

## SYDNEY EAST JOINT REGIONAL PLANNING PANEL

Meeting held at Christies Conference Centre on Tuesday 5 April 2016 at 1.30pm

Panel Members: David Furlong (chair), Tim Moore and Tony Doueihi

Apologies: George Mannah - Declarations of Interest: None.

During the meeting it became apparent to David Furlong that the he has known one of the speakers (against) Stephen MacMahon for many years. Mr McMahon raised matters in relation to the isolation of his land (34 Railway Parade). However, Council officers and the independent Planning Assessment officer confirmed that the applicant had met the requirements of the Land and Environment Court Planning Principle in relation to site isolation and that this matter was not critical to the determination of the application.

### Determination and Statement of Reasons

2014SYE132 – Burwood – BD.2014.149 - Burwood Central: Demolition of existing structures, erection of a 20 storey mixed use building comprising 4 basement levels for 288 cars, 4 storeys of retail & commercial, 7 storeys containing 56 serviced apartments, 9 storeys containing 68 residential apartments - 121-133 Burwood Rd & 38-40 Railway Parade Burwood as described in Schedule 1.

**Date of determination:** 5 April 2016

#### **Decision:**

The panel determined by a majority (For David Furlong and Tim Moore; Against – Tony Doueihi) to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

#### **Panel consideration:**

The panel considered the matters listed at item 6 as addressed in the Council Assessment Report, the material listed at item 7 and the material presented at meetings listed at item 8 in Schedule 1. The panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

#### **Reasons for the panel decision:**

The majority of the Panel accepted the recommendation within the Council Assessment Report as the proposal is generally in accordance with the provisions of the relevant planning framework with the following exceptions:

- The overall height of the building exceeds the LEP maximum by 6.46m and the FSR by 8.95% to 6.6:1
- The residential component of the proposed use is at 2.59:1 instead of the LEP maximum of 2:1.

The applicant submitted a request to vary those standards under clause 4.6 of the LEP as detailed in the planning assessment report. The Panel formed the view that the request is well founded and as assessed is worthy of support. The proposal achieves the relevant zone and LEP control (building height & FSR) objectives. In this instance the proposed variations are justified by the improved environmental planning outcomes achieved through the consolidation of a number of small adjoining sites, including the increased setbacks and maintenance of the through site links, which would not be able to be provided if the sites were developed separately.

The Panel notes that Council has recently varied the maximum percentage FSR controls for residential uses within mixed use development developments within the Town Centre.

In relation to the matters raised by the speakers the Panel has formed the view that the proposed conditions of consent adequately address the management of serviced apartments and notes the advice from Council that the applicant has met the requirement of the Land and Environment Court Principle in relation to site isolation.

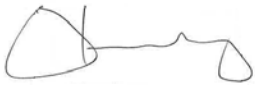
Tony Doueihi voted to defer the application to permit further negotiation with Council to achieve a widening of the footpath in railway Parade. The Majority of the Panel did not support this view as the Council does not

## SYDNEY EAST JOINT REGIONAL PLANNING PANEL

have the appropriate land acquisition provisions within its LEP in relation to this site

**Conditions:** The development application was approved subject to the conditions in the Council Assessment Report.

**Panel members:**



**David Furling (chair)**



**Tim Moore**



**Tony Doueihi**

## SYDNEY EAST JOINT REGIONAL PLANNING PANEL

### SCHEDULE 1

1	<b>JRPP Reference – LGA- Council Reference:</b> 2014SYE132 – Burwood – BD.2014.149
2	<b>Proposed development:</b> Burwood Central: Demolition of existing structures, erection of a 20 storey mixed use building comprising 4 basement levels for 288 cars, 4 storeys of retail & commercial, 7 storeys containing 56 serviced apartments, 9 storeys containing 68 residential apartments
3	<b>Street address:</b> 121-133 Burwood Rd & 38-40 Railway Parade Burwood
4	<b>Applicant/Owner:</b> CDR Design Pty Ltd – Owner Blairgrove P/L
5	<b>Type of Regional development:</b> General development with a Capital Investment Value of more than \$20 million
6	<b>Relevant mandatory considerations</b> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy No. 55 – Remediation of Contaminated Land;</li> <li>• State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development;</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;</li> <li>• State Environmental Planning Policy (Infrastructure) 2007;</li> <li>• State Environmental Planning Policy (State &amp; Regional Development) 2011;</li> <li>• Burwood Local Environmental Plan 2012; and</li> <li>• Burwood Development Control Plan</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</li> <li>• The suitability of the site for the development.</li> <li>• Any submissions made in accordance with the EPA Act or EPA Regulation.</li> <li>• The public interest, including the principles of ecologically sustainable development.</li> </ul>
7	<b>Material considered by the panel:</b> Council Assessment Report Dated: 29 March 2016 Written submissions during public exhibition: 2 Verbal submissions at the panel meeting: Against- Dietrich Willing and Stephen MacMahon; On behalf of the applicant- Nigel Dixon and Charles Rahneri
8	<b>Meetings and site inspections by the panel:</b> Briefing Meeting on 15 December 2014
9	<b>Council recommendation:</b> Approval
10	<b>Draft conditions:</b> Attached to council assessment report