

DETERMINATION AND STATEMENT OF REASONS
SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	Thursday 20 December 2018
PANEL MEMBERS	Carl Scully (Chair), John Roseth, Louise Camenzuli
APOLOGIES	None
DECLARATIONS OF INTEREST	George Mannah, Bruce MacDonnell, Sue Francis

Papers circulated electronically between 18 December 2018 and 20 December 2018.

MATTER DETERMINED

2017SCL021 – Burwood – DA27/2017 at 17 Deane Street Burwood (as described in Schedule 1)

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

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION




The Panel agree to the approval of the application on the grounds that it conforms to the desired future character of the area and to the development standards, with the exception of the FSR and preserves a heritage item.

As concerns to the 10% exceedance of the FSR, the Panel accepts that the applicant's written submission justifies this exceedance, since the applicant is providing a payment to council which will be turned into items of public benefit such as pedestrian improvements and embellishment of open space, and because the additional FSR does not result in material adverse impacts on the surrounding.

While John Roseth supported the decision to approve the application, he would not have imposed the condition requiring an additional parking floor, given the adverse environmental impact of deep excavation.

CONDITIONS

The development application was approved subject to the conditions in the Council Memo 17 December 2018.

PANEL MEMBERS	
 Carl Scully (Chair)	 John Roseth
 Louise Camenzuli	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SCL021 – Burwood - DA27/2017
2	PROPOSED DEVELOPMENT	23 Level Mixed Use Development containing basement parking for 92 vehicles, mechanical car lift, ground floor retail, Child Care Centre, 101 room motel and 36 residential apartments.
3	STREET ADDRESS	17 Deane St Burwood
4	APPLICANT/OWNER	Urbis Pty Ltd/City Park Properties Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No.65 Design Quality of Residential Flat Buildings State Environmental Planning Policy No.55 Remediation of Contaminated Land Burwood Local Environmental Plan 2012 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Burwood Development Control Plan 2013 VPA adopted by Council 30 October 2018 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: Nil 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 <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 4 June 2018 Council supplementary report: 14 November 2018 Council memo: 17 December 2018 Written submissions during public exhibition: nil Verbal submissions at the public meeting 14 June 2018: <ul style="list-style-type: none"> On behalf of the applicant – Samantha Wilson, Alex Giyahi, Verbal submissions at the public meeting 29 November 2018: <ul style="list-style-type: none"> On behalf of the applicant – Samantha Wilson, Alex Giyahi, Robert Farrugia On behalf of council: Roberto Di Federico, Brian Olsen
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection and briefing 13 July 2017 Final briefing to discuss council's recommendation, 14 June 2018. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), John Roseth, Louise Camenzuli <u>Council assessment staff</u>: Brian Olsen, Julie Horder (Planning Ingenuity), Robert Toohey Final briefing to discuss council's recommendation, 29 November 2018. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), John Roseth, Louise Camenzuli <u>Council assessment staff</u>: Brian Olsen, Roberto Di Federico, Julie Horder (Planning Ingenuity), Kimberly Everett
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Attached to the council assessment report