

**DETERMINATION AND STATEMENT OF REASONS**  
SYDNEY EAST JOINT REGIONAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	20 November 2016
<b>PANEL MEMBERS</b>	John Roseth (Chair), Nicole Gurran, Clare Brown
<b>APOLOGIES</b>	Tony Doueih
<b>DECLARATIONS OF INTEREST</b>	None

Electronic meeting held between 9 November and 20 November 2016.

**MATTER DETERMINED (AS DESCRIBED IN SCHEDULE 1)**

2016SYE043 – Burwood - DA 193/2015 at 39-47 Belmore St Burwood

**PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed at item 6, 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.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*

The decision was unanimous.




**REASONS FOR THE DECISION**

The reasons for the decision of the Panel were:

- The proposal is consistent with the desired future character of the area.
- The variations of the height and FSR controls have been justified by submissions under cl 4.6 of the BLEP. This has been reinforced by independent urban design advice which endorses the proposal.
- The internal amenity is acceptable.
- The applicant has complied with the requirements of the Panel when the Panel deferred the application at its meeting of 12 October 2016.

**CONDITIONS**

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

PANEL MEMBERS		
		
John Roseth (Chair)	Clare Brown	Nicole Gurran

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYE043 – Burwood - DA 193/2015
2	PROPOSED DEVELOPMENT	Commercial podium, 3 residential towers above being 10, 19 & 22 storeys comprising 491 apartments & 3962m2 of commercial space above 4 basement levels containing 679 vehicles
3	STREET ADDRESS	39-47 Belmore St Burwood
4	APPLICANT/OWNER	Kapau Holdings Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value >\$20 Million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>Burwood Local Environmental Plan</li> <li>State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings</li> <li>State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>Apartment Design Guidelines</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Burwood Development Control Plan</li> </ul> </li> <li>Planning agreements: Proposal Planning Agreement for the provision of 3962m2 of Commercial Office Space in Building A, 55 Car Parking Spaces and the stratum subdivision of these spaces, linking Bridge between Building A and Burwood Library and stratum subdivision</li> <li><i>Environmental Planning and Assessment Regulation 2000</i>: Nil</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 <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 29 September 2016</li> <li>Council supplementary report: 9 November 2016</li> <li>Written submissions during public exhibition: 1</li> <li>Verbal submissions at the panel meeting 12 October 2016: <ul style="list-style-type: none"> <li>On behalf of the applicant – John Kass</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing meetings: 20 April &amp; 12 October 2016</li> <li>Determination Meeting: 12 October 2016 (matter deferred)</li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report