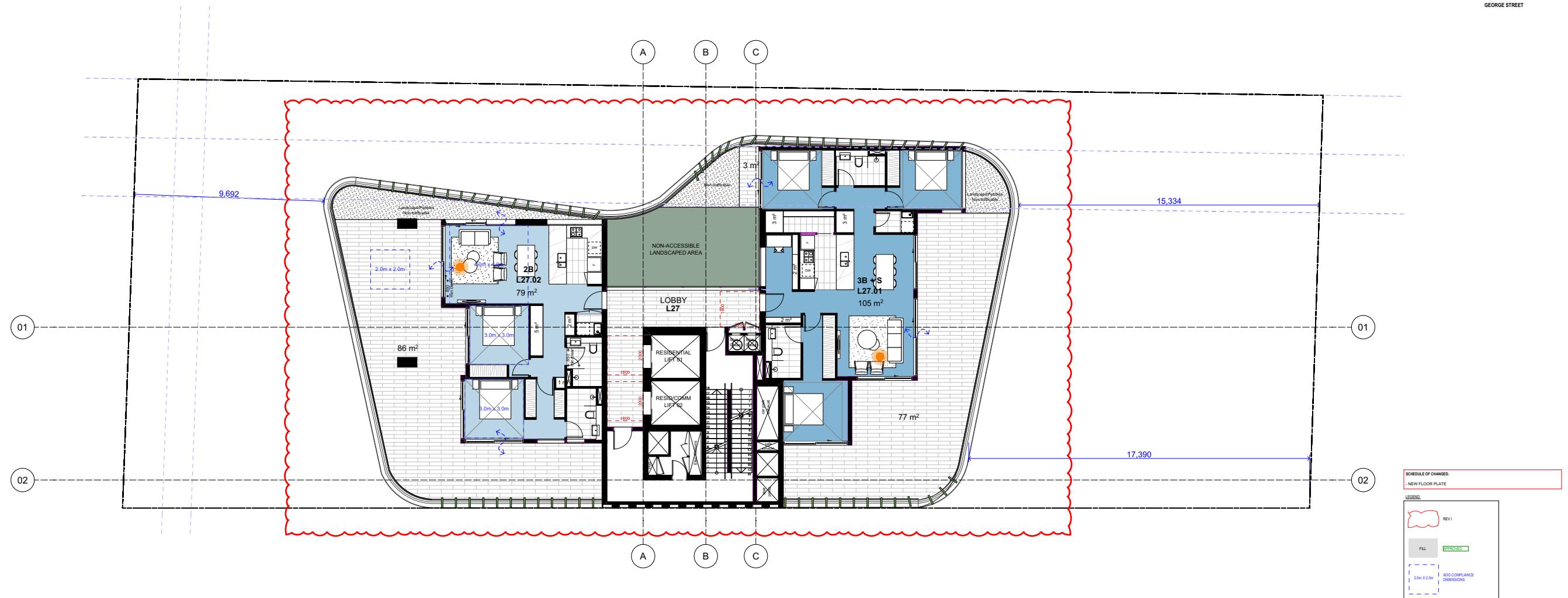
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GJ Scale 1:100 @A1 Sheet Size		
Project Number 2023-067	Drawing Number DA-127	Revision I

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VICTORIA STREET

B

GEORGE STREET

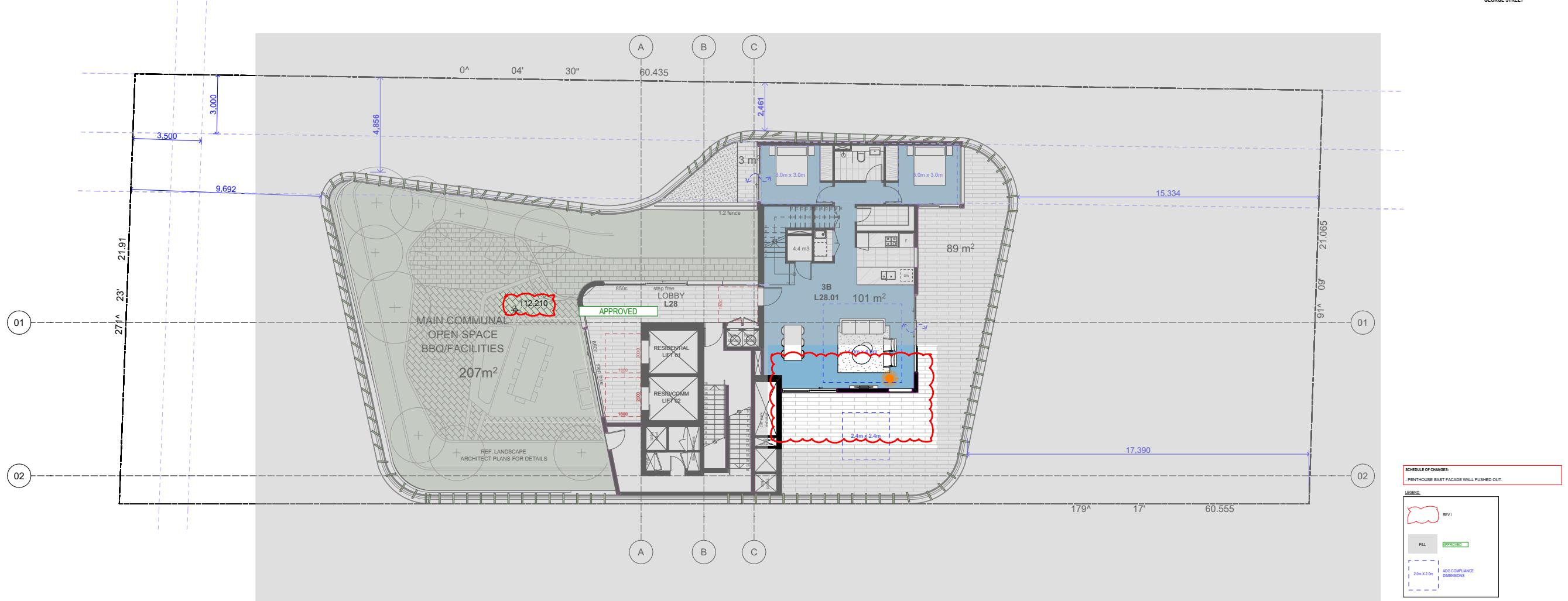
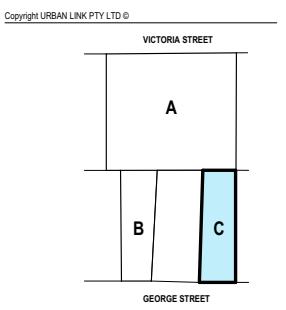


I	VPA 2 SUBMISSION	15/07/2025	GJ
G	VPA 2 SUBMISSION	03/12/2024	JB
S	SSD SUBMISSION	27/06/2024	JB
E	SSDA SUBMISSION	15/05/2024	JB
D	SSDA SUBMISSION	03/04/2024	JB
C	COORDINATION	20/03/2024	JB
B	SSD DESIGN REVIEW PANEL	06/03/2024	JB
A	SSD BRIEFING	20/12/2023	GJ
Rev Description		Date	App'd
Printed: 11/07/2023 10:45:20			

SHOPTOP HOUSING VPA 2 DEVELOPMENT APPLICATION

BUILDING C

Drawing Title
LEVEL 27
Checked/Approved
GJ
Scale
1:100 @ A1 Sheet Size



Project	Rev Description	Date	Ap'd
I	VPA 2 SUBMISSION	16/07/2025	GJ
G	VPA 2 SUBMISSION	02/12/2024	JB
P	SSDA SUBMISSION	27/08/2024	JB
E	SSDA SUBMISSION	15/05/2024	JB
D	SSD SUBMISSION	03/04/2024	JB
C	COORDINATION	20/03/2024	JB
B	SSD DESIGN REVIEW PANEL	06/03/2024	JB
A	SSD BRIEFING	20/12/2023	GJ

SHOPTOP HOUSING VPA2
DEVELOPMENT APPLICATION

BUILDING C

URBAN LINK
A R C H I T E C T S
Business Address: Suite 204 180-188 Burwood Rd, Burwood NSW 2134
Postal Address: As Business address
Phone Number: -
Nominated Architects:
Georges Jreje Reg no 10993

Drawing Title

LEVEL 28 PENTHOUSE

Checked/Approved

GJ

Scale

1:100 @A1 Sheet Size

Project Number

2023-067

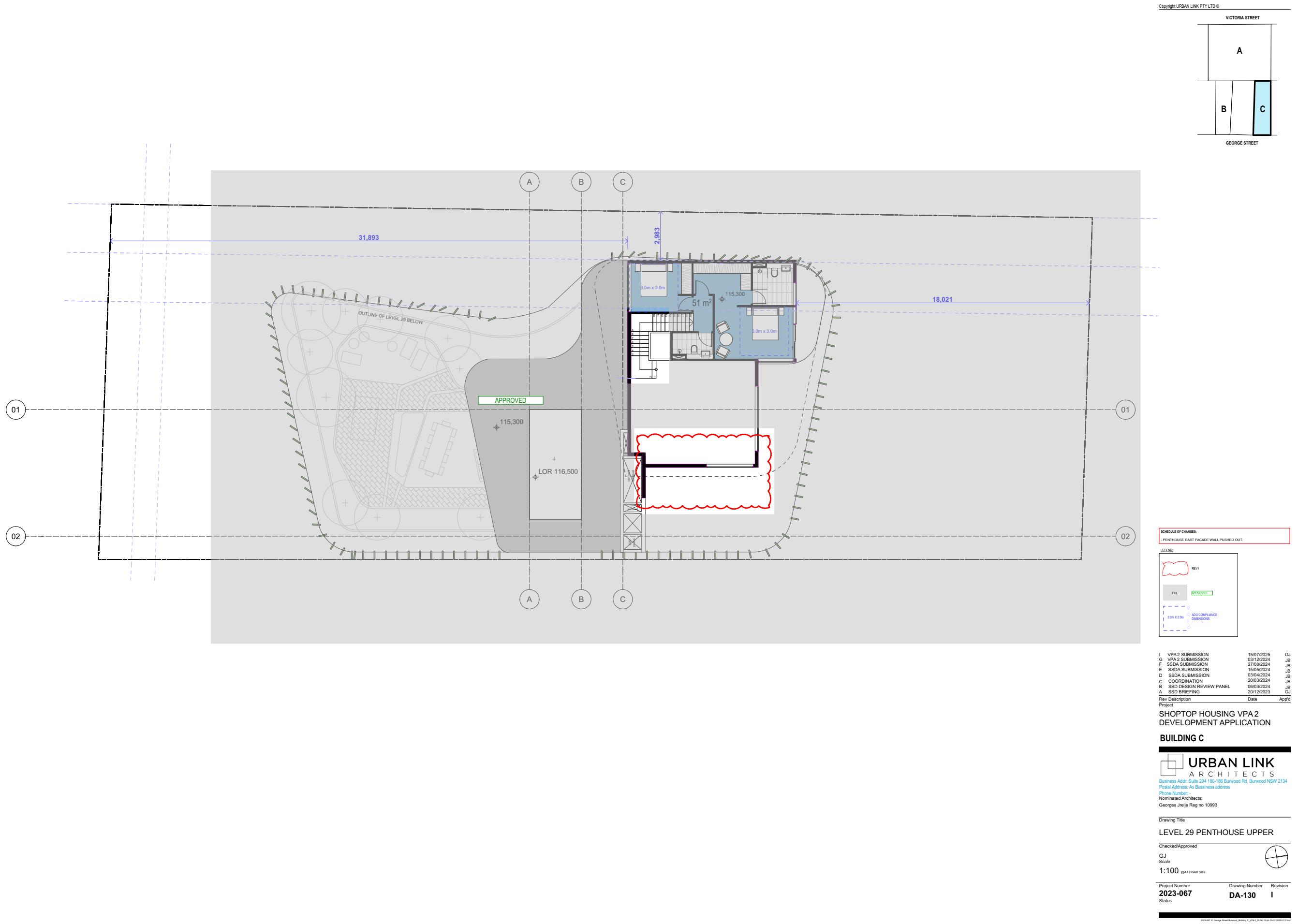
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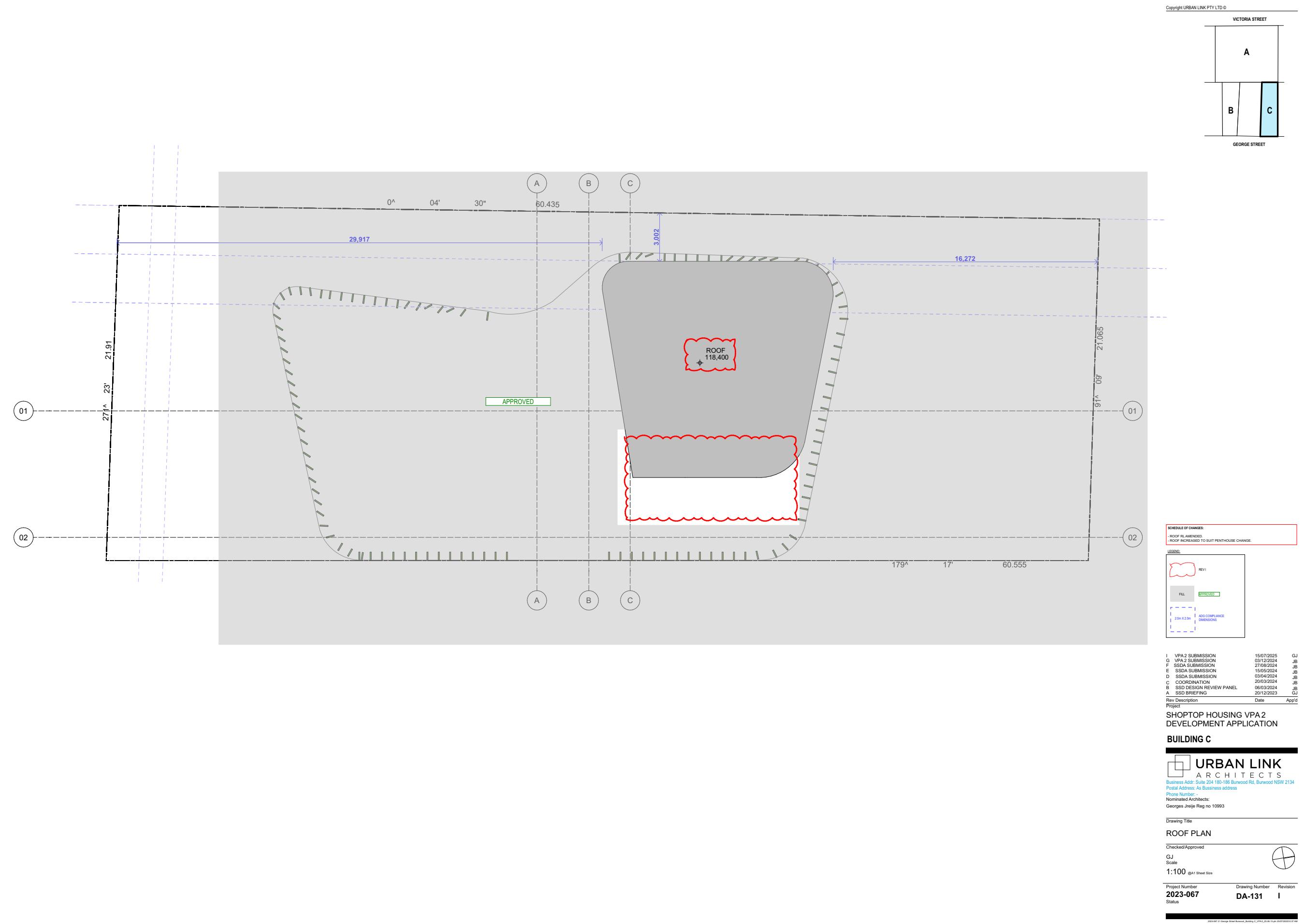
DA-129

Revision

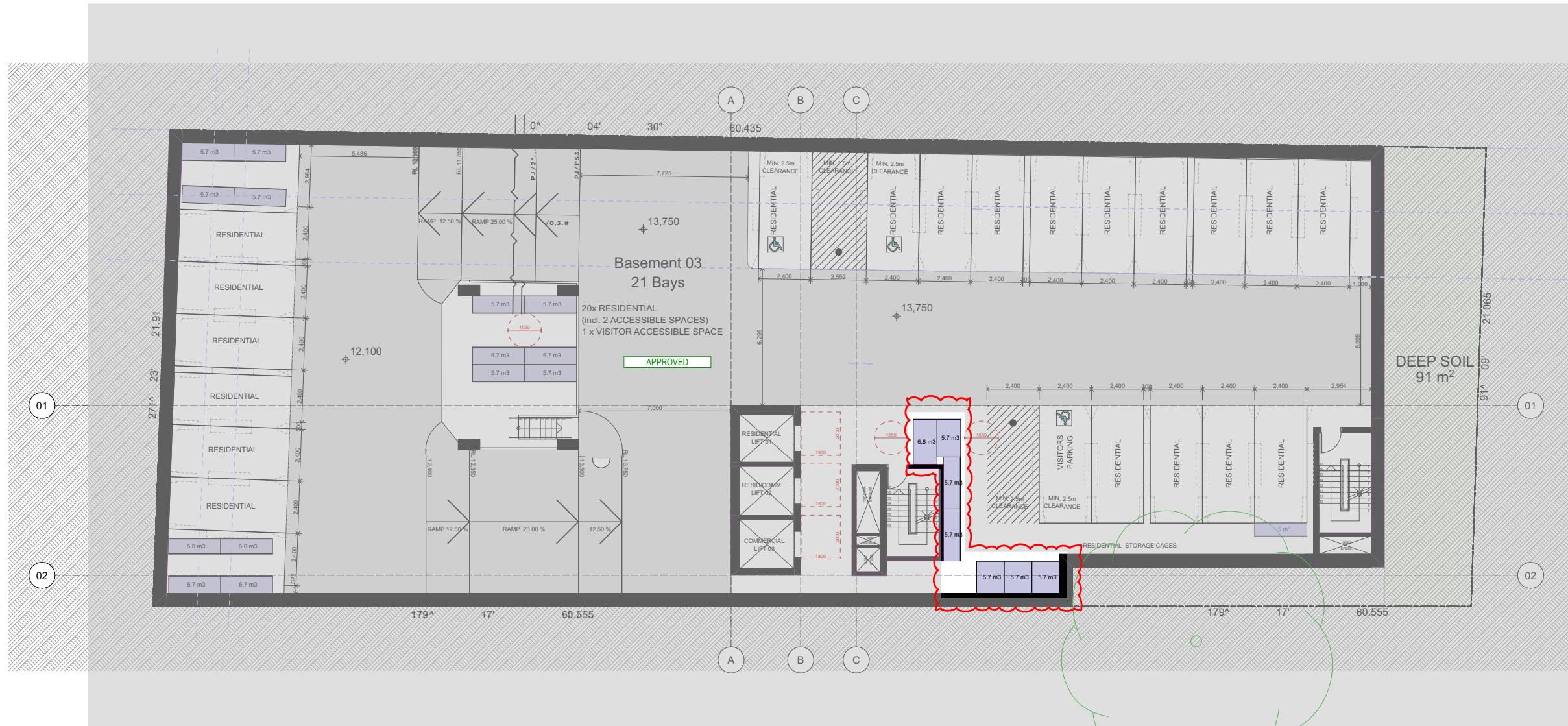
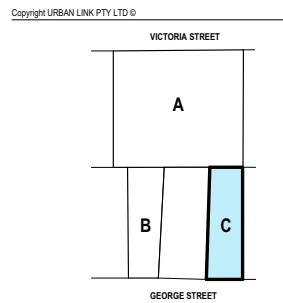
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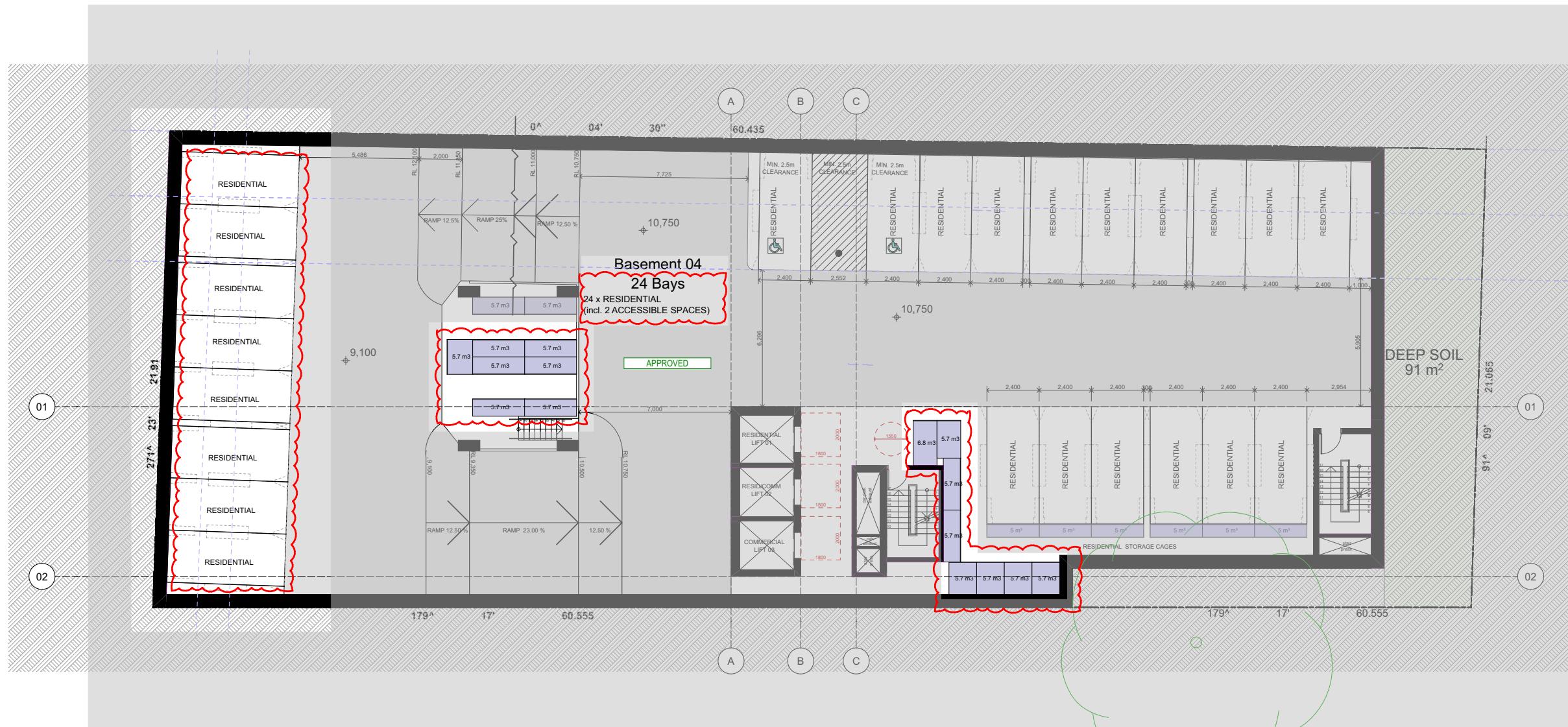
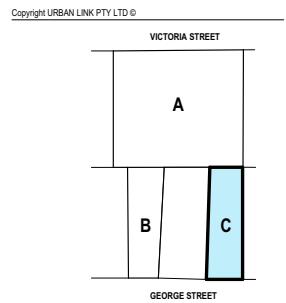
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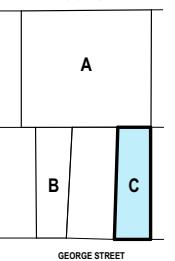
URBAN LINK
A R C H I T E C T S
Business Addr: Suite 204 180-188 Burwood Rd, Burwood NSW 2134
Postal Address: As Business address
Phone Number: -
Nominated Architects:
Georges Jreje Reg no 10993

BASEMENT 04
Checked/Approved: GJ
Scale: 1:100
Project Number: 2023-067 Drawing Number: DA-135 Revision: I
Status:

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B

GEORGE STREET



I	VPA 2 SUBMISSION	15/07/2025	GJ
G	VPA 2 SUBMISSION	03/12/2024	JB
F	SSDA SUBMISSION	27/08/2024	JB
E	SSDA SUBMISSION	15/05/2024	JB
D	SSDA SUBMISSION	03/04/2024	JB
C	COORDINATION	20/03/2024	JB
B	SSD DESIGN REVIEW PANEL	06/03/2024	JB
A	SSD BRIEFING	20/12/2023	GJ
Rev Description		Date	Area

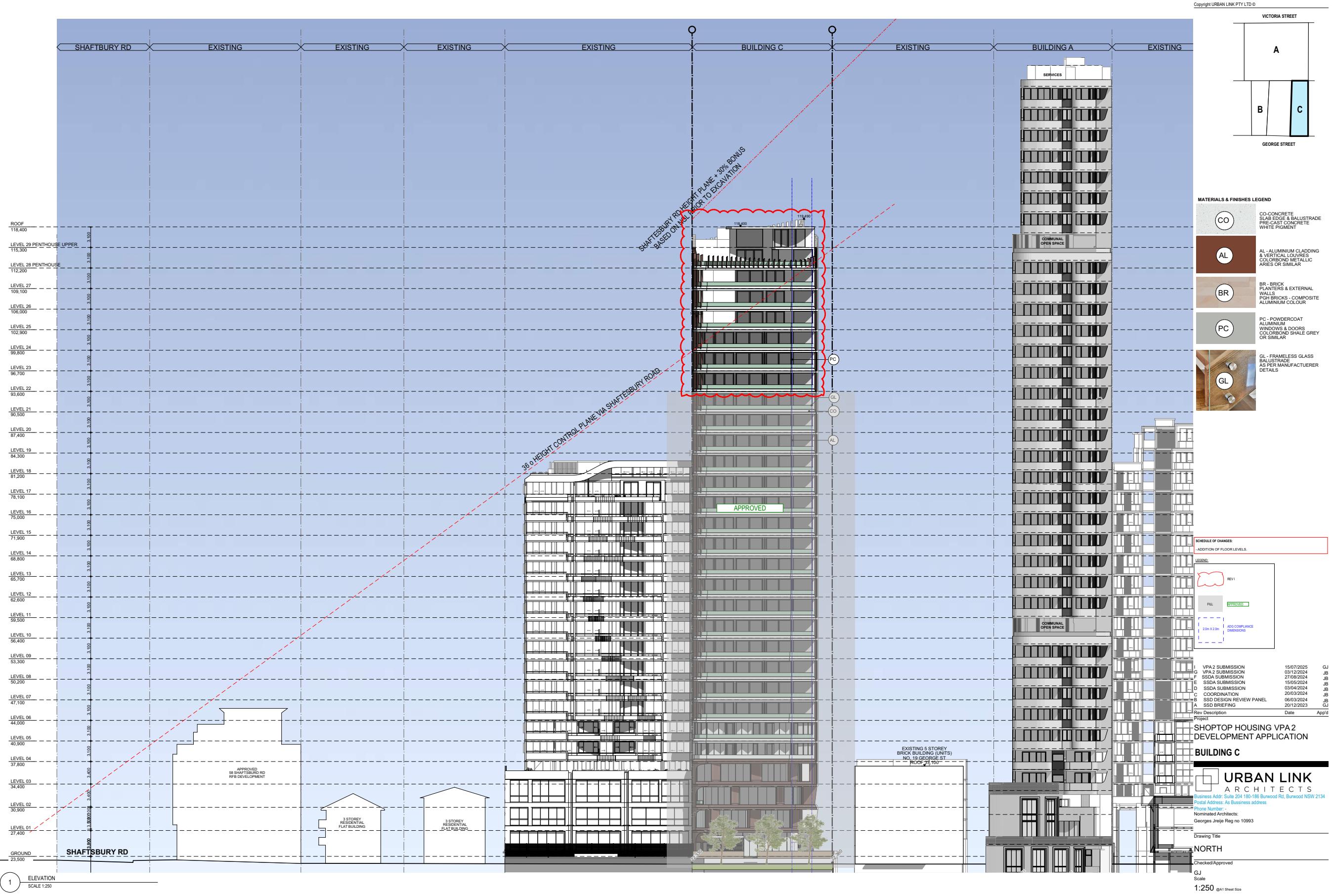
DEVELOPMENT APPLICATION
BUILDING 6

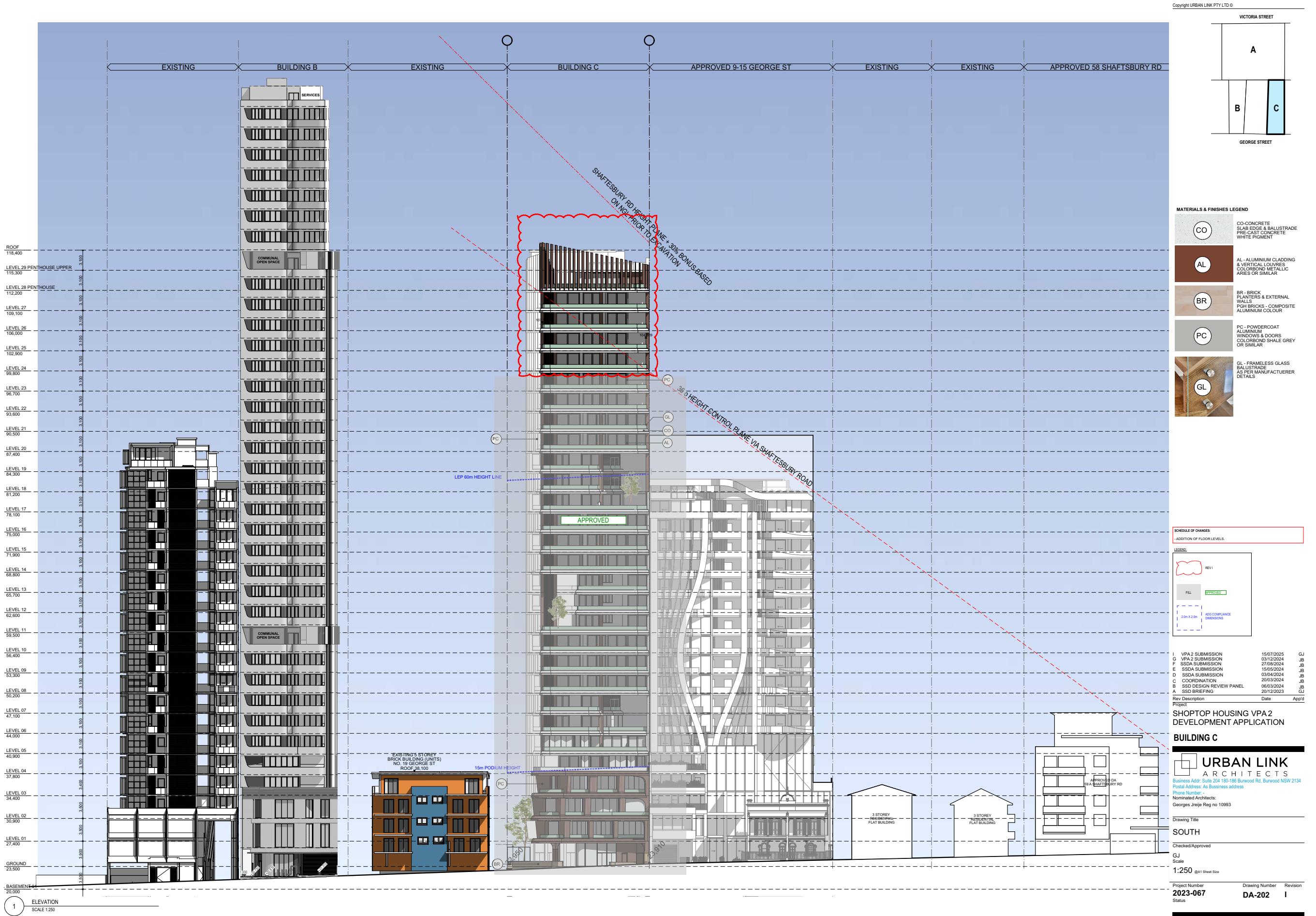
BUILDING C

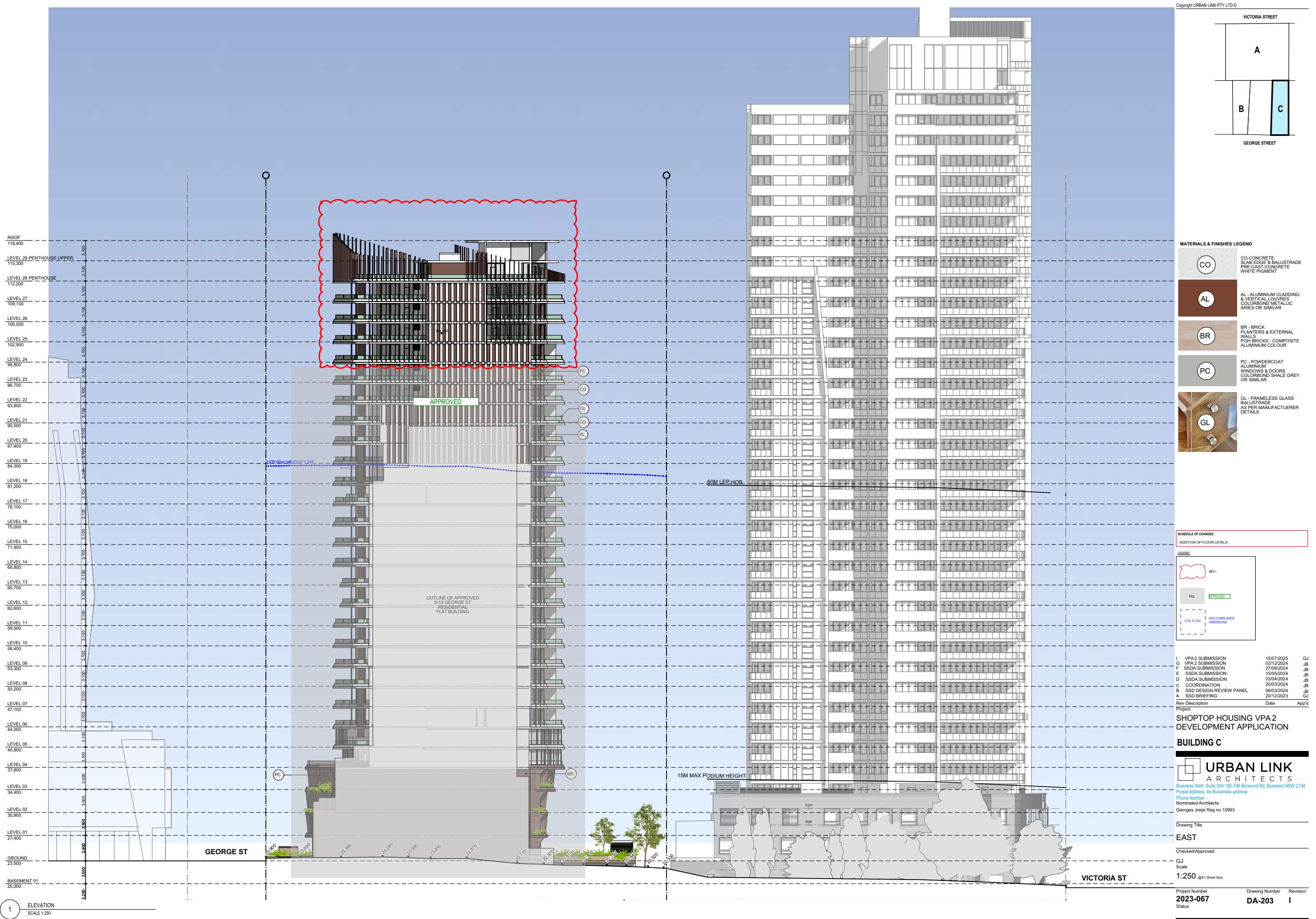
Drawing Title			
BASEMENT 05			
Checked/Approved			
GJ			
Scale			
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Project Number	Drawing Number	Revision	
2023-067	DA-136	I	

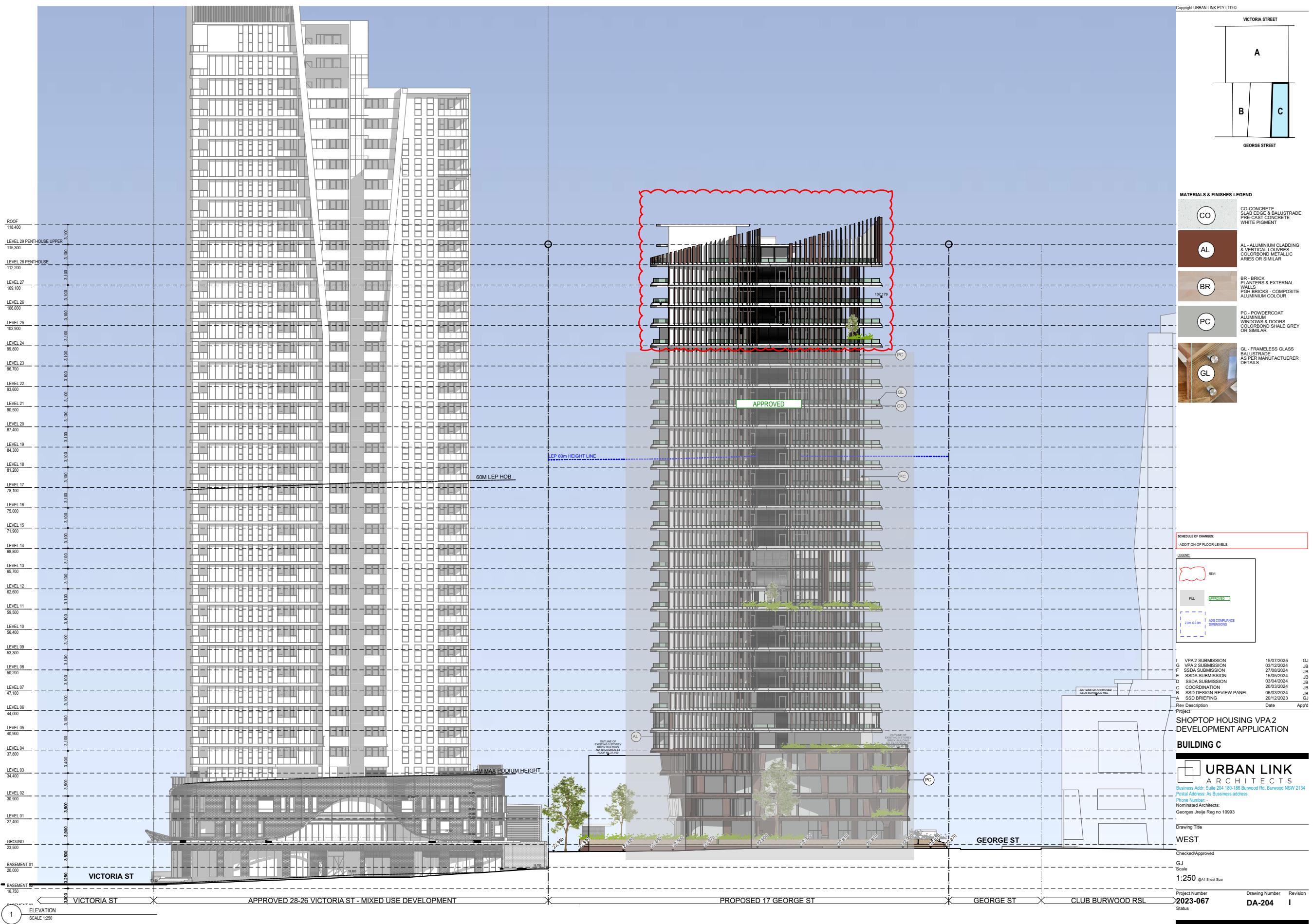
Item Number DA1/26 - Attachment 6

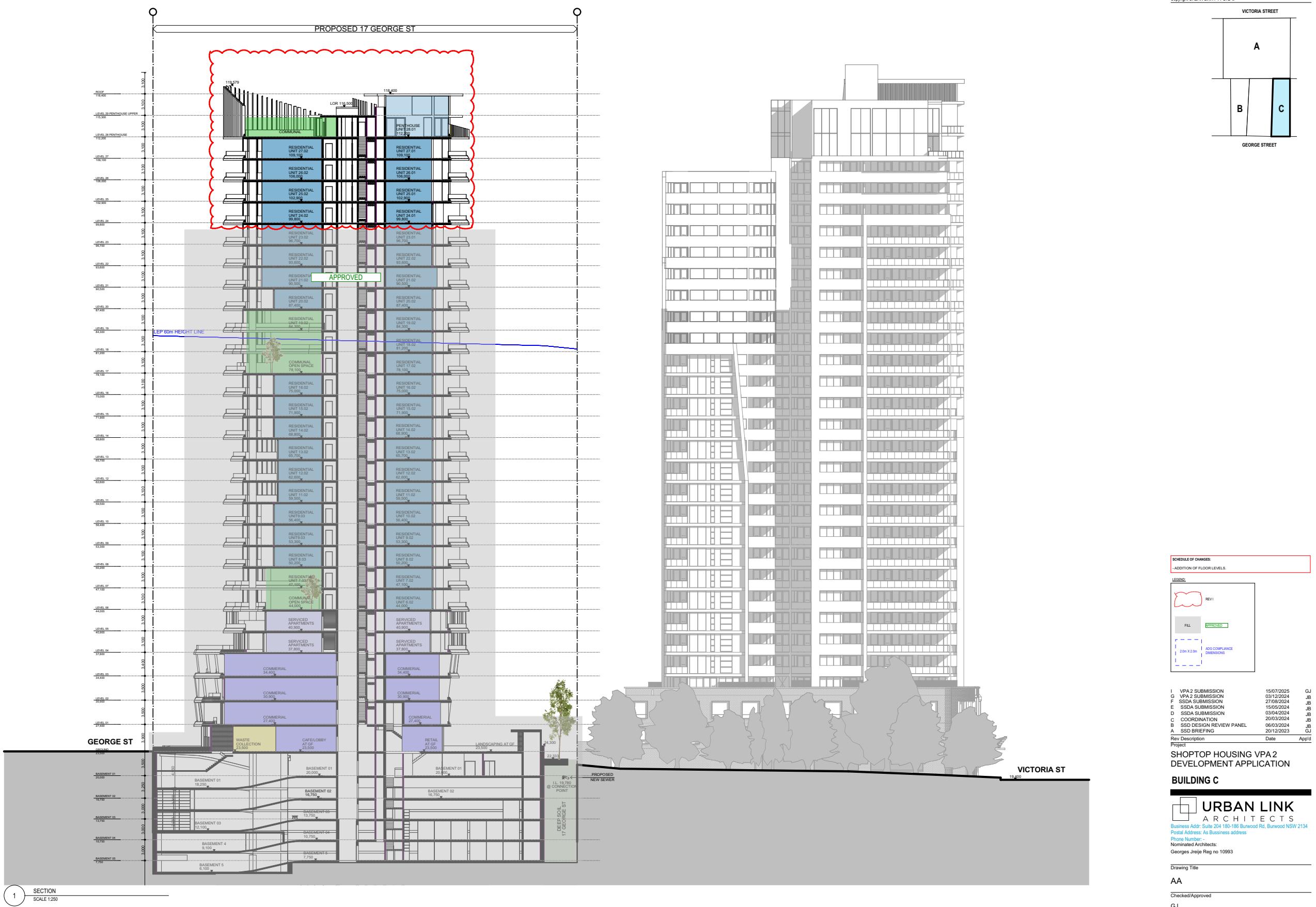
Attachment 6 - Architectural Plans - Building C DA.2025.66 - 12 January 2026

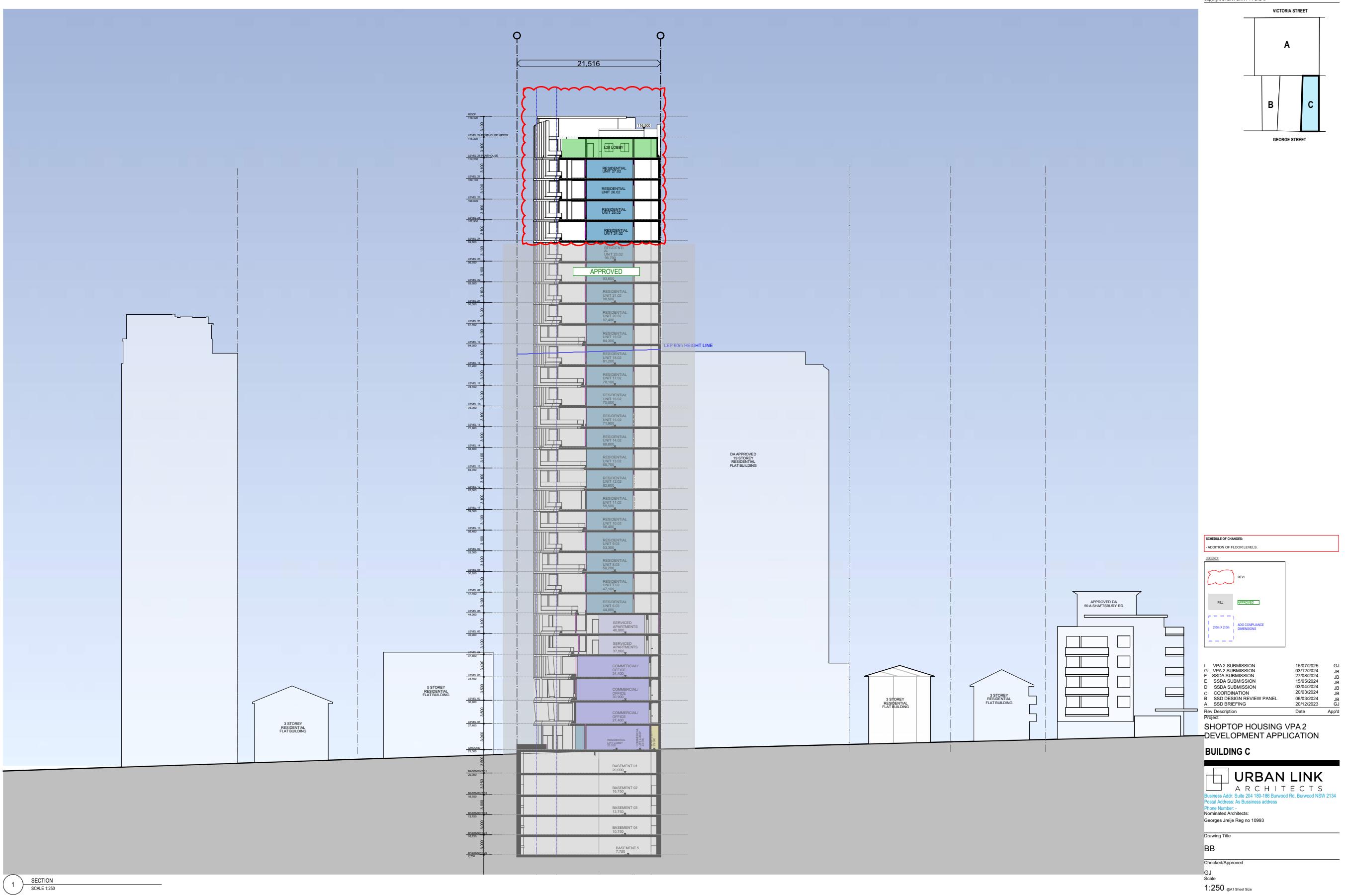






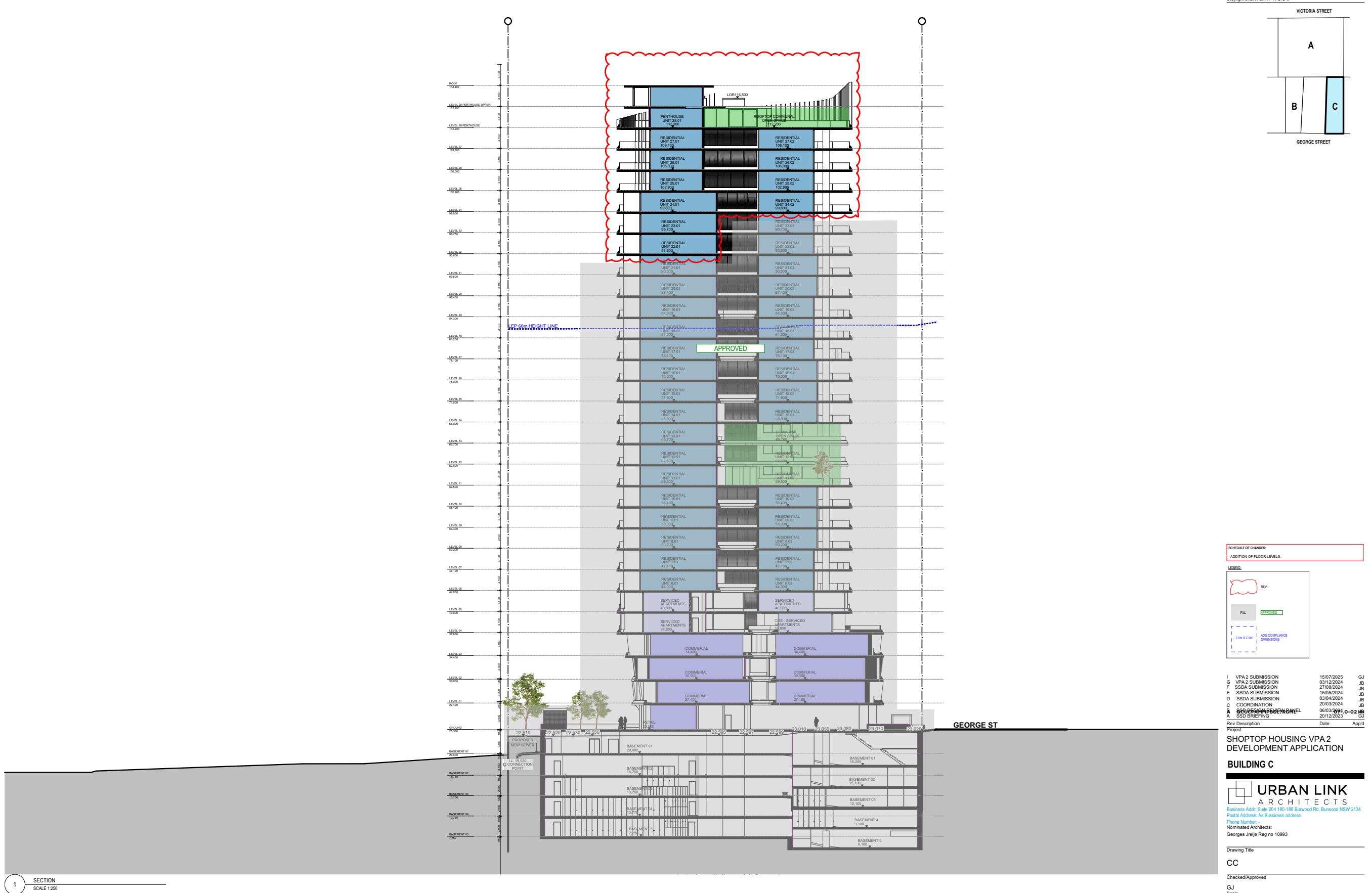


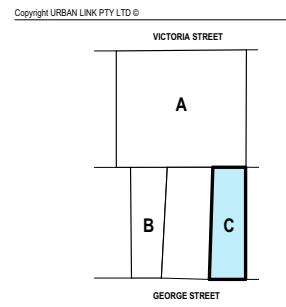




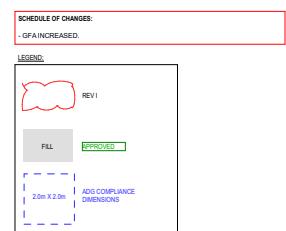
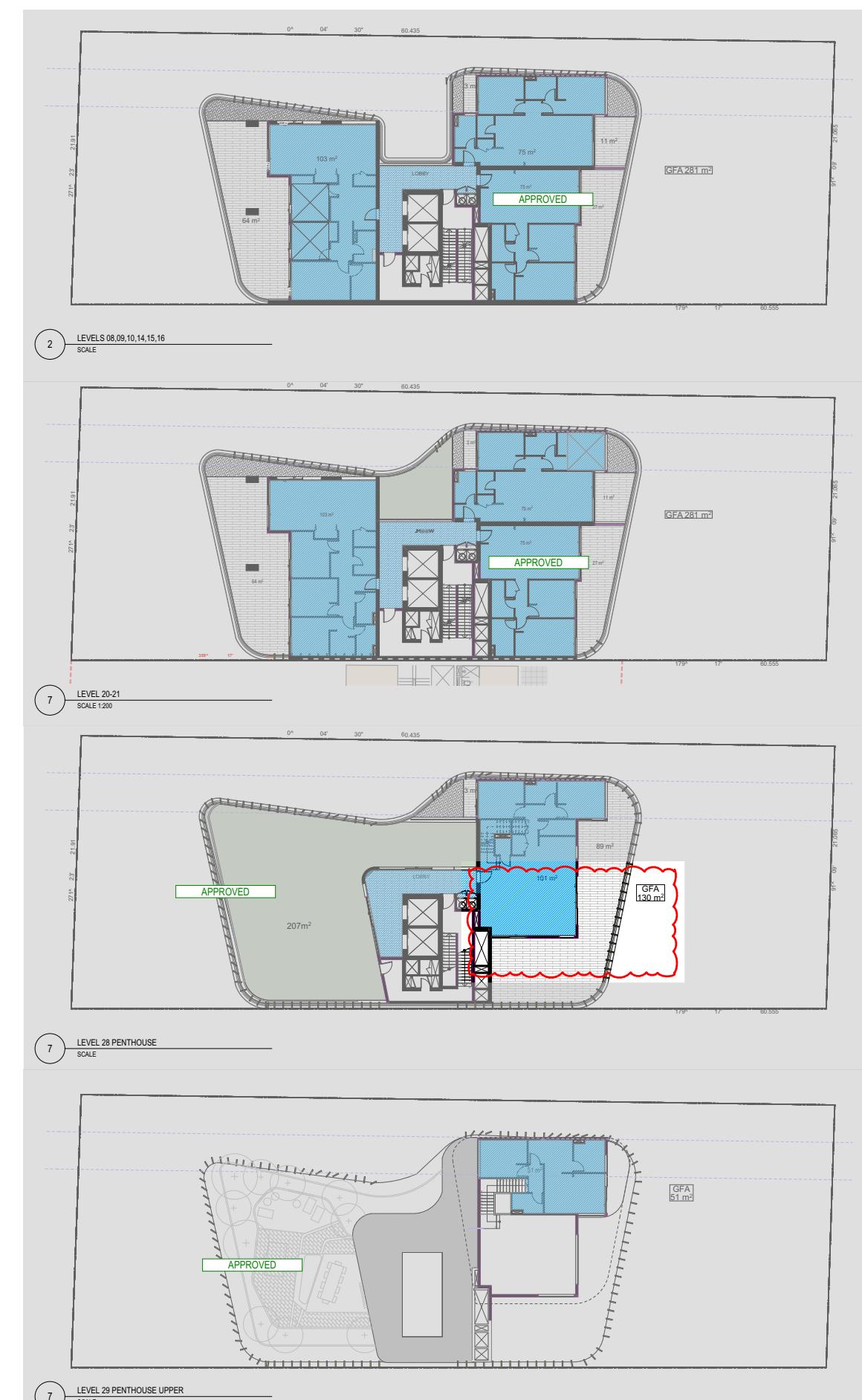
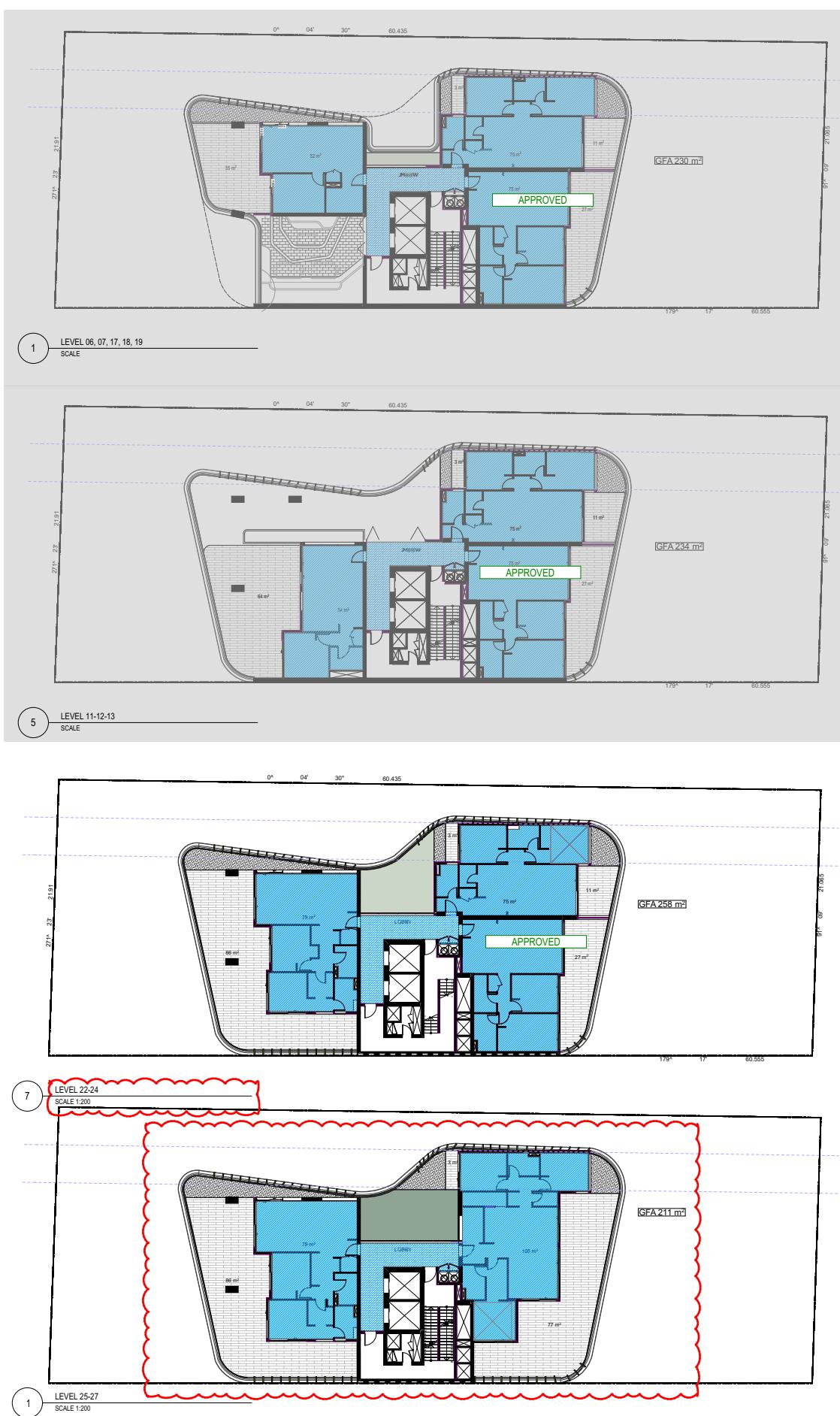
Item Number DA1/26 - Attachment 6

Attachment 6 - Architectural Plans - Building C DA.2025.66 - 12 January 2026





Legend



SCHEDULE OF CHANGES:
 - GFA INCREASED

LEGEND:

I VPA 2 SUBMISSION 16/07/2025 GJ
 G VPA 2 SUBMISSION 02/12/2024 JB
 P SSDA SUBMISSION 27/08/2024 JB
 E SSDA SUBMISSION 15/05/2024 JB
 D SSDA SUBMISSION 03/04/2024 JB
 C COORDINATION 20/03/2024 JB
 B SSD DESIGN REVIEW PANEL 06/03/2024 JB
 A SSD BRIEFING 20/12/2023 JB

Rev Description Date App'd

Project

SHOPTOP HOUSING VPA 2

DEVELOPMENT APPLICATION

BUILDING C

URBAN LINK
A R C H I T E C T S
Business Addr: Suite 204 180-188 Burwood Rd, Burwood NSW 2134
Postal Address: As Business address
Phone Number: -
Nominated Architect:
Georges Jreje Reg no 10993

Drawing Title

GFA DIAGRAMS RESI.

Checked/Approved

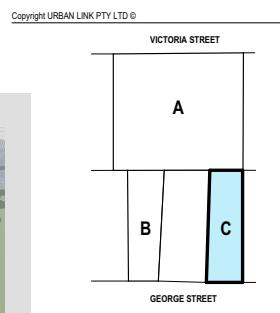
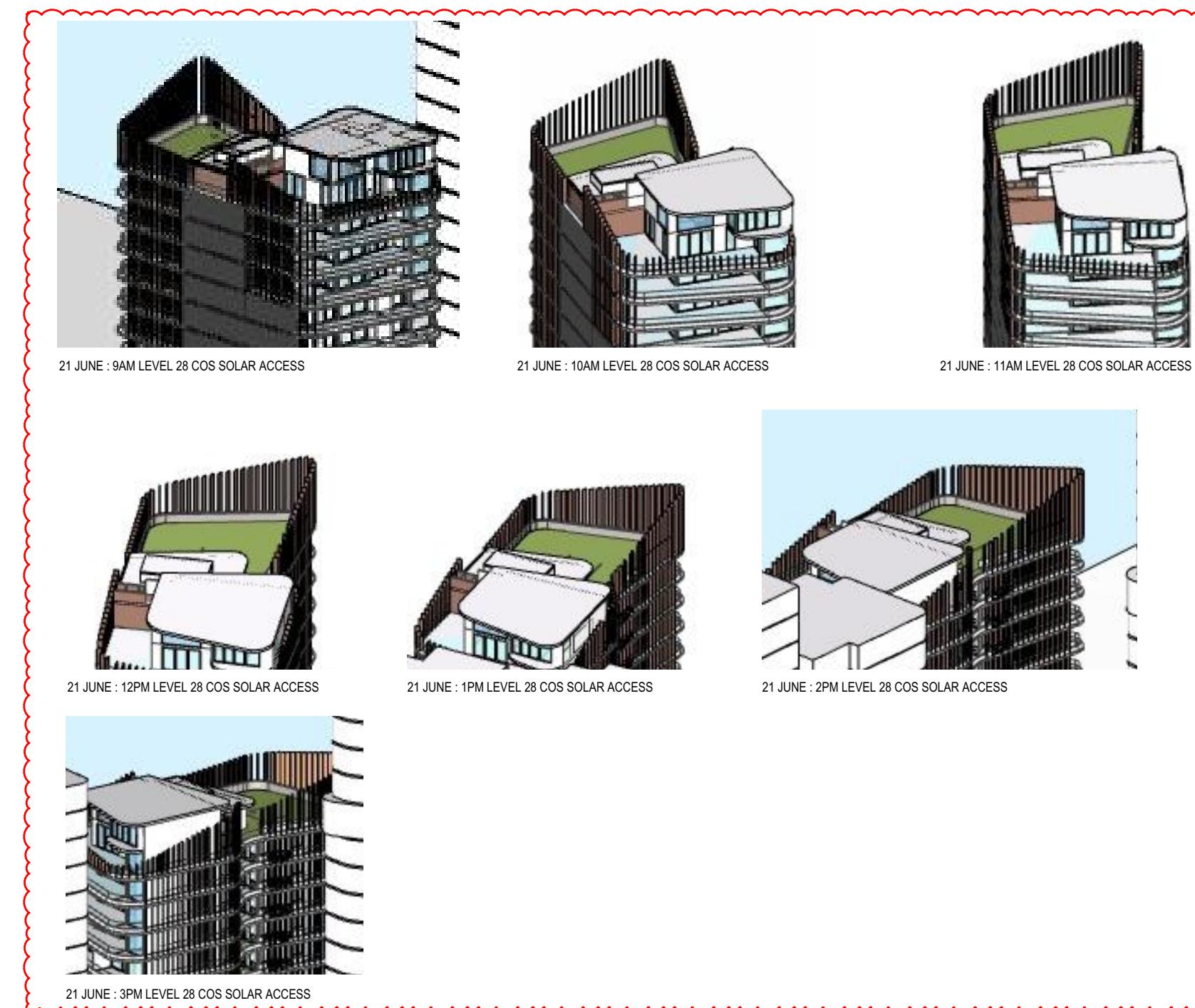
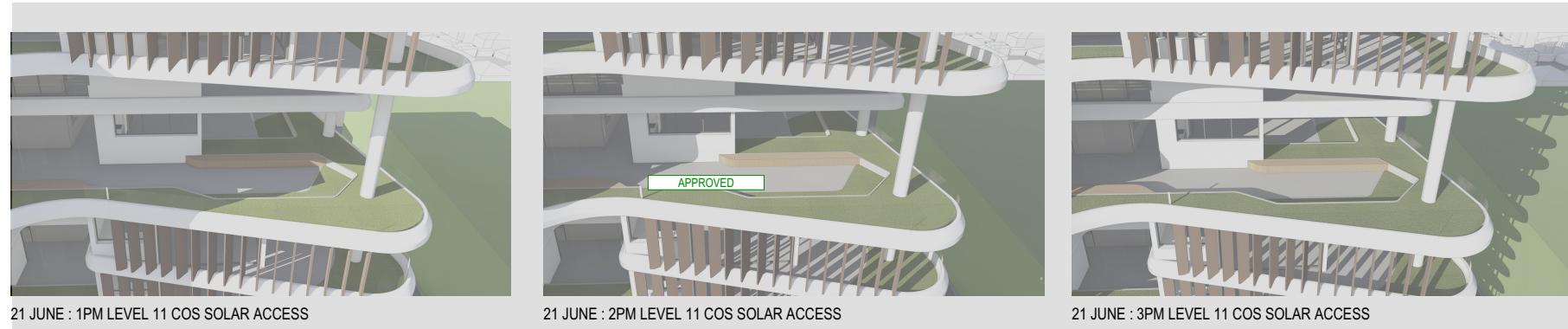
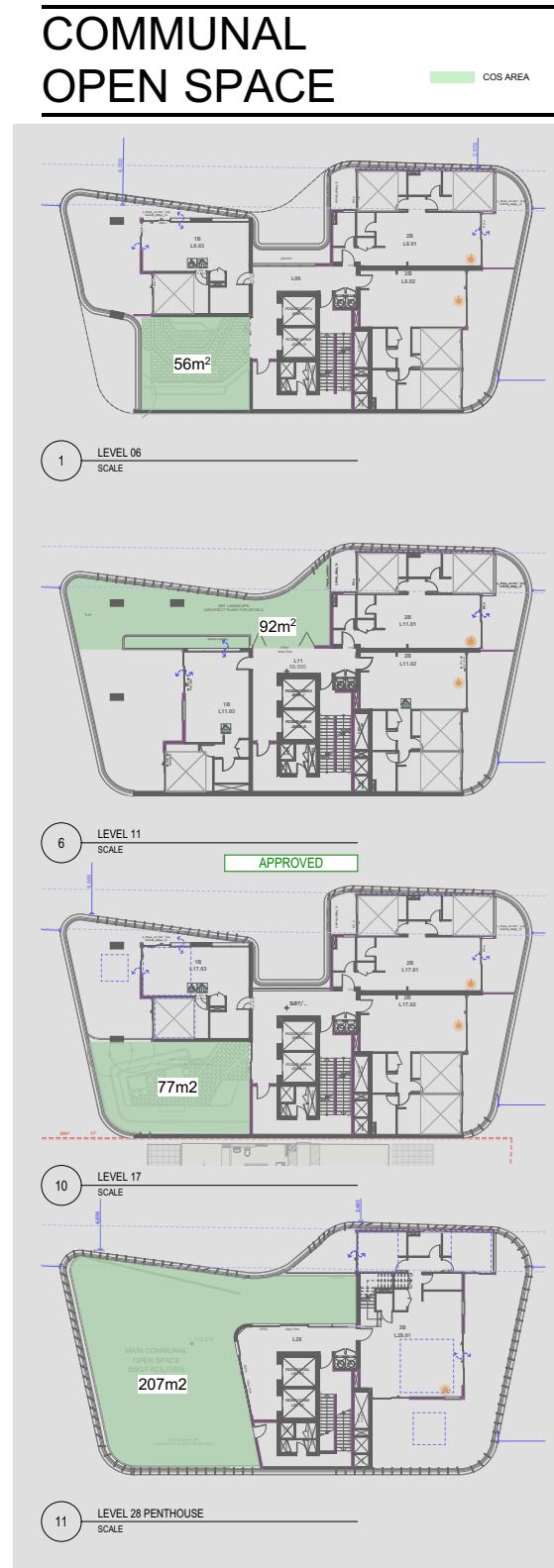
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Scale

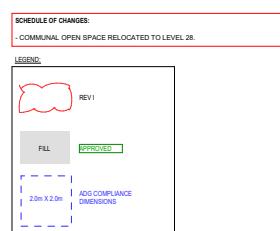
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Project Number 2023-067 Drawing Number DA-1402 Revision I
Status

2023-067-21 George Street Burwood_Building C_VPA 2_20-08-18.pdf (20.00 MB)



Level 6	56
Level 7	
Level 8	
Level 9	
Level 10	
Level 11	92
Level 12	
Level 13	
Level 14	
Level 15	
Level 16	
Level 17	77
Level 18	
Level 19	
Level 20	
Level 21	
Level 22	
Level 23	
Level 24	
Level 25	
Level 26	
Level 27	
Level 28	207
Level 29	
Level 30	
	432
	33%



I VPA 2 SUBMISSION	16/07/2025	GJ
G VPA 3 SUBMISSION	02/12/2024	JB
P SSDA SUBMISSION	27/08/2024	JB
E SSDA SUBMISSION	15/05/2024	JB
D SSD SUBMISSION	03/04/2024	JB
C COORDINATION	20/03/2024	JB
B SSD DESIGN REVIEW PANEL	06/03/2024	JB
A SSD BRIEFING	20/12/2023	GJ

Rev Description Project Date App'd

SHOPTOP HOUSING VPA 2 DEVELOPMENT APPLICATION

BUILDING C

URBAN LINK
A R C H I T E C T S
Business Addr: Suite 204 180-188 Burwood Rd, Burwood NSW 2134
Postal Address: As Business address
Phone Number: -
Nominated Architects:
Georges Jreje Reg no 10993

Drawing Title

COMMUNAL OPEN SPACE

Checked/Approved

GJ

Scale

@A1 Sheet Size

Project Number

2023-067

Drawing Number

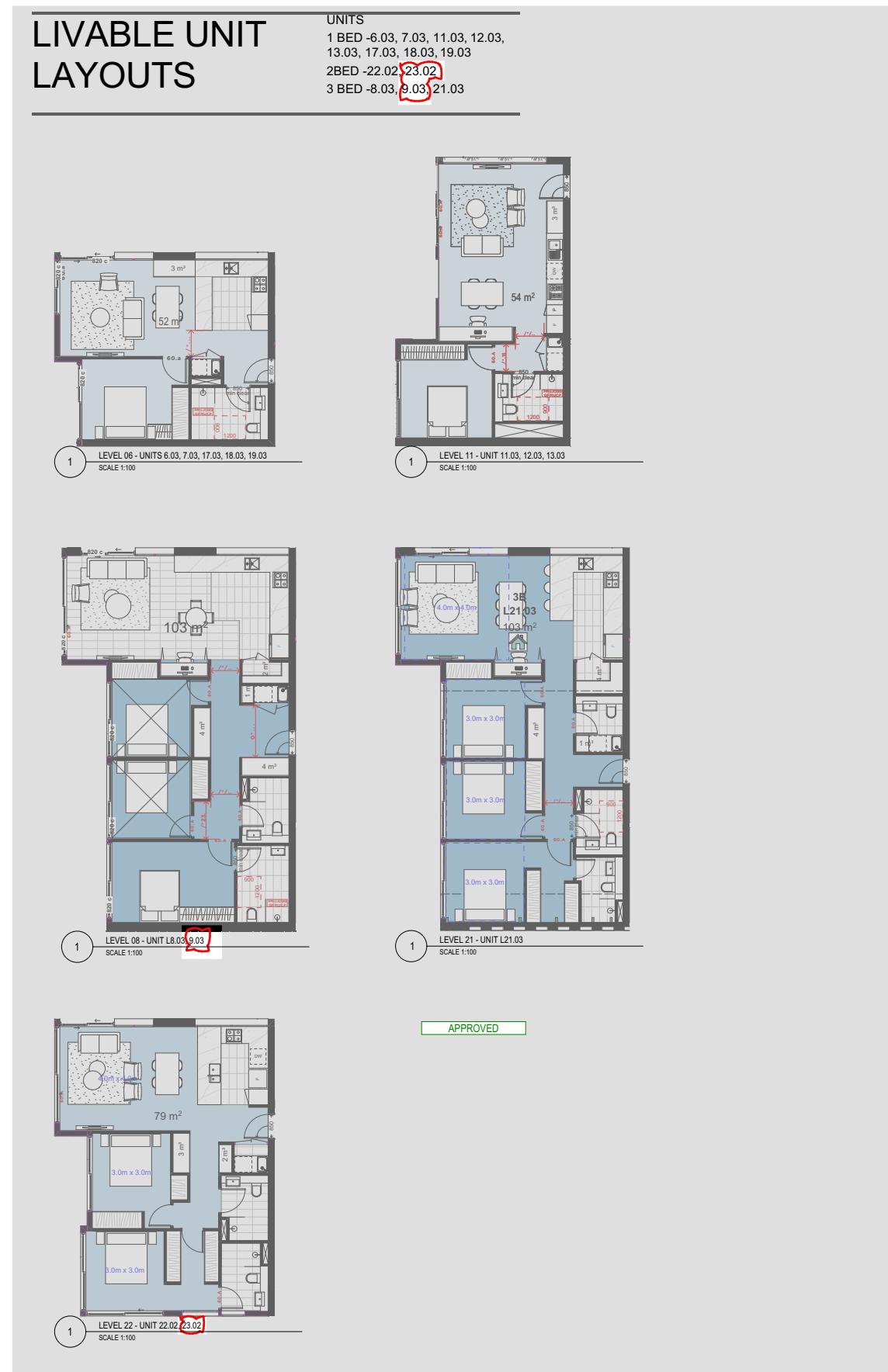
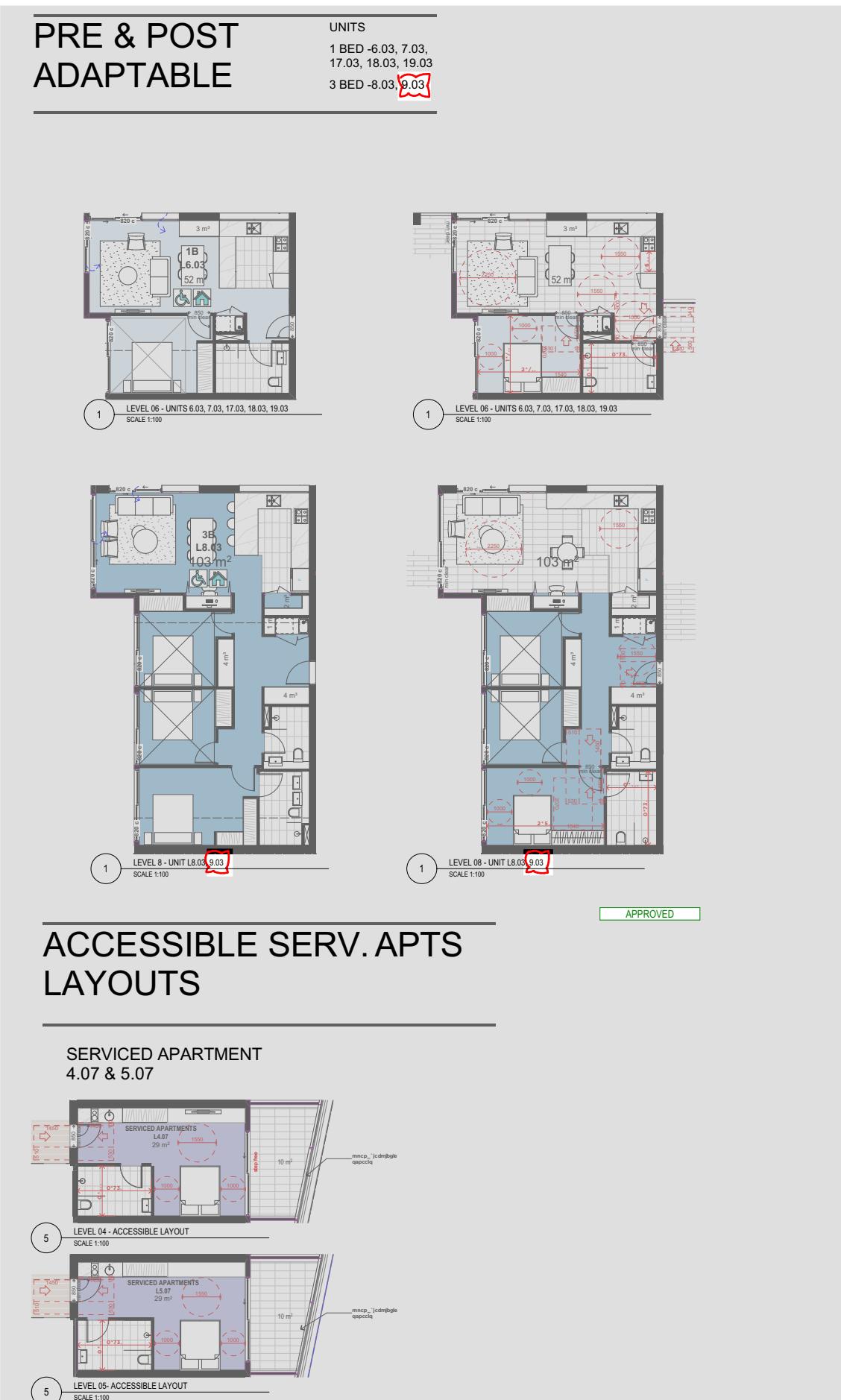
DA-1403

Revision

I

Status

2023-067-12 George Street Burwood Building C_VPA 2_20-06-2023.dwg



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VICTORIA STREET
A
B
C
GEORGE STREET

SCHEDULE OF CHANGES:
- ADAPTABLE UNIT NUMBER INCREASED.
- LIVABLE UNIT NUMBER INCREASED.

LEGEND:

- REV1
- FILL
- APPROVED
- ADD COMPLIANCE DIMENSIONS
2m x 2m

I	VPA 2 SUBMISSION	16/07/2025	GJ
G	VPA 3 SUBMISSION	02/12/2024	JB
F	SSDA SUBMISSION	27/08/2024	JB
E	SSDA SUBMISSION	15/05/2024	JB
D	SSD DESIGN	03/04/2024	JB
C	COORDINATION	20/03/2024	JB
B	SSD DESIGN REVIEW PANEL	06/03/2024	JB
A	SSD BRIEFING	20/12/2023	JB

Rev Description Date App'd

Project SHOPTOP HOUSING VPA2
Development Application

BUILDING C

URBAN LINK
A R C H I T E C T S
Business Addr: Suite 204 180-188 Burwood Rd, Burwood NSW 2134
Postal Address: As Business address
Phone Number: -
Nominated Architects:
Georges Jreje Reg no 10993

Drawing Title
ADAPTABLE UNITS

Checked/Approved
GJ
Scale
1:100 @A1 Sheet Size

Project Number 2023-067 Drawing Number DA-1404 Revision I
Status

2023-067 DA-1404 I

2023-067 21 George Street Apartments, Building C, VPA2, 26-28, 1st flr, 2023-067