

SYDNEY EAST JOINT REGIONAL PLANNING PANEL

Meeting held electronically between 7 July 2015 and 14 July 2015

Panel Members: John Roseth (chair), David Furlong, Sue Francis, Tony Doueihi and George Mannah

Apologies: None - Declarations of Interest: None

Determination and Statement of Reasons

2015SYE061 – Burwood – 12/2012 Sec 96(2) [at No 36-38 Victoria Street, Burwood] as described in Schedule 1.

Date of determination: 14 July 2015

Decision:

The majority of the panel (John Roseth, David Furlong, Tony Doueihi and George Mannah) determined to approve the development application as described in Schedule 1 pursuant to section 96 of the *Environmental Planning and Assessment Act 1979*. Sue Francis voted to refuse the application.

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 and the matters observed at site inspections listed at item 8 in Schedule 1.

Reasons for the majority panel decision:


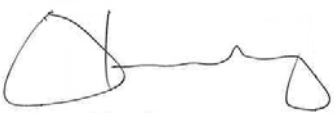



- The proposal is consistent with the desired future character of the area.
- The variation of floor space has been justified and is in line with Council's policies.
- The additional height is acceptable and will cause no amenity impacts.
- The proposed development remains materially and in essence the same as that originally approved.

Reasons for the minority panel decision:

- Adding 3 additional floors by, in part, reducing the floor to ceiling heights to 3000mm will result in an unacceptable internal amenity noting that the minimum acceptable under the Apartment Design Guide is 3100mm.
- Sue Francis would be happy to accept 3100mm floor to floor height but that this would need to be accommodated within the proposed increased height which may have resulted in a reduction of GFA
- A reduced floor to ceiling height may in some circumstances be acceptable where other amenity benefits are proposed such as larger balconies, larger fenestration opening or water views, for example. None of those are provided in this proposal and simply reducing the floor to ceiling height to obtain greater levels and GFA beyond the controls is unjustified having regard to the amenity of the future occupants

Conditions: The development application was approved subject to the conditions attached to the Council Assessment Report, amended by the addition of a condition requiring the floor to floor height to be 3.1m and the deletion of any condition referring to a floor-to-floor height of 3m.

Panel members:

 John Roseth (chair)	 David Furlong	 Sue Francis
 Tony Doueihi	 George Mannah	

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SCHEDULE 1

1	JRPP Reference – LGA- Council Reference: 2015SYE061 – Burwood – 12/2012 Sec 96(2)
2	Proposed development: To increase the residential density (FSR) by 11 units and the building height
3	Street address: 36-38 Victoria Street, Burwood
4	Applicant: Mr Peter Sleiman - Pan Group Holdings Pty Ltd
5	Type of Regional development: Section 96(2) application for a development determined by a Joint Regional Planning Panel
6	Relevant mandatory considerations <ul style="list-style-type: none"> • S96(2) Modification - Environmental Planning & Assessment Act 1979 • S93F - Voluntary Planning Agreement • State Environmental Planning Policy 65 • Residential Flat Design Code • Burwood Local Environmental Plan 2012 • Burwood Development Control Plan 2013 • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. • The suitability of the site for the development. • Any submissions made in accordance with the EPA Act or EPA Regulation. • The public interest.
7	Material considered by the panel: Council Assessment Report Dated: 24 June 2015 Written submissions during public exhibition: none
8	Meetings and site inspections by the panel: electronic meeting between 7 July 2015 and 14 July 2015
9	Council recommendation: Approval
10	Draft conditions: Attached to council assessment report